

19 September 2016

To our clients and friends

INFORMATION LETTER

Concerning New Forms of Employer's Reporting on Vacant Positions

In August 2016, Kazakhstan introduced new forms of reporting on working positions and specialties in demand for inclusion in the database of current vacancies and forecasted working positions¹, which are to be submitted by an employer to the employment authority in accordance with requirements of the Employment Law².

We would like to remind that an employer is obligated to submit, among other things, information concerning available vacant positions to the employment authority, specifying labor and remuneration conditions (paragraph 2 of Article 29 of the Employment Law). Such information is to be submitted to the employment authority according to the place of the employer's location pursuant to the form specified in Attachment 1 to the Order in case of presence of vacant positions within 3 business days of the date such vacant positions become available. A separate form is to be submitted in case of contemplated creation of new working positions within a current calendar year no later than one month prior to the moment such positions become available.

Moreover, in case an employer has information (forecast) concerning demand in employees or specialists, such employer is obligated to submit a report on specialties in demand, vacant and forecasted working positions annually no later than 1 April and 1 October in accordance with a special form (Attachment 2 to the Order). Accordingly, if your company needs employees, such information is to reflect a forecasted need for 3 years (for example, when preparing a report for 2016, the forecasts are to be prepared for 2017, 2018 and 2019). No report is submitted in the absence of such information.

Employer's violation of the population employment legislation in the form of a failure to submit the above reporting to the employment authority entails administrative liability in the form of a fine in the amount of 10 MCI³. Similar omission repeatedly committed within a year after imposing an administrative fine entails a fine in the amount of 20 MCI (Article 98 of the Administrative Code⁴).

Should you have any additional questions in connection with this Information Letter, we would be happy to provide more detailed information.

Best regards,
AEQUITAS Law Firm

¹ Order No. 532 of the RK Minister of Health and Social Development "On Approval of Administrative Accounting Forms for Submission of Information on Vacant Positions and Specialties in Demand for Inclusion in the Database of Current Vacancies and Forecasted Working Positions" dated 17 June 2016 ("Order"). The authorized agency has additionally provided clarifications as to the procedure for applying this Order and reporting forms approved thereby: Letter No. ЖТ-К-3837 from the Population Employment Department of the RK Ministry of Health and Social Development dated 29 August 2016 (http://online.zakon.kz/Document/?doc_id=33193412).

² RK Law "On Population Employment" dated 6 April 2016 ("Employment Law").

³ In 2016, the amount of the monthly calculation index ("MCI") is KZT 2,121, which is approximately equal to USD 6.

⁴ RK Administrative Code No. 235-V dated 5 July 2014, as amended ("Administrative Code").

