

## SUMMARY

Of the PhD thesis on specialty 6D030100 «Jurisprudence»  
of Khassenov Muslim Khanatovich  
«Legal mechanism of social partnership in labour sphere:  
problems of theory and practice»

### **Topicality of the research**

The institutional structure of society is a frame on which the entire political, economic and social system is based.

Realizing this, the President of the Republic of Kazakhstan N.A. Nazarbayev in his speech in March 2015 proposed a "non-standard response to the global challenges of statehood of Kazakhstan" so-called five institutional reforms have been put forward<sup>1</sup>.

These reforms include the formation of a modern, professional and autonomous state apparatus; the rule of law that guarantees the right of ownership, creating conditions for entrepreneurial activity; industrialization and economic growth based on diversification; formation of a national identity; formation of transparent and accountable government.

In the context of the research we believe the key issue is the need for the broadest implementation of self-regulation of society. "It is necessary to reduce areas of responsibility of state bodies, transferring the powers of the institutions of civil society" (Nazarbayev N.A.)<sup>2</sup>.

And social partnership is one of the instruments of self-regulation of society.

Legal basis of social partnership have the highest demand and a long history it in the field of social and labor relations, as they are based on the unity and struggle of opposites: the interests of an employee and an employer, while the opposition in accordance with the laws of dialectics cannot exist without each other, which creates favorable conditions for their sustainable motion to compromise.

Currently, there is a tendency for rapid complication of social and labor relations in ever-expanding capital markets, labor markets and the deepening of integration processes. Countries face challenges to resolve a number of serious problems, among which ensure and protection of the workers' and employers' rights in the framework of social partnership occupies a special place.

With the development of competition for entrepreneurs (employers), the main objective becomes to increase productivity and reduce production costs (services, works) that caused the need for a constant dialogue with employees on the working conditions.

Subsequently, the need for employers to feedback from employees and by employees - need for a mechanism to defend their rights and legitimate interests,

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<sup>1</sup> Speech by N.A. Nazarbaev at the XVI regular Congress of the "Nur Otan" Party, March 11, 2015 // An official website of the President of the Republic of Kazakhstan [www.akorda.kz](http://www.akorda.kz): [http://www.akorda.kz/ru/speeches/internal\\_political\\_affairs/in\\_speeches\\_and\\_addresses/vystuplenie-prezidenta-respubliki-kazahstan-predsedatelya-partii-nur-otan-nnazarbaeva-na-xvi-sezde-partii](http://www.akorda.kz/ru/speeches/internal_political_affairs/in_speeches_and_addresses/vystuplenie-prezidenta-respubliki-kazahstan-predsedatelya-partii-nur-otan-nnazarbaeva-na-xvi-sezde-partii). 20 April, 2015

<sup>2</sup> Ibid

contributed to the formation of the system of relations between them, aimed at achieving a balance of interests and stabilizing the social and labor relations.

Conflicting interests and impossibility of their existing without each other forced workers and employers to look for ways of convergence of their interests. In the course of this interaction modern social and labor and collective-contractual relationship, the so-called model of social partnership have been established.

One of the main principles of the Society of Universal Labor is the principle of partner participation, which means close interaction between government, business and citizens in order to ensure a reasonable balance of interests of the state, society and the individual. As the Head of State noticed in the program "Social modernization: Twenty Steps to the Society of Universal Labor", "it is important to actively promote social partnership, to create conditions for increasing participation of private sector in modernization of the country, above all, of the social sphere"<sup>3</sup>.

As outlined in the President's Message to the people of Kazakhstan dated November 30, 2015, "today only Society of Universal Labor can become a real basis for efficient economy resilient to external shocks"<sup>4</sup>.

The topicality of the research corresponds to the Concept of Social Development of the Republic of Kazakhstan till 2030 and the Plan of social modernization till 2016<sup>5</sup>, which determine the need for "effective functioning of the current social model of the national scheme of social partnership, based on the distribution of responsibilities between the state, employers and citizens".

At the present stage for the Republic of Kazakhstan the issues of further improvement of the legal mechanisms of social partnership are of particular relevance. Converting nature of property (two waves of privatization), the transformation of the institutions of a market economy, strengthening of the legal status of employers' associations and trade unions, new challenges of globalization and the strategic goals of joining the thirty most developed countries contribute to the formation of a qualitatively new legal and institutional framework for the coordination and convergence of interests of all participants of social, labor and economic relations.

The adoption of the new Labour Code of 23 November 2015 and its entry into force on 1 January 2016 was the most important, a qualitatively new stage in the development of social and labor relations in general, and in particular, the social partnership in the sphere of labor, since the provisions of the new Labour Code aimed firstly to strengthen the collective bargaining method of regulation of labor relations, relations of autonomy of workers, employers and their representatives.

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<sup>3</sup> Article of the President of the Republic of Kazakhstan N.Nazarbayev « Social modernization of Kazakhstan: Twenty Steps to the Society of Universal Labor. The global trend of social modernization» // <http://www.zakon.kz/4501497-socialnaja-modernizacija-kazahstana.html>. Дата обращения: 20 April, 2015

<sup>4</sup> Decree of the President of the Republic of Kazakhstan dated 17 January, 2014 « Kazakhstan's way - 2050: Common goal, common interests, common future» // An official website of the President of the Republic of Kazakhstan [www.akorda.kz](http://www.akorda.kz): [http://www.akorda.kz/ru/addresses/addresses\\_of\\_president\\_poslanie-prezidenta-respubliki-kazahstan-nazarbaeva-narodu-kazahstana-17-yanvarya-2014-g](http://www.akorda.kz/ru/addresses/addresses_of_president_poslanie-prezidenta-respubliki-kazahstan-nazarbaeva-narodu-kazahstana-17-yanvarya-2014-g). 20 April, 2015

<sup>5</sup> Decree of the Government of the Republic of Kazakhstan dated April 24, 2014 № 396 "On Approval of the Concept of Social Development of the Republic of Kazakhstan till 2030 and the Plan of social modernization in the period up to 2016"

The transition from a centralized to a decentralized control (autonomous) enhances expansion of contractual method of formation of legal policy in the workplace. More and more institutions of labor law become the subject of the competence of the social partners, because the state is interested in the coherence and balance of decisions.

In accordance with the Strategic Plan of Kazakhstan until 2020 there has been set the target indicator till 2020 to ensure 90%-95% coverage of the large and medium-sized enterprises by the system of collective labor relations<sup>6</sup>.

As outstanding scientist E.N. Nurgaliyeva noted, social partnership regulation becomes the main form of regulation of labor relations in market conditions. In these circumstances, contract management practices, adequately reflecting the peculiarities of the country's economy, are identified as a foreground of modern agenda<sup>7</sup>.

In the Message of the President of the Republic of Kazakhstan Nursultan Nazarbayev to people of Kazakhstan of 14 December 2012 "Strategy" Kazakhstan-2050 ": a new policy established state"<sup>8</sup> formation of a fundamentally new model of labor relations, combining entrepreneurship support with taking into account the interests of employees, named as one of the Strategy's objectives.

As emphasized in the doctrine of labor law, the model of social partnership has become a kind of axis around which formed relative stability and absence of conflict of all social relations in economically developed countries<sup>9</sup>. In this sense, the key macro-tasks of the state and the social partners is to develop an optimal model, which is characterized, on the one hand, with social justice and social cohesion, on the other hand, economic growth, sustainable development and political modernization.

Social partnership has become one of the leading principles of the organization of socio-economic systems. The idea of patient and persistent search for a compromise between the social groups that objectively prone to confrontation reflects the high level of development of society<sup>10</sup>.

The topicality of the research is also determined by the practical needs related to the acceleration of the integration process, in which the Republic of Kazakhstan is participating, including membership in the World Trade Organization and the Eurasian Economic Union, as well as the imminent entry into the Organization for Economic Cooperation and Development.

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<sup>6</sup> Decree of the President of the Republic of Kazakhstan dated February 1, 2010 № 922 «On Strategic Plan of Kazakhstan until 2020»

<sup>7</sup> Nurgaliyeva E.N. The role of labor law in the market mechanism. – Karaganda:«Bolashak Baspa» Publishing House, 2011. – 205 p. Pages.103-105

<sup>8</sup> Message of the President of the Republic of Kazakhstan Nursultan Nazarbayev to people of Kazakhstan of 14 December 2012 "Strategy" Kazakhstan-2050 ": a new policy established state" // An official website of the President of the Republic of Kazakhstan [www.akorda.kz](http://www.akorda.kz): [http://www.akorda.kz/ru/addresses/addresses\\_of\\_president/postanie-prezidenta-respubliki-kazahstan-nazarbaeva-narodu-kazahstana-14-dekabrya-2012-g](http://www.akorda.kz/ru/addresses/addresses_of_president/postanie-prezidenta-respubliki-kazahstan-nazarbaeva-narodu-kazahstana-14-dekabrya-2012-g). 18 July, 2016

<sup>9</sup> Lushnikova M.V. Legal mechanism of social partnership in the regulation of labor and social-security relations: Comparative Legal Survey // Dissertation of Doctor of Laws. M., 1997. – P.21.

<sup>10</sup> Lobacheva Y.A. Corporate capitalism and the evolution of tripartism // Dissertation of Candidate of Politics. S.-Pb., 2011. – P.41

Law-enforcement practice is a next proof of the relevance of a theoretical study in the field of law. The importance of legal instruments in the resolution of disputes and conflicts arising during the implementation of labor rights, in the conditions of global economy's crisis, putting at the center of preventive measures and measures aimed at the alignment of interests of the parties of social partnership. In the study of law enforcement practices there have been analyzed the examples of collective-contractual regulation on specific enterprises of the country, acts of social partnership at the national, regional and sectoral levels.

All this indicates that further improvement of legal mechanism of social partnership in labour depends on the continuation of scientific fundamental research in this area. It caused the need to find ways to balance the interests of the parties of social partnership, as well as closer studying of means and ways to resolve social and labor disputes and conflicts.

The above questions and the circumstances of the legal reality determined the topicality and scientific value of the research of legal mechanism of social partnership. These factors influenced choice of topic, development of directions of the research, its specificity, structure and methodology of the study.

#### **The aim of the research and scientific results**

The aim of the research resolution of actual scientific and practical problem of improving legal mechanism of social partnership in labour on the basis of systematic research.

The author undertook an attempt to formulate the modern concept of social partnership in labour, taking into account the specifics of the modern social and labor relations. At the first time in the dissertation level there have been considered conceptual issues of the balance of interests of the social partners, analyzed the legal practice of collective-contractual regulation, offered scientifically sound conclusions about the prospects of further development and the recommendations for improving the legal mechanism of social partnership in Kazakhstan taking into account international best practices and international standards.

**The object of the research** is a set of social relations of social partnership in labour.

**The subject of the research comprised of** legal norms regulating this sphere of legal relations, as well as law enforcement practice establishing principles and basic tendencies of development of collective labor law.

**Methodological foundations of the research composed of** general scientific dialectical method of knowledge as a way of objective and comprehensive investigation of reality and its dynamics.

While preparing thesis there have been applied scientific methods (analysis and synthesis, induction and deduction, analogy), methods of empirical research (analysis of jurisprudence) and others.

*Dialectical method of knowledge* is chosen to detect causal relationships in development of social partnership, the study revealed the internal laws which are inherent in social partnership. The object of research is studied by the author as an objective reality. All the phenomena, events and activities are considered by the author comprehensively and in the aspect related relationships in the process of

constant change and evolution. The result of using this method is formulated the essence of social partnership as a legal-political ideology aimed to achieve a balance of interests between the subjects of social, labor and economic relations.

*Analysis and synthesis.* Analysis method allowed studying the structure, individual characteristics and internal connections of legal mechanism of social partnership in labour. The analysis provided the opportunity to penetrate the essence of the object under study and the subject by identifying the main and significant features. The method of scientific knowledge, which is a mental connection of component parts, elements, properties, relations of the object, dismembered as a result of the analysis, and the study of this object as a whole. The synthesis method allowed connecting within the dialectical unity of the elements of legal mechanism of social partnership with liberation of its essence. Synthesis results allow considering the legal framework of social partnership as an organic and holistic phenomenon, the properties of which are determined to the internal interconnection and interdependence of its elements. The result of this method is formulated definition of social partnership and the principles of social partnership.

*Induction and deduction.* Induction method allowed generalizing the results of a study with course of study from the particular to the general one. With the help of this method there were found similarities and specific differences in certain institutions of social partnership. Deductive method allowed characterizing the institutions of social partnership through the launch of the acquired knowledge of the general properties of social partnership as a holistic phenomenon. Using deductive reasoning author managed to become better studied individual institutions based on a common understanding of social partnership as a whole in terms of its conceptual and ideological basis.

*Analogy.* Analogy method allowed revealing new characteristics of the research subjects on the basis of a comparison with similar research subjects as in related areas of law, and within the labor law. The result of applying this method is the conclusion of the need to confer agreements in the sphere of social partnership by the legal nature of legal acts, based on the study of the properties and characteristics of the legal acts which are in force in the Republic of Kazakhstan and abroad.

*Methods of empirical research,* in particular, analysis of judicial practice revealed the problematic aspects in the legal regulation of social partnership, the weaknesses of law enforcement, and to formulate general trends of the current situation of social partnership in Kazakhstan.

Along with these there are widely-used specifically scientific methods, both in separate and in various combinations:

*Formal legal method* allowed to analyze the legal rules governing certain aspects of relations in the sphere of social partnership. The result of using this method is identifying gaps and contradictions in the legislation of the Republic of Kazakhstan, proposed recommendations for improving the current legislation of the Republic of Kazakhstan.

*Historical legal method* allowed to examine the entire process of formation and development of institutions of social partnership in labour, both in Kazakhstan and abroad, in different historical periods. The result of using this method is the

conclusion on formation of full legal framework and system of social partnership in the Republic of Kazakhstan, which includes such key parameters as the legislative framework (legal field), institutional framework and contractual framework.

*Comparative legal method:* research of institutes of social partnership in labour in foreign countries revealed the best international practice, taking into account the socio-economic development of the states. The result of using this method are the proposals for reforming the institution of workers' representation, on improving the collective bargaining of labor regulation, improving the status of the republican commission on social partnership and regulation of labor relations.

*Legal modeling.* Using of legal modeling method is determined by the need to reveal all aspects of objects by examining different legal models of social partnership. The result of its application is formulated conclusion on the proposed model of social partnership in Kazakhstan.

**The scientific novelty of the dissertation** is defined by the fact that is the first comprehensive study of legal mechanism of social partnership in labor in Kazakhstan at the contemporary stage.

The scientific novelty composed of:

- development of the author's understanding of social partnership and its main institutions, implementation of international standards in the field of social partnership in the legislation of the Republic of Kazakhstan;
- determining the role and place of the state, representatives of workers and employers in the system of social partnership;
- considering the characteristics of collective agreement as a source of law and forms of social partnership, identifying and establishing general and specific characteristics of the collective agreement in EAEU and the OECD countries;
- development of concrete proposals for improving the legal framework and institutional structure of social partnership, the law enforcement practice of the Republic of Kazakhstan. The author suggests its own revision of section 3 of the Labour Code of the Republic of Kazakhstan "Social partnership and collective relations at work", which is proposed to introduce 4 chapters (including 2 chapters that are missing in the current edition of the Labor Code of the Republic of Kazakhstan, and absent in the wording of the Labour Code of the Republic of Kazakhstan of 2007).

**Research objectives:**

- to identify the structure of the legal mechanism of social partnership in labor, methods and techniques ensuring the balance of the interests of social partners;
- to define the concept, nature and the principles of social partnership in labor taking into account the changing economic relationships;
- to reveal the main trends and the current situation of legal mechanisms of social partnership;
- to carry out comparative legal characterization and study the features of legal mechanism of social partnership in foreign countries and its separate components;
- to analyze the specifics of ensuring the balance of interests in a variety of social and labor relations, reveal gaps and develop proposals;

- to carry out the study and generalization of legal practice of collective-contractual regulation of labor relations;
- to analyze legal status of subjects of social partnership;
- to explore the basic forms of social partnership, to identify problems and suggest their solutions.

#### **Statements for the defense:**

On the basis of the different positions of scientists on issues of social partnership in labor, developed in legal doctrine, existing international standards and the legal framework of social partnership, the author comes to the following conclusions:

1. The concept of social partnership should be considered in wide (doctrinal) and narrow (concrete legal) senses.

***Social partnership in a wide sense*** is political and legal ideology aimed to achieve a balance of interests between subjects of social, labor and economic relations (*in relation to employment law - between employees and employers*).

By its nature, social partnership is evolutionary the result of the convergence of the theories of *social democracy* (in the framework of socialist ideology) and the *liberal-conservatism* (in the framework of capitalist ideology), as a natural result of cooperation and mutual accommodation of two major groups - employers and employees under the mediation of the State in order to the fullest maintenance of their effective interaction. Social partnership as an ideology and a model of organization of public relations emerged as a result of development and interpenetration of the two concepts - the *welfare state theory* and *theories of corporatism* various transformations.

***Social partnership in a narrow (concrete legal) sense*** is a system of relations between workers and employers (through their representatives), and in the cases stipulated by the legislation - with the participation of the state (represented by government and local authorities) and other subjects (bodies of social partnership), in order to ensure a balance of interests within development, harmonization and implementation of socio-economic policy of the state in regulation of labor and other relations directly connected with them.

This definition is formulated based on the analysis of the conceptual apparatus of social partnership EAEU countries. It is proposed that this definition shall be provided in the Principles of labor law of EAEU and to amend article 1 of the Labour Code of the Republic of Kazakhstan, reflecting the definition of social partnership in the above formulation.

Thus, social partnership should be understood as a system of bilateral relations between workers and employers (bipartizm) and trilateral relations with the state (tripartism). Cases and limits of state participation in social partnership relations should be established by the legislation

Also the definition of ***legal mechanism of social partnership*** in labour is proposed to identify as a set of legal norms, principles, institutions and forms that establish the legal and institutional framework of social partnership relations (*the subject of Collective Labour Law*). Legal mechanism of social partnership forms the basis of Collective Labor Law.

2. On the basis of the EAEU countries' legislation there have been defined the ***principles of social partnership***, which are proposed to include in the Principles of labor law of EAEU countries in order to standardize legislation on social partnership.

The principles of social partnership are the basic ideas (beginnings), expressing the essence and the basic directions of social partnership's development.

Considering diversity of principles in the labor law of EAEU countries, it is proposed to unify and establish *the following principles of social partnership* in the *Principles of labor law of EAEU countries*: 1) the principle of freedom of association; 2) equality of the parties; 3) the rule of law; 4) social justice; 5) authorization of the representatives of the parties; 6) the principle of parity in the implementation of social partnership's forms; 7) freedom of collective bargaining and voluntary commitments; 8) mandatory implementation of agreements and commitments, monitoring of their implementation; 9) liability for obligations assumed; 10) consideration of and respect for the interests of the parties; 11) in favorem principle, or the principle of most-favored status of worker; 12) the principle of promoting state in strengthening and development of social partnership on a democratic basis (tripartism); 13) the principle of social (collective) autonomy (bipartism principle); 14) the reality of the commitments undertaken by the parties (taking into account the material, production and financial basements of obligations imposed on the parties, respect for their legitimate rights and interests); 15) the principle of good faith (non-abuse of rights); 16) the rejection of unilateral actions that violate the agreement; 17) informing each other party to the negotiations; 18) the principle of peaceful settlement of collective labor disputes (conciliation - mediation and arbitration procedures).

3. In order to maintain and further advance the progress it is proposed to develop and adopt the ***Strategy of development of social partnership and regulation of social and labor relations in the Republic of Kazakhstan until 2050***, based on the Development Strategy of Kazakhstan until 2050, with the inclusion of the document to the system of state planning of the Republic of Kazakhstan. This document should contain the target indicators and development indicators of social partnership and regulation of social and labor relations, as well as the principles of social partnership and measures to ensure a balance of interests in the implementation of tripartism principle and development of social (collective) autonomy of subjects of social and labor relations.

4. It is proposed to raise the status of the *Republican tripartite commission on social partnership and regulation of social and labor relations* to the level of the ***National Council for social partnership and regulation of social and labor relations змөык the Parliament of the Republic of Kazakhstan***, with the establishment of the *Analytical Center for development of social partnership and social and labor relations*, and the expansion of the Council composition (with the inclusion of deputies of the Kazakh Parliament, academics and representatives of non-governmental organizations).

It should be provided in the Labour Code of the Republic of Kazakhstan the preparation and publication of ***the annual National report on Labour in the***

**Republic of Kazakhstan**, including key indicators of employment and labour statistics, the composition of the employed population, information on the status of individual and collective labor relations, on the observance of labor legislation. This comprehensive document should be the joint result of the country's key social partners: the state on behalf of the Government of the Republic of Kazakhstan and the relevant ministry, employers - represented by the National Chamber of Entrepreneurs of the Republic of Kazakhstan; and workers - represented by the Federation of Trade Unions of Kazakhstan

The National Report on Labour shall be annually presented in December at the enlarged meeting of the National Council for social partnership and regulation of social and labor relations *ҰТБҰК* the Parliament of the Republic of Kazakhstan with the participation of the President of the Republic of Kazakhstan and representatives of civil society.

5. An analysis of the legal nature of the agreements in the field of social partnership (*general agreement, industry and agreements*) allows us to consider them as a **legal act**, expressed in the form of the **agreement** of participants of social, labor and economic relations.

It is therefore proposed to amend the system of legal acts established by the *Law of the Republic of Kazakhstan "On Legal Acts"* with a separate kind of legal act - a **legal act of social partnership**. The legal acts of social partnership are as follows: general, sectoral and regional social partnership agreement, i.e., agreements, where one party acts the state as a possessor of public and legal authorities. Collective agreements must preserve its legal nature as local legal acts acting in organizations.

6. Considering comparative legal analysis it is proposed to change the existing definition of collective agreement in the Labour Code of the Republic of Kazakhstan, unifying it in accordance with the legislation of the EAEU countries.

The following definition of a **collective agreement** proposed: it is a *local legal act, issued in the form of a written agreement* between employer and employees (or their representatives, trade unions) within organization that regulates the socio-economic and labor relations.

Collective agreement may be concluded in organization as a whole, in its branches, representative offices and other separate structural subdivisions, as well as branches and representative offices of foreign legal entities. Collective agreement should *apply to all employees of the organization*, unless otherwise provided by collective agreement.

7. In order to ensure social peace and competitiveness of collective contractual method of regulation of social and labor relations it is necessary to consider in the Labour Code of Kazakhstan an appropriate provision for the possibility of establishing in the collective agreement the organization obligations of trade union and (or) employees **to refrain from strikes**, provided that the collective agreement content **greatly improves the situation of workers in comparison** with the existing legislation and the superior general, sectoral, regional agreements.

This provision will increase *the motivation of employers* not only in conclusion of collective agreements, but also to improve the quality of their content, and for the workers is a *real improvement in social and labor guarantees* and rights.

8. In order to further deepen collective contractual relations and to ensure real participation of employees in the management of the organization in Kazakhstan it is proposed to ***reform the system of workers' representation in the organization***, taking into account international experience:

- based on the experience of Germany to introduce *the institution of works councils* as organs of workers' representation in the decision-making process and the organization of economic (industrial) democracy, with the establishment of a clear division of their competence with the sphere of activity of the trade unions;

- to provide works council with the right of collective bargaining if there is no trade union in the organization;

- to convert current production councils on health and safety to the safety and health committees in order to harmonize the conceptual apparatus.

It is proposed to supplement the Labour Code of the Republic of Kazakhstan with chapter "Participation of employees in the management of the organization", by defining the legal status of works councils.

9. It is proposed to introduce changes and additions to the Law "On Legal Acts" and "On trade unions" in order to ensure a balance of interests in the implementation of the principle of tripartism in development and implementation of socio-economic policy:

- 1) to provide compulsory expertise of draft laws and regulations affecting labor and social rights and interests of citizens by national and sectoral trade unions and trade union organizations (with the relevant amendments to the Law of the Republic of Kazakhstan "On Legal Acts");

- 2) to provide in the Law of the Republic of Kazakhstan "On trade unions" the right of national and territorial associations of trade unions to initiate public hearings on issues affecting labor and social rights and interests of citizens:

- at the national level - both state and industry associations, trade unions and trade union organizations with the participation of deputies of the Parliament of the Republic of Kazakhstan and local representative bodies, representatives of state agencies, local governments, associations of businesses (employers), organizations, businesses, media;

- at territorial level - territorial associations of trade unions and trade union organizations, the participation of local representative bodies, representatives of state agencies, local governments, associations of businesses (employers), organizations, businesses, media;

- 3) to provide the right of national, sectoral and territorial associations of trade unions to carry out public monitoring of regulatory legal acts concerning labor and social rights and interests of citizens.

In addition, it is proposed to include representatives of national associations of employers and trade unions to the governing body of the United accumulative pension fund of the Republic of Kazakhstan, the Social Insurance Fund and the

Health Insurance Fund in order to ensure transparency and accountability of using pension and other social security contributions of employees and employers.

**Practical significance of the research outcomes** is focused on solving urgent problems of collective labor law. The significance of this work lies in the possibility of using the results of dissertation by experts working on the problems of improving legal mechanism of social partnership in labour, in activities of employers' and employees' associations.

The results of this study can be used in law-making, the further development and improvement of existing legislation, collective-contractual regulation of social partners.

**Personal contribution of the PhD student** expressed in independent and comprehensive development of the issue of the research. Doctoral student has been studied in detail and systematized scientific, regulatory and practical material on the existing problems, carried out the analysis of a large number of domestic and foreign sources.

All set forth in the thesis provisions and conclusions are the result of personal research of the author. While writing dissertation it was used materials previously published by the doctoral student: sole and in co-authorship. The processing and interpretation of developed data are carried out by the author personally.

#### **Approbation of the thesis outcomes**

Thesis performed at the department of civil and environmental law of Gumilyov Eurasian National University, which conducted its review and discussion. Certain provisions of the dissertation were reflected in the classes held during the teaching practice in academic graduate groups on the subject "Peculiarities of regulation of labour of oil and gas industry workers" (introduced in the educational process).

The results of the research used in the work of the Committee on socio-cultural development of the Majilis Parliament of RK, Committee on Labour, Social Protection and Migration under the Ministry of Health and Social Development of the Republic of Kazakhstan, the National Chamber of Entrepreneurs of Kazakhstan "Atameken", Trade Unions Federation of Kazakhstan, Institute of Legislation of the Ministry of Justice of RK, Kazakhstan association of oil, gas and energy sector organizations "KazEnergy".

The main conclusions of the thesis have been presented and discussed in the following conferences:

*in foreign countries:*

1) 3rd International Conference of PhD Students and Young Researchers (9-10 April 2015, Vilnius, Lithuania);

2) 4rd International Conference of PhD Students and Young Researchers (21-22 April 2016, Vilnius, Lithuania);

3) (International Conference of PhD Students and Young Researchers (6-7 November 2015, Bergamo, Italia);

*In the Republic of Kazakhstan:*

1) XI International scientific conference of students and Young scientists «Science and education – 2016». – (Astana, Gumilyov Eurasian National University, 2016);

2) International scientific and practical conference, devoted to memory of N.A. Shaikenov: «Ensuring the rights of the individual in modern conditions» («Shaikenov’s readings»), 12 May, 2016, Astana;

3) International scientific and practical conference, devoted to 15-years anniversary of Law faculty of Gumilyov Eurasian National University «Improving national and international law in the conditions of development of integration processes» (Astana, Gumilyov Eurasian National University, 23 May of 2014);

4) X International scientific conference of students and Young scientists «Science and education – 2015» (Astana, Gumilyov Eurasian National University, 2015);

5) International scientific and practical conference «Intellectual Leadership: a new stage in the development of Kazakhstan» (Academy of Public Administration under the President of the Republic of Kazakhstan, Astana, 26 February of 2016);

6) International scientific and practical conference within the annual civil readings, devoted to 90-years anniversary of prominent Kazakh scientist-lawyer Y. Basin «Civil Law and Corporate Relations» (Almaty, 13-14 May of 2013);

7) International scientific and practical conference, devoted to 20-years anniversary of Institute of Legislation of the Republic of Kazakhstan «Actual problems of improving the legislation of the Republic of Kazakhstan in the new policy» (Astana, Institute of Legislation of the Republic of Kazakhstan, 31 May of 2013).

### **Publications**

There have been published 21 scientific articles devoted to the theme of dissertation:

*in international scientific edition indexed by database of «Scopus» company:*

1) Worker’s Representation: Foreign Practice and the Prospects for Reforms in the Republic of Kazakhstan // American Journal of Applied Sciences 2016, Volume 13 (Issue 1): pages 28-35 (co-authorship with Nurhaliyeva Y.N.);

*in editions recommended by the Committee on control in education and science under the Ministry of education and science of the Republic of Kazakhstan:*

2) Социальное партнерство в сфере социально-трудовых отношений: выбор оптимальной модели правового регулирования // Вестник Евразийского национального университета им. Л.Н.Гумилева. – Астана, 2014, №3 (100) 2014. - С.469-473;

3) Социальное партнерство в сфере труда: нормативная основа и баланс интересов // Вестник Института законодательства Республики Казахстан. - Астана, 2014, №4(36). – С.138-146 (co-authorship with Zhakupov R.Y.);

4) Правовые вопросы либерализации трудовых отношений в Республике Казахстан // Вестник Института законодательства РК, №2 (38), 2015. - С.56-63 (co-authorship with Nurhaliyeva Y.N.);

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**Volume and structure of the thesis** are determined by its internal logic, due to the purpose and objectives of the thesis. The study consists of an introduction, three parts, seven chapters, conclusion, list of references and applications.