

FAQs: EMPLOYMENT ISSUES

What if employment contract expired and was not extended by the parties on time?

According to the Article 30 of the Labour Code of the Republic of Kazakhstan (hereinafter – Labour Code), if none of the parties has expressed the will to terminate the employment contract prior to its expiry date, it is considered valid and effective for an undetermined or same period that it was concluded earlier.

What are the requirements for the language of the employment contract?

Employment contracts must be concluded in Kazakh, Russian, and if necessary in English. All written agreements of individuals and legal entities in the Republic of Kazakhstan must be executed in Kazakh or Russian languages.

How many signatures should be on the employment contract?

Labour Code does not provide limits to the number of the authorised signatories to sign the employment contract. For example, the CEO of the founder company and its legal representative/Branch/Rep. office in Kazakhstan can both sign the employment contract on behalf of the company. In other words, it is permitted to have three signatories on the employment contract.

What is the standard probation period in Kazakhstan?

The regular probation period cannot exceed three (3) months, but for some categories of the employees it can be prolonged up to six (6) months: CEOs, CFOs, their deputies, and heads of branches or representative offices. Probation period of the employment contract must be included in the work experience of an employee.

When employees are entitled to have a vacation leave?

Vacation days can be provided at any time of the year. Paid annual leave is granted for the first and subsequent years of work by mutual agreement of the parties.

What are the requirements for vacation postpone?

Labour Code provides only two cases when the vacation days can be postponed to the next year. Such cases are temporary incapacity for work (i.e. sick leave) and maternity leave. Such vacation postpone cannot be applied more than two years in a row. Failure to provide the annual paid leave (vacation) for two years in a row is prohibited by Labour Code.

What are the requirements for maternity leave in Kazakhstan?

A pregnant woman, woman who has delivered a child and a woman/man who have adopted a new-born child are granted with the following types of vacation leaves: maternity leave; vacation leave to the employees, who have adopted a new-born child; and the unpaid leave for taking care of the child under the age of three years. It is important to mention that positions of such employees are protected within their companies by Labour Code.

What should an employer compensate to an employee?

An employer must provide an employee with the compensation payment in the amount of one monthly salary in the following cases: termination of an employment contract caused by the liquidation or suspension of the activity of the employer; reduction of staff; or by the initiation of an employee due to failure of the employer to comply with the terms of the employment contract. Compensation in the amount of two monthly salaries is paid in the other cases. Moreover, higher amounts of compensation payment can be stipulated by the employment contract.

Employment contract termination issues

Labour Code provides certain grounds for termination of the employment contract. The employment contract can be terminated by an employer/employee unilaterally or upon agreement between the parties. An employer must notify an employee in writing one month prior to termination. A longer period can be considered by the employment contract. A shorter period can be considered upon the agreement of the parties. Labour Code does not provide any defined terms for mutual agreement termination notice period; therefore, notification can be made at any time.

Insurance issues

Employees are granted with the following insurance guarantees: compulsory social insurance; individual accident insurance during the performance of working duties and liability insurance.