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**REGULATION OF LABOR RELATIONS IN THE
REPUBLIC OF KAZAKHSTAN**

***Abstract.** The article analyzes the mechanism of regulation of labor relations in the Republic of Kazakhstan. The article describes the factors that contribute to the regulation of the labor market, reveals the main ideas of reforming the legislation regulating labor relations in the Republic of Kazakhstan.*

***Keywords:** labor relations, labor market, labor code, state mechanism.*

Over the past two decades, labor relations in the world have undergone major changes. organized labor is constantly facing huge challenges in a growing global economy. The world Commission on the social dimension speaks to the fact that globalization has accelerated the process of profound change, affecting everyone. Standard labor relations lose their positions. the changes that are taking place in the world have contributed to the emergence of new forms of labor relations. despite the increased flexibility of relations in the labor market, in general, the above aspects had a negative impact on the stability of labor relations.

In general, the regulation of the labor market is a system of special measures applied to influence the supply and demand of labor, the objects of regulation are social guarantees, wages, the duration of the working week and shift, the procedure for setting holidays, etc. Based on their economic theory, there are specific non-competitive factors in the labor market that contribute to the regulation of the labor market. These



factors include:

- the state, which acts as a fundamental entity that regulates the labor market, through legislation, establishing the minimum allowable level of remuneration for work, conducting a targeted social policy, implementing indexation of income of the population;

- trade unions, which also have a significant upward influence on wages, through measures to limit supply in the labor market;

- large corporations and companies that have an impact on wages, in terms of its stability, refusing to increase it in the event of a change in the situation in terms of supply and demand in the labor market.

Thus, the labor market is regulated at 3 main levels: the state, trade unions, and large firms. Of course, the regulation of the labor market has its own special specifics because of the employee who acts as a commodity in it. The procedure of purchase and sale in this market is carried out in the form of hiring, through the conclusion of an employment contract. At the same time, the hired employee falls out of the market for the duration of the employment contract, as well as during its extension. At the same time, it is important to note that the growing competition in the labor market forces the employee to accept sometimes worse conditions in the hiring process. It is in this regard that companies also act as regulators of the labor market.

In modern literature, there are a huge number of different interpretations of the concept of "labor relations", while traditionally this term is used to reflect the relationship between an employee and an employer in the workplace, more often used to interpret the legal meaning of this type of socio-economic relations.

In the studies of economists, the term "social and labor relations" is more often used, reflecting the need for a clear understanding of these relations much more widely than those relations that develop in the labor process or in the labor market, since, among other things, they include very important social aspects, including the system of social protection.

The mechanism for regulating labor relations should cover the entire range of

legal, economic, psychological and social factors that determine the functioning of this important aspect of the labor market. The state in any country of the world does not refuse purposeful actions to regulate these relations, because:

- they are the most important sphere of society's life, "one of the main conditions of life, both as an individual and as a whole of society, the main factor in the viability of any organization" [1].

- labor relations are an important area of any market economy, in which the imperfection of the market is particularly evident, which can lead to a general economic imbalance in the country.

- the social status of each individual employee and entire collectives fully depends on the effectiveness and smoothness of state regulation of labor relations;

- the political situation and social and economic stability in the state also depend on the quality and effectiveness of state regulation of labor relations;

- the political, economic and financial stability of society as a whole is closely linked to the effectiveness and smoothness of state regulation of labor relations.

At the legislative level, the fundamental forms of state regulation of labor relations include:

- the basic rights of workers and their organizations proclaimed in the Constitution of the Republic of Kazakhstan;

- legislation that regulates the relationship between employees and employers, including in terms of the procedure for resolving emerging conflicts;

- legislation regulating labor protection issues;

- legislation regulating the activities of trade unions, etc.

It is reflected in the Law of the Republic of Kazakhstan dated April 6, 2016 "On employment of the population" [2]. The normative acts on employment of the population fix the goals and means of achieving them, the principles and directions of employment policy, the foundations governing the activities of employment services, which is certainly justified, since the very first task of decent work is to create jobs. In Kazakhstan, the regulation of the labor market and the sphere of employment has been

carried out since 1991, mainly in the form of special employment programs: Employment Programs of the Republic of Kazakhstan [3], Programs to combat poverty and unemployment, etc. [4].

The current national model of labor relations in Kazakhstan is characterized by the dominance of capital in the modern labor market. Almost all enterprises today have a very strict attitude towards employees, in respect of whom the employer can very easily change the terms of the employment contract in their favor. Only a quarter of all employees are covered by collective agreements. Therefore, the fear of citizens losing their jobs, and, therefore, their basic means of livelihood, allows unscrupulous employers to dictate their unattractive conditions for employees.

A significant role in the process of regulating labor relations in the labor market of Kazakhstan is played by the norms of international labor regulation, international treaties of states and special regulations. International labor regulation is understood as a system of standards for legal regulation of labor, which are reflected in international acts and agreements. The acts, which are developed taking into account the generalized experience of most countries, enshrine the fundamental principles and rights of subjects of labor relations, universal labor law norms, the objectivity and effectiveness of which are ensured at the national level.

There are quite a few normative acts in the world, among which, in particular, the Universal Declaration of Human Rights, which was adopted by the UN General Assembly in 1948, stands apart. It proclaimed, among other rights, the right to work, fair and favorable working conditions, freedom in choosing work, protection from possible unemployment, equal pay for equal work, and a number of other rights.

The legal acts of the International Labour Organization, a specialized agency of the United Nations, have become widely known. These acts are adopted in the form of conventions or recommendations. The recommendations in their essence do not need to be ratified and are implemented through the adoption of the relevant law of each country. Certain labour-related regulations have been adopted by the Council of Europe (CoE). The new social policy "Social Modernization of Kazakhstan: Twenty steps to the 258th

Society of Universal Labor", which aims to create a strong and competitive Society of Universal Labor, is designed to solve the existing problems of regulating labor relations. The government of Kazakhstan has been instructed to develop a draft Nationwide Concept of social development of the Republic of Kazakhstan for the period till 2030., which would have relied on the provisions of the Strategy "Kazakhstan — 2030" and other strategic documents, and combined the issue of social system development of Kazakhstan and companies with objectives of economic modernization.

When reforming the labor legislation of Kazakhstan, of course, it is necessary to take into account the global trends of its modernization, but taking into account various objective and subjective factors, namely:

a) the fact that at this stage kazakhstan is on the way of transition from the command and administrative method of regulating labor relations to market capitalism, where the standard of living of most of the population is at a rather low level;

b) the process of forming the concept of "decent work" and receiving a decent salary for it has not yet been completed;

c) not all enterprises have ensured the implementation of work in normal conditions, which is confirmed by numerous examples from practice;

d) many legislators fear that a reduction in the level of regulatory regulation in the direction of increasing contractual regulation may lead to a decrease in the guarantees of workers ' labor rights;

e) low level of legal literacy of employers, trade union committees that do not have an idea of how to establish individual rules, mainly in a contractual manner;

g) the existing problems in the employment contracts are based on the principle of full freedom of the parties to register their interests in the existence of unemployment, when an employee expressed a willingness to sign an employment contract on any terms; moreover, the restriction of the freedom to determine the content of the employment contract is also reflected in the fact that the employer has the right unilaterally to specify the terms of the employment contract;

h) I provide an opportunity to resolve this or that issue at the discretion of the

parties to the employment contract, the legislator provokes subjects to abuse the right;

i) a number of individual guarantees of workers' labor rights do not always have a real content due to the existing gaps in them (for example, issues related to wage indexation);

k) numerous gaps and defects in labor law are at the heart of the still ongoing violations of labor legislation.

Thus, the existing dynamics of the development of labor relations in Kazakhstan today still does not provide an opportunity to modernize labor legislation taking into account global trends, i.e. with an emphasis on the implementation of flexible forms of labor contracts, solving a large number of labor issues at the level of social partnership, and so on. Priority in the method of labor law at the present stage in Kazakhstan is the optimal ratio of collective-contractual and individual-contractual regulation of relations in the field of labor.

Article 10 of the Labour Code of the Republic of Kazakhstan (hereinafter — RK LC) determined that "Employment contracts, agreements of the social partners, collective agreements, acts of employer in employment" [5] establishes the contractual regulation of labour relations and other relations that are associated with labor, which is achieved due to conclusion, amendments and additions to the labour, collective agreements and agreements between employees and employers. Market conditions are increasingly consistent with the contractual way of building relationships between subjects of labor law. The relationship between employees and employers is based on freedom and self-regulation.

The manifestation of this is expressed in the expansion of the field of individual contractual regulation and the development of the institution of social partnership. In the implementation of individually-contractual regulation of the parties of the employment contract is limited to only the minimum number of legislated social and labour guarantees and rights, because the principle of no deterioration of the worker than of the customs code, the collective contract or agreement. But by the legislator as an exception it is allowed to include in employment contracts with certain categories

of employees such conditions which can lead to a deterioration in their situation by limiting certain rights: for example, 260 additional comparison of the customs code provisions on full material responsibility for the damage that was caused to the employer. the employer also relies on certain guarantees. In accordance with article 36 of the Labor Code of the Republic of Kazakhstan, an employment contract may establish a condition for passing a probationary period in order to check whether the employee's qualifications correspond to the work assigned to him.

Thus, there is a balancing of the freedom of the parties when concluding an employment contract with special guarantees that protect the interests of each of the parties. According to some authors, such additional guarantees are not a denial of the right freedom of the parties in establishing labor relations, but, on the contrary, are a convincing confirmation of the equality of the rights of the employee and the employer.

in kazakhstan today there is no basic element of the market mechanism, namely the labor exchange, which in turn leads to a significant violation of the principle of functioning of the labor market. Many existing institutions are ineffective in solving emerging employment problems, which makes it possible to argue that today the labor market in the country is not fully formed, significantly lags behind in development from the level of market transformations and socio-economic development of society as a whole.

In Kazakhstan, social payments are assigned only to a narrow circle of the unemployed, while their size is insufficient to ensure even the minimum living standards. Most of the unemployed, as a result of this, on the one hand, are poorly socially protected, and, on the other, have very low motivation to visit the employment service, because they do not expect real moral and material support from them. The efficiency of public employment services for these and other reasons is very low. the absence of the above-mentioned labor exchange significantly complicates the work on the implementation of the registration of the unemployed. And the attempts made to establish registration through the existing state employment services have not yet given the proper result due to the above reasons. As a result, the indicators of employment

and unemployment are not very reliable.

The labor market is poorly organized and poorly regulated, as a result, it is characterized by decentralization while improving the quality characteristics of the labor force. It is a positive fact that active and multilateral work on improving the regulatory environment and infrastructure of the labor market, which is adequate to the modern specifics of the market system of management in Kazakhstan, taking into account international experience, has been started again.

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