



International
Labour
Organization

REVIEW
OF DECENT WORK COUNTRY PROGRAM IN KAZAKHISTAN
(2010-2012)

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Content

| | | Page |
|----------|---|------|
| | List of Acronyms and Abbreviations | 3 |
| | Preface | 4 |
| | Introduction | 5 |
| 1 | Peculiarities of Evaluation and analysis of DWCP of 2010-2012 years | 6 |
| 1.1 | Decent Work Country Program for 2010-2012 years in Kazakhstan | 6 |
| 1.2 | Major objectives of evaluation and review of the Decent Work Country Program for 2010-2012 years | 7 |
| 1.3 | Theoretical and methodological bases for evaluation and analysis of implementation of Decent Work Program in the Republic of Kazakhstan in 2010-2012 years | 7 |
| 2 | Evaluation and analysis of implementation of Decent Work Program in the Republic of Kazakhstan | 9 |
| 2.1 | Retrospective analysis of implementation of Decent Work Concept in the Republic of Kazakhstan | 9 |
| 2.2 | Major ILO cooperation priorities for implementation of the DWCP 2010-2012 | 13 |
| 2.3 | Analysis and evaluation of the ILO activities aimed at regulating issues in the sphere of labor relations in compliance with the international standards (Priority 1) | 14 |
| 2.4 | Analysis and evaluation of the ILO activities aimed at assisting efficient employment and social protection of women (Priority 2) | 24 |
| 2.5 | Analysis and evaluation of the ILO activities aimed at further development of tripartite cooperation and social dialogue (Priority 3) | 36 |
| 3 | The main features of the implementation of the Decent Work Program in Kazakhstan and prospects of its development | 46 |
| 3.1 | Specifics of implementation of DWCP for 2010-2012 | 46 |
| 3.2 | New Programme Opportunities | 53 |
| | | 55 |
| | Conclusion | 56 |
| | Annex | |

List of Acronyms and Abbreviations

ILO – International Labour Organization
MLSPP RK – Ministry of Labour and Social Protection of Population of the Republic of
Kazakhstan
CERK – Confederation of Employers of the Republic of Kazakhstan
FTRK – Federation of Trade Unions of the Republic of Kazakhstan
DWCP – Decent Work Country Program
UN – United Nations
GDP – Gross Domestic Production
EU – European Union
OSH – Organization of Safety and Health
MFA RK – Ministry of Foreign Affairs
CIS – Common Independent States
UES – Unit Economic Space
RK – Republic of Kazakhstan
KR – Kyrgyz Republic
RT – Republic of Tajikistan
EKO – East-Kazakhstan Oblast
WKO – West-Kazakhstan Oblast
NKO – North-Kazakhstan Oblast
SKO – South-Kazakhstan Oblast
TNC – Transnational Companies
NGO – Non-Governmental Organization
NCC – National Coordination Council
WB – World bank
IOM – International Organization for Migration
UNDP – United nation Development Program
OSCE – Organization on Security Cooperation Europe

Preface

The report is result of the technical task of International Labour Organization. It has been prepared under frame of implementation of Concept of Decent Work in Kazakhstan and in particular through the prism of evaluation and review of achieved results of Decent work in 2010-2012 years.

Author underlines that the report had not been completed without support of Irina Sinelina. It was expressed not only in her high qualified consultations and huge numbers of practical and theoretical materials in the sphere of Decent work which were sent by her. But the most important during the preparation the report author had been feeling her high intelligent well-wishing, boundless patient, very attentive and tactful attitude to author of the report. Thus, the author expresses to her his sincerely appreciation and respectation.

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Introduction

The Concept of providing decent work, initiated by the International Labor Organization (ILO), has an important social –economic, political, and moral significance for all countries- members of the ILO. Within the framework of this Concept's implementation, the countries have an opportunity to adopt unified global standards in the sphere of labor, provide an individual's right to work, which will satisfy his/her needs both morally and physically.

In Kazakhstan, the Decent Work Country Program (DWCP) for 2010-2012 was developed upon the initiative of the International Labor Organization, namely its sub-regional division in Moscow. The Program developed jointly with three partners of the Republic of Kazakhstan has been an extension of the previous ILO activities in promoting and implementing basic principles of providing decent work in Kazakhstan. To illustrate, prior to this program, the Program on Providing Decent Work for 2007-2009 was implemented in Kazakhstan.

The Program stated the following aspects as its major objectives: modernization of the national legislation regarding occupational safety, improvement of opportunities for employment of men and women, and promotion of a social dialogue based on further development of the collective agreement system.

Unlike the Decent Work Program for 2007-2009, the major objective of the Decent Work Country Program for 2010-2012 was providing sustainable social- economic development of the country based on regulating labor relations in compliance with international standards, assistance in efficient employment, and further development of a social dialogue.

DWCP 2010-2012 used key provisions of the Millennium Development Goals, namely: elimination of poverty by providing decent employment; resolving issues of gender inequality; prevention of HIV/AIDS at the workplace, and so on.

The fact that DWCP 2010-2012 was coordinated with implementation of the UN Development Assistance Framework Agreement and the ILO Global Jobs Pact was very important. It should be noted that the Program helped achieve two UNDAF outcomes, namely: Social and Economic Development for all and Efficient Management¹.

Generally, DWCP adopted for 2010-2012 was a result of the fruitful cooperation (based on consulting) of the government of Kazakhstan, social partners, and the ILO's sub-regional bureau. In 2010 - 2012, the Program fostered further development of the ILO, where Kazakhstan has a full membership.

Development of DWCP for 2010-2012 focused not only on implementation of the international programs, but also on enforcing national priorities defined in the Strategy of the Development of the Republic of Kazakhstan till 2030, the Concept of transition of Kazakhstan to sustainable development by 2024, the Concept of transition of labor market and employment of human resources of the country for 2020s, and Strategic Plan of the Ministry of Labor and Social Protection of the Population for 2010-2014.

1. Peculiarities of Evaluation and analysis of DWCP of 2010-2012 years

1.1 Decent Work Country Program for 2010-2012 in Kazakhstan

DWCP 2010-2012 determined three major priorities and eleven outcomes to be achieved during that period of time. Table 1 shows the major priorities and outcomes determined in DWCP for 2010-2012.

Table 1. Priorities and outcomes of the Decent Work Country Program in the Republic of Kazakhstan for 2010-2012

| Priorities | Outcomes |
|---|---|
| Priority 1: Regulation of issues in the sphere of labor relations in compliance with international standards | <p><i><u>Outcome 1.1:</u> Improvement of the national legislation in accordance with the provisions under consideration for ratification of ILO conventions in the sphere of labor conditions, social protection and gender equality</i></p> <p><i><u>Outcome 1.2:</u> Improvement of labour legislation</i></p> <p><i><u>Outcome 1.3:</u> Improvement of legislation and development of the national standards in the sphere of occupational safety in accordance with the international standards</i></p> |
| Priority 2: Promotion of efficient employment and social protection of men and women | <p><i><u>Outcome 2.1:</u> Improvement of the employment policies and labor market</i></p> <p><i><u>Outcome 2.2:</u> Creating sustainable workplaces through the development of professional skills and business education, taking into account the gender aspect</i></p> <p><i><u>Outcome 2.3:</u> Improvement of the national system of social protection</i></p> <p><i><u>Outcome 2.4:</u> Implementation and use of the systems of occupational safety management in some industries of higher labor risks to provide safe working conditions for workers, including labor migrants</i></p> <p><i><u>Outcome 2.5:</u> Further improvement of legislation and mechanisms aimed at protection of labor migrants and their families</i></p> |
| Priority 3: Further development of tripartite cooperation and social dialogue | <p><i><u>Outcome 3.1:</u> Improvement of social dialogue efficiency on all levels and increase of status and role of the tripartite committees</i></p> <p><i><u>Outcome 3.2:</u> Promotion of the corporate social responsibility</i></p> <p><i><u>Outcome 3.3:</u> Strengthening of social partnership to eliminate the worst forms of child labor</i></p> |

1.2 Major objectives of evaluation and review of the Decent Work Country Program in Kazakhstan for 2010-2012

One of the major parts of the present paper, particularly the analysis and review of DWCP implementation in Kazakhstan in 2010-2012, is improvement of the ILO activities in implementing the Concept for providing Decent work in the Republic of Kazakhstan.

In addition to this, evaluation and review are aimed to present a clear picture on implementation of the DWCP for 2010-2012 to all parties interested in implementing the Concept of Decent Work in Kazakhstan or all parties of the social partnership (government bodies, labor unions, employers' associations). This objective was accomplished by the comparative analysis of the planned outcomes and their implementation. The comparative analysis was completed not only on the basis of officially recognized papers, but also on the basis of interviews conducted by an ILO consultant with all participants of social partnership who signed the document.

Development of the proposals and recommendations on further development and implementation of the Concept of Decent Work in Kazakhstan was also an important objective of the evaluation and review of DWCP 2010-2012 implementation in Kazakhstan. To complete this objective, not only implementation of the Program was reviewed and assessed, but also key strategic directions of the social - economic development of the country were analyzed. In addition, these directions were studied in the context of implementing the major principles of providing Decent work as defined by the ILO. Presented proposals and recommendations will become a significant information base for politicians, as well as the state and private business enterprises, associations of employers and employees interested in further development of the ILO's principles in the country.

It is crucial that the paper allows monitoring implementation of the Decent Work Program through the prism of its major completion indicators: level of unemployment, workplace accidents and so on. Representative examples of implementation of key priorities and, in particular, the outcomes presented in the review were also an important objective of this document.

In general, the presented review of the implementation of Decent Work Program is focused, first of all, on the analysis of outcomes of DWCP 2010-2012 implementation, and secondly, on recommendation for its further development.

1.3 Theoretical and methodological bases for evaluation and analysis of implementation of Decent Work Program in the Republic of Kazakhstan in 2010-2012

Major principles indicated in the ILO documents provided theoretical basis for conducting evaluation of DWCP implementation in Kazakhstan in 2010-2012.

The methods of an expert assessment, a historical analysis (comparison of statistic indicator trends of various years in implementing the Program in particular), and different interview methods were used to review and analyze implementation of the Program.

While using the method of expert assessment and the outcomes of DWCP outcomes, the project implementer conducted interviews not only with the immediate project

implementers, but also with the individuals, whose activities were not linked with the outcomes of implementing a certain priority or certain outcome of the priority.

To analyze implementation of the Concept of Decent Work and DWCP for 2010-2012 in particular, the paper demonstrates major statistical indicators of the Program implementation in dynamics. Although the presented statistical indicators were not specified during the development of DWCP for 2010-2012, nevertheless, they allowed evaluating the implementation course of the Decent Work Concept, and DWCP for 2010-2012 in particular, within overall historical context and interconnection of its implementation at previous stages.

The method of evaluation of the concrete scheduled activities of the Program with the implementation outcomes through the prism of Radar became a specific and special instrument of evaluation of DWCP 2010-2012 implementation. The graphic presentation of implementation outcomes through the prism of Radar (borrowed by the author from the Albanian colleagues) allowed the author to assess and visually demonstrate using the grades both implementation of priorities and achievement of DWCP 2010-2012 outcomes.

In this case, the author used the scale presented in the table 2 to show implementation of the planned activity in DWCP for 2010-2012 with its actual completion.

Table 2.

| | Level of completion of the activity | | | | | |
|---|-------------------------------------|---|--|-------------------------|----------------------|----------------------------|
| | Activity not complete | Activity incomplete due to objective external reasons | Measures to complete the activity were taken (at initial stages) | Activity is in progress | Activity is complete | Activity over accomplished |
| Points awarded according to the activity status | 1 point | 2 points | 3 points | 4 points | 5 points | 6 points |

In general, theoretical and methodological bases mentioned above demonstrate that the review and evaluation of implementation of DWCP for 2010-2012 is presented not only in the form of analytical material, but also graphically, as well as in photos and pictures.

Various government documents, articles, reports, presentations, and other related materials were gathered to carry out analysis and evaluation of the ILO activities in the Republic of Kazakhstan and the implementation of DWCP for 2010-2012. It is noteworthy that while collecting documents, different forms of interviews were conducted with individuals, who provided these documents. The interviews included questions on priorities and objectives reflected in DWCP for 2010-2012, as well as questions identified by the ILO and included in the Terms of Reference.

2. Evaluation and analysis of implementation of Decent Work Program in the Republic of Kazakhstan

2.1 Retrospective analysis of implementation of Decent Work Concept in the Republic of Kazakhstan

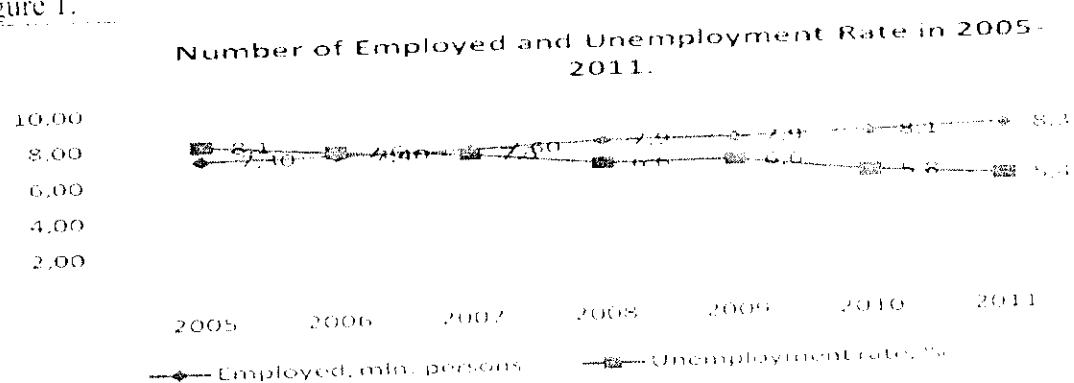
Building of a socially-oriented market economy in Kazakhstan is impossible without providing decent work to every Kazakhstani citizen, including foreigners who work in the country and labor migrants. The Concept of Decent Work is a significant part of the activities of the Kazakhstani government, as well as different unions of employers and employees.

Due to its significance, the Agency on Statistics of the Republic of Kazakhstan monitors implementation of the Concept of Decent Work using the following indicators:

1. Possibility to freely choose a job, as well as the possibility to obtain/find a job, which is expressed in the quantity and level of the employed and unemployed people on the labor market;
2. Job stability and security, expressed in availability of the official labor contract for indefinite period of time for employees, degree of social security of the employed and the level of the available professional training for them;
3. Social dialogue and labor relations, expressed in the coverage of employees by collective agreements or labor unions, the level of social support (protection) from their employers;
4. Job security in the form of unfavorable or hazardous labor conditions, as well as coverage by social insurance against accidents at work;
5. Duration of the work week - 40 hours;
6. Harmonious combination of work and family life, which makes possible to combine household duties and employment.

A retrospective analysis of implementation of Decent Work in Kazakhstan through the prism of the abovementioned indicators for 2005-2011 revealed positive tendencies. Thus, starting 2005 the number of employed population in the country changed year by year from 7,262,000 in 2005 to 8,301, 600 people in 2011. The increase in the number of employed population was stipulated not only by the increase of economically active population (due to the entry of the new generation into work force age and due to migration), but also by reduction of the unemployment level (Figure 1).

Figure 1.



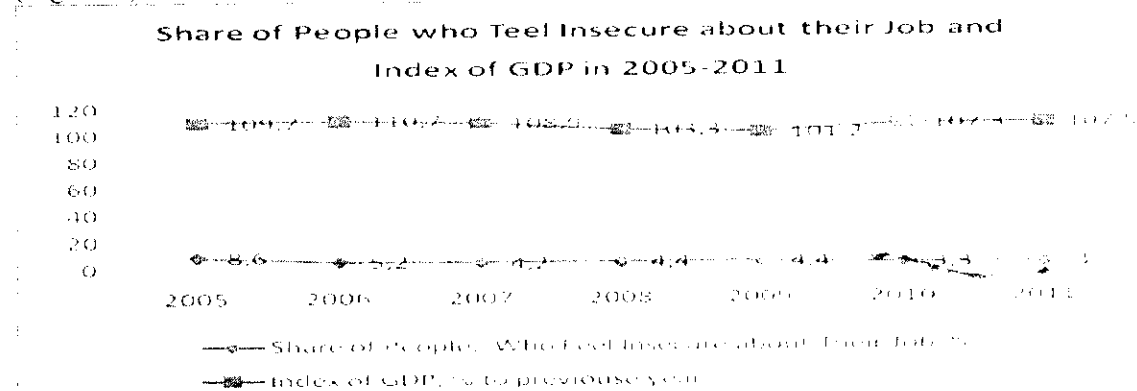
Source: Statistical Indicators of the Estimation of Decent Work in Kazakhstan, Series 13. Employment of Population and Compensation. Agency on Statistics of the Republic of Kazakhstan, 2011

Besides, as we can see from Figure 1, the dynamics of the unemployment decrease was higher than increase in the number of the employed people. It is noteworthy that unemployment decrease was not steady. For example, it did not decrease in 2009. As the Figure 1 shows, the unemployment level remained at the same level in 2009 (6.6%) as in the previous year. It was due to the global financial crisis, which occurred during the same period. Thus, the trend cannot be considered the result of the inefficient implementation of the national and international programs in the sphere of employment, including DCWP for 2007-2009. In 2010 and 2011, the unemployment level started declining owing to the implementation of the state program "Road Map" and improvement of the economic situation in the country in general. In our opinion, implementation of the DCWP for 2010-2012 also played a significant role in this trend.

While analyzing the second indicator (*Job stability and security expressed in availability of the official labor contract for indefinite period of time for employees, degree of social security of the employed and the level of available professional training*), it should be noted that in 2005-2011 in Kazakhstan the number of people, who feel insecure about their jobs, decreased both in absolute and relative terms.

The most sizable decrease of this category of population was in 2006 during the years of economic growth. The most negligible decrease was during the global economic crisis

(Figure 2).



Source: Statistical Indicators of the Estimation of Decent Work in Kazakhstan. Series 13. Employment of Population and Compensation. Agency on Statistics of the Republic of Kazakhstan, 2011

As we can see from the graph, the proportion of people who are not confident in job security decreases as the country's GDP grows. With the growth of GDP in 2005-2006, the uncertainty in the job security of the employed people decreased from 8.6% to 5.2%, respectively, and with the decrease in GDP growth in 2007-2008, the share of these persons increased from 4.2% to 4.4% accordingly. In this case, the calculations showed a close negative correlation. Negative correlation coefficient between the two variables was during this period.

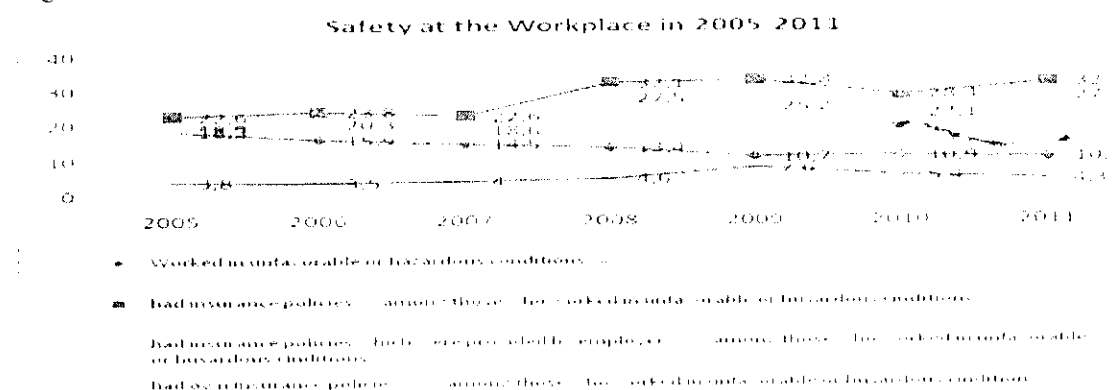
It should be noted that during the implementation of DWCP 2010-2012, the decrease in the number of people who are not confident in job security was observed. To illustrate, in 2010 their share made up 3.3% and in 2011 it was 3.0%.

To analyze the third indicator, namely “social dialogue and labor relations, expressed in the coverage of employees by collective agreements or labor unions, the level of social support (protection) from their employers”, the number of people with temporary jobs and employment status, as well as lack people who did not have a secure job, were examined. The analysis showed that those, who are employed temporarily, are not typically members of any labor unions, and therefore, are not involved in the social dialogue. The level of their support provided by an employer is quite low. Temporarily employed people are usually hired to complete some limited work during certain seasons, so they sign only short-term contracts. Very often their jobs are based only on verbal agreements.

The study showed that in 2005-2011 the number of people with temporary jobs decreased. Thus, in 2005, 467,312 people were employed temporarily, which accounted for 6.4% of the total number of the employed, while in 2011 there were 189,809 temporarily employed (2.3%). It should be noted that the decrease was not steady. For example, in 2009 the number of temporarily employed people increased compared to 2008 both in the absolute and relative terms from 192,146 to 196,278 people or from 2.4% to 2.5% accordingly. The period of implementation of DWCP for 2010-2012 was characterized by the steady decrease in the number of the people with temporary jobs. To illustrate, in 2010, there were 191,951 temporarily employed people (2.4%) and in 2011 there were 189,809 people with temporary jobs (2.3%).

Analysis of safety at the workplace in the context of implementation of the Concept of Decent Work showed decrease in the number of persons working in unfavorable or hazardous conditions. (Figure 3)

Figure 3



Source: Statistical Indicators of the Estimation of Decent Work in Kazakhstan, Series 13, Employment of Population and Compensation, Agency on Statistics of the Republic of Kazakhstan, 2011

As we can see from the graph, the level of safety at the workplace increased during the last six years. Thus, in 2005, 18.3% of the total number of employees or every sixth person had to work in unfavorable or hazardous conditions, while in 2011 the number decreased to 10.3%.

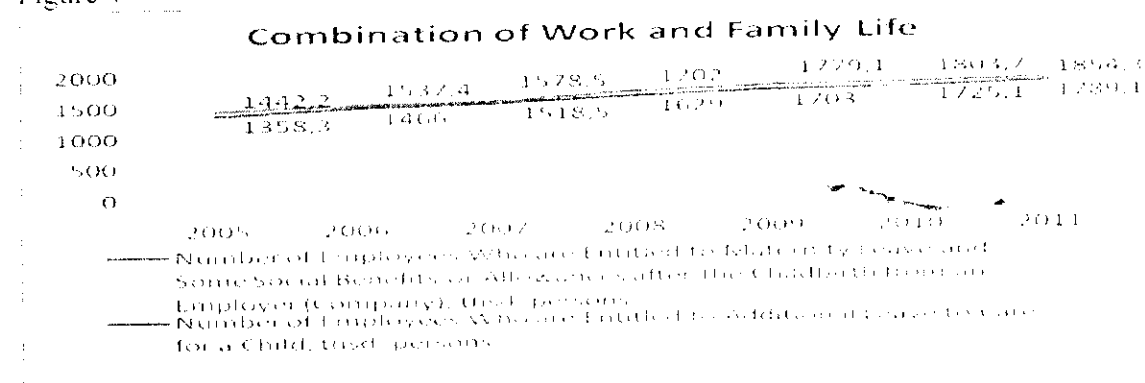
In order to mitigate consequences of the accidents at the workplace, according to the law # 405-II “On Social Security” of April 25, 2005, the employees receive insurance policies. Social insurance is mainly provided at an employer’s expense with a small part paid by an employee.

Despite the decrease in the number of people working in unfavorable and hazardous labor conditions, the downward tendency during 2005-2011 was not stable. Thus, during the period of both economic growth and even during the economic downturn (2005-2009), their number and, subsequently, their share decreased significantly, while in recent years, particularly during implementation of DWCP for 2010-2012, the downward trend became slower. Moreover, in absolute terms, the number of people who worked in unfavorable and hazardous conditions in 2010 and 2011 was higher than in 2009. To illustrate, 844,014 people worked in unfavorable and hazardous conditions in 2009, while in 2010 and 2011 there were 884,082 persons and 852,582 persons accordingly.

The analysis of the fifth indicator and in particular, providing 40-hours -week duration of the working week in 2005-2011, did not expose any peculiarities or tendencies. At the same time, the number of people who work over 40 hours a week decreased in 2001 in comparison with 2005 from 1,603,158 persons to 1, 517,903 persons accordingly. Indicators for 2009 show the smallest number of people who worked over 40 hours a week (1,383,693 persons).

To analyze possibility of harmonious combination of work and family life stipulated in the Decent work concept, prospects of combining these two essential aspects of life were considered based on such indicators as the number of employees who are entitled to maternity leave and some social benefits or allowances after the childbirth from an employer (company), and the number of employees who are entitled to additional leave to care for a child. (Figure 4)

Figure 4



Source: Statistical Indicators of the Estimation of Decent Work in Kazakhstan, Series 13, Employment of Population and Compensation, Agency on Statistics of the Republic of Kazakhstan, 2011

Naturally, the data does not fully reflect peculiarities of harmonious combination of work and a family life. The following indicators could also be used to measure this aspect: the number of people who worked part-time due to family circumstances, as well as an opposite trend when people work over 40 hours a week due the various family situations. Besides, the number of the employed who utilize a company's kindergarten could also be considered to measure this aspect.

However, in our view, these data do not provide a complete picture of possibility of combining work and family life unlike the data on employees who are entitled to maternity leave and social benefits or allowances after the childbirth from an employer (company). This indicator is more important not only due to its social significance. It is

also in line with the implementation of the ILO Convention 183 "On Maternity Protection".

As we can see from the graph, there is a positive trend in Kazakhstan in this direction. The trend is predetermined not only by the birth rate increase, but also the fact that mothers make full use of their legal right to an additional leave to take care of a child. The number of people who received additional leaves of absence exceeded the number of those who are entitled to the maternity leave and social benefits and payments from an employer at childbirth. To illustrate, share of maternity leaves in 2010 was 1.4% and 2.8% in 2011, while the share of employees who were on additional leaves made up 1.3% in 2010 and 3.7% in 2011.

It should be noted that the number of people who received additional leaves increased not only during the implementation of the DWCP for 2010-2012 but also after ratification of the ILO Convention 183 "On Maternity Leave."

The law of the Republic of Kazakhstan "On Ratification of the Convention to Review the Convention of 1952 on Maternity Protection" was adopted on February 2012 by the Decree of the President of Kazakhstan #554-IV.

In general, the retrospective analysis of the implementation of the Concept of providing Decent work in Kazakhstan shows that its implementation largely depends on the overall economic development both within the country and on the global scale. Thus, the rapid GDP growth of the country positively affected the implementation of the Concept of Decent work in Kazakhstan, while the global financial crisis had a negative impact on its indicators.

Meanwhile, significance of implementation of the national programs on providing Decent work, including DWCP for 2007-2009 and DWCP for 2010-2012, should not be underestimated. Under the ILO auspices and with the direct involvement of the social partners of the country, these programs concentrated and focused more on facilitating employees' working conditions in the country and providing them with a decent job. This is most clearly seen in the analysis and evaluation of the DWCP 2010-2012 presented in the following sections.

2.2. Major ILO cooperation priorities for implementation of the DWCP 2010-2012

As it was noted above, the National Program on Decent Work in the Republic of Kazakhstan for 2010-2012 signed by the social partners and, in particular, on behalf of the Government of the Republic of Kazakhstan by the Minister of Labor and Social Protection of Population of the Republic of Kazakhstan, on behalf of the employees of the Republic of Kazakhstan by the President of the Federation of Trade Unions of the Republic of Kazakhstan and on behalf of the employers by the President of the Confederation of Employers of the Republic of Kazakhstan included implementation of the following three priorities:

Priority 1. Regulation of issues in the sphere of labor relations in accordance with international standards

Priority 2. Promotion of efficient employment and social protection of men and women

Priority 3. Further development of tripartite cooperation and social dialogue

To implement the first priority of DWCP for 2010-2012, it was assumed that the fundamental principles and rights in the sphere of labor enshrined in the ILO papers and reflected in the national legislation will be further developed in the context of the new socio-economic transformation.

As part of implementing the second priority, it was anticipated that the major areas of cooperation will be used to promote the principles of the Global Compact ILO on labor on the following issues:

- Maintaining and expanding employment by improving labor market policy;
- Enhancing support to vulnerable groups of population hit hard by the crisis, including youth;
- Further improving legislation and mechanisms for the protection of migrant workers and their families;
- Providing equal access to skills development, quality training and education;
- Expanding social protection of men and women by improving the national social security system;
- Implementing and applying occupational safety and health management system in order to improve working conditions, including those of migrant workers.

Implementation of the third priority presupposed that the cooperation of the Republic of Kazakhstan and the International Labor Organization in 2010-2012 will focus on the further development of a social dialogue. The key partners' efforts will be aimed at implementing the principle of the Global Compact ILO in labor on participation in social dialogue based on the principles of tripartism and collective bargaining between employers and workers as constructive processes aimed at maximizing the impact of crisis responses taking into account the needs of the real economy.

2.3 Analysis and evaluation of the ILO activities aimed at regulating issues in the sphere of labor relations in compliance with the international standards (Priority 1)

To implement the first priority of DWCP for 2010-2012, it was planned to achieve the following three outcomes:

Outcome 1.1: *Improvement of the national legislation in accordance with the provisions under consideration for ratification of the ILO conventions in the sphere of labor conditions, social protection and gender equality*

Outcome 1.2: *Improvement of labour legislation*

Outcome 1.3: *Improvement of legislation and development of the national standards in the sphere of occupational safety in accordance with the international standards*

Outcome 1.1: *Improvement of the national legislation in accordance with the provisions under consideration for ratification of the ILO conventions in the sphere of labor conditions, social protection and gender equality.*

The primary role of the ILO in achieving this outcome was to help the social partners in the preparation of materials for the ratification of international conventions, provide

technical expertise for the improvement of labor legislation for more efficient application of the ILO standards and principles, as well as provide assistance and consultations in terms of a careful study of the conditions necessary for the ratification of other ILO priority conventions. In particular, it was assumed that the assistance will be provided to assess the effects of Kazakhstan's accession to the ILO Conventions 143 "On Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers" and 97 "On the Migrant Workers."

The ILO was also expected to provide the Republic of Kazakhstan advice and assistance in implementation of the Convention 162 on "Safety in the Use and Production of Asbestos", as well as in implementation of international standards in protection of labor, such as Convention 187, ILO-OSH 2001.

The following planned activities for 2010-2012 were used as assessment activities or performance indicators of 1.1 Outcome:

- Start preparatory work on ratification of the ILO Conventions 95 "On the Protection of Wages", 102 "On Social Security (Minimum Standards)", 131 "On Minimum Wage Fixing" and 183 "On Maternity Protection."
- With the technical support of the ILO to assess the effects of Kazakhstan's accession of the ILO Conventions 143 "On Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers" and the Convention 97 "On the Migrant Workers."
- Ratify the ILO Convention 162 "Safety in the Use and Production of Asbestos"
- Ratify the ILO Convention 187 to implement system of occupational safety and health management
- Ratify the ILO Convention 185 "On Seafarers' Identity Documents".

Analysis and assessment of implementation of the first activity showed that it was on the implementation stage, as it had been planned by DWCP for 2010-2012. In particular, technical consultations and coordination meetings regarding this activity are presently held in the country. Different inter-governmental procedures are held on ratification of the ILO Conventions 95 "On the Protection of Wages", 102 "On Social Security (Minimum Standards)", the Convention 131 "On Minimum Wage Fixing", the Convention 156 "On Workers with Family Responsibilities". In general, despite delay in considering ratification of the ILO Convention 102 upon the request of the Expert Committee of the Kazakhstani Ministry for Foreign Affairs till 2013-2014, implementation of these three directions of the activity took place according to the plan and can be assessed as positive - **Activity complete**.

It should be emphasized that the planned event scheduled in this direction, namely to start preparations for ratification of Convention 183 "On Maternity Protection" was implemented not only in the form of preparatory work, but also its ratification. In December 2011, to prepare for ratification of the Convention 183, the Kazakhstani Ministry of Labor and Social Protection of the Population jointly with the ILO and other social partners organized a seminar on issues of its ratification. In addition, scientific legal expertise was carried out to examine its compliance of the Kazakhstani legislation with the provisions of this Convention. In our opinion, the results of activities conducted by ILO, the Kazakhstani Ministry of Labor and Social Protection, the Federation of Labor Unions of the Republic of Kazakhstan, and the Confederation of Employers of the Republic of Kazakhstan can be assessed as very successful - **Activity over**

accomplished. (In our view, the activity deserves grade 6 on the 6-point assessment scale for DWCP activities).

In general, based on the outcome 1.1 of Priority 1, the implementation of the first planned activity can be assessed at 5.3 (as an average of the implementation outcomes of all four directions).

Analysis and assessment of implementation of the second activity (to conduct with technical assistance from the ILO impact of Kazakhstan's accession to ILO Convention 143 "On Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers" and the Convention 97 "On the Migrant Workers") showed particular urgency and relevance of the issue for Kazakhstan.

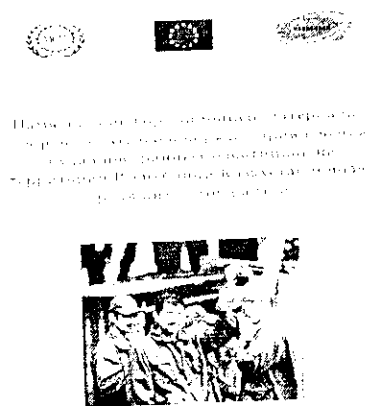
Today, the Republic of Kazakhstan is mainly "the country that receives labor migrants." To regulate this process in the republic, the law "On Population Employment" was adopted. In July 2011, the revised version of the law of the Republic of Kazakhstan "On Population Migration" was adopted. There are relevant regulations to establish quotas for foreign labor in the Republic of Kazakhstan, as well as the Terms and Conditions for issuing a foreign worker the permit to work and employers to hire foreign workers, which were approved by the government of Kazakhstan on January 13, 2012 (decree #45).

Despite all these measures, there are a number of problems in the country in this sphere. Some employers do not observe the rules and laws of the country in attracting foreign labor. In many cases the rights of migrant workers and their families are violated in the country. To conclude, the analysis of the effect of Kazakhstan accession to the ILO Convention 143 "On Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers" and the Convention 97 "On the Migrant Workers" is quite a significant provision in implementation of DWCP for 2010-2012 in Kazakhstan.

To provide some solutions of the issue, the ILO, the Confederation of Employers of the Republic of Kazakhstan, and the European Union issued a very useful brochure "The booklet and informational materials for employers on how to attract foreign workers in the Republic of Kazakhstan and the migrant workers' rights". Figure 5.

The instruction booklet was reprinted by the Confederation of Employers of the Republic of Kazakhstan with financial support from the EU as part of the ILO project "Regulation of labor migration as an instrument of interregional cooperation in Central Asia - Kazakhstan, Kyrgyz Republic and Tajikistan".

We believe that the release of the abovementioned booklet is an example and the result of a positive decision and implementation of the Decent Work Program in Kazakhstan. This booklet is not only a useful guide for the Kazakhstani employers, but also for the migrant workers from Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan.



In this regard, we recommend the International Labor Organization to extend this work to the above mentioned countries. In addition to Kyrgyzstan and Tajikistan, we included Uzbekistan and Turkmenistan in the list of the countries because intensive labor migration to Kazakhstan is widespread in these countries.

Despite considerable work carried out to implement the measure within the framework of DWCP for 2010-2012, it should be noted that in general the planned result of this measure, namely, providing assessment of the impact of Kazakhstan's accession to the ILO Conventions 143 "On Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers" and the Convention 97 "On the Migrant Workers" is still pending. Consequently, the efficiency of the completion of the measures in accordance with our adopted method, in our opinion, can be assessed as **positive or Activity is in progress.**

Analysis of implementation of the third planned activity of outcome 1.1 of Priority 1, namely to ratify ILO Convention 162 "Safety in the Use and Production of Asbestos" showed that it was completed. On January 17, 2011 the Parliament of the country adopted the Law of the Republic of Kazakhstan to ratify this Convention. Therefore, **the planned third activity on implementation of the outcome 1.1 of Priority 1 can be assessed as fully completed or the activity accomplished.**

Analysis of the implementation of the fourth planned activity, namely to ratify ILO Convention 187 in order to implement the occupation safety and health management system, also revealed that considerable work to adjust the international standards in occupational safety and health and to facilitate their implementation in production process was carried out in the country. As part of this work, the training courses for top managers of the organizations as well as for employees responsible for the occupational safety and health, were held in the country. The training program included such issues as:

- Organizing occupation safety management system. Requirements on safety and labor protection. Technical procedures and their content;
- International, intergovernmental and national standards (regulations). The guide for ILO- OSH 2001. GOST 12.0.230-2007;
- OSH management systems in organizations and methods of their development, implementation, maintenance and continuous improvement.

In spite of the tremendous work completed in this area, the ratification of Convention 187 planned for 2010-2012 has not yet occurred. However, the preparation for ratification is in its final stages. In particular, the Kazakhstani Ministry for Labor and Social protection jointly with the ILO conducted tripartite meetings with the participation of state inspectors from all the regions of the country on implementation of the OSH management system. Moreover, the focus and attention during the meetings was given to enterprises with a high level of hazard at the workplace.

Based on the above, implementation of the following four actions can be evaluated as positive or "activity in progress".

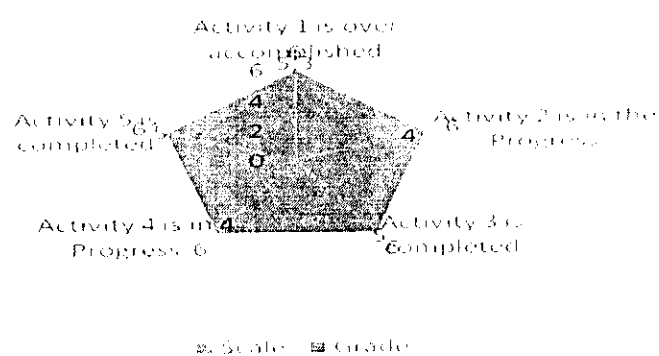
Analysis of the implementation of the fifth planned activity outcome 1.1 Priority 1, namely to ratify the ILO Convention 185 "On Seafarers' Identity" showed that it was fulfilled. On May 17, 2010, the Parliament adopted the Law of the Republic of Kazakhstan on the ratification of the Convention.

Therefore, the implementation of the fifth activity can be evaluated as complete or awarded the grade “5” of 6-point assessment scale of the activities.

Figure 6 displays a graphic radar representation of assessment of implementation of the outcome 1.1 Priority 1 according to five of the planned activities on 6- point assessment scale.

Figure 6.

Assesment of implemenation of 5 planned activities of the outcome 1.1 on the base of 6 grade scale



Overall, the total grade for implementation of the outcome 1.1 *Improvement of the national legislation in accordance with the provisions under consideration for ratification of ILO conventions in the sphere of labor conditions, social protection and gender equality* on Priority 1 - *Regulation of the issues in the sphere of labor relations in accordance with the international standards* is evaluated as “positive” and receives 4.7 points. (The grade represents an average grade for the five planned activities in implementing outcome 1.1). Almost all activities on achieving outcome 1.1 were completed as they had been planned in DWCP for 2010-2012.

Outcome 1.2: Improvement of the labor legislation

The ILO’s primary role in implementing this outcome was to promote the implementation of the Strategic Plan of the Ministry of Labor and Social Protection of the Republic of Kazakhstan for 2010 - 2014 by carrying out the review of the Draft Law of the Republic of Kazakhstan “On Amendments to the Labor Code of the Republic of Kazakhstan”. In addition, within the framework of this outcome, it was expected that the ILO will work to improve the legislation and practices of labor inspection to bring them in line with the recommendations of the audit, the ILO Conventions 81 and 129 and international norms.

A particular strategic direction in the implementation of this course was to provide expert assistance in the development of the new Employment Act based on the new concept of the labor market and employment of human resources in Kazakhstan.

Assessment activities or performance indicators of completion of the outcome 1.1 were the following events planned for 2010-2012:

- Draft Law “On introduction of changes and amendments to the Labor Code of the Republic of Kazakhstan”, taking into account comments provided by the ILO subdivisions, which monitor fulfillment of the ratified conventions;

- Adoption of the legislative and other measures to ensure the efficient participation of labor inspection in monitoring compliance with labor laws;
- Improvement of the legislation of the Republic of Kazakhstan in the sphere of employment and social security;
- Redrafted Law "On Migration"

The analysis and assessment of the fulfillment of the first activity showed that it had been completed. In particular, the ILO representatives conducted the review of the law of the Republic of Kazakhstan "On introduction of changes and amendments to the Labor Code of the Republic of Kazakhstan". They presented appropriate comments, which were taken into account while the law was being drafted. The national ILO coordinator Mr. Umirzhanov participated in the development of the draft law. To conclude the above mentioned, **the planned first activity on implementing the outcome 1.2 of Priority 1 can be assessed as fully completed or the Activity is completed.**

In the execution of the second part of the activity (Adoption of the legislative and other measures to ensure the effective participation of the labor inspectorate to monitor the implementation of labor laws), it should be noted that on January 6, 2011 the Law of the Republic of Kazakhstan #377-IV "On State Control and supervision in the Republic of Kazakhstan" was adopted in the Republic of Kazakhstan.

According to the Law, one of the main areas of activity, which the government controls and supervises, is the labor legislation, including the following issues:

- Monitoring compliance with legislation of the Republic of Kazakhstan on labor and occupational safety and health;
- Control of compulsory insurance against accidents at the workplace;
- Control in the field of employment.

Taking into account the abovementioned, implementation of the second activity (Adoption of the legislative and other measures to ensure the effective participation of the labor inspectorate to monitor the implementation of labor laws) of outcome 1.2 can be assessed as completed.

While discussing implementation of the third activity (Improvement of legislation of the Republic of Kazakhstan in the field of employment and social security) of the outcome 1.2 Priority 1, it should be noted that the fundamental document governing the processes of labor market and employment is the Law of the Republic of Kazakhstan "On Population Employment" adopted on 23 January 2001. Some amendments and modifications have been introduced into the law since its acceptance. In particular, in 2010-2012, the Law of the Republic of Kazakhstan of June 27, 2011 "On amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of employment and social protection" introduced amendments to the Law of the Republic of Kazakhstan "On Employment" according to which the concept of "self-employed" was defined anew.

In 2011, the "Concept of Human Resources Employment" and Employment program till 2020 were adopted.

In general, based on the above, we can conclude that the performance of the first sub-clause of the third activity (Improvement of the legislation of the Republic of Kazakhstan in the field of employment and social security) of the result 1.2, in our opinion, can be evaluated positively or as "activity in progress".

In terms of improving the legislation in the field of social insurance, it should be noted that in accordance with the concept of Social Security (2001), there is a three-tier social

security system in the republic, which consists of:

- basic social benefits guaranteed by the state
- compulsory social insurance
- voluntary (private) contributions for the recipients of social benefits who are defined as contributors.

Compulsory social security refers to the second level of social protection and is aimed at creating a system of additional protection for workers in the formal sector in case of social risks. The fundamental law in this area is the Law of the Republic of Kazakhstan of April 25, 2003 # 405-II "On Compulsory Social Insurance". There have been changes and additions introduced to the law on a regular basis.

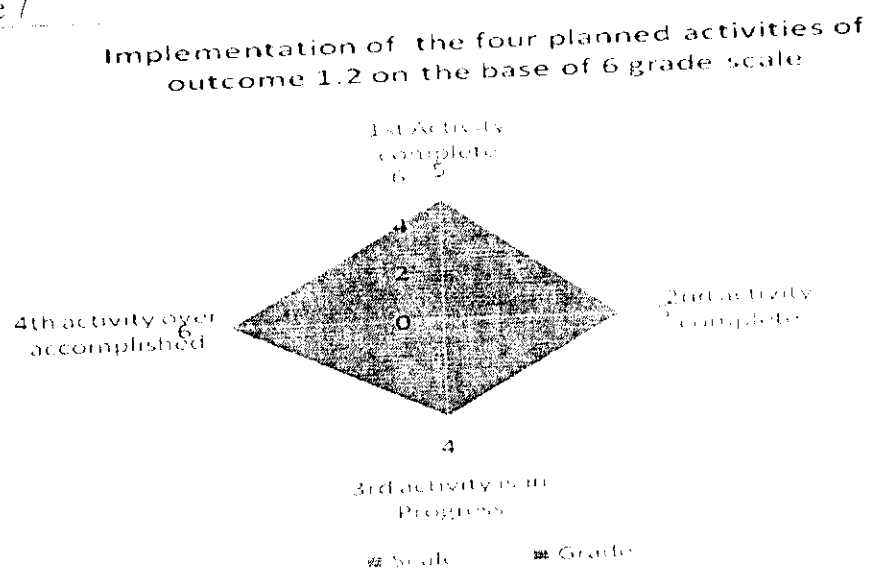
One of the significant events conducted by the Ministry of Labor and Social Protection and the ILO in the context of implementing this sub-clause was an international scientific practical conference "Social Modernization: New Social Policy" conducted on September 30, 2011. Important issues, such as major tendencies and prospects of the development of the social security in the Republic of Kazakhstan, were discussed at the conference. It is noteworthy that one of the issues, which represents a promising direction of the development of social security, was the issue of spreading the system of social security among the self-employed population in the future.

Overall, the analysis of the implementation of **the third activity** (*Improvement of the legislation of the Republic of Kazakhstan in the sphere of employment and social security*) outcome 1.2 shows that it is being implemented and **can be assessed positively**, i.e. "**the activity in progress**".

As it has been mentioned, on July 22, 2011, the law of the Republic of Kazakhstan "On Population Migration" #477-IV was redrafted. The development of the law on migration was planned as a part of DWCP activities for 2010-2012 as the fourth event of the outcome 1.2. In fact, the execution of the event exceeded expectations, so, in our opinion, **the fourth activity can be assessed at 6 points based on the accepted assessment scale**.

The Figure 7 shows graphical presentation of fulfillment of the four activities of outcome 1.2 Priority 1 planned by DWCP for 2010-2012.

Figure 7



To conclude, overall grade of outcome 1.2 implementation - *Improvement labor legislation* on Priority 1- **Regulation of issues in the sphere of labor relations in compliance with international standards** is assessed as positive and awarded a grade of "5" (The grade represents an average for all four planned activities on implementation of outcome 1.2). Almost all activities aimed to achieve Outcome 1.2 have been completed as planned by DWCP for 2010-2012.

Outcome 1.3: Improvement of legislation and development of the national standards in the sphere of occupational safety in accordance with the international standards.

Prior to the implementation of the DWCP for 2010-2012, the International Labor organization provided consultations on the mechanisms the newly enacted labor laws execution regarding occupational safety and health.

To implement DWCP for 2010-2012, in particular to achieve Outcome 1.3, it was expected that the ILO would continue to provide, if requested, advice and recommendations on improvement of legislation to reform the national system of labor in accordance with the provisions of the ILO Convention 155 and 187 and related recommendations.

The following three activities were planned to achieve the objectives:

- To introduce the new terms and concepts related to the assessment and management of occupational risks in the field of labor into the Labor Code;
- To analyze the regulations regarding occupational health and safety;
- To develop drafts of the State System of Safety Standards, "Safety management system in the organization. Application Guide.", "Occupational safety and health management systems in small enterprises. Requirements and Application", "Occupational safety and health management systems in organizations. The basic requirements of risk assessment and management" and "Occupational safety and health management systems in organizations. Organization review (audit)."

The issue of occupational safety and health are quite crucial and acute in Kazakhstan. The Ministry of Labor and Social Protection, the Committee on Control and Social Protection in particular, frequently carry out activities on providing occupational safety and health. These issues are discussed at the quarterly teleconferences of the Ministry of Labor and Social Protection with the enterprises, where situation with occupational safety has deteriorated.

The Ministry of Labor and Social Protection regularly conducts attestation of the production facilities on compliance of the workplaces and working conditions with the accepted standards and requirements on occupational safety. The analytical memo of the Ministry of Labor and Social Protection of January 1, 2012, shows that there are 2,425 enterprises, which passed the attestation on labor conditions. During the first six months of 2012, attestation of 1,104 production enterprises was conducted.

It should be noted that the performance in the area of occupational health and safety has worsened to some extent.

The analysis of the Priority 1 implementation of DWCP for 2010-2012, particularly of the first activity of Outcome 1.3 showed that technical consultations on introducing new terms and concepts into the Labor Code related to the assessment and OSH management were conducted in the country online or during the business trips. One of the most evident

examples is consultations carried out within the framework of the Labor Forum conducted in Atyrau on November 2010 “Strategic Objectives of Risk Management in the Sphere of Labor and Human Capital Development”.

The conducted technical consultations and the Labor Forum resulted in the introduction into the Labor Code, and in this regard the need to adopt legislative prerequisite to set up the Committees on Occupational Health and Safety in companies and organizations.

In addition, the revised Labor Code includes international standards on labor safety.

To sum up, the analysis and assessment of the implementation of the first activity of Outcome 1 shows that the MLSP RK, as well as the ILO, carried out certain amount of work on its implementation; therefore, the activity can be assessed as complete

In implementing the second part of the planned activities of Outcome 1.3, it should be noted that the analysis of regulations in the field of occupational health and safety is carried out on an ongoing basis. It is stipulated not only by the important social significance of the occupational health and safety issue, but also the necessity of legal regulation of the issue and in particular in the context of the Labor Code.

The implementation of the activity is evaluated as positive or the activity is completed.

To implement the third direction of the Outcome 1.3 of Priority 1, the Ministry of Labor and Social Protection, the Federation of the Labor Unions of Kazakhstan, the Kazakhstani Employers’ Association, and the ILO organized a two-day seminar on occupational safety in oil and gas industry, which included individual sessions on the analysis of ILO standards on occupational safety. The seminar was held during the Labor Forum on November 3, 2010, in Atyrau.

The analysis of the planned activities in this direction, particularly in the development of drafts of the State System of Safety Standards, “Safety management system in the organization. Application Guide”, “Occupational safety and health management systems in small enterprises. Requirements and Application”, “Occupational safety and health management systems in organizations. The basic requirements of risk assessment and management” and “Occupational safety and health management systems in organizations. Organization review (audit)” showed that not only had the projects been developed, they were approved by the Committee on Technical Regulation and are being enforced. The Table 3 shows data (as of January 1, 2012) on the enterprises, which implemented international and national standards on occupational safety and health.

Table 3

| # | Regions and cities | The number of acting large enterprises categorized as “private” (according to the report on the collective agreements as of 01.01.2012) | | | The number of enterprises that implemented OSH standards (based on the results for 2011) |
|---|--------------------|---|--------|-------|--|
| | | Including: | | | |
| | | large | medium | small | |
| 1 | Akmolinskaya | 60 | 274 | 4246 | 61 |
| 2 | Aktyubinskaya | 36 | 375 | 6244 | 55 |
| 3 | Almatinskaya | 74 | 268 | 7152 | 68 |

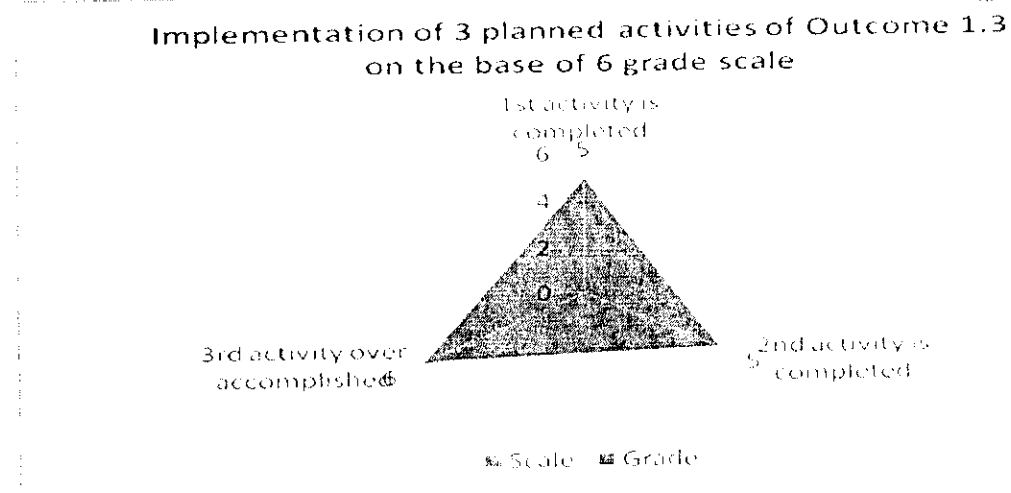
| | | | | | |
|----|-----------------------|------|------|--------|------|
| 4 | Atyrauskaya | 59 | 175 | 5159 | 55 |
| 5 | Eastern Kazakhstan | 97 | 338 | 8391 | 112 |
| 6 | Zhambylskaya | 21 | 115 | 3939 | 56 |
| 7 | Western Kazakhstan | 37 | 132 | 3734 | 78 |
| 8 | Karagandinskaya | 85 | 383 | 12154 | 152 |
| 9 | Kyzylordinskaya | 38 | 171 | 3495 | 41 |
| 10 | Kostanayskaya | 77 | 306 | 5490 | 71 |
| 11 | Mangistauskaya | 59 | 219 | 6394 | 17 |
| 12 | Pavlodarskaya | 46 | 167 | 5522 | 29 |
| 13 | Northern Kazakhstan | 39 | 252 | 3619 | 61 |
| 14 | Southern Kazakhstan | 90 | 303 | 10587 | 69 |
| 15 | Astana city | 118 | 385 | 18541 | 115 |
| 16 | Almaty city | 412 | 1483 | 47067 | 29 |
| 17 | Total in the republic | 1348 | 5346 | 151734 | 1069 |

Source: MLSP RK

To summarize the abovementioned, we can state that the implementation of the planned third activity of Outcome 1.3 **exceeded expectations and can be given the highest score of "6" according to the 6-point assessment scale.**

The Picture 8 shows graphical representation of implementation of the three activities of the Outcome 1.3 Priority 1 planned by the DWCP for 2010-2012.

Picture 8.



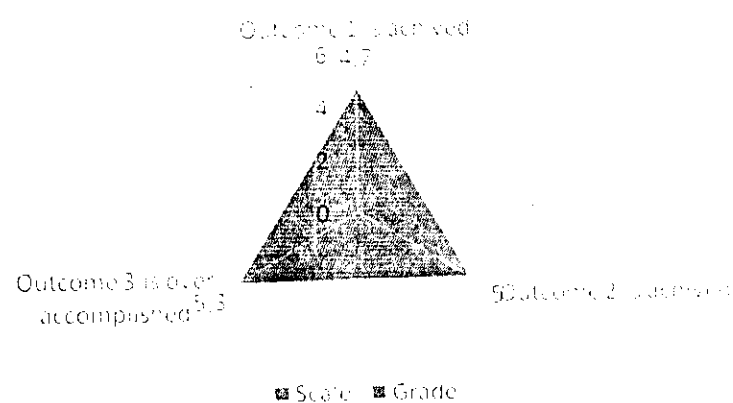
In general, the overall assessment of the implementation of the Outcome 1.3 - *Improvement of legislation and the development of national standards for*

occupational safety in accordance with international norms on Priority 1 - **Regulation of issues in the field of labor relations in accordance with international standards** is evaluated by us at 5.3 points (This estimate was obtained as a weighted average of three planned activities to implement the Outcome 1.3). All activities aimed at the achievement of the Outcome 1.3 have been fulfilled and some of the activities even exceeded expectations.

The Figures 6-8 display the results of evaluation of the implementation of Outcomes 1.1, 1.2, and 1.3, Priority 1. But Figure 9 shows a total assessment of the three outcomes of Priority 1.

Figure 9.

Implementation of three Outcomes of Priority 1 on the base of 6 Grade Scale



As we can see from the Figure 9, the Outcome 1.1 received a grade of "4.7", the second received "5", and the third was assessed at "5.3". **Overall, the Priority 1 of the DWCP for 2010-2012 was fulfilled. The planned events of the program for this Priority were executed and the outcomes were achieved.**

2.2 The analysis and evaluation of the ILO activities aimed at assisting the efficient employment and social protection of men and women (Priority 2)

It was planned to implement and achieve five outcomes within the Priority 2 of the DWCP for 2010-2012:

- Outcome 2.1:** Improvement of the employment policies and labor market
- Outcome 2.2:** Creating sustainable workplaces through the development of professional skills and business education, taking into account the gender aspect
- Outcome 2.3:** Improvement of the national system of social protection
- Outcome 2.4:** Implementation and use of the systems of occupational safety management in some industries of higher labor risks to provide safe working conditions for workers, including labor migrants

Outcome 2.5: Further improvement of legislation and mechanisms aimed at protection of labor migrants and their families

Outcome 2.1: Improvement of the employment policies and labor market

The main strategic direction to achieve this result was the development of the new Employment Act aimed at increasing employment and regulating the unemployment level implementing precautionary economic measures.

Major planned activities to achieve the Outcome 2.1 were:

- Implementation of Activity Plan on improvement of population employment system in the Republic of Kazakhstan for 2008-2010;
- Development of the new Concept of labor market regulations and employment of human resources in Kazakhstan;

The analysis of the implementation of the two abovementioned activities demonstrated active participation of the ILO and tripartite partners in their implementation. In 2010, the Concept on labor market regulations and employment of human resources in Kazakhstan was developed. In 2010, the Employment program was also developed. The ILO specialists, as well as experts from the Federation of the Labor Unions of Kazakhstan, the Kazakhstani Employers' Association, and other organizations presented their technical comments and recommendations, which were taken into account in improving the legislation.

It should be noted that the Concept on labor market regulations and employment of human resources in Kazakhstan was not only developed but also enacted. Innovations that were included in this Concept were then incorporated into the "Employment Program 2020". In addition, there were numerous innovative provisions in the Employment Program 2020.

The analysis of these documents revealed that the following aspects can be considered as innovative:

- The policy of labor market regulation as a specific subject matter was determined;
- The attention was focused on the development of entrepreneurship in the country and specific financial instruments for its development were proposed;
- The problem of self-employed people were voiced and the solutions in this area were proposed.

In general, both of the planned activities aimed to achieve Outcome 2.1 were implemented and can be estimated as **completed activities**. Moreover, the implementation of the second activity exceeded expectations. The concept was not only developed and adopted, but it was also executed in practice. *In this regard, if the first activity can be estimated as "excellent", i.e. as implemented, the second task can be evaluated as over-fulfilled or awarded a grade of "6" on the basis of six-point rating scale adopted to assess the implementation of the activities planned for DWCP 2010-2012.*

To conclude, the implementation of the Outcome 2.1 can be assessed at "5.5" as an average grade for implementation of two activities.

Outcome 2.2: Creating sustainable workplaces through the development of professional skills and business education, taking into account the gender aspect

To achieve the Outcome 2.2, the following activities were planned to implement within the framework of the DWCP for 2010-2012:

- Introduction of a modular training methodology and the program "Introduction to Business" in educational institutions of vocational education;
- Extension of access to entrepreneurial education and training, including through the institutionalization of the ILO training program "Start and Improve Your Business" within the framework of the National Employment Program;
- Approval of the State compulsory standards of the Republic of Kazakhstan on further professional education of employees with a degree "Occupational health and safety".

Analysis and evaluation of the implementation of the first and second activity revealed that the introduction of modular training methodology and the program "Introduction to Business" in educational institutions of vocational education is implemented in conjunction with the Ministry of Education and Science of the Republic of Kazakhstan.

As part of the planned activities, the International Labor Organization implemented a new approach aimed at addressing a range of different tasks to expand the opportunities for access to entrepreneurial education and training, with special emphasis on youth employment and gender equality. The ILO provided support in the development of knowledge and implementation of The Virtual resource platform¹ for instruction on how to do business.

The ILO also began to contribute to the advocacy and outreach in the region to attract women, young people to learn entrepreneurial skills and set up their own business through series of seminars, workshops, and roundtables.

As the national publications noted: *"Initially, the Program developed by the International Labor Organization is taught through a new teaching methodology using the Internet, interactive whiteboards, and video materials. The course "Introduction to Business" includes nine modules that explain how to find a good business idea, start a business, write a business plan and other components of successful business".*²

As part of the planned activities in Almaty and Enbekshikazakh region of Almaty oblast, in 2011, a pilot survey on the structure and status of self-employed people was conducted among men and women. All the activities were carried out to implement the Employment Program 2020.

It should be noted that the "Introduction to Business" and "Start and Improve Your Business" were implemented as part of the Employment Program 2020 approved by the government. To ensure the successful implementation of the Employment Program 2020, and in particular the above programs, the republic held technical advice on microfinance and improve the mechanism for providing micro-credits for both men and women.

To summarize, the achievement of Outcome 2.2, and particularly, the first and second activity, they are being implemented successfully and their execution can be assessed as completed.

¹ Virtual Resource Platform and Electronic Portal on Entrepreneurship training were developed in close cooperation with the International Education Center in Turin and are new initiatives of the ILO in the sphere of employment in the sub-regional countries.

² <http://www.inform.kz/rus/article/2300997> Kazinform: In Kazakhstan, over 100 000 students of vocational schools can get training on the ILO developed program

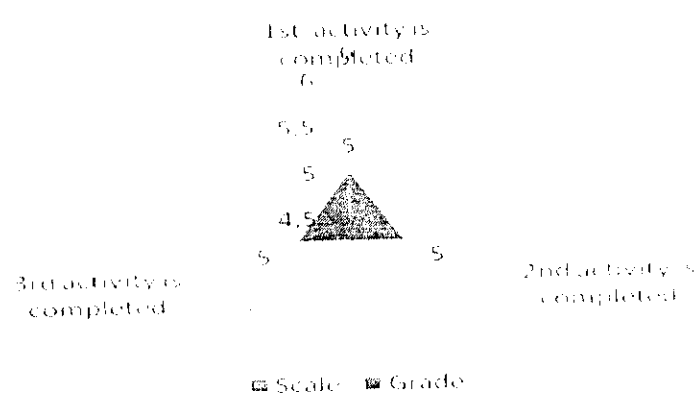
On April 21, 2011 “The State compulsory standards RK for further professional education of employees with a degree “ Occupational health and safety” was approved.

Based on this, the third planned activity was also carried out and, consequently, can be evaluated as “excellent”.

The Figure 10 shows graphical representation of the implementation of three activities of Outcome 2.2 Priority 2 planned for DWCP 2010-2012.

Figure 10

Implementation of three planned activities of Outcome 2.2 on the base of 6 grade scale



Generally, Outcome 2.2 of Priority 2 was achieved. All planned activities on its achievement were fulfilled exceptionally.

Outcome 2.3: Improvement of the national system of social security

To achieve Outcome 2.3, the following activities were planned for the National Decent Work Program for 2010-2012:

- To introduce amendments to the legislation regarding retirement aimed at increase of the pension payments and wage replacement rates in line with the ILO Convention 102. Improvement of methods for determining the minimum subsistence level;

• To improve methods for determining the minimum subsistence level.
The pension reform, which began in 1997 with the adoption of the Concept of Reforming the Pension System in Kazakhstan, marked the first decisive step in reforming the social sphere as a whole. The main goal of the reform was to build a financially sustainable fair system commensurate with an employee's labor contribution to his/her pension formed through a personalized account of retirement contributions. Despite the validity of functioning, the pension system does not adequately take into account the impact of market mechanisms on the accumulated pension contributions. In particular, economic growth and inflation processes, especially in the periods of financial crisis, are the main reasons behind calls for review of the mechanism of pension benefits, as well as the size of the payroll.

To implement the first activity of Outcome 2.3, the ILO, the Ministry of Labor and Social Protection and other social partners carried out the review of the pension legislation aimed to increase the retirement payments. As a result, the law of the Republic of Kazakhstan #363-IV “On Introduction of Amendments into the Law of Republic of

Kazakhstan "On Pensions in the Republic of Kazakhstan" regarding the increase in retirement payments was adopted on December 15, 2010. On the basis of this statute, the minimum retirement payment was increased by 75 per cent of 39-fold monthly index, compared to the 32-fold monthly index.

Social problems and prospects of development of pension and annuity insurance were discussed and reviewed on September 30, 2011 at the international scientific and practical conference "Social modernization - a new social policy". The comments of the ILO experts on the social security system were presented at this conference.

On December 8, 2011, the Ministry of Labor and Social Protection, the Confederation of the Kazakhstani Labor Unions, the Kazakhstani Association of Employers, and the ILO held a roundtable, where the experience of other countries in determining the minimum subsistence level was presented.

By and large, in our opinion, the first planned activity of the Outcome 2.3 Priority 2 regarding the introduction of amendments into the pension legislation aimed to increase retirement payments can be assessed as a complete activity

At the same time, the second planned activity of the Outcome 2.2 Priority 2, namely "Improvement of the methods to determine the minimum subsistence level and its approval" has not yet been fulfilled completely.

The decision of the Expert Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan to postpone the ratification of the ILO Convention 102 till 2013-2014 was a negative factor in implementing this activity.

Despite this, considerable work on improving methodology was conducted and completed in the country. For example, the International Labor Organization has carried out study of utilization of the Median approach as a criterion of social assistance or minimum subsistence level.

In our view, **the second planned activity on achieving Outcome 2.3 can be assessed as the activity in progress.**

To summarize the abovementioned, the Outcome 2.3 should be considered as implemented. Based on the average evaluation of the two planned activities, it can be estimated at 4.5 points.

Outcome 2.4: Implementation and use of the systems of occupational safety management in some industries of higher labor risks to provide safe working conditions for workers, including labor migrants

To achieve Outcome 2.4, the following activities were planned by the National Program of Decent Work for 2010-2012:

- To introduce the occupational health and safety (OSH) management system in accordance with the State system GOST 12.0.230-2007 "Occupational safety management system. General Requirements" at enterprises of the country.

- To develop and implement the curriculum and training for employees on occupational safety:

- To establish the Advisory Council at the National Institute of Labor Safety, with the participation of social partners on reviewing and implementing the scientific research results into the practical activities of the enterprises:

- To conduct annual training for state labor inspectors and social partners on methods of implementing the Interstate GOST 12.0.230-2007 the State system GOST 12.0.230-2007 "Occupational safety management system. General Requirements" (ILO-OSH 2001);
- To distribute experience of the ILO program "Work Improvement in Neighborhood Development" (WIND);
- To implement the issues of HIV/AIDS prevention in the workplace the occupational health and safety management system.

To implement the first planned activity, the occupational health and safety management system in the country is being implemented in country with the advice from the ILO, in accordance with the State system GOST 12.0.230-2007 "Occupational safety management system. General Requirements".

As of January 1, 2012, the number of production enterprises, where labor conditions were inspected, made up 2,425. During the first months of 2012, the review of working conditions was carried out at 1,104 enterprises. According to the reports of the territorial departments, 1,069 international and national standards of occupational safety have been implemented at the enterprises of the country, which increased the results of the previous year (253) by seven times. On April 29, 2011, the tripartite meeting on the issues of implementing the occupational health and safety management system at the enterprises with high occupational risk was held.

The analysis of the implementation of this activity of Outcome 2.4 shows that it is being implemented and is being fulfilled as it had been planned in the DWCP for 2010-2012. **Based on this, the activity can be assessed as completed.**

The second scheduled event on the development and implementation of the Curricula and training programs for employees on occupational health and safety has been completed as well. The analysis shows that the training program for managers at all levels of management and technical workers of engineering companies on "Occupational Safety and Health" approved on January 21, 2011 includes 15.5 hours of training. It consists of two main sections: Basic Occupational Health and Safety and The Basics of Occupational Safety Management in the Organization.

According to the plan, the Council was established at the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan to review and implement the results of scientific research into the practical activities of enterprises in the country. While discussing the effectiveness of this Council, it should be noted that the representatives of social partnership should be included into the Council, as it had been scheduled by the activity plan, because none of the research does not go through this Council. Including the representatives of workers and employers into the Council will not only help to ensure transparency of the Council's work, but also improve the quality of its work.

Based on the abovementioned facts, the third scheduled activity, in our view, can be considered as partially fulfilled, i.e. it is in progress.

To implement the fourth scheduled activity of Outcome 2.2 Priority 2, namely *(to conduct annual training for the state labor inspectors and social partners on methods of implementing the Interstate GOST 12.0.230-2007 the State system GOST 12.0.230-2007 "Occupational safety management system. General Requirements" (ILO-OSH 2001)*, the Ministry of Labor and Social Protection, as well as other social partners with consulting support from the ILO, regularly hold training seminars for the professionals directly involved into the occupational safety. In 2011, 2003 seminars were organized for the state labor inspectors. 1,516 seminars were organized during the first six months of 2012.

The Table 4 shows the report on the information-reputational work of the state labor inspectors according to the results of 2011 and the first six months of 2012.

Report

on the information-reputational work of the state labor inspectors according to the results of 2011 and the first six months of 2012

| Regions and cities | Participation in approving the production enterprises' conditions | | The number of enterprises that passed the review on labor conditions | | | | The number of prepared methodological recommendations | | | | Organized: | | | | The number of reviewed claims and grievances | | | | Including the issues of: | | | |
|--------------------|---|----|--|----|---|---|---|-----|----|---|----------------------|------|--------------|------|--|------|------|------|--------------------------|------|------|------|
| | | | | | | | | | | | Seminars and classes | | Media events | | Labour relations | | OSH | | Population employment | | | |
| | | | | | | | | | | | 2012 | 2011 | 2012 | 2011 | 2012 | 2011 | 2012 | 2011 | 2012 | 2011 | 2012 | 2011 |
| Akmolinskaya | 25 | 21 | 53 | 21 | 0 | 0 | 1 | 124 | 38 | 4 | 558 | 610 | 495 | 563 | 62 | 4 | 1 | 0 | | | | |
| Aktyubinskaya | 84 | 89 | 26 | 23 | 0 | 0 | 9 | 106 | 61 | 6 | 491 | 673 | 472 | 646 | 19 | 2 | 0 | 0 | | | | |
| Almatinskaya | 0 | 0 | 17 | 8 | 0 | 0 | 1 | 120 | 34 | 2 | 259 | 310 | 253 | 305 | 6 | 5 | 0 | 0 | | | | |

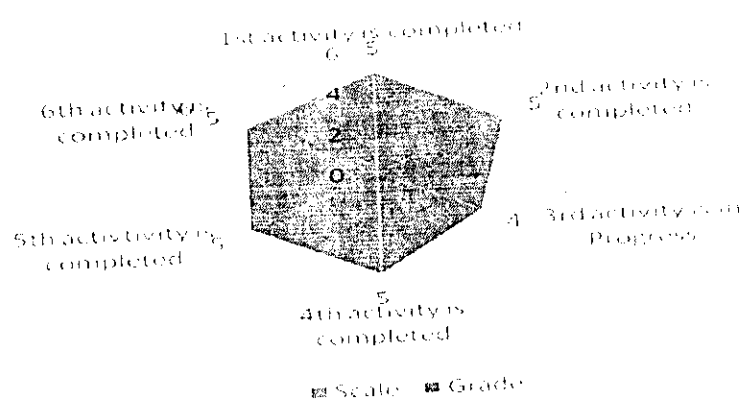
Execution of the sixth planned activity under section 2.4, Priority 2, i.e. issues of implementation of HIV/AIDS prevention in the workplace by the occupational health and safety management system is being out quite effectively. For example the issues of HIV/AIDS prevention were included in the curricula and training employees on occupational safety. Based on the urgency and severity of the issue, on September 29-30, 2012, the training workshop for the state labor inspector was organized on "HIV / AIDS in the sphere of labor".

To sum up the abovementioned, the implementation of the six scheduled activities to achieve the Outcome 2.4 of Priority 2 is carried out according to the schedule or has been completed.

Overall, implementation of Outcome 2.4 can be evaluated as fulfilled and given a grade of "4.8" as an average grade for all six scheduled activities. (Figure 11).

Figure 11.

Implementation of 6th planned activities Outcome 2.4 on the base of 6 grade scale



Outcome 2.5: Further improvement of legislation and mechanisms aimed at protection of labor migrants and their families

Kazakhstan is a country that is deeply integrated into the regional and international labor markets. In the republic, there are a lot of migrant workers not only from neighboring countries, but also from far abroad. Despite the legislative base, the issues of labor migration and, especially protection of migrant workers and their families, are acute and urgent. In order to address these issues, the following measures were planned to implement in the DWCP 2010-2012:

- Introduction of the provisions workers in the national legislation aimed at protecting the rights of migrant;
- Development and implementation of special measures/programs aimed at improving social protection of migrant workers by the Government and the social partners;
- Development of bilateral and multilateral agreements in the field of labor migration with other countries.

To implement the first and second scheduled events, on July 22, 2011, the redrafted law of the Republic of Kazakhstan "On Population Migration" was adopted. According to the law, particularly, the Article 4 "major principles and objectives of the state policy on population migration" and the Article 5 "Rights and Obligations of the Immigrants", the Republic of Kazakhstan protects the rights of the immigrants, who arrived in the country to work. According to the Article, Clause 2 and sub-clause 1, the major objectives of the state policy are protection of the migrants' rights and freedoms. According to the Article 5, Clause 1 and sub-clauses 1 and 2, the immigrants in the Republic of Kazakhstan are entitled to the rights and freedoms stipulated for the Kazakhstani citizen if otherwise is not stipulated by the Constitution, statutes and international agreements. The immigrants also have the right to education, medical and social assistance in the order established by the legislation of the Republic of Kazakhstan.

In developing the draft law, the International Labor Organization, as well as its social partners, organized meetings and held discussions with various constituents regarding inclusion of migrant workers in the social security system. In addition, the comments of the International Labor Organization on the draft law "On Migration" were presented to MLSPP RK.

It should be noted that the agreement #147-XX111 in the sphere of labor migration and social protection of the migrant workers ratified on September 8, 1994, provides the basis on the issues of labor migration for CIS countries.

In addition, to ensure the regulated legal status of migrant workers and members of their families and implement the principle of equal treatment of migrant workers and nationals of the host state in issues regarding living conditions and work, on November 14, 2008, in Chisinau, the Convention on the Legal status of Migrant Workers and Members of Their Families of the Commonwealth of Independent States was signed. The Convention was ratified by the Statute #235-IV of the Republic of Kazakhstan on December 31, 2009. Within the framework of the statute, the Decent Work Country Program for 2010-2012, particularly the two abovementioned activities have been implemented.

Despite a number of positive events carried out in the sphere of protection of migrant-workers rights in Kazakhstan, there is still a range of vital unresolved issues. First and foremost, there is an issue of labor migrants who work in the informal sector of economy. The problem of informal economy drew a lot of attention in the process of implementing DWCP for 2010-2012. Due to the significance of the issue, the ILO carried out a study "Development of Policies and Measures to Facilitate the Transition from the Informal to the Formal employment (the example of Kazakhstan)".

It is pointed out in the study that:

"Informal working conditions of migrant workers fail to comply not only with sanitary, but also with simple human conditions. For example, they trade in the cold or in the rain, in the places that are not equipped for this purpose. Construction workers do not have the means of protection when working in hazardous conditions. Seasonal illegal labor migrants in many cases do not have days off. Moreover, seasonal workers lack basic living conditions. They sleep in tents, at best in the barracks that accommodate 10-15 people in a room. Informal migrant workers engaged in construction work in shifts for 15 days, 10 hours a day. Many of them work for 10-15 hours a day."

To conclude, despite considerable work carried out in line with the implementation of the Outcome 2.5 and in particular the first two of the planned activities, in our view, it is necessary to continue this work in the future with a focus on the informal labor migration.

In general, based on the analysis of the ILO activities and its social partners in implementing the first and second events scheduled for Outcome 2.5, priority 2 of DWCP 2010-2012 it should be noted that these program highlights have been accomplished and can be assessed positively.

In the context of the planned third activity, the Republic of Kazakhstan signed a variety of bilateral and multilateral agreements with other countries in the field of labor migration. Particularly, prior to the implementation of DWCP 2010-2012 the following agreements were signed:

- Between the government of Kazakhstan and the government of the Kyrgyz Republic on employment and social protection of migrant workers employed in agriculture in the border areas. This agreement was approved by the Government Resolution #29 on December 16, 2003;

- Between the government of Kazakhstan and the government of the Republic of Tajikistan on labor and protection of the rights of the migrant workers - the Kazakhstani citizens temporarily working in the Republic of Tajikistan, on labor and protection of the rights of the migrant workers - the citizens of the Republic of Tajikistan temporarily working in Kazakhstan. This agreement was approved by the Resolution # 1248 of the government of the Republic of Kazakhstan on December 23, 2006;

- Between the government of Kazakhstan and the government of the Kyrgyz Republic on the employment and protection of the rights of migrant workers -citizens of Kazakhstan temporarily working in the Kyrgyz Republic, on the employment and protection of the rights of migrant workers -citizens of the Kyrgyz Republic temporarily working in Kazakhstan. This agreement was approved by the government of the Republic of Kazakhstan on 13 June 2007 (resolution #1248);

- Between the government of Kazakhstan and the government of the Socialist Republic of Vietnam on temporary employment of citizens of the Republic of Kazakhstan in the Socialist Republic Vietnam and citizens of the Socialist Republic Vietnam in Kazakhstan. This agreement was approved by the Government Resolution 601 on June 17, 2010.

The Republic of Kazakhstan, the Russian Federation, and the Republic of Belarus established a single economic space. In accordance with the decree of the Supreme Eurasian Economic Council since January 1, 2012 the Agreement on the Legal Status of Migrant Workers and Members of their Families came into force. The agreement defines the legal status of migrant workers and their families and also regulates the procedure for migrant workers' employment and issues related to their social protection. It should be noted that the conditions for the free movement of workers - citizens of countries participating in the EEA in the three countries are the main feature of this Agreement.

The ILO, and the Federation of the Trade Unions of the Republic of Kazakhstan play active role in protecting the migrant-workers' rights.

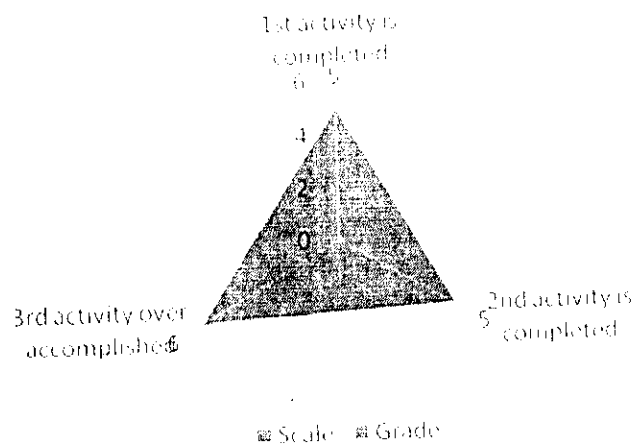
For another ILO project "Regulation of the labor migration as a tool for development and regional cooperation in Central Asia - Kazakhstan, Kyrgyzstan and Tajikistan" (2008-2011), on March 31 in Astana, the Agreement on cooperation between the federations of trade unions of Kazakhstan, Kyrgyzstan and Tajikistan was signed.

Based on the abovementioned, it should be noted that **implementation of third scheduled event has been very successful and it can be estimated at 6 points according to 6-point grading evaluation of the activities.**

Figure 12 shows implementation of planned activities of Outcome 2.5

Figure 12.

Implementation of 3 planned activities of Outcome 2.5 on the base of 6 grade scale

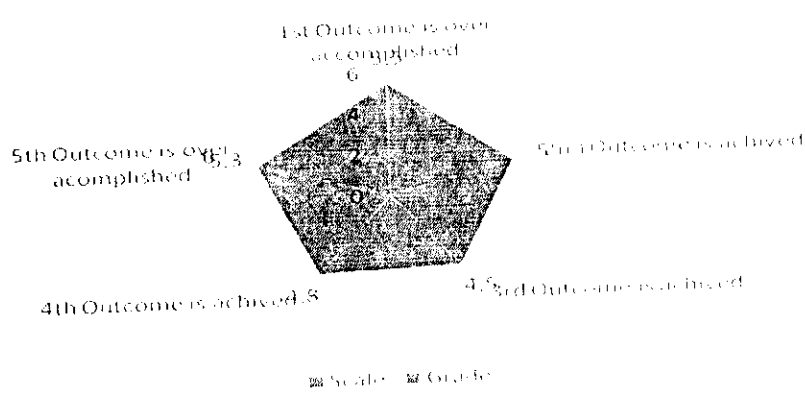


Thus, the implementation of Outcome 2.5, Priority 2 can be assessed at "5.3" as an average grade for all three completed activities.

Figure 13 shows total assessment of Priority 2.

Figure 13.

Implementation of 5th Outcomes of Priority 2, on the base of 6 grade scale



Analysis of implementation of five outcomes Priority 2 of Decent Work Country Program for 2010-2012 shows that all outcomes were achieved and moreover they were solved successfully. Average grade of implementation of the Priority is 5.2

2.5 Analysis and evaluation of the ILO activities aimed at further development of tripartite cooperation and social dialogue (Priority 3)

It was planned to implement and achieve three outcomes within the Priority 3 of the DWCP for 2010-2012:

Outcome 3.1: Improvement of social dialogue efficiency on all levels and increase of status and role of the tripartite committees

Outcome 3.2: Promotion of corporate social responsibility

Outcome 3.3: Strengthening of social partnership to eliminate the worst forms of child labor

Outcome 3.1: Improvement of social dialogue efficiency on all levels and increase of status and role of the tripartite committees

To achieve the Outcome 3.1, the following activities were scheduled within the National Program for Decent Work for 2010-2012:

- To implement ratified conventions regarding to collective bargaining (#87, #98 and #135):
- To take measures to strengthen social dialogue and implement agreements on the level of different sectors:
- To improve the institutional capacity of employers' associations and trade unions, including on the level of different sectors:
- To strengthen the role and capacity of tripartite commissions in adopting anti-crisis measures and the implementation of the Global Jobs Pact;
- To enforce agreements on both employers and employees at all levels;
- To increase capacity of tripartite partners to develop mechanisms that regulate the activities of social partners on prevention of HIV / AIDS in the workplace and their application in practice.

As of today, Kazakhstan ratified twenty ILO conventions, including the Convention 87 "On the Freedom of Association and Protection of the Right to Organize Convention" (Statute of the Republic of Kazakhstan #29-11 of 30.12. 1999); the Convention 98 "The Right to Organize and Collective Bargaining" (Statute of the Republic of Kazakhstan # 118-11 of 14.12.01) and the Convention 144 "On Tripartite Consultations" (Statute of the Republic of Kazakhstan #12-11 of 30.12.1999). As part of the implementation of these conventions, various collective agreements have been signed. In 2008, due to their particular significance in the country, a campaign "Sign a collective agreement!" was held in the country. At present, the ongoing activities are held to increase integration of enterprises and organizations in collective bargaining relationships. Table 5 shows the data on the number of contracts as of the second quarter of 2012

Table 5. Data on the number of contracts as of the second quarter of 2012

| # | Regions and cities | The number of | The number of acting collective |
|---|--------------------|---------------|---------------------------------|
|---|--------------------|---------------|---------------------------------|

| | | acting enterprises | agreements | |
|-----|-----------------------|--------------------|------------|------|
| | | | Total | % |
| 1. | Akmolinskaya | 6513 | 3382 | 51.9 |
| 2. | Aktyubinskaya | 8276 | 2559 | 30.9 |
| 3. | Almatinskaya | 9325 | 5680 | 60.9 |
| 4. | Atyrauskaya | 6380 | 2149 | 33.7 |
| 5. | Eastern Kazakhstan | 11816 | 8690 | 73.5 |
| 6. | Zhambylskaya | 5643 | 1730 | 30.7 |
| 7. | Western Kazakhstan | 5748 | 1223 | 21.3 |
| 8. | Karagandinskaya | 14875 | 3251 | 21.9 |
| 9. | Kyzykordinskaya | 5109 | 4407 | 86.3 |
| 10. | Kostanayskaya | 7709 | 3358 | 43.6 |
| 11. | Mangistauskaya | 7523 | 1391 | 18.5 |
| 12. | Pavlodarskaya | 7449 | 2645 | 35.5 |
| 13. | Northern Kazakhstan | 5499 | 3516 | 63.9 |
| 14. | Southern Kazakhstan | 13484 | 5018 | 37.2 |
| 15. | Astana city | 19680 | 1792 | 9.1 |
| 16. | Almaty city | 43421 | 2545 | 5.9 |
| | Total in the republic | 178450 | 53336 | 29.9 |

Source: Information of the Ministry of Labor and Social Protection of the Republic of Kazakhstan

As we can see from the table, only 53,336 enterprises and organizations out of 178,450 (or less than a quarter- 29.9%) have acting collective agreements.

The active stance of the labor unions plays a significant role on signing collective agreements. Thus, according to the data of the Federation of the Kazakhstani Labor Unions, as of March 2012 in 17,410 organizations in out of 18, 231 organizations where the labor unions operate, the collective agreements were signed, which accounts for 95.5%.

The activity of the social partners is not limited only to collective bargaining. They resolve a number of other issues. In particular, they are working to prevent social and labor conflicts. In this regard, on December 6, 2011, a round table discussion on "Collective labor disputes and conflict: ways to prevent and regulate" was held. At the roundtable, the social partners discussed ways to improve the system for collective and individual labor disputes, ways to prevent and regulate them.

The range of problems discussed at the roundtable included issues of interaction between social partners at various levels aimed at balancing the interests of all parties.

To summarize the abovementioned, we can conclude that the first activity of Outcome 3.1 Priority 3 of the DCWP for 2010-2012 is being implemented according to the schedule and can be assessed as completed.

The second and the third activities of Outcome 3.2, Priority 3- to strengthen social dialogue and implement agreements on the level of sectors - are also being implemented.

Currently, according to the Federation of the Kazakhstani Labor Unions, nineteen out of 26 industry-specific labor unions signed tariff agreements. In addition, thirteen agreements were signed on the regional level. Upon signing the regional and industrial agreements, the tripartite partners maintained the obligations of the parties:

- To ensure the workers' rights to decent work;
- To increase the level of real wages in line with productivity growth;
- To introduce the bonus system;
- To reward according to the results of the year or on a public holiday;
- To compensate for a deviation from normal operation;
- To pay additional payments for special working conditions.

The Labor Forum held in Atyrau on November 3, 2010, was a significant event aimed to strengthen a social dialogue and fulfill agreements on the level of industries or sectors.

Given the negative trends in the field of social and labor relations, particularly in the oil and gas industry, upon the initiative of the Ministry of Labor and Social Protection on November 3, 2010 the Labor Forum "Strategic objectives of risk management in the field of labor and human capital development" was held in Atyrau. The main objective of the Forum was to promote the adoption of measures aimed at minimizing the risk of labor disputes in the petroleum and mining industries. The representatives of the International Labor Organization, the Ministry of Oil and Gas, Ministry of Education and Science, Ministry of Industry and New Technologies of Kazakhstan, the heads of associations of employers and employees; leadership of the regional administrations from the Western Kazakhstan, Mangistau, Kyzylorda, Atyrau, Aktobe regions, the representatives of large companies operating in oil and gas and mining industries in Kazakhstan, as well as in metallurgy, attended the Labor Forum.

One of the outcomes of the Labor Forum was signing of the Memorandum of Cooperation between the ministries, workers' and employers' organizations, which aimed to develop the social dialogue, promote social stability and social harmony in the sectors of oil and gas sectors and the mining complex on the basis of the social partners' interests.

Based on the analysis of the implementation of the points 1 and 2 of Outcome 3.1, Priority 3, it should be noted that work is in progress and, in general, implementation of the activities can be assessed positively or they are completed.

A three-tier system of social partnership has been established in the Republic of Kazakhstan.

It is implemented in the form of contractual relations on all levels: the republic, an industry, and a region.

At the national level a social partnership is provided by the Republican tripartite commission on social partnership and regulation of social and labor relations.

The main instrument at the national level, based on which social partnership is implemented, is the general agreement between the government of the Republic of Kazakhstan, the national associations of workers and the national associations of employers.

At meetings of the Tripartite Commission cooperation not only within the framework of the existing national laws, but also within the international conventions, particularly the ILO, are discussed. The work plan of the Republican Tripartite Commission takes into account not only the implementation of national programs, but also international ones. For

example, improvement of wages for civil servants, a package of measures to implement the program on decent work in the Republic of Kazakhstan for 2010 - 2012, and other related issues were discussed at a meeting of the Republican Tripartite Commission for Social Partnership on November 17, 2010.

At meetings of the tripartite commissions a lot of attention is paid to the issues related to the various anti-crisis measures in line with the implementation of both national and international programs, and in particular the Global Jobs Pact. One of the examples is the discussion of the Employment Strategy and personnel retraining in the context of the further implementation of the "Road Map" program, which was successfully implemented during the global financial crisis. In addition, the social partners discuss their potential in the promotion and implementation of the "Business Road Map 2020" program, particularly creating jobs for the future.

The analysis of implementation of the fourth scheduled activity of Outcome 3.1 Priority 3 of the DWCP for 2010-2012 showed that social partners, particularly on the national level, fulfilled its major provisions and provided stability in the society during the global financial crisis by maintaining jobs through the employment programs and implementation of the "Road map" program.

In general, implementation of the activity 4- *Strengthening of the role and potential of the tripartite commissions in adopting anti-crisis measures and implementation of the Global Jobs Pact* can be given the highest grade of "6" according to the 6-point assessment scale.

As it had been noted above, the multi-tier system of social partnership operates in the republic. These levels are closely linked to each other. Thus, sector- or region- based agreements are guided by the major guiding principles reflected in the Master Agreement or other documents on social partnership adopted at the national level. To illustrate, the Memorandum of cooperation between ministries, associations of employees and employers in oil and gas sectors and the mining complex, which were signed during the abovementioned Labor Forum, formed the basis of industry-specific agreements between the union workers of oil and gas complex of Kazakhstan, the Ministry of Oil and Gas and the representatives of industry- specific organizations for 2011-2013 signed on December 28, 2010. Similar agreements for 2011-2013 were signed between the union workers of the mining industry, the Republican Association of Mining and Metallurgical Enterprises and the Ministry of Industry and New Technologies.

To implement the adopted agreements on the level of the sector, work on further implementation of the Article 122 of the Labor Code, which stipulates introduction of the minimum standard wage level for employees on physically demanding jobs, jobs with hazardous and dangerous working conditions, was continued.

The issues reflected in the sector agreements provide basis in signing collective agreements.

One example is adding of the gender development issues, particularly issues regarding women's health and arranging regular medical examinations for them, into the industry-specific agreements and collective agreements.

It should be noted in this regard that on June 28, 2012, H.O and the Federation of the Kazakhstani Labor Unions conducted a joint trilateral training on gender equality and balancing career and family responsibilities in Kazakhstan for the representatives of the labor unions, the government agencies, and associations of the employers.

In general, the agreements adopted at the republican and industry levels are closely linked with the collective agreements signed by the employers and employees on the levels of the enterprises and organizations.

To summarize, **work scheduled for the fifth point, that is *Enforcement of the agreements on all levels of employers and employees. Outcome 3.2, Priority 3 of the DWCP for 2010-2012 is in progress and can be evaluated as positive.***

The issues of HIV/AIDS prevention in workplace and their practical application are extremely significant and acute in Kazakhstan. Due to the gravity of the issue, the provisions on development of the national tripartite strategy regarding HIV/AIDS prevention at the workplace are included into the Master Agreement for 2012-2014. Within the framework of the Master Agreement implementation, the social partners committed themselves to the promotion of the ILO recommendations on HIV/AIDS prevention at the workplace.

In addition, the issues of HIV/AIDS prevention at work were discussed by the social partners during the various roundtables and seminars conducted by the ILO. For example, on September 29-30, 2011, a seminar entitled "HIV/AIDS in the workplace" was held with the participation of the Kazakhstani Republican Association of Employers in Astana.

On March 26-27, 2012, in Astana, the Federation of the Kazakhstani Labor Unions jointly with the ILO conducted a training for the trade union officials "The implementation of programs aimed at prevention of negative consequences of HIV in the workforce: the role and practices of the Kazakhstan trade unions". During the training such issues as the dynamics of HIV/AIDS spread in Eastern Europe and Central Asia, the review of the epidemiological situation on HIV in Astana, the review of the ILO informational-methodological, and educational materials regarding the policy on preventing the negative effects of HIV in the workforce, activities of trade unions in this situation, as well as development and implementation of the program on HIV prevention in the workplace, were discussed.

Due to the severity of the issue, ILO released a booklet "Start with yourself - live and work safely" in the Kazakh and Russian languages (Figure 14).

The booklet is quite an effective tool in prevention of HIV/AIDS at the workplace. It contains information on possible ways of contracting HIV, as well as information that work with HIV-positive colleagues does not present any health risks. In addition, the major principles of medical tests for HIV and peculiarities of HIV treatment are presented in the booklet. The booklet contains not only general information on the issue, but also the contact information of the Centers for HIV/AIDS prevention in Kazakhstan.

Overall, the implementation of the sixth scheduled activity- *Increase of the potential of tripartite partners to develop mechanisms regulating work of social partners on HIV/AIDS prevention at workplace and their practical application of Outcome 3.1, Priority 3 planned for DWCP 2010-2012 is carried out efficiently and can be assessed positively.*

Figure 14 shows implementation of planned activities Outcome 3.1

Figure 14

- “The best collective agreement”
- “For contribution to the environment”

Among the criteria for the nomination to “The best collective agreement” category are issues of improvement of working conditions and the workers’ rights, and other criteria. The number of participants in the contest increases by year. To illustrate, 390 applications were submitted for the contest in 2009, while in 2010 there were 434 applications. In 2011, 610 applications were received by the contest organizers.

Social partners have been participating actively in organizing the contest.

It should be noted that the contest could be recommend to the ILO as a model for other countries, where such events are not common.

On the whole, the analysis of the tripartite partners with immediate participation of the ILO in implementation of the first scheduled activity of Outcome 3.2, Priority 3 (Improvement of awareness and understanding by tripartite partners of various aspects of corporate social responsibility) shows its successful implementation in 2010-2012.

Analysis of the activities by the ILO and its social partners in implementation of the second scheduled event of Outcome 3.2, Priority 3 - Capacity building of tripartite partners to promote the fundamental principles and provisions of the ILO Declaration on Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), also showed some progress in this direction. Principles of employment, training, conditions of work and life, as well as labor relations embodied in the Declaration on Multinational Enterprises will guide signing various collective agreements.

As it had been noted above, on November 3, 2010, the Labor Forum “Strategic objectives of risk management in the field of labor and human capital development” was held in Atyrau.

The representatives of various multinational companies operating in the oil and metallurgical complex in Kazakhstan attended the Forum. One of the outcomes of the forum was signing of the Memorandum aimed at the development of social dialogue, the promotion of social stability and social harmony in these industries.

Considerable attention was paid to implementation of the principles regarding payment stipulated in the MNE Declaration. For example, according to ~~Article 3~~ of the Memorandum, employers’ and workers’ associations should “take measures to prevent significant differentiation of salaries of the local and foreign employees in similar positions in the enterprises and stipulate these measures in the collective bargaining agreements in the industry.”

Measures to implement the basic principles and provisions of the ILO Declaration on MNEs in 2010-2012 include not only signing of the Memorandum, but also other events.

It should be noted that promotion of the key principles and provision of the Declaration on MNEs occurred with active participation of the International Labor Organization.

Thus, the second activity of the Outcome 3.2 is in progress and it can be assessed as completed according to our assessment methodology.

In general, outcome 3.2 is completed with 5 grades.

Outcome 3.3: Strengthening of social partnership to eliminate the worst forms of child labor.

The following activities were scheduled in the Decent Work Country Program for 2010-2012 to fulfill the Outcome 3.3, Priority 3:

- To increase the capacity of the National Coordinating Council on combating the worst forms of child labor in the execution of the National Plan of Action for the Elimination of the Worst Forms of Child Labor.
- To implement the National Plan of Action for the Elimination of the Worst Forms of Child Labor and the ILO Convention 182 in the Republic of Kazakhstan for 2009-2011, developed and approved by the social partners (government, the Federation of Trade Unions and Employers' Confederation of the Republic of Kazakhstan).
- To include the strategies to combat child labor into national policy documents and regional tripartite agreements.

Upon the decree #73 of the Ministry of Labor and Social Protection of March 31, 2006, the National Coordination Council to Fight the Worst Forms of Child Labor was established. Representatives from the ILO, associations of the employers and employees, the General Prosecutor's Office, the Ministry of Culture and Information of the Republic of Kazakhstan, the Interior Ministry, NGOs, and a number of other agencies and organizations became members of the Council.

Analysis of the performance of the first and second events and in particular the activities of the National Coordination Council (NCC) for combating the worst forms of child labor in line with the implementation of the ILO Convention № 182 "On the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor" showed some work completed in this direction. The activities carried out according to the NCC were approved the action plan. In 2009-2011, NCC coordinated the implementation of a number of activities.

The review of the implementation of the first and second activities, in particular the activities of the National Coordination Council (NCC) to Fight the Worst Forms of Child labor in line with the implementation of the ILO Convention 182 "Concerning prohibition and immediate action to eliminate the worst forms of child labor" showed that work had been completed in this direction. The activities of the NCC are held according to the approved plan of actions. In 2009-2011, NCC coordinated these activities.

Within the framework of implementation of the National Plan, a national information resource center on eliminating the worst forms of child labor has been working in the country. The Center publishes results of various research, information materials for population and specialists on child labor. The Center provides materials to the partners and interested parties and also posts them on the organization's website www.stopdetrud.kz.

Social partners take part in the implementation of the National Plan to a certain degree. Thus, according to the plan for 2009-2011 and 2012-2014, the Federation of the Kazakhstani Labor Unions along with the International Labor Organization, held a series of seminars on the following topics: "Social Protection of Children", "Fight with the Worst Forms of Child Labor in Central Asia: Activity Plan on the National Level", and other trainings and seminars.

Publication of the booklets "Employers' role in eliminating child labor" and "How employers can eliminate child labor?" provided quite a productive and efficient assistance in implementing the ILO Convention 182 and the National Plan in general.

Implementation of the plan to eliminate the worst forms of child labor is being carried out within joint projects between the ILO and International Program on the Elimination of the Child Labor (IPEC).

The National Coordination Council has developed a joint activity plan for 2012-2014, where the following priorities in the sphere of eliminating child labor in Kazakhstan have been delineated:

- 1) Adoption of the complex of preventive measures, which would not allow the worst forms of child labor;
- 2) Improvement of the institutional support of the monitoring of the worst forms of child labor;
- 3) Improvement of mechanisms aimed at prevention of the children's exploitation, release of children from the worst forms of child labor, and rehabilitation of the children;
- 4) Improvement of the information;
- 5) Improving technology advocacy.

Overall, in our view, the results of implementation of the first two planned activities demonstrate efficient work in this direction both of the social partners and the ILO; therefore, they can be assessed positively and given the highest grade.

The regions of Kazakhstan differ from each other by their social-economic and cultural development. Each region has its own specific features, in particular regarding the issue of child labor. Due to the sensitivity and urgency of the issue, the research related to eliminating the worst forms of the child labor was included into the National Activity Plan for 2009-2011. The pilot studies were conducted in the Southern Kazakhstan and Almaty region.

Issues of the child labor were raised on the 8th session of the National Coordination Council carried out as a videoconference on May 20, 2012. Representatives of the regional administrations from Almaty and Southern Kazakhstan, as well as members of the Coordination Council and ILO-IPEC coordinator in Kazakhstan, took part in the session.

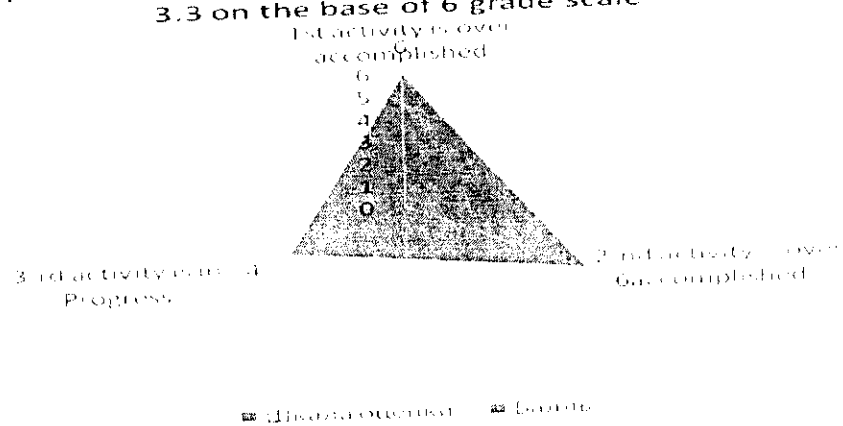
It should be noted that despite certain work on eliminating the worst forms of child labor, their performance level has not been quite high, so there is still more work ahead. In particular, it is necessary to include the issue into the regional tripartite agreements.

Overall, work in the third direction of Outcome 3.3, Priority 3 is being implemented, so it can be assessed as satisfactory.

Figure 15 shows implementation of three planned activities of Outcome 3.3.

Figure 15.

Implementation of three planned activities of Outcome 3.3 on the base of 6 grade scale

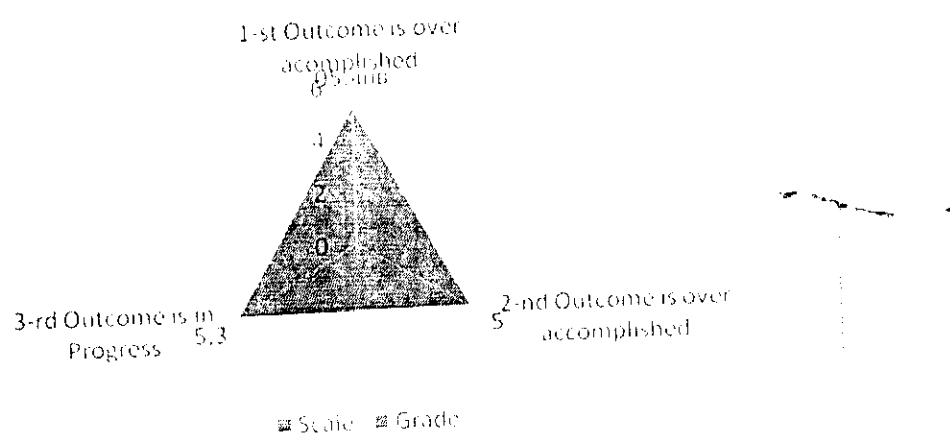


In general the total grade of implementation of the Outcome 3.3 is 5.3 as average of three planned activities.

Figure 16 shows the grade of implementation of Priority 3.

Figure 16.

Implementation of 3 Outcomes of Priority 3, on the base of 6 grade scale



As it is seen from the figure 16, the three outcomes of Priority 3 were completed. Moreover, the Priority is over accomplished with 5.1 grade as average of three outcomes.

In conclusion it is need to note that DWCP for 2010-2012 is completed according to the plans. All three Priorities are completed and Priorities 2 and 3 are over accomplished.

The received result is consequences of active cooperation of ILO and Social partners between each others.

3. The main features of the implementation of the Decent Work Program in Kazakhstan and prospects of its development

3.1 Specifics of implementation of DWCP for 2010-2012

Research and analysis of implementation of DWCP for 2010-2012 revealed that its outcome would not be possible without implementation of specialized programs and projects initiated and funded by ILO. Moreover, based on the detailed analysis of DWCP 2010-2012 implementation, it should be noted that special ILO programs and projects provided a solid basis for its implementation.

Reviewing significant role of social partners of the Republic of Kazakhstan in implementation of DCWP for 2010-2012, impact of ILO programs and projects on implementation of the Program should be highlighted and described in more detail.

To implement the Priority 1- Regulation of issues in the sphere of labor relations in accordance with the international standards and achieve the outcomes delineated within the priority, ILO realized the following projects:

KAZ101 - Promotion of ratification of ILO C95, C102, C131, C155, C187, C183, C97 and C143;

KAZ103 - Adoption of national OSH policies and programmes through introduction of related legislation and norms

Within the framework of implementing KAZ101 project - **Promotion of ratification of ILO C95, C102, C131, C155, C187, C183, C97 and C143**, the ILO involved a number of highly qualified experts to collect their conclusions and comments regarding any discrepancies in ratification of the abovementioned ILO conventions, in particular conventions 87, 98, and 135. After due authorization, the ILO experts also conducted comparative analysis of the national legislation in the context of ratification of the ILO conventions 183 and 102.

During the implementation of DWCP for 2010-2012 and within the framework of realization of the abovementioned project, the ILO representatives provided technical assistance to tripartite partners to prepare for ratification of the conventions 95 and 103, assess impact and prospects of ratifying the conventions 97 and 143, and assess probability of ratification the Convention 183.

In April 2011, the ILO provided assistance in holding a conference on promoting ratification of the Convention 187. In addition, in October 2011, the ILO helped its social partners' employees to take the course on "Building an efficient wage policy".

The ILO conducted and is conducting considerable amount of work to provide and organize safe working conditions in the Republic of Kazakhstan. Different courses, consultations, study tours, trainings, and other events have been organized by the ILO in this direction. Thus, within the framework of implementation of the project **KAZ103 - Adoption of national OSH policies and programmes through introduction of related legislation and norms**, the ILO helped adopt laws related to the occupational safety and health, providing better working conditions, and labour inspections within the frameworks of the conventions 81, 129, 155 and 187. Implementation of four standards on labour inspections, as well as ratification of the Convention 162 became a significant outcome of activities by ILO and its social partners.

To implement DWCP for 2010-2012 and in particular, the Priority 2: Promotion of effective employment and social protection of men and women and to achieve five outcomes delineated, the ILO organized and realized the following projects:

KAZ151- Subsistence minimum definition and social security systems improved, including pension system.

KAZ153 - Policies and measures are elaborated to facilitate transition from informal to formal employment

KAZ154 - The member state adopts gender-sensitive labour migration policies and practices that reflect the ILO Multilateral Framework with a view to promoting productive employment and decent work for migrant workers

KAZ155 - Introduction of OSH management system at big enterprises and selected high-risk sectors to ensure safe working conditions.

While completing the project **KAZ151 - Subsistence minimum definition and social security systems improved, including pension system**, upon the request from the Kazakhstani Ministry of Labour and Social Protection and profound interest on the part of the Confederation of Kazakhstani Labour Unions (CKLU), the ILO provided technical expertise of the country's methods of determining cost of living. In addition, a qualified expert in the field of social protection was invited from Moscow to provide technical assistance in this area. In organizational terms, in December 2011, the ILO participated in the roundtable discussion of the primary results of the proposed methodology for calculating the cost of living.

The major objective of the program **KAZ153 - Policies and measures are elaborated to facilitate transition from informal to formal employment** was to develop organizational, legal, financial, social and other instruments that allow to increase formal employment of the population. While implementing the project, the ILO not only provided financial support but also organized a number of roundtable, seminars, and meetings with participation of the social partners and other interested parties. In particular, in May 2011, an international roundtable was organized in Astana. In September, the Taraz Regional Labor Union organization jointly with the ILO organized a seminar. In November, the Confederation of the Kazakhstani Employers in cooperation with the ILO organized a roundtable on the formal employment issue.

The recommendations on major directions aimed to decrease informal employment in Kazakhstan were provided in the subsequent reports. The measures provided in the recommendations included such aspects, as bigger coverage and involvement of informally employed population into activities of various labor unions, establishment of different mobile employment organizations, increase in the share of non-cash turnover of funds, and other measures.

During the abovementioned activities, the ILO representatives also provided assessment and recommendations of implementation of the Employment Program – 2020.

While completing the project **KAZ154 - The member state adopts gender-sensitive labour migration policies and practices that reflect the ILO Multilateral Framework with a view to promoting productive employment and decent work for migrant workers**, the ILO provided assistance to the inter-ministerial working group in the development of the Draft law “On Population Migration”. In addition, technical consultations and funding were provided to support the relevant study. As a result,

consultations were provided on improvement of labor migration, data collection, organizing statistics, disseminating gathered data, as well as advice on the relevant indicators and data collection techniques, and on some other related issues.

At the same time, the project funded by the European Union "Regulation of labor migration as an instrument for development and regional cooperation" was implemented with the ILO's assistance.

Within the framework of the implementation of DWCP for 2010-2012 and to achieve the outcome 2 of the Priority 2, the ILO implemented the project 155 - **Introduction of OSH management system at big enterprises and selected high-risk sectors to ensure safe working conditions**. While implementing the project, the ILO provided and is continuing to provide technical consultations in the sphere of occupational safety and health. Majority of advice is provided via electronic means of communication, as well through specialists' training. At present, due to the conducted work, the legislation concerning labor inspections has been amended, high-risk labor sectors and areas, which require creating safe working environment, have been identified.

To implement the Priority 3 and achieve three outcomes outlined within the Priority, the ILO realized the following projects:

KAZ126 - Improvement of the social partnership in eliminating the worst forms of child labour.

KAZ128 - Development of policies on HIV/AIDS in the workplace by tripartite constituents.

KAZ127 - Strengthening of the industry-based social dialogue

To implement the project KAZ126 - **Improvement of the social partnership in eliminating the worst forms of child labour**, a joint project was implemented, which served as a basis for establishing the National Information-Resource Centre on the issues of child labour. In addition, owing to the urgency of the issue, ILO conducted trainings for social partners on the issues of child labour.

It should be noted that in August 2010, with the ILO's assistance a resolution "Working Conditions in the Agricultural Sector of Almaty Region" was adopted. For the first time ever, the resolution emphasized significance of eliminating the child labour in agricultural sector.

To achieve the Outcome 2 of the Priority 3, the ILO implemented a project KAZ128 - **Development of policies on HIV/AIDS in the workplace by tripartite constituents**. During the implementation of the project, the ILO organized various seminars and formed working groups on HIV/AIDS policy. In 2011, in January in Astana and in April in Almaty 2011, discussions of the procedures to adapt Recommendation 200 and their use in the work of the social partners were organized. Another important event held with the ILO's assistance was to development of the guidelines for social partners' policy on HIV in the workplace.

Strengthening of a social dialogue is one of the significant issues in the Republic of Kazakhstan. The role of the International Labor Organization is undeniably significant in this issue. To implement the Priority #, and in particular, the Outcome 2, the ILO implemented a project **KAZ127 - Strengthening of the industry-specific social dialogue**. While implementing the project, seminars and meetings of the social partners in oil and gas industries and metallurgical sector (in particular with Arcelor Mittal) were organized. Among the major themes of discussion were ways to improve employees'

working conditions, establishment of committees on occupational safety and their role in assessment of risks, development of collective agreements and so on.

In this project, the ILO has partially supported participation of six representatives from Kazakhstan in the training A404281 "Negotiation and consensus-building skills" held in October 2011 in Italy.

Along with the abovementioned projects implemented in 2010-2012, the ILO realized the following projects: KAZ801 - **Strengthened institutional capacities of employers' organizations** и KAZ802 - **Workers have strong, independent and representative organizations**

Implementation of the project KAZ801 - **Strengthened institutional capacities of employers' organizations** demonstrated interest of the employers and, in particular, the Confederation of the Kazakhstani Employers in resolving the issues related to informal employment. Trainings and workshops on "Negotiation and consensus-building skills" and "Building effective wage policies" proved to be very useful for them.

The project KAZ802 **Workers have strong, independent and representative organizations** revealed interest by the Federation of the Kazakhstani Labor Unions in organizing trade unions among the informally employed persons.

Based on the foregoing, it can be concluded that the success of DWCP 2010-2012 was predetermined by a great work carried out by the ILO during the implementation of its own projects and programs. These programs and projects became an essential and inseparable part of the DWCP 2010-2012 program.

As it was demonstrated by the interview of the implementers of the DWCP 2010-2012 program, its implementation has been successful not only due to the fact that many of its sections are coordinated with the above programs and projects of the ILO, but also by the fact that its content was also correlated with the social partners' major goals and objectives. It should be noted that the social partners, who were involved in the program, participated in it not only as the main undersigned parties, but also because of the urgency and significance of the main provisions of the program for them.

A number of activities held by the employers' associations correlated with the major objectives of the project, its priorities, and in particular, the outcomes, which were targeted in DWCP for 2010-2012. For example, the Federation of the Kazakhstani Labour Unions was especially interested in implementing the Priority 1- Regulation of the labour relations in accordance with the international standards. For the Confederation of the Kazakhstani Employers, the issues that matched their interests were those related to the labour migration and elimination of child labour. Nevertheless, the social partners were interested in other issues included into the DWCP 2010-2012.

Social partners of the country cooperate with numerous international organizations, which operate in the sphere of employment, labour market, social protection, child labour, and gender policy such as WB, IOM, GIZ, UNIFEM, UNDP, UNICEF, OSCE and others. Thus, the department of social assistance jointly with the World Bank conducted a pilot project on payments to low-income persons and their families to pay for their children's kindergartens, nurseries, or nannies. "Bota" Foundation took an active part fund in this project. In matters of poverty reduction, UNDP and UNICEF were actively involved in improving social support for families with children.

However, according to the respondents, if compared to other international organizations, the ILO is the only international organization, which provides any assistance in the sphere of improving labor relations in Kazakhstan in implementation of Decent Work Program.

Different documents, such as manuals, results of the DWCP 2010-2012 implementation and other materials have been used by the social partners in their activities. For example, the methods to determine cost of living, as well as the results of the project to reduce informal employment (KAZ153) presented by the ILO in the program KAZ151 provided the social partners a solid basis for organizing various seminars, workshops, and round tables for employers, workers, and government employees.

Of course, efficiency of interaction between the ILO and social partners would have been higher with more dynamic involvement of actual implementers- specialists from the ILO, the Ministry of Labor and Social Protection, the Federation of Kazakhstani Labor Unions, and the Confederation of Kazakhstani Employers (with the condition that specific individuals are delegated these responsibilities). In this case, immediate long-term contracts would have been drawn between these interested parties and the cooperation would not require only direct participation of the top management of these organizations.

When implementing the Priority 1 of DWCP 2010-2012, the social partners have had the possibility to obtain information on the global and regional experience in the development of labor relations, employment and safety through modern means of communication. At the same time, they have been able to receive complete and comprehensive information through the regional ILO office and, in particular, from the national coordinator. The information they received has been very useful and has been used in drafting both the Republican Concept and long- term Employment Program - 2020. It should be noted that the effectiveness of all available information would have been better if it were provided in the Russian language. The program implementers noted that due to the lack of specialists with knowledge of foreign languages, translated information was often available with some delays. This fact particularly affected the development of methods to calculate the cost of living, when there was insufficient information on Canada, Bulgaria, and Finland. No additional information was available on these countries due to the translation problems.

The strength of the Decent Work program is that it helps resolve employment problems. To implement this provision and, in particular, the Priority 2, Outcome 2.1, a specific program related to internships for the youth is being implemented in the country. According to its main provisions, 100% social workplaces are created in the country, so that young people can get experience according to their specialties acquired in educational institutions. As it had been pointed in the previous sections, the fact that Business Road Map program has been implemented within the framework of DWCP, in particular the abovementioned priority 2, Tangible outcome of the program is that more young people have become interested in entrepreneurial activities.

While discussing the positive impact of DWCP 2010-2012 implementation on establishing labor relations in the country, the program implementers note that it requires more detailed structuring and systematizing in the future. According to the program implementers, it is necessary "to explain the program more systematically, and in particular, attach tables showing a specific plan (algorithm) of activities to the program".

One of the strengths of the DWCP 2010-2012 is that the recognized organizations in the country, such as the Federation of Kazakhstani Labor Unions, and the Confederation of

Kazakhstani Employers, took responsibility for its implementation. These national organizations, which represent unions of workers and employers, have an extensive practical experience in the field of social partnership, negotiations at various levels, and resolution of various sensitive issues between employees and employers. It is their accountability, earnestness, and understanding of the national significance of a social partnership and decent work for the workers which formed the basis for the implementation of the country's DWCP 2010-2012.

Nevertheless, involvement of other unions of employers and employees would have made implementation of the Program more efficient.

The market economy and the reforms that are being enforced in the country provide the basis for both formation and reorganization of various unions of workers and employers. These unions, which quite often have short-term and highly specialized goals and objectives, should be aware that their work would be more effective, enduring, and strategically oriented, if they understand that involvement in the implementation of the Decent Work Program and promotion of universally recognized international norms and labor standards will allow them to be more competitive and acquire more civilized status. The situation can be compared with the rules of road safety. The drivers of all civilized countries know the road safety rules. There is chaos, disorder, a huge number of casualties, and accidents only in the places where these are no rules.

It should be noted that in Kazakhstan, large and medium-sized enterprises strive to adopt international standards in the field of labor relations, occupational safety, social security, etc. and take part in the implementation of the DWCP, while small and medium enterprises in most cases do not participate in implementing the Program.

A pattern is apparently due to the fact that small and medium businesses are at an early stage of their business development, while their employees, who obtained jobs in a highly competitive environment, face other more pressing issues. Thus, it is more vital for employers to survive the competition by any means, including at the expense of workers' rights, while the workers are eager to keep their jobs, even if they have to sacrifice their labor rights. Such practices are possible and subsist in many countries. However, in our opinion, if a government agency organized free courses on Labor Law to eliminate illiteracy in labor issues, there would be fewer violations of the relevant law. Employers, who attend the courses on Labor Rights and Human Resource Management, will have to understand that they are dealing not with **servants** or **forced labor**, which blindly obey their orders, but cooperate with a **human being** or **human resources** interested in a company's growth and prosperity.

Having attended these courses, the future employees will not only be aware of their rights, but will also know whom they can turn to and how they can act in case their labor rights are violated. (It should be noted that relevance and necessity of such work was emphasized by us in our scientific papers, published articles, and monographs).

As for the problems of implementation of international standards, as well as different approaches to solving the problems of employment, social protection, migration, etc., according to the Federation of Kazakhstani Labor Unions, there is an acute need for workshops as part of the Decent Work Program, which are held on a regular basis, not as one-time events. In general, need for conducting workshops and seminars on a regular basis was expressed by many respondents from all three social partners.

The social partnership participants, and in particular the Confederation of the Kazakhstani Employers, note the great effectiveness of work completed to implement DWCP 2010-2012. Thus, during one of the trainings conducted as part of its implementation, it was suggested to include into contracts on providing employers with land spots or commercial and industrial sites provisions prohibiting a child labor. If an employer violates this provision of a contract, the contract should be terminated. According to the Confederation of the Kazakhstani Employers this mechanism will work not only in Kazakhstan but also in other countries.

Discussing ways to improve and further develop the Decent Work program, its implementers noted that it is necessary to pay attention to industry-specific aspects of safety at work, especially in agriculture, construction, railways. In addition, due to the increase of labor disputes and conflicts, the social partners requested the ILO to conduct various trainings, seminars, and training courses on the settlement of labor disputes, negotiation strategies, and conflict theory.

According to the Decent Work Program implementers, inclusion of the issues related to formalizing employment status of self-employed population can potentially become one of the priority issues of the Program in the future.

Summing up, the following conclusions can be drawn from the main lessons learned during implementation of DWCP 2010-2012:

1. The Decent Work Country Program would not have been completed, if it was not supported by the ILO.
2. Different programs and projects initiated by the ILO and implemented with involvement of its social partners played a significant role in successful implementation of the Program.
3. Significance of the programs and projects initiated and implemented by the ILO was due to their urgency and relevance not only in the context of the DWCP 2010-2012 but also due to their practical value. Thus, conclusions, recommendations, the outcomes of these programs and projects were presented at various seminars, trainings, roundtables and then implemented in practice by the ILO's social partners.
4. Successful implementation of the DWCP 2010-2012 was predetermined by the fact that all of its priorities and outcomes were coordinated with the goals and objectives of the social partners. Moreover, in some cases, the social partners, in particular the Confederation of the Kazakhstani Employers, coordinate their programs in line with the Program implementation.
5. Despite the fact that the social partners have been working with various organizations in order to implement the Decent Work Program, the ILO is the only organization to provide timely information on the labor market, employment, labor relations, and labor migration.
6. One of the problems that prevent from more effective implementation and use of the information provided by the ILO is the lack of personnel proficient in foreign languages.
7. Another important issue in implementation of the Decent Work Program is that the ILO's workshops and trainings are not held on a regular and continuous basis, which is important according to the social partners.

3.2 New Programme Opportunities

Summing up the analysis, it should be noted that the new Decent Work Program will be implemented successfully, if it is coordinated with the strategic goals and objectives of the social partners.

The study showed that one of the future important activities of the Federation of the Kazakhstani Labor Unions and the Confederation of the Kazakhstani Employers will be expanding their activities in the sphere of informal employment. Resolving labor disputes, establishing civilized labor relations in different sectors of the Kazakhstani economy will be some of the most sensitive and urgent tasks of these organizations.

In general, the new Decent Work Program will be implemented successfully, if the representatives of the Kazakhstani government, the Federation of the Kazakhstani Labor Unions, the Confederation of the Kazakhstani Employers and other unions and communities of employers and workers are involved actively in its development.

Moreover, the program will be more concrete, if it is based on a specific strategic plan for development of the Ministry of Labor and Social Protection because the Ministry is not only one of the social partners, who will sign the Program, but also because its strategic plan is formed in the context and within the framework of the country's development until 2020 and the implementation of the Strategy "Kazakhstan-2030".

Noting the importance of the strategic plan of the Ministry of Labor and Social Protection in the development and implementation of a new Decent Work Country Program in Kazakhstan, we believe that its implementers should pay particular attention to the Address of the president of Kazakhstan to the people "**Social modernization of Kazakhstan: twenty steps to a society of universal labor**".

The Address is of a particular significance in the new DWCP because it emphasizes an acute necessity to increase the prestige of work. "Eventually, all the values of world civilization, economic and cultural wealth are created by **human labor, not virtual financial institutions**... At present, work, as a decisive national issue in the conditions XXI century, in the conditions of global competition, should **come to the vanguard**".

Having analyzed the Address, we believe that its following provisions will be appropriate in the new Decent Work Program in the form of priorities or objectives:

- To enact fair laws and clear regulations aimed to prevent, regulate, and resolve conflict situations, as well as facilitate functioning of the entire social relations system;
- To develop and implement the system of quality social standards and professional qualifications for the Kazakhstani citizens, especially for the economically active population;
- To introduce new stimuli to work and well-being based on a high personal responsibility of an individual and a business partner, interaction of all the entities of labor relations with the government;
- To establish a system of public tributes of labor achievements;
- To update social legislation "On Labor Unions";
- To use the law "On Mediation" to neutralize labor disputes and/or adopt sub-legal framework aimed at the development of mediation;
- To improve the law "On State Youth Policy" regarding a probation period for young workers and professionals;
- To develop the legislation on the National System of professional qualifications;

- To form an efficient model of social and labor relations;
- To develop employment sphere;
- To provide inclusion of the self-employed population into the real economy;
- To develop methodology for correlating the working population with the group of self-employed, adequate to the real situation and employment prospects;
- To improve the methodology for determining the unemployment rate according to the new methodology to determine the ratio of self-employed population;
- To improve legal literacy of all parties of social and labor relations based on the following approach: "First, organizing comprehensive legal education of employees, possibly at the employer's expense. Second, a massive advocacy, publishing of materials, which present the basics of the labor law in accessible form";
- To establish a national qualification system (NQS);
- To increase control and security at work according to the "requirements of the ILO Convention "On the labor inspection in industry and commerce" ratified by Kazakhstan;
- To build effective multi-level mechanism to regulate conflicts in labor relations;
- To reduce the number of the poor and prevent social exclusion;
- To implement at least minimum social standards and guarantees;
- To develop mechanisms for socialization of the citizens from socially vulnerable groups;
- To develop a special legislation "On Social Workplaces".

The major directions of the development of the new Decent Work Program in Kazakhstan presented above are based on the major provisions of the president of Kazakhstan Address **"Social modernization of Kazakhstan: twenty steps to a society of universal labor"**. These guidelines for the new program do not diminish the role of the Decent Work Program in Kazakhstan or other related programs, in particular, those that are aimed at ratifying has the ILO Conventions in the country, which have not been approved yet. The program of course should be based on the fundamental principles of its design and implementation. In addition, the new program should take into account the problems and unresolved issues raised during the implementation of previous programs and, in particular, DWCP 2010-2012. In order to coordinate the activities of the International Labor Organization and its social partners, the abovementioned directions, in our opinion, will allow the new program to become more relevant and realistic.

Conclusion

Implementation of DWCP for 2010-2012 is taking place in the Republic of Kazakhstan in the context of the general concept of formation of the decent work. The program was developed and signed by the social partners, in particular on behalf of the government by Ministry of Labor and Social Protection of the Republic of Kazakhstan, on the part of employers by the Confederation of Employers of the Republic of Kazakhstan, and on the part of employees by the Federation of Labor Unions of the Republic of Kazakhstan.

The Decent Work Country Program for 2010-2012 is considered implemented successfully because its major indicators such as unemployment and occupational accidents have decreased in comparison with the period preceding the program implementation.

It should be noted that we do not diminish the role and significance of the implementation of the national programs for decent work and, in particular DWCP 2007-2009 and DWCP 2010-2012. Under the ILO's auspices and with the direct involvement of its social partners, these programs facilitate working conditions for workers of the country and help provide them with decent jobs.

DWCP for 2010-2012 included implementation of the three priorities and achievement of eleven outcomes. Evaluation and analysis of the program showed that almost all the outcomes were effectively achieved and the program was implemented successfully. Some of the planned objectives were overachieved.

Successful implementation of DWCP for 2010-2012 was predetermined by the fact that the ILO actively implemented programs and projects directly related to the main priorities and outcomes of DWCP 2010-2012.

Another significant factor in the implementation of the program was that its priorities and goals are closely coordinated with the goals and objectives of the social partners-program implementers.

Overall, the positive effect of the program implementation was that all social partners worked more systematically and consistently than previously, without the program.

In order to further enhance the positive impact of programs on decent work, it is necessary that a new program on decent work is coordinated not only with major strategic focus of the social partners, but also with the guidelines announced in the Address "Social modernization of Kazakhstan: twenty steps to a society of universal labor".

Ratified Conventions in the Republic of Kazakhstan

| | Date of ratification |
|--|----------------------|
| Forced Labour Convention, 1930 (No. 29) | 18.05.2001 |
| Labour Inspection Convention, 1947 (No. 81) | 6.07.2001 |
| Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) | 13.12.2000 |
| Employment Service Convention, 1948 (No. 88) | 18.05.2001 |
| Right to Organise and Collective Bargaining Convention, 1949 (No. 98) | 18.05.2001 |
| Equal Remuneration Convention, 1951 (No. 100) | 18.05.2001 |
| Abolition of Forced Labour Convention, 1957 (No. 105) | 18.05.2001 |
| Discrimination (Employment and Occupation) Convention, 1958 (No. 111) | 6.12.1999 |
| Employment Policy Convention, 1964 (No. 122) | 6.12.1999 |
| Labour Inspection (Agriculture) Convention, 1969 (No. 129) | 6.07.2001 |
| Workers' Representatives Convention, 1971 (No. 135) | 13.12.2000 |
| Minimum Age Convention, 1973 (No. 138) <i>Minimum age specified: 16 years</i> | 18.05.2001 |
| Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) | 13.12.2000 |
| Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) | 30.07.1996 |
| Occupational Safety and Health Convention, 1981 (No. 155) | 30.07.1996 |
| Asbestos Convention, 1986 (No. 162) | 5.04.2011 |
| Safety and Health in Construction Convention, 1988 (No. 167) | 18.06.2008 |
| Worst Forms of Child Labour Convention, 1999 (No. 182) | 26.02.2003 |
| Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) | 17.05.2010 |
| Maternity Protection Convention (Revised), 2000 (No. 183) | 14.02.2012 |

* Decent Work Country Program in the Republic of Kazakhstan for 2010-2012, p.2

**Implementation of 6 planned activities of Outcome 3.1
on the base of 6 grade scale**

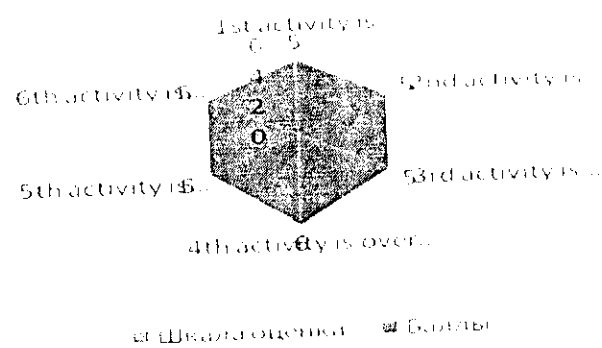


Figure 14 shows that all planned activities of Outcome 3.1 are completed and even third activity is over accomplished. In general Outcome 3.1 is completed with 5.2 grade as average of six planned activities.

Outcome 3.2: Promotion of corporate social responsibility

The basis for achievement of the Outcome 3.2, Priority 3 of the National Decent Work Program for 2010-2012 was settled on the following:

- Improvement of awareness and understanding of various aspects of the tripartite partners of CSR;
- Capacity building of tripartite partners to promote fundamental principles and provisions of the ILO Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).

It is known that one of the UN Global Compact principles is that "businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining." Kazakhstan, in line with the implementation of this Agreement and compliance with key provisions of the Convention of the International Labor Organization, and in particular the Convention 87, "Freedom of Association and Protection of the Right to Organize" (ratified on 30 December 1999 by the decree # 29-11), the Convention 98 "On the Right to Organize and Collective Bargaining" (ratified December 14, 2001 by the decree #118-11) and the Convention 144 "On the Tripartite Consultation" (ratified on 30 December 1999 by the resolution #12-11) has worked actively in this area.

Since 2008, to increase engagement of the business community and encourage it to address social issues in the country, an annual competition for social responsibility of business "Paryz" has been held in Kazakhstan. The contest has become one of important tools in determining the standards and criteria of resolving social issues in the company. The contest is held in the following categories:

- "The best socially responsible company"
- "Best Social Project of the year"