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## **LABOR LAW REFORM IN KAZAKHSTAN: PROBLEMS OF SOCIAL PARTNERSHIP AND LEGAL BALANCE**

### **Abstract**

The article addresses the development of labour legislation in the Republic of Kazakhstan with particular attention to social partnership and the distribution of legal responsibilities between employees and employers. The analysis focuses on whether the existing legal framework provides sufficient conditions for effective interaction between the parties to employment relations and for the protection of their respective interests. Particular attention is given to shortcomings in the current regulation of social partnership, collective bargaining, and the settlement of labour disputes. The research relies on comparative legal analysis, a systematic examination of labour-law provisions, formal legal interpretation, and analytical assessment of the relevant regulatory framework. The results indicate that the existing legal mechanisms do not fully ensure an effective balance between the interests and obligations of employees and employers. On this basis, the article develops proposals aimed at improving collective bargaining procedures, reinforcing legal safeguards for the resolution of labour disputes, and further adapting Kazakhstan's labour legislation to contemporary requirements and internationally recognized approaches. The scientific value of the research lies in advancing theoretical approaches to labor law reform and improving legal mechanisms aimed at ensuring social justice. The findings may be applied in legislative development, law enforcement practice, and further academic research in the field of labor law.

**Keywords:** labor legislation, legislative reform, labor relations, labor law, social partnership, employee, employer, reform of labour legislation.

### **Introduction**

Labour law in the Republic of Kazakhstan plays a significant role in the national legal framework by establishing the legal basis for protecting employees' rights and interests. However, changes in the socio-economic environment are creating new conditions for the regulation of employment relations. Globalization, the widespread use of digital technologies, and the growing variety of employment arrangements have altered the way work is organized and have exposed limitations in some traditional approaches to labour-law regulation. In these circumstances, further development of the existing legal framework is required to ensure that labour-law mechanisms remain effective in addressing changes in the nature of work and the evolving conditions of the labour market.

The current Labour Code of the Republic of Kazakhstan, adopted in 2015, remains the principal legislative framework governing labour relations. "At the same time, changes in employment relations have exposed a number of limitations in the current labour-law framework. These include the unequal legal position of employees and employers in certain areas, as well as shortcomings in the mechanisms designed to protect labour rights. Addressing these issues requires a closer examination of both the

existing legal provisions and the way they operate in practice. The analysis of current approaches to the regulation of social and labour relations also points to the need for a more flexible legal framework capable of responding to changes in the labour market. In this regard, attention should be given not only to the formal rules governing employment relations but also to the institutional and conceptual foundations on which their regulation is based. These issues have particular relevance in the context of the National Development Plan of the Republic of Kazakhstan until 2029 and the policy priorities associated with the “Just Kazakhstan” concept initiated by President Kassym-Jomart Tokayev, which identify the development of social protection and the strengthening of labour rights guarantees in accordance with international standards as important areas of state policy” [1].

“Moreover, the strategic policy documents adopted by the Ministry of Labour and Social Protection of the Population of the Republic of Kazakhstan for the period up to 2030 place particular emphasis on the development of contemporary social security standards in the labour market. These standards are viewed as an important means of reinforcing the state’s responsibility for protecting citizens’ social and labour rights, while also bringing national practices closer to internationally recognized labour principles. At the same time, their development is linked to the broader objective of creating a more inclusive model of socio-economic development” [2].

A significant direction of Kazakhstan’s socio-economic development involves ensuring the effective realization of fundamental human rights and freedoms, including the elimination of discriminatory practices in employment relations and the establishment of fair and decent working conditions.

M.K. Suleimenov considers labour law as a complex legal formation characterized by the interaction between private interests of labour relations participants and public interests protected by the state [3]. V.M. Lebedev analyses labour law principles in the context of global socio-economic transformations, emphasizing their relevance to contemporary trends in the development of social and labour relations [4].

Among Kazakh scholars, V.N. Uvarov focuses on the practical and functional significance of labour law principles, arguing that they serve as regulatory guidelines that influence the behaviour of participants in social and labour relations in accordance with the objectives of state legal policy [5]. Zh.A. Khamzina “emphasizes that the content of labour law principles should develop in line with changing socio-economic conditions and the evolving requirements of social development” [6].

Taking these points of view into account, the principles of labor law should be based on social justice, legal equality and social partnership. The incorporation of the principle of “labour justice” into the legal framework represents an important step towards strengthening the social orientation of state policy and enhancing the effectiveness of mechanisms aimed at safeguarding citizens’ labour rights. This approach contributes to the development of a more balanced system of labour regulation based on fairness, equality, and adequate protection of participants in employment relations.

## Materials and methods

This study focuses on the regulation of labour relations in Kazakhstan against the background of ongoing changes in contemporary labour law. The analysis is based on the principal sources of national legislation, particularly the Constitution of the Republic of Kazakhstan, the Labour Code, and strategic policy documents concerning employment regulation and social protection. It also takes into account international labour standards developed by the International Labour Organization, with particular attention to relevant conventions and recommendations. In addition, scholarly literature from Kazakhstan and other jurisdictions is examined to assess existing approaches to labour-law regulation, institutional frameworks, and the development of social partnership. The research follows a sequential design. First, theoretical approaches to labor law reform and social partnership were examined. Second, the current regulatory framework governing labor relations in Kazakhstan was analyzed, with particular attention to the balance of rights between employers and employees. Third, national legal provisions were compared with international labor standards and selected foreign legal models to identify regulatory gaps and formulate improvement proposals. The study applies formal legal analysis for interpretation of statutory provisions, comparative legal analysis for cross-

jurisdictional evaluation, and systemic analysis for examining labor legislation as an integrated regulatory mechanism. Complementary methods of generalization and legal interpretation were used to synthesize findings and support conclusions on improving legal regulation and strengthening social partnership mechanisms.

## Results and discussion

The results of the study demonstrate that the evolution of labour legislation in Kazakhstan is taking place within the context of significant economic, technological, and institutional transformations. Therefore, the assessment of labour law reform should not be limited to the examination of legislative modifications alone but should also consider the effectiveness of their practical application, the functioning of regulatory institutions, and their ability to maintain an appropriate balance between the legitimate interests of employees and employers.

From this standpoint, the modernization of labour legislation should be viewed as an ongoing process of legal and institutional development aimed at enhancing both regulatory frameworks and governance mechanisms within labour relations. The success of these reforms depends not only on the content and quality of legal provisions but also on the consistency of their application, the effectiveness of administrative procedures, and the ability of labour legislation to adapt to the changing dynamics of the labour market.

An important step in this modernization is the implementation of the Labour Market Development Concept until 2029. The measures introduced within this framework are aimed at improving the quality of employment, strengthening labour market institutions, and creating conditions for sustainable socio-economic development [7]. Particular significance is attached to the establishment of a monitoring system for assessing the quality of jobs at the regional and sectoral levels, which provides an analytical basis for evaluating the effectiveness of labor market policies and identifying priority areas for further legal development [7].

Significant work is also being carried out to protect labor rights, improve legislative regulation and strengthen control mechanisms. Since the beginning of 2025, as a result of the measures taken by the State Labor Inspectorate, the rights of more than 28.7 thousand workers have been protected. In particular, 9.5 thousand employees have been paid wage arrears in the amount of more than 2 billion tenge, and their social and labor rights have been restored. As a result of the inspections carried out, the legal interests in the field of labor were secured for a total of more than 19 thousand employees [8].

In order to ensure the legal regulation of labor relations in the field of platform employment, legislative amendments have been adopted aimed at protecting the labor rights and social guarantees of Kazakhstani citizens working in this field. These changes help to create a specific regulatory framework for cross-platform employment, so that labor relations can adapt in response to changing economic conditions.

In addition, an amendment approved by the President of the Republic of Kazakhstan provides for changes to the institutional structure of the state labour supervision system. Under the reform, the State Labour Supervision Bureau is removed from the system of local executive authorities and placed under the direct authority of the Ministry of Labour. The reform is intended to improve the enforcement of labour legislation, strengthen state supervision, and provide more effective protection of employees' rights. In accordance with this, it is envisaged to create a State Labor Inspection Committee and its regional divisions, which will increase the number of labor inspectors at the territorial level.

These reforms aim to strengthen mechanisms for monitoring the implementation of labour laws, develop effective institutional cooperation, improve occupational safety and health regulations, and maintain a fair balance between the interests of workers and employers.

The presented studies provide empirical data on the impact of the local unemployment rate on labor behavior. The authors believe that in regions with high levels of unemployment, it is rare for employees to engage in such negative behavior as violating labor discipline, being late for work, or absenteeism without a valid reason. Such conclusions clarify the main provisions of the theoretical models. Furthermore, academic studies exploring the relationship between labour legislation and labour market development suggest that regulatory mechanisms aimed at protecting employment

can contribute to greater employment stability, reduced unemployment risks, and increased labour productivity [9; 10]. Research on the impact of labour regulation on economic growth and labour income distribution highlights that an effective legal framework for labour relations is a significant factor in achieving sustainable socio-economic development [11].

An analysis of labour dispute trends and recent legislative developments indicates that excessively rigid disciplinary regulation may increase tensions between employees and employers and contribute to the escalation of labour disputes. At the same time, the effectiveness of disciplinary measures depends not only on the severity of sanctions but also on compliance with procedural guarantees, proportionality and consistency of enforcement. Therefore, disciplinary regulation should maintain an appropriate balance between the employer's authority to ensure labour discipline and the employee's right to fair treatment and procedural protection [12, 13].

At the same time, Kazakhstan continues to implement the Safe Labour Concept until 2030, which is aimed at improving occupational safety standards and strengthening mechanisms for protecting workers' rights in the contemporary labour environment [2]. Within the framework of this concept, digital maps have been developed and implemented to monitor the working conditions of enterprises. This tool allows you to monitor occupational safety in the production environment in real time. In the future, the assessment of workplaces, the issuance of personal protective equipment, the verification of knowledge in the field of occupational safety and other processes will be fully automated, which will contribute to improving the effectiveness of the occupational safety system.

Paragraph 4.8.1 of the draft Legal Policy Concept until 2030 identifies the modernization of labour relations as an important direction of state legal policy. The document emphasizes the need to develop labour relations in accordance with contemporary socio-economic conditions and associates this development with the formation of a "Society of Universal Labour" as one of the guiding principles of employment and labour policy [2].

This idea is aimed at expanding productive employment of the working-age population, increasing labor productivity and ensuring inclusive economic growth in accordance with the priorities of socio-economic development at the present stage.

In this document, the following tasks are defined as the main directions for improving labor legislation:

1. protection of industrial safety and the life and health of employees by ensuring an appropriate level of safety and labor protection;
2. strengthening the mechanisms of legal protection of socio-economic rights and legitimate interests of employees in the framework of labor relations;
3. Development of a legal framework aligned with international labour standards through the enhancement of labour market efficiency and competitiveness.

Achieving these objectives requires the implementation of a set of coordinated measures aimed at the modernization of labour legislation. These measures include: reforming institutional mechanisms of state supervision and ensuring more effective monitoring of compliance with labour legislation; establishing modern and adaptable models of labour relations through the comprehensive legal recognition and regulation of flexible forms of employment.

The implementation of the identified reform objectives requires amendments to the Labour Code, but legislative changes alone are insufficient. The effective modernization of labour relations also requires complementary institutional and procedural measures, including stronger monitoring of enforcement practice, clearer mechanisms for implementing the objectives of the Legal Policy Concept and coordination among the principal actors of social partnership [14].

The concept of a "Society of Universal Labour" can be considered as an approach that emphasizes productive employment and active participation in economic activity rather than passive dependence on social assistance. From this perspective, the concept places greater emphasis on individual responsibility, professional activity and the role of the state in creating conditions for sustainable employment and social partnership [6]. This approach is based on the idea of strengthening individual responsibility for professional activity, reducing excessive social dependency, and redefining the role of the state as a facilitator of social partnership and sustainable employment.

Within this framework, state policy should be oriented not only towards providing social protection but also towards creating conditions for social advancement, professional development, and active participation in the labour market. Support mechanisms for employable citizens should primarily encourage employment and skills development rather than create long-term dependency on state assistance. At the same time, social support measures should be targeted at individuals facing genuine social vulnerabilities, ensuring a balanced relationship between social responsibility and state guarantees.

In addition, this model is designed to purposefully develop working professions to compensate for the demand for industrial personnel, involve the self-employed population in legitimate labor relations, and consider social spending as a long-term investment.

The concept represents an important ideological and practical orientation toward transforming attitudes to work. Its implementation requires clear regulatory and institutional mechanisms, incentives for increasing labour activity, and stronger links between labour and social policy. International experience also shows that labour market liberalization can increase flexibility but may simultaneously create risks related to employment insecurity and the spread of temporary or informal forms of work [15].

At present, the main challenges of labour law regulation in Kazakhstan are increasingly associated not with the complete absence of legal definitions of basic labour market categories, but with the adequacy of existing legal mechanisms for regulating new and transforming forms of employment. Occupations, positions and qualifications are generally reflected in the relevant legislation and regulatory instruments; however, the rapid development of digital, platform-based, remote and flexible employment creates situations in which traditional legal categories require further clarification and functional adaptation.

In particular, the emergence of platform-based employment raises questions concerning the legal qualification of relations between workers, platform operators and other economic actors, the allocation of responsibilities for working conditions, remuneration, social guarantees and occupational safety, as well as the applicability of collective labour rights. Therefore, the principal regulatory challenge is to ensure that existing legal categories remain applicable to changing forms of work without reducing the level of protection guaranteed by labour legislation.

A similar issue arises in relation to the enforcement of the principle of non-discrimination. Although the Labour Code expressly prohibits discrimination in employment, the development of new recruitment technologies and digital management systems creates a need for more transparent mechanisms for preventing discriminatory outcomes in technologically mediated employment decisions. Consequently, further modernization should focus on strengthening the practical enforceability of existing guarantees rather than merely expanding the number of statutory definitions.

Employers often fail to comply with the norms of labor legislation, and the mechanisms for their enforcement remain weak.

Other indicators of legal instability in the world of work are the unilateral termination of an employment contract, the legal insecurity of employees, and the lack of a sufficient and comprehensive mechanism to protect violated rights. In addition, the situation is complicated by the imperfection of the legal regulation of labor migration, the weak links between education and labor, the formal nature of the professional development system for employees and systemic wage violations.

Obstacles to the practical exercise by employees of the right of access to information and documents related to work are also considered as a noteworthy issue.

The provisions outlined in the draft Concept of Legal Policy until 2030 establish important strategic priorities; however, they currently lack clearly defined legal instruments, institutional arrangements, and practical mechanisms necessary for their effective implementation in the labour sphere. The absence of specific reform measures linking conceptual objectives with concrete actions highlights the need for a comprehensive and systematic approach aimed at promoting productive employment, enhancing labour efficiency, and ensuring inclusive socio-economic development.

The reform of labor law based on the issues discussed above is an urgent necessity arising from the legal and socio-economic requirements of today. The analysis of the draft Legal Policy Concept demonstrates that its strategic priorities do not yet fully correspond to the range of institutional and

regulatory challenges identified in contemporary labour relations. In particular, the effectiveness of the proposed directions depends on the development of concrete legal instruments, institutional responsibilities and implementation procedures capable of translating the strategic objectives of the Concept into measurable outcomes [2]. The content of the concept is not sufficiently complemented by specific legal mechanisms, which, in turn, requires effective solutions that correspond to the complex and transformational nature of social and labor relations.

Institutional challenges of social partnership in Kazakhstan. The current stage of labor law reform demonstrates that legislative modernization alone cannot ensure the effective functioning of social partnership. The practical implementation of legal provisions largely depends on the institutional capacity of public authorities, employers' associations, trade unions, and other participants in labor relations. Where institutional interaction remains insufficiently developed, even well-designed legal norms may fail to produce the intended regulatory effect. Consequently, the effectiveness of labor legislation should be evaluated not only through the scope of legislative amendments but also through the quality of their practical implementation.

An important feature of the contemporary labor market is the growing diversity of employment relationships. Digitalization, platform-based work, flexible working arrangements, and the increasing mobility of labor resources require regulatory approaches capable of responding to rapidly changing socio-economic conditions. Under these circumstances, the traditional model of labor regulation should gradually evolve toward a more adaptive legal framework that combines legal certainty with sufficient flexibility to accommodate emerging forms of employment.

Against this background, the effectiveness of social partnership increasingly depends on the ability of legal institutions to adapt to changing labor market conditions. In this context, enhancing institutional coordination is essential for improving the practical application of labour law provisions and establishing a sustainable framework that reconciles the interests of the main actors within labour relations.

One of the key challenges in the development of social partnership is the practical effectiveness of collective bargaining institutions. While collective agreements represent an important legal instrument for balancing the interests of employers and employees, their role in resolving labour-related issues and ensuring constructive dialogue between the parties remains insufficiently realized in practice. In many cases, they merely reproduce statutory provisions without introducing additional social guarantees or procedures capable of improving working conditions. Consequently, their regulatory potential remains underutilized, while the preventive function of collective bargaining in reducing labor disputes is considerably weakened.

Another factor influencing the effectiveness of social partnership is the unequal development of employee representation. Opportunities for workers to participate in collective negotiations differ substantially depending on the size of enterprises, the level of union organization, and the specific characteristics of economic sectors. Large enterprises generally possess more developed structures for social dialogue, whereas small and medium-sized businesses frequently rely on individual regulation of employment relations. Such differences create unequal conditions for the protection of labor rights and limit the practical realization of collective representation.

Contemporary transformations of the labor market further complicate the process of legal regulation. The continuous development of labor relations, driven by the widespread introduction of digital technologies and methods of remote work, employment platforms and flexible forms of labor organization require a reassessment of established approaches to the regulation of labor law. Traditional legal frameworks developed for standard employment relationships are no longer sufficient to address the complexity of contemporary labour market dynamics. Contemporary transformations of the labour market require not simply a more rapid amendment of labour legislation, but the development of regulatory mechanisms capable of adapting existing legal categories to emerging forms of employment. In the context of digitalization, platform-based work, remote employment and flexible work arrangements, such adaptation should be based on several complementary measures.

First, the legal status of persons engaged through digital labour platforms should be clearly differentiated according to the actual nature of the relationship rather than solely according to the contractual form chosen by the parties. Second, the distribution of responsibilities between employers,

platform operators and other participants should be clarified with regard to remuneration, working time, occupational safety, social guarantees and access to remedies. Third, flexible forms of employment should be accompanied by minimum mandatory guarantees concerning working time, remuneration, occupational safety and protection against unlawful termination.

Fourth, where digital technologies are used to allocate tasks, monitor performance or make decisions affecting employment, appropriate requirements of transparency and accountability should be developed. Such measures would allow technological innovation to be combined with legal certainty and the protection of fundamental labour rights.

Accordingly, the adaptive development of labour legislation should not mean continuous modification of individual statutory provisions. It should instead involve a combination of legislative clarification, institutional coordination, systematic monitoring of enforcement practice and periodic assessment of whether existing legal mechanisms remain adequate for changing forms of employment.

In a number of European legal systems, social partnership operates as a permanent mechanism for coordinating interests rather than as a formal legal requirement. Regular negotiations, broad participation of representative organizations, and well-established dispute prevention procedures contribute to greater legal predictability and reduce the likelihood of labor conflicts. Such experience confirms that institutional cooperation represents an essential element of sustainable labor regulation.

Considering these circumstances, further development of Kazakhstan's labor legislation should prioritize strengthening institutional guarantees of social partnership. Particular attention should be devoted to expanding access to collective bargaining, increasing employee participation in organizational decision-making, improving transparency in dispute resolution procedures, and enhancing cooperation between public authorities and social partners. Considering these circumstances, further development of Kazakhstan's labour legislation should prioritize strengthening institutional guarantees of social partnership and introducing an evidence-based mechanism for evaluating the effectiveness of legal reforms. Such a mechanism should combine legal monitoring with the systematic analysis of enforcement practice.

The proposed monitoring system should include several interconnected components: regular analysis of judicial decisions in labour disputes; periodic review of violations identified by state labour supervision authorities; assessment of the implementation of collective agreements; monitoring of the observance of labour rights in flexible, remote and platform-based employment; and systematic collection of information from employees, employers and their representative organizations.

The results of such monitoring should be consolidated in periodic analytical reports identifying recurring regulatory problems and proposing specific legislative or institutional responses. Where the same type of violation is repeatedly identified in judicial or supervisory practice, the relevant provision should be subject to targeted legal review. This would establish a feedback mechanism between law-making and law enforcement and would allow legislative reforms to be based on empirical evidence rather than solely on formal assessments of existing legislation.

Such an approach would transform monitoring from a general administrative function into a practical instrument for evaluating the effectiveness of labour legislation and identifying areas requiring further regulatory intervention.

Under this approach, social partnership becomes not merely a declarative legal principle but a functional instrument capable of promoting legal certainty, balancing the interests of labor market participants, and ensuring the long-term sustainability of labor relations.

The modernization of labour legislation should combine the development of the regulatory framework with greater transparency and clarity in the application of legal procedures and an appropriate balance between the interests of employees and employers [9]. A comparative analysis of European labour law practices indicates that several institutional mechanisms may be relevant for the further development of social partnership in Kazakhstan. Particular attention should be paid to the practical functioning of collective bargaining, the participation of employee representatives in decisions affecting working conditions, institutionalized consultation between the state and social partners, and procedures aimed at preventing and resolving labour disputes before they escalate into litigation.

For Kazakhstan, the most relevant element of this experience is not the formal transfer of a particular foreign institution, but the strengthening of the functional capacity of existing national mechanisms. In particular, collective bargaining could be developed beyond the reproduction of statutory guarantees by encouraging collective agreements to establish additional arrangements concerning working time, occupational safety, professional development, remuneration systems and the regulation of new forms of employment.

Foreign experience is also relevant to the development of continuous social dialogue. In the Kazakhstani context, this may involve more systematic consultations between public authorities, employers' associations and employee representatives when preparing legislative initiatives affecting the labour market. Such consultations would make it possible to identify the potential social and economic consequences of proposed regulatory measures before their adoption.

The adaptation of foreign experience should therefore be selective and problem-oriented. Practices concerning collective bargaining, employee participation, dispute prevention and institutional dialogue may be adapted where they are compatible with Kazakhstan's legal system and institutional capacity. This approach avoids mechanical transplantation of foreign legal institutions while allowing Kazakhstan to incorporate regulatory solutions that have demonstrated practical value in other legal systems.

Accordingly, the modernization of labour legislation in Kazakhstan should combine the strengthening of existing legal guarantees with the development of new mechanisms addressing contemporary labour-market transformations. Priority should be given to the effective regulation of flexible and platform-based employment, strengthening institutional mechanisms of social partnership, improving access to collective bargaining, ensuring transparent procedures for the protection of labour rights, and developing continuous monitoring of law enforcement practice.

These measures should be implemented progressively. At the first stage, existing legislation and enforcement practice should be systematically assessed in order to identify recurring regulatory and institutional deficiencies. At the second stage, targeted amendments should be developed on the basis of the identified problems and consultations with social partners. At the third stage, the practical effects of the adopted measures should be evaluated through judicial, administrative and empirical data. Such sequencing would ensure that legislative modernization is supported by evidence and adjusted where the intended regulatory results are not achieved.

In this regard, we consider it necessary to establish a standard list of basic ways to protect violated employee rights in labor legislation. In such a list, for example, you can enter the following methods: "recognition of the employment contract or its individual provisions as invalid, available remedies may include challenging an employer's unlawful acts, decisions or failures to act, seeking the removal of unlawful measures, requiring the fulfilment of outstanding legal obligations, and restoring the position that existed prior to the infringement. It is equally important to clearly define the bodies and institutions to which employees may turn when seeking to safeguard their labour rights (for example, trade unions, authorized state bodies, labor inspections) and the human rights methods they use. This would help to ensure the effective protection of labor rights and increase the legal literacy of employees.

In our view, the "Labour Legislation" section of the Legal Policy Concept of the Republic of Kazakhstan until 2030 should be revised to reflect contemporary developments in the labour market and the current priorities of legal reform [2].

The principal objective of the State's legal policy in the field of labour legislation should be to establish a modern framework for labour relations based on the principles of social partnership, a balanced protection of the interests of employees and employers, and effective legal regulation. Achieving this objective requires the consistent modernization of labour legislation in response to the digital transformation of the economy, the emergence of new forms of employment, and changing patterns of work.

In this regard, the further development of labour legislation should be guided by the following strategic priorities.

First, work organization should be modernized in ways that improve working conditions, promote the efficient use of human resources, and encourage greater employee involvement in workplace processes and decision-making. Second, labour legislation should provide for more flexible regulation of working time by expanding legal opportunities for flexible work schedules and other contemporary

forms of work organization. Such measures would enable employers to respond more effectively to economic changes while allowing employees to achieve a better balance between professional and personal responsibilities. Third, the remuneration system should be further modernized. Financial incentives should take into account not only the position held but also employees' qualifications, professional competencies, the complexity and quality of work performed, and individual performance outcomes. This approach would contribute to the implementation of the principles of fairness and equal remuneration for work of equal value. Fourth, greater attention should be given to developing an organizational culture based on mutual trust, constructive dialogue, and cooperation between employers and employees. Creating legal conditions that encourage employee participation in decision-making processes would facilitate more effective use of their professional, intellectual, and creative potential. Fifth, an appropriate legal framework should be established for the wider application of innovative technologies and digital solutions in the sphere of labour. The integration of technological innovations into labour relations can improve the efficiency and transparency of labour management, while creating additional opportunities to increase productivity and adapt employment practices to the requirements of the digital economy.

The transition from a predominantly hierarchical model of labour relations towards a more developed system of social partnership should be implemented through institutional and procedural measures rather than through a purely declarative change in legal principles. First, collective agreements should be encouraged to contain provisions that go beyond the minimum statutory guarantees and address working time arrangements, occupational safety, professional development, remuneration and the regulation of flexible forms of employment.

Second, employee representatives should have meaningful opportunities to participate in consultations concerning organizational decisions that directly affect working conditions. Third, collective negotiations should be used not only to establish employment conditions but also as a preventive instrument for resolving potential conflicts before they develop into collective labour disputes.

Fourth, public authorities, employers' associations and employee representatives should be involved in regular consultations concerning significant amendments to labour legislation. Finally, the implementation of collective agreements and social partnership agreements should be subject to systematic monitoring, with the results used to identify deficiencies in their practical application.

These measures would transform social partnership from a predominantly formal legal principle into an operational mechanism for coordinating the interests of employees, employers and the state.

The consistent implementation of these priorities will contribute to the development of a modern and sustainable system of labour relations, ensure a fair balance between respect the rights and legitimate interests of workers and employers and increase work efficiency labour law regulation, strengthen social stability, and enhance the competitiveness of the national economy.

The implementation of these measures should be supported by systematic monitoring of law enforcement practice and periodic evaluation of their practical effectiveness. Such monitoring would facilitate the timely identification of regulatory shortcomings, enable the refinement of legislative mechanisms, and promote greater consistency in the application of labor law. At the same time, continuous assessment of institutional reforms would allow policymakers to respond more effectively to evolving labor market conditions and emerging socio-economic challenges. Consequently, an evidence-based approach to labor law reform would strengthen legal certainty, improve the effectiveness of social partnership, and contribute to the long-term sustainability of Kazakhstan's labor law system.

The proposed directions should be interpreted as interconnected elements of a comprehensive labor law reform rather than isolated legislative initiatives. Their successful implementation requires coordinated institutional development, regular evaluation of law enforcement practice, and continuous assessment of the effectiveness of social partnership mechanisms. Only a systematic combination of legislative modernization, institutional strengthening, and practical implementation can ensure an appropriate balance between economic development, social justice, and the effective protection of labor rights. The effective implementation of these strategic directions will facilitate the establishment of a more efficient framework for the legal regulation of labour relations, grounded in the principles of legal certainty, the balance of interests between employers and employees, the long-term development of Kazakhstan's labour sector.

## Conclusion

The study demonstrates that the modernization of labour legislation in Kazakhstan requires an integrated approach combining legislative development, institutional strengthening and continuous evaluation of law enforcement practice. The analysis confirms that the principal challenge is not the absence of basic legal categories, but the need to ensure that existing regulatory mechanisms remain effective under conditions of digitalization, platform-based employment, flexible work arrangements and changing patterns of labour organization.

Based on the findings, several concrete directions for further development of labour legislation can be proposed.

First, the legal regulation of new forms of employment should be further clarified. Particular attention should be given to the practical application of existing labour-law categories to platform-based, remote and flexible employment. The distribution of rights and responsibilities between employees, employers and platform operators should be made sufficiently clear with regard to remuneration, working time, occupational safety, social guarantees and access to legal remedies.

Second, the protection of labour rights should be strengthened through clearer procedural mechanisms. In addition to the general right of employees to use lawful means of protection, legislation and enforcement practice should provide greater clarity regarding available remedies, competent institutions and procedures for challenging unlawful decisions or omissions of employers. This would reduce uncertainty for employees and improve access to effective legal protection.

Third, the institutional capacity of social partnership should be strengthened. Collective bargaining should be used not merely to reproduce statutory requirements but to establish additional guarantees adapted to the conditions of particular sectors and organizations. Collective agreements should increasingly address flexible working arrangements, occupational safety, professional development, remuneration mechanisms and the prevention of labour disputes.

Fourth, a systematic labour-law monitoring mechanism should be established. Such monitoring should incorporate judicial practice, data from labour supervision authorities, information concerning collective agreements and social partnership, and empirical feedback from employees and employers. The results should be periodically analyzed in order to identify recurring violations and regulatory deficiencies and to develop targeted legislative responses.

Fifth, the adaptation of international experience should be based on selective incorporation rather than direct transplantation. The most relevant elements for Kazakhstan include effective collective bargaining, institutionalized social dialogue, employee participation in decisions affecting working conditions, preventive dispute-resolution mechanisms and regular consultation between public authorities and social partners. Their implementation should take account of Kazakhstan's legal framework, institutional capacity and socio-economic conditions.

Sixth, the development of labour legislation should be accompanied by measures aimed at adapting workers to technological and structural changes in the economy. Professional training, retraining and skills development should be more closely connected with changing labour-market requirements, particularly in sectors affected by digitalization and technological transformation.

The implementation of these proposals should follow a phased approach. The first stage should involve systematic identification of regulatory and enforcement deficiencies. The second should consist of targeted legislative and institutional amendments developed through consultation with social partners. The third should involve an evaluation of the practical effectiveness of the adopted measures using judicial, administrative and empirical data. This feedback cycle would allow labour legislation to be adjusted on the basis of evidence and would reduce the risk of ineffective or purely formal reforms.

Thus, the modernization of Kazakhstan's labour legislation should be understood as a continuous process in which legal certainty, social partnership, technological adaptation and effective protection of labour rights are developed simultaneously. Such an approach would contribute to a more balanced labour-law system capable of reconciling the legitimate interests of employees and employers while responding effectively to structural changes in the contemporary labour market.

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## **ҚАЗАҚСТАНДАҒЫ ЕҢБЕК ЗАҢНАМАСЫН РЕФОРМАЛАУ: ӘЛЕУМЕТТІК ӘРІПТЕСТІК ПЕН ҚҰҚЫҚТЫҚ ТЕПЕ-ТЕҢДІК МӘСЕЛЕЛЕРІ**

### **Андатпа**

Зерттеу Қазақстан Республикасындағы еңбек заңнамасын жаңғырту үдерісін әлеуметтік әріптестік қағидаттары мен еңбек қатынастары субъектілерінің құқықтық теңгерімін қамтамасыз ету тұрғысынан қарастыруға бағытталған. Жұмыстың мақсаты – еңбек құқығын реформалау барысында әлеуметтік әріптестік тетіктерінің тиімділігін бағалау, еңбек қатынастарын құқықтық реттеудегі өзекті мәселелерді айқындау және оларды жетілдіруге арналған ғылыми негізделген ұсыныстар әзірлеу. Зерттеудің әдіснамалық негізін салыстырмалы-құқықтық, жүйелік, формальды-заңдық және талдамалық әдістер құрайды. Зерттеу нәтижесінде Қазақстандағы әлеуметтік әріптестік институтының құқықтық әлеуетін күшейту қажеттілігі дәлелденіп, жұмыскер мен жұмыс берушінің құқықтары мен міндеттерінің теңгеріміне кедергі келтіретін құқықтық олқылықтар анықталды. Сонымен қатар ұжымдық келіссөздерді дамыту, еңбек дауларын шешудің құқықтық кепілдіктерін жетілдіру және халықаралық тәжірибеге сәйкес ұлттық еңбек заңнамасын жаңарту бағыттары ұсынылды. Зерттеудің ғылыми құндылығы еңбек құқығын реформалаудың теориялық негіздерін толықтыруымен және әлеуметтік әділеттілік қағидаттарын іске асыруға бағытталған құқықтық тетіктерді жетілдіруімен айқындалады. Алынған нәтижелер заң шығару қызметінде, құқық қолдану тәжірибесінде және еңбек құқығы саласындағы ғылыми зерттеулерде пайдалануға мүмкіндік береді.

**Тірек сөздер:** еңбек заңнамасы, заңнамалық реформалау, еңбек қатынастары, еңбек құқығы, әлеуметтік әріптестік, жұмыскер, жұмыс беруші, еңбек заңнамасын жаңғырту.

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## **РЕФОРМА ТРУДОВОГО ЗАКОНОДАТЕЛЬСТВА В КАЗАХСТАНЕ: ПРОБЛЕМЫ СОЦИАЛЬНОГО ПАРТНЕРСТВА И ПРАВОВОГО РАВНОВЕСИЯ**

### **Аннотация**

Настоящее исследование посвящено анализу процесса модернизации трудового законодательства Республики Казахстан с позиции реализации принципов социального партнерства и обеспечения правового баланса между субъектами трудовых отношений. Цель исследования заключается в оценке эффективности механизмов социального партнерства в условиях реформирования трудового права, выявлении актуальных проблем правового регулирования трудовых отношений и разработке научно обоснованных рекомендаций по их совершенствованию. Методологическую основу исследования составили сравнительно-правовой, системный, формально-юридический и аналитический методы. По результатам исследования обоснована необходимость укрепления правовых основ института социального партнерства в Республике Казахстан, а также выявлены правовые пробелы, препятствующие обеспечению баланса прав и обязанностей работников и работодателей. Предложены направления совершенствования механизмов коллективных переговоров, усиления правовых гарантий при разрешении трудовых споров и модернизации национального трудового законодательства с учетом международного опыта. Научная ценность исследования заключается в развитии теоретических подходов к реформированию трудового права и совершенствовании правовых механизмов реализации принципов социальной справедливости. Полученные результаты могут быть использованы в законотворческой деятельности, правоприменительной практике, а также в дальнейших научных исследованиях в области трудового права.

**Ключевые слова:** трудовое законодательство, законодательное реформирование, трудовые отношения, трудовое право, социальное партнерство, работник, работодатель, модернизация трудового законодательства.

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