

## **On Public Employment**

### *Invalidated Unofficial translation*

The Law of the Republic of Kazakhstan dated 6 April 2016 № 482-IV LRK. It became invalid by the Code of the Republic of Kazakhstan № 224-VII dated April 20, 2023.

#### *Unofficial translation*

Footnote. It became invalid by the Code of the Republic of Kazakhstan No. 224-VII dated 20.04.2023 (effective from 01.07.2023).

Footnote. Throughout the text the words "by a compatriot", "of compatriots" and "compatriots" shall be replaced by the words " by repatriate", " of repatriates" и " repatriates" in accordance with the Law of the RK dated 13.05.2020 № 327-VI (shall enter into force after the entry into force some amendments and additions into the Code of the RK "On payments and other mandatory payments to the budget" (Tax Code)).

This Law regulates legal, economic and organizational relations in the field of public employment.

## **Chapter 1. General provisions**

### **Article 1. Basic definitions used in this Law**

The following basic definitions are used in this Law:

1) social workplace is a workplace created by the employer on a contract ground with the center of public employment for the employment of the unemployed with subsidization of their salary;

2) social contract - an agreement defining the rights and obligations of the parties, on participation in active measures to promote employment between a citizen of the Republic of Kazakhstan or oralman from among the unemployed, certain categories of employed persons determined by the Government of the Republic of Kazakhstan, as well as other persons in cases provided by this Law and the employment center, and in cases provided by this Law, with individuals and legal entities involved in the organization of active measures to promote employment, as well as on provision of state targeted social assistance;

3) vacancy is a free workplace (position) of the employer;

4) the labor market is the scope of supply and demand for labor;

5) a unified information system of the social and labor sphere - a hardware and software complex designed to automate the activities of the authorized body for

employment, local employment agencies, employment centers and interdepartmental interaction in order to provide public services to the population in the social and labor sphere;

5-1) excluded by the Law of the RK dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

5-2) national labor forces forecasting system - a set of applied methods and approaches to determine the forecast demand and supply of labor forces;

6) voluntarily selected employment is activities of citizens of the Republic of Kazakhstan, oralmans, foreigners and stateless persons residing in the Republic of Kazakhstan, chosen by them through free disposal of their abilities for work, choice of profession and occupation;

7) subsidization of the salary is a compensation of parts of expenses of employer on salary of workers, employed on referral of the employment centre;

7-1) employee - an individual performing work under an employment contract or carrying out activities under a civil law contract in which the schedule and payment for the hours worked or a unit of goods produced or for services rendered shall be determined by the customer;

8) new workplace is a workplace created in connection with the creation of a new enterprise (organization), an entrepreneurial entity (other than established by termination) or an increase in the number of employees, and also by modernizing or changing production technologies that require new knowledge, skills and abilities of the employee;

9) youth practice is a type of work activity carried out by graduates of educational organizations, realizing professional educational programme of technical and professional, post-secondary, higher educations with purpose of gaining of elementary experience on received profession (specialty), organized by the local executive bodies in recognition of situation on the regional labour-market;

9-1) professional with a private practice - private notary, private enforcement agent, lawyer and professional mediator;

10) private employment agency - an individual or legal entity providing employment agency services, registered in the manner established by the legislation of the Republic of Kazakhstan;

11) labor force is an employed and unemployed population;

12) persons who are not part of the labor force are persons who are not employed or unemployed;

12-1) employed person - an individual carrying out activities for payment or by deriving revenue through the use of property, production and sale of goods, performance of work, rendering of services;

13) suitable work is a work, including a temporary nature, corresponding to training, work experience and experience in the work of the former specialty, health status, working hours, transport accessibility of the workplace;

14) workplace is the place of permanent or temporary finding of an employee in the performance of his labor duties in the course of work;

15) employment is a complex of organizational, economic and legal events intended to support public employment;

16) active measures for promotion of public employment - measures of social protection against unemployment and ensuring public employment, state support for citizens of the Republic of Kazakhstan and oralmans from among the unemployed, certain categories of employed persons determined by the Government of the Republic of Kazakhstan, as well as other persons in cases provided by this Law, implemented in the manner established by the legislation of the Republic of Kazakhstan on public employment;

17) public employment is a labor activity connected with satisfaction of personal and public needs, not contradicting the legislation of the Republic of Kazakhstan, bringing earnings or income;

18) individual employment card - a document that specifies personal data, employment history, proposed and implemented activities, the objectives of employment promotion and their execution;

19) unemployed person – an individual, searching for work and ready to work;

20) unemployment is a social-economic event, conditioned by absence of demand of part of economical active public on the labour market;

21) social protection from unemployment is a complex of measures carried out by the state in the manner established by the legislation of the Republic of Kazakhstan;

22) social payments in case of job loss - payments made by the State Social Insurance Fund in favor of persons registered as unemployed who are participants in the compulsory social insurance system;

23) social professional orientation is a set of interrelated activities aimed at providing practical assistance in the choice of professions, changing the type of employment and improving skills, taking into account the professional knowledge, skills, interests of the individual and the needs of the labor market;

24) professional training is training in educational organizations or training centers for employers' organizations that have the right to educational activity, including vocational training, retraining in order to obtain new specialties (occupations) and advanced training within the framework of employment promotion measures provided for in this Law;

25) intracorporate transfer is temporary, for a period defined by the employment contract, but not more than three years, with the right to extend for one year, the

transfer of an foreigner or stateless person who carries out his labor activity as a manager, manager or specialist in a legal entity established in the territory of the country member of the World Trade Organization located and operating outside the territory of the Republic of Kazakhstan, to branches, subsidiaries, representative offices of this legal entity established in the territory Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

26) public works are types of labour activity organized by the local executive authorities not requiring preliminary professional training of worker having social and useful orientation and carried out by citizens of the Republic of Kazakhstan on referral of the authorized body for their provision by temporary employment;

27) State Social Insurance Fund - a legal entity that accumulates social contributions, assigns and makes social payments to participants in the compulsory social insurance system, in respect of whom there was a case of social risk, including family members - dependents in the event of loss of the breadwinner;

28) special workplaces for the employment of persons with disabilities - workplaces equipped taking into account the individual capabilities of a person with a disability;

29) excluded by the Law of the Republic of Kazakhstan dated 26.12.2018 No. 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication );

30) certificate of qualification for self-employment is a document of the established form issued in accordance with the procedure determined by the authorized body for employment, a foreigner or stateless person who meets the qualification requirements and educational level, for self-employment in the Republic of Kazakhstan for professions in demand priority sectors of the economy (types of economic activity);

30-1) independent worker - an individual independently carrying out activities on production (sale) of goods, works and services for the aim of deriving revenue without state registration of his activities, with the exception of individual entrepreneurs, professional with a private practice, founders (participants) of economic partnership and founders, shareholders (participants) of joint-stock company, members of production cooperative;

31) long-term unemployment is an unemployment with duration of twelve and more months;

32) local authority for public employment is a structural subdivision of local executive bodies of the region, cities of oblast significance, the oblast, cities of republican significance, the capital, which determines the directions of public employment assistance based on the situation in the regional labor market;

33) central executive authority is the state authority carrying out the administrative authority in the scope of public employment as well as within the ambit provided by the legislation of the Republic of Kazakhstan, inter-industry coordination;

34) employment center - a legal entity created by the local executive authority of the district, cities of regional and republican status, capital for the purpose of implementing active measures of promoting employment, organizing social protection against unemployment and other measures of promoting employment in accordance with this Law;

34-1) outsourcing of services for public employment - a set of measures aimed at transferring services by employment centers to private employment agencies on the basis of agreement on outsourcing of services for public employment;

35) State Corporation "Government for Citizens" (hereinafter referred to as - the State Corporation) - a legal entity created by the decision of the Government of the Republic of Kazakhstan to provide state services, services for issuing technical conditions for connecting to networks of natural monopoly entities and services of quasi-public sector entities in accordance with the legislation of the Republic of Kazakhstan, organizing work on receiving applications for provision of state services, services for issuing technical conditions for connecting to networks of natural monopoly entities, services of quasi-state sector entities and issuance of their results to service recipient by "a window" principle, as well as ensuring provision of state services in electric form, carrying out state registration of rights to immovable property at its location;

36) quota on involvement of foreign labour force is a number of foreign labour force involved for carrying out of work activity on the territory of the Republic of Kazakhstan;

37) permission to employ foreign labour which is a document of the established form issued by the local executive body to the employer in order to attract foreign labour to the Republic of Kazakhstan.

38) state information portal "Electronic labor exchange" - an information system containing unified information base of the labor market.

**Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 No. 287-VI (shall be enforced from 01.01.2020); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 27.06.2022**

No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 2. Legislation of the Republic of Kazakhstan on public employment**

1. The legislation of the Republic of Kazakhstan on the public employment is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts.

2. The legislation of the Republic of Kazakhstan on public employment shall apply to the citizens of the Republic of Kazakhstan, compatriots, foreigners, stateless persons residing in the Republic of Kazakhstan, and foreigners found and identified as victims of human trafficking in the territory of the Republic of Kazakhstan.

3. International treaties, ratified by the Republic of Kazakhstan shall have priority over this Law and shall be applied immediately, except for the cases, when it follows from international treaty that issuance of a Law is required for its application.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Article 3. Basic principles and directions of the state policy in the scope of public employment**

The state policy in the scope of public employment is aimed at ensuring full, productive and freely elected employment and shall be realized by:

- 1) development of the labor force, increasing its mobility;
- 2) provision of equal possibilities to the citizens of the Republic of Kazakhstan, foreigners and stateless persons permanently residing in the Republic of Kazakhstan, to free choice of form of activity and profession, justified and favourable working conditions, social protection from the unemployment;
- 3) supporting of labour and entrepreneurial initiative of citizens carried out in accordance with the legislation, promoting of development of their capability to the productive creative work;
- 4) orientation of educational system on the staff training in accordance with labour market needs and perspectives of its development in recognition of investment policy;
- 5) implementation of activities that promote employment of persons in difficulty in finding work;
- 6) prevent mass and reduce long-term unemployment;
- 7) compulsory social insurance in case of job loss and social protection against unemployment;
- 8) uniting the efforts of labor market participants and coordinating their actions in implementing activities to promote employment of the population;
- 9) organization of labour mediation through the authorized body and private employment agency;

- 10) protection of the domestic labor market by means of quoting foreign labor;
- 11) coordination of republican measures to ensure employment of the population with measures taken by local executive bodies;
- 12) coordination and regulation of the activities of state bodies in the development and implementation of measures ensuring employment of the population and monitoring their implementation;
- 13) organization of international cooperation in solving problems of employment of the population, including resolving issues related to the work of citizens of the Republic of Kazakhstan abroad and foreigners on the territory of the Republic of Kazakhstan;
- 14) conducting financial, tax, and investment policies, coordinated with the state policy in the field of employment, stimulating the creation of jobs and special jobs for the employment of persons with disabilities.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 4. Employed persons**

Employed persons include:

- 1) employees, as well as persons having other paid work (elected, appointed or approved);
- 2) individual entrepreneurs;
- 3) professionals with a private practice;
- 4) individuals carrying out activities under a civil law contract that are not related to employees;
- 5) individuals who are founders (participants) of economic partnerships and founders, shareholders (participants) of joint-stock companies, as well as members of production cooperatives;
- 6) independent workers;
- 7) persons serving in the Armed Forces, other troops and military formations, law enforcement and special state agencies of the Republic of Kazakhstan.

**Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 5. State warrants in the scope of public employment**

The state shall provide measures on promotion of employment to the target forces of public. Target forces shall include:

- 1) the freedom to choose the type of occupation and work;

- 2) protection against any form of discrimination and equality of opportunity in obtaining a profession and work, choosing conditions for employment and work;
- 3) social protection against unemployment.

## **Chapter 2. Implementation of the state employment policy**

### **Article 6. Government Competence of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan shall:

- 1) develop basic directions of the state policy in the scope of public employment and organize their carrying out;
- 2) approve the rules for establishing a quota for attracting foreign labor forces to the Republic of Kazakhstan and its distribution among regions, cities of republican significance, the capital;
- 3) perform of other functions imposed of it by the Constitution, this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Footnote. Article 6 as amended by the Law of the RK dated 13.05.2020 № 327-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

### **Article 7. Competence of the authorized body on public employment**

The authorized body on public employment within its competence shall:

- 1) on the issues of employment of the population, coordinates local executive bodies;
- 2) implement the state policy in the scope of public employment;
- 3) develop and approve the methodology for determining the forecast demand for labor;
- 4) analyze, forecast the demand and supply of labor, inform the Government of the Republic of Kazakhstan about the state of the labor market;
- 5) develop a forecast of the economy's demand for personnel and coordinate it with interested central executive bodies;
- 6) develop and approve the procedure for organization and financing:  
public works;  
social workplaces;  
youth practice;  
professional training;
- 7) develop and approve the procedure for quoting jobs for persons with disabilities;
- 8) develop and approve workplace standards for a person with a disability;
- 9) develop and approve the procedure for quoting jobs for employment:  
citizens of the number of young people who have lost or remained until the coming of age without parental care, who are graduates of educational organizations;

persons released from places of deprivation of liberty;

persons who are registered with the probation service;

10) develop and approve the procedure for organizing and financing measures to promote an entrepreneurial initiative;

11) develop and approve the procedure for voluntary relocation of persons to increase labor mobility;

12) develop and approve the procedure and conditions for subsidizing the costs of employers who create special jobs for the employment of persons with disabilities;

12-1) develop and approve the rules for organizing and financing of outsourcing of services for public employment;

12-2) develop and approve a model form of contract on outsourcing of services for public employment;

12-3) develop and approve qualification requirements for private employment agencies applying for participation in outsourcing services for public employment;

13) develop and approve the rules for conducting social professional guidance by agreement with the authorized agency for education;

14) ensure the formation of a unified information system of the social and labor sphere;

15) develop and approve forms of check lists, criteria for risk assessment in accordance with the Entrepreneurial Code of the Republic of Kazakhstan;

16) develop and approve a model charter of the center of public employment;

16-1) develop and approve the tariff formation procedure and the maximum level of tariffs for services for public employment, provided at the expense of budgetary funds;

17) excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication );

18) develop and approve model provisions on district (city) and regional commissions on employment issues;

19) develop and approve methodological recommendations for the formation of employment maps of regions (regions, cities and oblasts);

20) develop and approve the procedure and conditions for issuing or renewing permits to employers to attract foreign labor forces, as well as the implementation of intra-corporate transfer;

21) develop and approve the rules for issuance or extension certificates to a foreigner or stateless person on the conformity of his qualifications for self-employment, a list of priority sectors (types of economic activity) and professions demanded by them for self-employment of foreigners and stateless persons;

21-1) develop and approve a list of professions for the employment of seasonal foreign workers in agreement with the authorized state bodies that manage the relevant field of public administration;

22) develop rules for establishing a quota for attracting foreign labor to the Republic of Kazakhstan and its distribution among regions, cities of republican significance, the capital;

23) establish a quota for attracting foreign labor forces to the Republic of Kazakhstan and distribute it among regions, cities of republican significance, the capital in the order determined by the Government of the Republic of Kazakhstan;

24) develop and approve the form of individual employment card and rules for its maintenance;

25) provide electronic services with the use of information systems in accordance with the legislation of the Republic of Kazakhstan on information;

26) develop and approve standard forms of the social contract;

26-1) develop and approve the list of services offered as part of outsourcing of services for public employment;

26-2) develop and approve the rules for monitoring of job creation by the central and local executive authorities responsible for implementation of state and government programs, submission of information on job creation;

26-3) develop and approve the rules for registration of job seekers, unemployed and implementation of labor mediation provided by employment centers;

26-4) develop and approve the rules for organizing the maintenance of the state information portal "Electronic labor exchange";

26-5) develop and approve the rules for formation of national system for forecasting labor resources and use of its results;

27) exercise other power provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 № 327-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Article 7-1. Competence of central executive authorities**

The central executive authorities responsible for development and implementation of state and government programs monitoring of jobs creation and submit relevant information to the authorized agency on public employment issues.

Footnote. The Law is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 8. Center for Human Resource development**

Footnote. Article 8 is excluded by the Law of the Republic of Kazakhstan dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

## **Article 9. Competence of local executive bodies**

Local executive bodies ensure the implementation of the state policy in the scope of public employment by:

- 1) the implementation of measures to promote public employment;
- 2) implementation of coordination and guidance of local bodies on public employment;
- 3) supporting the creation of jobs through the development of entrepreneurial initiatives;
- 4) providing social protection to the unemployed, job seekers;
- 5) issue or extend permits to attract foreign labor to employers to carry out labor activities in their territory and (or) other administrative-territorial units within the quota allocated by the authorized body for employment of the population, or within the framework of internal corporate transfer within the quota, as well as suspension and withdrawal of these permits;
- 6) establishing a quota of jobs for persons with disabilities in the amount of two to four percent of the number of jobs, excluding jobs in hard work, work with harmful, dangerous working conditions;
- 7) establishing a quota of work places for the employment of persons who are registered with the probation service;
- 8) establishment of a quota of workplaces for the employment of persons released from places of deprivation of liberty;
- 9) establishment of a quota of jobs for the employment of citizens from among young people who have lost or remained until the coming of age without parental care, who are graduates of educational organizations;
- 10) approval of the charter of centers of public employment;
- 10-1) approval of regulations on district (city) and regional commissions on public employment issues;

10-2) monitoring the job creation within the state and government programs and submission of relevant information to the authorized agency on public employment issues;

10-3) control the activities of employment centers in compliance with the legislation of the Republic of Kazakhstan on public employment;

11) identifying settlements for the voluntary resettlement of persons to increase labor mobility;

12) implementation in the interests of local government management of other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan.

**Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 № 327-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 10. Competence of the local body on public employment**

Local body on public employment:

1) analyzes, forecasts the supply and demand of part of the workforce, informs local executive bodies and the authorized body on employment issues about the state of the labor market in the region;

2) participates in the formation of databases of a unified information system of the social and labor sphere on current vacancies and the forecast of created jobs in the context of popular specialties in projects implemented within the framework of state, government and territorial development programs, as well as private sector initiatives;

3) develops measures of social protection against unemployment and employment of the population, organizes active measures to promote employment in accordance with Article 17 of this Law;

4) organize work on creation of special jobs for the employment of persons with disabilities;

5) asks the structural subdivisions of the local executive bodies on the issues of education, educational organizations, organizations, training centres are eligible for educational activities, conducting training, information about employment of graduates, information about occupations (professions) that instruction number prepared and planned for the preparation and production of specialists on specific occupations (professions);

6) introduced in local bodies proposals on the definition of human settlements for the voluntary resettlement of persons to enhance labour mobility;

7) coordinates the work of the employment centres;

- 8) asks employers about forecasting staffing needs;
- 9) monitors organizations risks release and job cuts.
- 10) register persons seeking work as unemployed in accordance with Article 14 of this Law.

**Footnote.** Article 10 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 11. Center of public employment**

1. Center of public employment:
  - 1) assesses the state and the forecast of the development of public employment, informs the population about the state of the labor market;
  - 2) carries out the implementation of active measures to promote employment provided for in this Law, as well as additional measures to promote employment financed from the budget;
  - 3) register the applicants as jobseekers in accordance with Article 13 of this Law;
  - 4) carries out the reception of documents, the list of which is established by the authorized body on public employment, necessary for assigning a social payment in case of loss of employment from the State Social Insurance Fund, and sends them to the State Corporation;
  - 5) provides services for social professional orientation;
  - 6) provide assistance to persons seeking employment and unemployed persons in the selection of suitable work with mandatory notification of their availability of suitable work in the procedure determined by the authorized body for employment of the population;
  - 7) interacts with the State Social Insurance Fund;
  - 8) keep a record of vacancies;
  - 9) maintain an individual employment card;
  - 10) concludes social contracts;
  - 11) provide labor mediation to job seekers, unemployed and other applicants;
- 11-1) Excluded by the Law of the RK dated 12.10.2021 № 67-VII 3PK (shall enter into force upon expiry of ten calendar days after the day of its first official publication)  
;
- 11-2) outsource services in the field of public employment at the expense of budgetary funds in relation to registered unemployed and without charging them for services rendered in the manner determined by the authorized agency on public employment issues;
- 11-3) monitor and control the implementation of contract on outsourcing of services for public employment;

11-4) accept applications of citizens of the Republic of Kazakhstan on inclusion in the regional quota of admission of immigrants in accordance with the legislation of the Republic of Kazakhstan on employment of the population;

12) provides other employment promotion measures provided for by the legislation of the Republic of Kazakhstan on public employment.

2. Financing of activity of employment centers shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 № 327-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 12.10.2021 № 67-VII 3PK (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 11-1. Regional commission on public employment issues**

1. The regional commission on public employment issues shall be created by the local executive authority in the territory of region (city of republican status, capital) (hereinafter referred to as - the regional commission).

2. The regional commission shall be composed of representatives of local representative and executive authorities of region (city of republican status, capital), territorial union of trade unions at the region level, city of republican status, capital and regional chambers of entrepreneurs of region, city of republican status, capital, other interested state agencies and other organizations.

3. The regional commission shall coordinate the activities of state agencies and other organizations located in the territory of region (city of republican status, capital) on implementation of measures to promote public employment and social assistance.

4. The activities of the regional commission shall be aimed at ensuring the effective implementation of measures to promote public employment and development of proposals for their improvement in the territory of region (city of republican status, capital).

**Footnote. Chapter 2 is supplemented by Article 11-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 11-2. District (city) commission on public employment issues**

1. The district (city) commission on public employment issues (hereinafter referred to as - the district (city) commission) shall be created by the local executive authority in the territory of district (city of regional status).

2. The district (city) commission shall be composed of representatives of local representative and executive authorities of the region (city of regional status), territorial union of trade unions at the district level, city and branches of regional chambers of entrepreneurs in districts of respective regions, cities of regional, republican status, capital, other interested government authorities and other organizations.

3. The district (city) commission shall coordinate the activities of state agencies and other organizations located in the territory of district (city of regional status), Akims of cities of regional status, villages, townships, rural districts on implementation of measures to promote public employment and social assistance.

4. The activity of district (city) commission shall be aimed at ensuring the effective implementation of measures to promote public employment and development of proposals for their improvement in the territory of district (city of regional status).

**Footnote. Chapter 2 is supplemented by Article 11-2 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Chapter 3. UNEMPLOYMENT**

#### **Article 12. Suitable work**

1. Suitable work related to the change of residence can be provided only with the consent of the person seeking employment or unemployed.

Transport accessibility of suitable work from the place of residence is determined by the relevant executive body, taking into account the development of the public transport network in the area.

2. For the persons, seeking employment for the first time, but not having profession (specialty), as well as not having a work for more than two years, the work, requiring preliminary professional training may be considered as suitable work, and in case of impossibility of its provision, the other paid work (including temporary work) in recognition of age and other special aspects of citizens and requirements of the labour legislation of the Republic of Kazakhstan.

3. For a person with a disability, work is considered suitable provided that access to it is ensured, taking into account the degree of limitations of his/her life activity, and for persons caring for children under the age of seven, in a flexible and part-time mode.

4. Work of a temporary nature, requiring or not requiring (taking into account the age and other characteristics of citizens) of preliminary training, is considered suitable for job seekers and unemployed persons from among:

1) for the first time job seekers (previously not employed) and who do not have qualifications;

2) students and pupils of senior classes of general education schools during the summer holidays;

- 3) persons who are not provided with work due to idle time;
- 4) aspiring to resume work after a long (more than two years) break, as well as those sent by the employment centers for training and terminating without training;
- 5) refused to undergo vocational training or receive additional education after the completion of social payments in case of loss of employment.

**Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 13. A person looking for work**

1. A person who shall not have a job and/or earnings (income) seeking a suitable job, when applying for employment assistance, shall be registered as a job seeker, directly at the employment center of the population at the place of residence or through the web portal "e-government" or the State corporation or through the state information portal "Electronic labor exchange."

2. The Employment center shall provide, free of charge, job-seekers with employment assistance as well as social vocational guidance and training services in a procedure determined by the authorized employment authority.

3. Person seeking employment and receiving employment from the employment center (the akim of the settlement, the village, the rural district) or by means of the state information portal "Electronic labour exchange" the offer on suitable work, has to notify employment center, and living in the rural settlement, - the akim of the settlement, the village, the rural district on consent or refusal of the offered suitable work in the procedure determined by the authorized body concerning employment of the population.

**Footnote. Article 13 is in the wording of the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the RK dated 02.01.2021 № 399-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 12.10.2021 № 67-VII 3PK (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

### **Article 14. Registration of unemployed persons**

1. The registration of a person seeking employment as an unemployed person shall be carried out in accordance with the procedure established by the authorized body for employment of the population.

2. The registration of person, looking for job as unemployed shall be carried out after checking his data by means of information system of state agencies and (or)

organizations with the recording of the information into the individual employment card.

3. The Employment center shall notify the person seeking employment of the date of registration as unemployed or refusal of registration in the procedure and time limits determined by the authorized employment authority.

4. Excluded by the Law of the RK dated 12.10.2021 № 67-VII 3PK (shall enter into force upon expiry of ten calendar days after the day of its first official publication)

5. Unemployed persons registered with the local employment authority and received from the employment center (the akim of the settlement, the village, the rural district) or by means of the state information portal "Electronic labour exchange" the offer on suitable work, the unemployed living in rural settlements - the akim of the settlement, the village, the rural district shall have to notify on consent or refusal of the offered suitable work in the procedure determined by authorized body concerning employment of the population.

6. Shall not be registered as unemployed person:

- 1) under the age of sixteen;
- 2) working under an employment contract, including the performing work for payment on a full or part-time basis or having other paid work earnings (income) yielding;
- 3) who has reached retirement age established by Paragraph 1 of Article 11 of the Law of the Republic of Kazakhstan "On pension provision in the Republic of Kazakhstan";
- 4) who submitted documents containing false information about the absence of work and earnings (income), as well as other invalid information;
- 5) students and senior students of secondary schools applying for participation in active measures to promote employment, in accordance with this Law.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 399-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 12.10.2021 № 67-VII 3PK (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 15. Rights and obligations of the unemployed**

1. Unemployed persons shall have the right to:

- 1) free services for public employment from Employment Centers:

search for suitable work and assistance in finding employment, including active measures to promote employment;

consulting;

informational;

on social professional orientation in order to select or change the type of activity (profession), as well as information about oneself contained in the single information base of labor market;

2) social payments in case of loss of employment, if he was a participant in the mandatory social insurance system;

3) targeted social assistance in accordance with the Law of the Republic of Kazakhstan “On Governmental Targeted Social Assistance”;

4) compulsory social health insurance.

2. Unemployed shall have to:

1) comply with this Law;

2) comply with the procedure, conditions and terms for visiting or notifying the Employment Center in accordance with this Law;

3) apply to the employer on issue of employment within five working days from the date of notification by the Employment Center;

4) provide details on changes, having an effect on the further work order with unemployed persons without undue delay (within five business days), including: change of the place of residence;

arrangement of labour on permanent, temporary, season work, work under civil law contacts;

engagement in entrepreneurial activity;

foundation (co-foundation) in organization independently from legal organizational form and form of ownership;

establishment or change of the disability group;

award of pension and receipt of other incomes.

**Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 16. Deregistration of the unemployed**

1. The local employment authority, within two working days from the date of receipt of relevant information from the employment center, deregisters the unemployed (with the exception of members of the families of military personnel, employees of special state and law enforcement agencies, as well as persons who are dependent on them, not engaged in labor activities, registered and deregistered in the manner determined by the authorized body on employment issues) in the following cases:

1) rejection of three options offered by the Employment Center for suitable work or untimely notification of the Employment Center, and living in rural settlements - Akim of township, village, rural district on consent or rejection of the proposed options for suitable work;

2) failure to appear without good reason:

within five working days from the date of notification by the Employment Center at the place of proposed employment or training;

within three working days on call to the Employment Center for participation in active measures to promote employment;

unauthorized termination of participation in active measures to promote employment;

3) violation by the unemployed without good reasons for visiting terms or notifying the Employment Center provided by this Law;

4) conviction of authorized body to the punishment in the form of deprivation of freedom or referral to compulsory treatment under court decision;

5) in accordance with subparagraph 4 of paragraph 2 Article 15 of this Law;

6) providing knowingly false and fake documents.

2. Unemployed persons removed from the register in accordance with subparagraphs 1)-3) of paragraph 1 of this Article may be registered in the authorized body repeatedly only upon expiry of thirty calendar days from the date of deregistration.

**Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 30.06.2017 № 80-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication) ; dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).**

## **Chapter 4. SOCIAL PROTECTION FROM UNEMPLOYMENT**

### **Article 17. Social protection measures from unemployment**

1. The authorized body on public employment and the local bodies on the basis of forecasts of economic and social development of countries and regions are developing measures of social protection from unemployment and provide employment for the following:

1) conducting social professional orientation;

2) labour cooperation;

3) active measures to promote employment;

4) provision of social assistance to the unemployed;

5) the establishment of quotas for the employment of certain categories of citizens.

2. Active measures to promote employment include:

- 1) referral to professional training;
- 2) assistance to entrepreneurship initiative of citizens and oralmans;
- 3) referral to youth practice;
- 4) the organization of social workplaces;
- 5) facilitating voluntary resettlement to increase labor mobility;
- 6) organization of special jobs for the employment of persons with disabilities;
- 7) public works.

The right to participate in active employment promotion measures is granted to persons from the age of sixteen to the age of retirement established by paragraph 1 of Article 11 of the Law of the Republic of Kazakhstan “On Pensions provision in the Republic of Kazakhstan”.

3. Social assistance includes:

1) Social payments in case of loss of employment for the unemployed, the parties to the system of compulsory social insurance;

2) The provision of targeted social assistance under the conditions and in the amount prescribed by law of the Republic of Kazakhstan “On the state targeted social assistance”;

3) The provision of medical assistance to the unemployed, the parties to the system of compulsory social health insurance, under the conditions and in the manner prescribed by the Law of the Republic of Kazakhstan "On compulsory social health insurance".

4. Quotas for the employment of established for:

- 1) persons with disabilities who do not have medical contraindications for work;
- 2) the citizens of youth who have lost or remained before the onset of adulthood without parental care, are graduates of the education organizations;
- 3) persons released from places of deprivation of liberty;
- 4) persons registered the probation service.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 18. Social professional orientation**

1. Social professional orientation of persons looking for job, unemployed, certain categories of employed persons, determined by the Government of the Republic of Kazakhstan, oralmans, as well as students, senior students of secondary schools shall be carried out in order to provide practical assistance in choosing a profession, changing occupations and advanced training subject to professional knowledge, skills, interests of the individual and the needs of labor market within budgetary funds.

2. Social professional orientation includes:

1) professional reporting on labor activity, state of labor market, employment opportunities in an existing profession (specialty) or passing professional training;

2) professional counseling to choose a job and profession on the basis of individual psychological characteristics of the person, the characteristics of life situations, professional knowledge, skills, personality, interests, health and labor market needs;

3) professional selection by establishing the person's compliance with the qualification requirements specified for specific types of profession (specialty) and positions.

3. Social professional orientation shall be carried out by employment centers with the right to attract private employment agencies and (or) other organizations in accordance with the legislation of the Republic of Kazakhstan on the state social order, the state order for the implementation of strategic partnerships, grants and awards for non-governmental organizations in the Republic of Kazakhstan and on public procurement.

4. Information on persons who have passed through social professional orientation is placed by centers of public employment in a single information base of the labour market.

**Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2022 No. 134-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).**

### **Article 19. Professional training**

1. The authorized body shall refer the following persons to professional training, retraining and advanced training.

2. Professional training shall be in case if:

1) impossible to find suitable work due to the absence of their required professional qualification;

2) necessary to change the occupation (work) in accordance with its absence, responding to professional skills;

3) ability lack of making former jobs;

3. Professional training shall be for:

1) people looking for a job;

2) unemployed;

3) workers on a contract

4. The right to receive professional training as a priority has:

1) persons with disabilities;

2) parents, adoptive parents, guardians (custodians) raising children with disabilities;

3) the unemployed, registered in the center of public employment for more than six months;

4) first-time job seekers (who have not worked before) and who do not have qualifications;

5) persons released from places of deprivation of liberty and (or) undergoing compulsory treatment.

4-1. Victims of human trafficking – foreigners who have received a temporary residence permit on the territory of the Republic of Kazakhstan shall be sent for vocational training in accordance with the procedure determined by the authorized body on employment issues in coordination with the authorized body in the field of education.

5. Professional training shall be carried out subject to the needs of labor market, including at the request of employers, in educational organizations or training centers of employers having the right to educational activity, in accordance with the legislation of the Republic of Kazakhstan for education within budgetary funds subject to co-financing of employers.

6. A social contract for professional training shall be concluded between the Employment Center, the organization providing professional training, the employer and the trainee.

7. Persons referred to the professional training by the Employment Center that willfully terminated training without reasonable excuse may be referred to training repeatedly upon expiry of a year from the date of re-registration as the persons looking for job or unemployed, but not more than once.

**Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Article 20. Social work place**

1. An employer creates social workplaces where there cannot be permanent workplaces, creation of heavy work, work with harmful and (or) dangerous working conditions.

2. Social work places are created specifically for the unemployed, among whom the right to use:

1) pupils of children's villages and graduates of orphanages, boarding schools for orphans and children left without parental care, aged from sixteen to twenty-three years ;

2) persons of pre-retirement age (two years before retirement);

- 3) persons with disabilities;
- 4) persons released from places of deprivation of liberty and (or) undergoing compulsory treatment;
- 5) persons who are registered with the probation service;
- 6) single parents with many children raising children;
- 7) persons caring for children under the age of seven, a child with a disability, persons with disabilities of the first and second groups;
- 8) oralmsans;
- 9) persons affected by the act of terrorism, and persons who participated in its suppression.

3. By decision of the local body on public employment:

- 1) Identify demand and supply for the organization of social jobs;
- 2) The list of organizations in the regions which have submitted an application for the creation of social jobs, the number of jobs to be organized and the specific conditions of work, remuneration and sources of financing are approved.

4. The direction of unemployment to social jobs shall be permitted only with their consent. . The state of health, age, occupational and other individual characteristics of the unemployed shall be taken into account in the course of social work.

5. The unemployed, that willfully without reasonable excuse left the labor force in social jobs shall be deregistered as unemployed and may rejoin active measures to promote employment only after three months from the date of re-registration as the unemployed.

6. Persons who have been sent to social work are subject to the labour laws of the Republic of Kazakhstan.

**Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 21. Organization of youth practice**

1. Youth practice is intended specifically for unemployed graduates of educational organizations implementing educational programs of technical and vocational, post-secondary, higher, and postgraduate education in the profession (specialty) received, not older than thirty-five years old.

2. Local employment bodies:

- 1) form the demand and the proposal for the organization of youth practices;
- 2) establish a list of organizations in the regions that have submitted an application for the organization of Youth practices, the number of unemployed graduates from educational organizations, the conditions and remuneration of their work and the sources of funding.

3. the employer shall, on the basis of a contract with the employment centre, create employment opportunities for the youth practice. Job creation cannot be used for permanent jobs.

The jobs created should be in line with that of the graduates of the education organization (speciality).

4. The placement of unemployed persons from educational organizations in the practice of youth is permitted only with their consent. Their wages are paid within the limits of the budget, as well as from sources not prohibited by the Republic of Kazakhstan legislation.

4-1. Persons who willfully without reasonable excuse stopped participating in youth practice, shall be deregistered as unemployed and can re-participate in active measures to promote employment only after three months from the date of re-registration as unemployed.

5. excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication ).

6. The unemployed, who shall be targeted at youth practice, shall be covered by the labour legislation of the Republic of Kazakhstan.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2022 No. 168-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 22. Organization of public works**

1. Public works are organized by employment centres in organizations and are financed within the limits of the budget and funds of employers on their applications.

2. The right to participate in public works shall be at:

1) unemployed persons;

2) students and senior students of secondary schools in their study-free time in work that does not cause harm to health and does not violate the learning process;

3) persons not secured by the idle job.

The right to participate in public works is the following:

1) Unemployed persons who do not receive social benefits in the event of loss of employment;

2) Unemployed persons who are in employment centres for more than six months.

Participation of persons in social works shall be carried out with their consent in order of priority according to the date of their registration as unemployed.

3. excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication ).

3-1. Local authorities on public employment issues shall approve the list of organizations in the regions that submitted an application for creation of social works, number of organized jobs, types, volumes and specific conditions of social works, size of wages of participants and sources of their financing.

4. Unemployed, willfully without reasonable excuse who ceased participation in social works shall be deregistered as unemployed and can be reassigned to social works only after three months from the date of re-registration as unemployed.

5. Public works do not include activities related to the urgent need to address the consequences of accidents, natural disasters, disasters and other emergencies.

6. This Act does not regulate the legal relationship with respect to public works under the criminal law of Kazakhstan.

7. Persons participating in public works are subject to the labour legislation of the Republic of Kazakhstan.

**Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 23. Assistance to Entrepreneurial Initiative**

1. Assistance to entrepreneurial initiative shall be provided to the unemployed and certain categories of employed persons determined by the Government of the Republic of Kazakhstan by providing them with state support measures by means of training in the basics of entrepreneurship, provision of services to support the project, microcredit on a repayable basis.

2. The priority right to receive state support measures from among the unemployed and certain categories of employed persons determined by the Government of the Republic of Kazakhstan shall have:

- 1) persons living in rural areas, mono- and small towns;
- 2) persons with disabilities, if, according to a medical opinion, their state of health does not interfere with the performance of labour duties or does not threaten their health and (or) safety of the work of other persons;
- 3) persons over fifty years of age until reaching retirement age;
- 4) the youth under thirty-five.

**Footnote. Article 23 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.12.2022 No. 168-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 24. Promoting voluntary resettlement to increase labor mobility**

1. The centres of public employment shall facilitate the voluntary relocation of persons to a new place of residence for employment:

1) within one region - from villages with low economic potential to cities of regional (district) status, with the possibility of allocating housing from the state housing stock and employment for a permanent job;

2) to the regions determined by the Government of the Republic of Kazakhstan, within regional quotas for admission of immigrants and oralmans in accordance with the Law of the Republic of Kazakhstan "On population migration", as well as government programs for public employment, providing for voluntary resettlement.

2. The centres of public employment shall facilitate the voluntary relocation of the following categories of persons and members of their families to a new place of residence for employment:

1) persons seeking employment;

2) unemployed;

3) to certain categories of employed persons, determined by the Government of the Republic of Kazakhstan;

4) to compatriots.

3. The preferential right to voluntary relocation for employment among job seekers and unemployed persons shall be the following:

1) Inmates of children's villages and graduates of children's homes, boarding schools for orphans and children deprived of parental care, between the ages of sixteen and twenty-three years;

2) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2022 No. 168 -VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication);

3) Graduates of organizations of secondary, technical and vocational, post-secondary, tertiary and postgraduate education;

4) Persons released in connection with the liquidation of the employer, the legal entity or the termination of the activity of the employer-the individual, the downsizing of the number or the state of the employees, the decline in the volume of the proceedings and the services performed, Deterioration of the employer's economic condition.

4. State support for voluntarily resettled persons includes:

1) provision of material assistance to persons and members of their families, except for cases when the employee's relocation is carried out at the expense of the employer;

2) provision of dwellings, office dwellings or dormitory rooms, except where the employer provides the worker with accommodation;

3) professional training if there is an employer's need;

4) promotion of employment at the new place of residence.

5. The centre of public employment enters into a social contract with the person who voluntarily moves the new place and the employer providing the job.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2018 № 203-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2022 No. 168-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 25. Organization of special jobs for the employment of the disabled**

1. A special workplace is created for the employment of persons with disabilities and maintaining their employment for a period of at least twelve calendar months from the moment of its creation.

2. The creation of a special workplace for the employment of persons with disabilities shall be carried out by the employer, including at the expense of compensation contributions, on the basis of an agreement with the employment center.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 03.01.2022 No. 101-VII (shall be enforced from 01.01.2023); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 26. Organization of social payments in case of employment's loss**

1. Persons recognized in accordance with the established procedure of the unemployed who are members of the compulsory social insurance system are entitled to receive social benefits in the event of loss of employment from the State Social Insurance Fund in accordance of law of the republic of Kazakhstan “on the Compulsory Social Insurance”.

2. The right of unemployed persons who are members of the compulsory social insurance system to receive a social payment in the event of loss of employment is retained when the employment centre directs them to professional training, social jobs, and community service.

3. The centre of public employment shall, within two working days from the date of removal of the beneficiary as unemployed, provide information through the state corporation to the State Social Insurance Fund.

The State Social Insurance Fund shall, on the basis of the information received under part one of this paragraph, terminate the social benefits in the event of loss of employment in the manner and under the conditions provided for by law of the Republic of Kazakhstan “On compulsory social insurance”.

4. The Employment Centre shall make appropriate changes to the individual employment card in a timely manner.

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 27. Quota of workplaces for employment of certain categories of citizens**

1. Local executive bodies shall establish employment quotas:

- 1) persons with disabilities;
- 2) Persons who are accountable for the probation service;
- 3) Persons released from places of deprivation of liberty;
- 4) nationals of young people who have lost their children or who have left before the age of majority without the care of the parents who are graduates of the educational organization.

2. The quota shall not be established to public associations of persons with disabilities, as well as organizations where the number of persons with disabilities is more than twenty percent of the average annual number of employees,

3. When establishing quotas provided for in paragraph 1 of this Article, the list of employees of the sending party does not take into account employees employed in accordance with the contract for the provision of personnel services.

Footnote. Article 27 as amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 12.10.2021 № 67-VII 3PK (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Chapter 5. ORGANIZATION OF SOCIAL COOPERATION IN PUBLIC EMPLOYMENT**

#### **Article 28. Participation of employers in provision of public employment**

1. Employers shall participate in the implementation of the State policy in the field of employment by:

1) assisting in the employment of labour contracts and collective agreements in accordance with the labour laws of the Republic of Kazakhstan;

2) development of staff training;

3) training, through educational organizations, of technical and vocational, post-secondary, tertiary and postgraduate education programmes;

4) maintaining and managing the staff capacity of skilled workers in the course of structural change;

5) provision of jobs for the organization of public works, social jobs and youth practice;

6) admission to available vacancies of persons applying for employment, including directed by public employment center, as well as by a private employment agency, in accordance with the qualification requirements established in organizations;

7) creation of special jobs for the employment of persons with disabilities;

8) provision of current vacancies and data on the projected creation of jobs in the context of demanded specialties into a unified information base of the labor market, including through the state information portal "Electronic labor exchange";

9) creation of working places.

2. Employer shall:

1) send to the employment center in writing or through the state information portal "Electronic labor exchange" information on the presence of vacancies within five working days from the date of their appearance, indicating the conditions of work and payment, except for vacant public servants, elected public positions, members of Parliament and maslikhats, judges of the Republic of Kazakhstan, persons serving in military service, employees of special state, law enforcement agencies and the state paramedic service, employees of the National Bank of the Republic of Kazakhstan and its departments, the authorized body for regulation, control and supervision of the financial market and financial organizations;

2) to provide the employment center in writing or through the state information portal "Electronic labor exchange" in full information about the upcoming release of employees in connection with the termination of the activity of the employer - an individual or the liquidation of the employer - a legal entity, a reduction in the number or staff, a decrease in the volume of production and work and services performed, which resulted in the deterioration of the economic condition of the employer, on the number and categories of employees, to which it may refer, indicating positions and professions, specialties, the qualifications and remuneration of the released workers and the time frame within which they will be released, not less than one month prior to the release;

3) reimburse the cost of the employment centre for the payment of professional training, scholarship and material assistance to a participant in active employment promotion measures in the event of refusal to employ him after professional training on the basis - a social contract involving an employer, except in the case of refusal to liquidate an employer, a legal person, or to terminate the activity of the employer-the individual, the downsizing or the staffing the decline in production and in the work and services resulting the deterioration of the employer's economic status;

4) timely (within five working days from the date of sending for employment) notify the employment center of the population in writing or through the state information portal "Electronic labor exchange" about hiring or refusal to hire;

5) excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6) comply with the prescribed quota provided for in article 27, paragraph 1, of this law, except in the case of the removal of an employer, a legal person or the termination of an employer – an individual, reducing the volume of production, work performed and services provided, with the deterioration of the employer's economic status;

7) prevent job-related requirements of a discriminatory nature in employment;

8) ensure the departure of the foreign worker employed outside the Republic of Kazakhstan in connection with the termination of the permit to attract foreign labour;

9) make social contributions in accordance with the legislation of the Republic of Kazakhstan on compulsory social insurance;

9-1) calculate (withhold) and transfer deductions and (or) contributions of employees in accordance with the Legislation of the Republic of Kazakhstan On Compulsory Social Medical Insurance;

10) provide information to the authorized employment authority on the hiring of foreigners or stateless persons employed on the basis of the certificate of qualification for self-employment and (or) termination of their labour relations with them.

3. The employer has the right:

1) to employ persons directly applying to it on an equal conditions with persons directed by the Public Employment Centers, as well as private employment agencies;

2) to obtain free information from the employment centres on the state of the labour market;

3) to obtain from the employment centre services for the selection and placement of job seekers;

4) to participate in the organization of public works and social jobs, youth practice, to organize and carry out other types of work of a temporary nature;

5) receive a subsidy for the creation of special jobs for the employment of persons with disabilities;

6) to participate in the organization of forecasting and identification of staffing needed by branch of the economy.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020) ; dated 13.05.2020 № 327-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication) ; dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 29. Participation of trade unions in the scope of public employment**

1. The participation of trade unions and their associations in the public employment, protection against unemployment and its consequences is determined by this Law, the law of the Republic of Kazakhstan “on Professional Unions” and other normative legal acts, collective treaties and agreements.

2. Professional unions have the right to take part in:

1) implementation of measures to ensure public employment;

2) development of normative legal acts on public employment.

3. Professional unions have the right to submit proposals to the state authorities, employers and their associations on improving the system of providing public employment.

## **Chapter 6. LABOUR MEDIATION**

### **Article 30. Providing with labor mediation**

1. Persons looking for work, the unemployed and other applicants shall be provided with labor mediation by the Public Employment Centers, private employment agencies in accordance with Articles 11 and 31 of this Law.

2. The Public Employment Center shall have the right to conclude a contract on outsourcing of services for public employment services with a private employment agency.

Information on the conclusion of an agreement on outsourcing services in the field of employment shall be posted by the employment center on the state information portal "Electronic labor exchange" within ten working days from the date of its conclusion.

Private employment agencies applying for participation in outsourcing of services for public employment should have relevant experience, material and labor resources sufficient to fulfill obligations under the contract of outsourcing services for public employment.

**Footnote.** Article 30 is in the wording of the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the RK dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

### **Article 31. Private employment agency**

1. The private employment agency shall have the right to:

1) advise applicants on the labour legislation of the Republic of Kazakhstan and the employment legislation of the Republic of Kazakhstan;

2) provide information on employment opportunities and labour mediation services

;

3) generate information on employers with vacancies and persons seeking employment;

4) recruit employees in accordance with the qualifications of the employer;

5) recruit workers from one country to another with international treaties;

6) provide vocational training and retraining for applicants who are subsequently employed;

7) permit the approval of documents to be exported in the event of the employment of persons abroad;

8) participate in competitions for the social professional orientation of persons who have been sent by employment centres to active measures to promote employment;

9) obtain free information from employment centres on the state of the labour market;

10) work with state authorities, employment centres, employers on employment, job creation and professional training;

11) participate in outsourcing of services for public employment in accordance with the Legislation of the Republic of Kazakhstan On Public Employment.

2. The private employment agency shall be obliged to:

1) prevent any form of discrimination;

2) ensure the confidentiality of information received from applicants;

3) prevent the exploitation of child labour, the recruitment of persons for sexual and/or other exploitative purposes;

4) conclude contracts with applying persons for the provision of labour mediation services;

5) provide to the employment center in writing or through the state information portal "Electronic labor exchange" quarterly information on the number of persons applying for employment intermediation and employed, in terms of professions (specialties);

5-1) provide information to the Employment Centre on a monthly basis on implementation of a contract on outsourcing of services for public employment;

6) participate in the creation of a common information base for the labour market.

3. Activities related to the export of labour from the Republic of Kazakhstan abroad are carried out by private employment agencies. The transfer of labour from the Republic of Kazakhstan abroad takes place only if the private employment agency guarantees the return of the employee after the expiry of the contract to his or her country by making a guarantee contribution to the banks of the country in the name of the employee Employment. In the case of the export of labour from the Republic of Kazakhstan abroad, the order and conditions for the foreign employer to make a guarantee to the banks are governed by the law of the country of employment.

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 7. INVOLVEMENT OF FOREIGN LABOUR FORCE IN THE REPUBLIC OF KAZAKHSTAN**

### **Article 32. Involvement quote of foreign labour force**

1. In order to protect the domestic labour market, the authorized body for employment establishes a quota for attracting foreign labour to work in Kazakhstan.

2. The provisions of this Law on quotas for foreign labour and the granting of permits to employers to attract foreign workers shall not apply to foreigners and stateless persons:

1) Working in autonomous educational organizations and their organizations, as well as in the “Nazarbayev Foundation” for senior and professional posts;

2) Working in State bodies with confirmed documents in accordance with the procedure established by the Government of the Republic of Kazakhstan;

3) Working in organizations of the Republic of Kazakhstan that have concluded investment contracts in accordance with the investment Law of the Republic of Kazakhstan for the implementation of the investment priority project, as well as those working in organizations, Engaged by these legal entities (or their contractors) as the general contractor, contractor, Subcontractor or Performer of services, in the area of architectural, urban and construction activities (including exploration and Project activities, engineering services), for a period of one year after the entry of the investment activity into service as managers and specialists with higher education, as well as skilled workers According to the list of occupations and numbers defined in investment contracts for the implementation of the investment priority project;

4) excluded by the Law of the Republic of Kazakhstan dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication)

5) excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018);

6) excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018);

7) Working in legal entities that are members of special economic zones with projects worth more than one million Monthly Calculation Indexes, as well as in organizations engaged by designated participants in special economic zones (or their contractors) as the general contractor, contractor, subcontractor or executor of services during the period of construction work in the territory of special economic zones and before the expiration of one year after the commissioning of the facility (facilities) in

accordance with the list of categories and numbers determined by the Commission from representatives of the authorized agency for public employment issues, interested central state authorities, in the manner approved by a joint decision of the authorized agency for public employment issues and the central executive authority for state regulation in the establishment, operation and abolition of special economic and industrial zones;

8) Those who have arrived for self-employment in the professions required by the priority sectors of the economy (economic activities);

9) permanently residing in the Republic of Kazakhstan;

10) working as first managers of branches or representative offices of foreign legal entities;

11) provided by the list of persons determined by the Government of the Republic of Kazakhstan for whom the permits of local executive authorities for recruitment of foreign employees to carry out labor activities shall not be required;

12) working in Astana Hub International Technology Park or with participants in Astana Hub International Technology Park as managers and specialists with higher education.

3. The provisions of this Law on annual quotas for foreign employees shall not apply to foreigners or stateless persons carrying out labor activity in the territory of the Republic of Kazakhstan as part of intra-company transfer.

4. The quota for foreign labour is established as a percentage of the labour force, which includes:

1) quota for attracting foreign labor on permits issued by the local executive body to the employer;

2) A quota for the employment of foreign labour in countries, based on the international agreements ratified by the Republic of Kazakhstan on cooperation in the field of labour migration and social protection of migrant workers;

3) Quota for employment of labour immigrants.

5. The quota for attracting foreign labor shall be formed and established by the authorized body for employment of the population, taking into account the forecast of the state of demand and supply in the labor market for the upcoming (upcoming) year (s) and the proposals of authorized state bodies that manage the relevant field of public administration, local executive bodies, as well as employers.

**Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication ); dated 04.07.2018 № 174-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.04.2019 №. 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 № 327-**

VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

**Article 33. Involvement a foreign labour force by employers**

1. Foreign labour forces shall be employed by employers to carry out labour activities in the Republic of Kazakhstan on the basis of permits to attract foreign labour forces issued by the local executive bodies of the respective administrative-territorial units.

2. Local executive bodies in the territory of the relevant administrative-territorial unit issue or renew permits or refuse to issue, extend permits to employers to attract foreign labor to carry out work activities within the quota allocated by the authorized body for employment of the population, and also suspend and revoke these permits.

3. The permit issued by the local executive body to attract foreign labor forces shall not be subject to transfer to other employers, it is valid in the territory of the administrative-territorial units indicated in it, with the exception of the employer sending foreign workers on whom permits have been received on a business trip to organizations located in the territory of other administrative-territorial units for a period that does not exceed a total of ninety calendar days within one calendar year.

4. Permission for employers to attract foreign labor forces shall be granted or extended in accordance with the procedure and conditions determined by the authorized body for employment of the population, as well as when paying fees in accordance with the tax legislation of the Republic of Kazakhstan.

Upon receipt or extension of a permit to attract foreign labour forces to the Republic of Kazakhstan within one and/or other administrative-territorial units, the fee shall be paid to the budget of each administrative-territorial unit specified in the permit.

The provision of this paragraph concerning the payment of a fee for issuing or renewing a permit for employers to attract foreign labor shall not apply to foreigners and stateless persons working in the framework of intra-corporate transfer.

5. The acceptance of the necessary documents, as well as the issuance or renewal of permits for employers to attract foreign labor forces, shall be carried out by the local executive body in the procedure determined by the authorized body for employment, including in electronic form through the information system of permits and notifications.

6. The amount of foreign labor force attracted by the employer by permits must correspond to the percentage of Kazakhstan's personnel, determined by the authorized body for employment of the population, taking into account the workers of the sending party who carry out labor activities under the contract for the provision of personnel services.

7. Level of education (professional training) and experience (length of service) of practice work of foreign labour force involved for carrying out of labour activity on the

territory of the Republic of Kazakhstan shall satisfy the qualified requirements presented to the profession of workers and positions of heads, specialists and servants in accordance with qualified reference book of works and professions and qualified reference book of positions of servants.

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 № 327-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.12.2020 № 386 -VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 34. Exercise by foreigners or stateless persons of work in the framework of independent employment**

1. Foreigners or stateless persons may work in the Republic of Kazakhstan on the basis of certificates on the conformity of qualifications for independent employment in professions in demand in priority sectors of the economy (economic activities), issued by local executive bodies for a period of not more than three months, with the right to extend for the duration of the employment contract, but not more than three years.

2. The list of demanded professions in the priority sectors of the economy (types of economic activity) shall be determined by the authorized agency on public employment issues, taking into account the proposals of authorized state bodies that manage the relevant field government, local executive authorities, as well as employers

3. In order to obtain a certificate on the conformity of qualifications for self-employment, a foreigner or a stateless person shall submit to the foreign institutions of the Republic of Kazakhstan an application for self-employment in the Republic of Kazakhstan, which shall be transmitted to the local executive body indicated in the application.

If a foreigner or stateless person is found in the Republic of Kazakhstan, the foreigner or stateless person applies to the local executive body for self-employment in the Republic of Kazakhstan to obtain a certificate of qualification for self-employment.

In the case of self-employment in the Republic of Kazakhstan, within three months from the date of issuance of the certificate of qualification for self-employment, a foreigner or stateless person applies to the local executive body for its extension for the duration of the employment contract, but not more than three years.

4. The procedure for issuing certificates or its extension in case of self-employment and requirements for the qualifications and educational level of foreigners or stateless persons, as well as a list of priority sectors of the economy (types of economic activity)

and professions demanded for them for self-employment shall be approved by the authorized agency on public employment issues, in agreement with authorized state agencies, carrying out management of the relevant area of public administration.

**Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 № 327-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

### **Article 35. Execution by foreigners or stateless persons of work in the framework of intracorporate transfers**

1. Foreigners or stateless persons engaged by employers within the framework of intracorporate transfers shall perform temporary labor activity in the Republic of Kazakhstan on the basis of permits to employ foreign labor in the framework of internal corporate transfers issued by the local executive body of the relevant administrative territorial unit for a period determined by the employment contract, but not more than three years, with the right extension for one year.

2. The conditions and procedure for issuing permits for the involvement of foreign labor, carried out within the framework of intra-corporate transfer, are determined by the authorized body on public employment.

3. Employers who attract foreigners or stateless persons within the framework of intracorporate transfer shall, within ten calendar days after their entry into the territory of the Republic of Kazakhstan, in writing, send to the local body on public employment information containing information about:

- 1) the country and organizations from which foreigners or stateless persons are being hired;
- 2) the number of foreigners or stateless persons with an indication of the surname, name, patronymic (if it is indicated in the identity documents), the level of education, qualifications, profession and work experience of each;
- 3) the period of employment.

4. Intra-corporate transfer of managers and specialists is carried out taking into account the percentage ratio of the number of foreigners or stateless persons to the number of Kazakhstan personnel established by the authorized body on public employment.

5. Local executive bodies keep records of foreigners or stateless persons working within the framework of intracorporate transfers.

## **Chapter 8. STATE CONTROL OVER COMPLIANCE WITH THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN ON PUBLIC EMPLOYMENT AND REPORTING FOR PUBLIC EMPLOYMENT**

Footnote. Heading of Article 8 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 36. State control over compliance with the Legislation of the Republic of Kazakhstan On Public Employment**

State control over compliance with the Legislation of the Republic of Kazakhstan On Public Employment shall be carried out by the authorized agency for public employment issues and local executive authorities in the form of inspection and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 36 is in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 37. Department statistical monitoring in the scope of public employment**

1. For objective assessment of the provision in the scope of public employment, as well as situation at labour market, its forecasting and regulation in accordance with the legislation of the Republic of Kazakhstan, the departmental statistical monitorings shall be conducted.

2. Private employment agencies, as well as employers recruiting foreign employees shall be required to submit primary statistics to the local authority on public employment issues in the manner and terms, established by the Legislation of the Republic of Kazakhstan On Public Employment.

3. The authorized bodies shall exchange reporting documentation and details with the authorized body in the field of state statistics, bodies of government revenue, bodies of internal affairs and other interested state authorities without compensation at republican and regional levels, required to each of parties for performance of own functions in the manner, established by the legislation of the Republic of Kazakhstan.

4. The authorized bodies shall represent primary statistics to central executive body in the manner and terms, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 16.04.2018 № 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 9. FINAL PROVISIONS**

### **Article 38. Responsibility for breach of the legislation of the Republic of Kazakhstan on public employment**

Individuals and legal entities that breached the legislation of the Republic of Kazakhstan on public employment shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

**Article 39. The order of enactment of this Law**

1. This Law shall enter into force upon expiry of ten calendar days after the date of its first official publication, with the exception of:

1) subparagraph 30) of Article 1, subparagraph 2) of Article 6, subparagraphs 20), 21), 22) and 23) of Article 7, subparagraph 5) of Article 9, paragraph 3 of Article 31, Article 32, Article 33, Article 34 and Article 35, which are enacted from 1 January 2017;

2) subparagraph 4) of paragraph 1 of Article 15, subparagraph 3) of paragraph 3 of Article 17, which are enacted from July 1, 2017;

3) subparagraph 4) of article 10, subparagraph 6) of paragraph 2 and subparagraph 2) of paragraph 3 of article 17, Article 25, subparagraph 7) of paragraph 1 and subparagraph 5) of paragraph 3 of article 28, which shall enter into force from January 1, 2018.

2. The Law of the Republic of Kazakhstan dated 23 January, 2001 " On Public Employment " shall be considered to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 2001, № 3, art. 18; 2004, № 2, art. 10; 2005, № 7-8, art. 19; № 17-18, art. 76; 2006, № 3, art. 22; № 10, art. 52; 2007, № 2, art. 14, 18; № 3, art. 20 ; № 8, art. 52; № 9, art. 67; № 15, art. 106; № 20, art. 152; 2009, № 1, art. 4; № 9-10, art. 50; № 18, art. 84; 2010, № 5, art. 23; № 8, art. 41; № 24, art. 149; 2011, № 1, art. 2 ; № 2, art. 21; № 10, art. 86; № 11, art. 102; № 12, art. 111; № 16, art. 128; 2012, № 2, art. 11, 14; № 5, art. 35; № 8, art. 64; № 13, art. 91; № 15, art. 97; № 20, art. 121; 2013, № 1, art. 3; № 9, art. 51; № 10-11, art. 56; № 14, art. 72, 75; № 21-22, art. 114; 2014, № 1, art. 4; № 11, art. 63, 64; № 19-I, 19-II, art. 96; № 21, art. 118, 122; № 23, art. 143; 2015, № 19-II, art. 102, 106; № 20-IV, art. 113; № 22-V, art. 152, 154, 158), with the exception of subparagraph 5-1) of Article 7, point 4 of Article 10, Article 11, which are in force until 1 January, 2017.

The President  
of the Republic of Kazakhstan

N. NAZARBAYEV