LABOR CODE OF THE KYRGYZ REPUBLIC

(with amendments and additions as of December 23, 2022)

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Jogorku Kenesh of the Kyrgyz Republic May 25, 2004

SECTION I. GENERAL PART

CHAPTER 1. BASIC PROVISIONS

Article 1. Goals and objectives of labor legislation

The objectives of labor legislation are to establish state guarantees of labor rights and freedoms of citizens, create favorable working conditions, protect the rights and interests of workers and employers. Labor legislation is aimed at creating the necessary legal conditions for achieving optimal coordination of the interests of the parties to labor relations, as well as the interests of the state.

The main tasks of labor legislation are the legal regulation of labor and directly related relations:

on labor organization and labor management;

employment with this employer;

for professional training, retraining and advanced training of personnel directly from this employer;

on social partnership between employers, employees and government bodies, local self-government, collective bargaining, conclusion of collective agreements and agreements;

on the participation of representative bodies of employees and employers in the establishment of working conditions and the application of labor legislation in cases provided for by law;

on the liability of employers and employees in the labor sphere;

on supervision and control over compliance with labor legislation (including legislation on labor protection);

for resolving labor disputes.

Article 2. Basic principles of legal regulation of labor and directly related relations

The main principles of legal regulation of labor and directly related relations are recognized:

- the right to work, which every citizen freely chooses or to which he freely agrees, including the right to dispose of his abilities for work and to choose a profession and occupation;
- freedom of labor;
- Prohibition of forced labor and discrimination in the field of labor relations;
- prohibition of child labor in the worst forms;
- protection against unjustified dismissal;
- Ensuring the right to promote employment and to social protection against unemployment;
- Ensuring the right to work in conditions that meet the requirements of safety and hygiene;
- Ensuring the right to remuneration for work in accordance with the employment contract, but not below the minimum wage established by law;
- Ensuring the right to rest;
- Ensuring the right to compensation for harm to health caused to an employee in connection with the performance of his labor duties;
- assistance to the professional development of an employee in production, personnel training;
- ensuring the right to resolve individual and collective labor disputes in the manner prescribed by this Code and other legislative acts;

- the establishment of state guarantees to ensure the rights of workers and employers, the implementation of state supervision and control over their observance;
- Ensuring the right of every citizen to protection by the state of his rights and freedoms, including in court;
- ensuring the right to association, including the right to create trade unions and other representative bodies of employees to protect their rights, freedoms and interests in the field of labor relations and exercise public control over their observance;
- Ensuring the right of employers to associate to protect their rights, freedoms and interests in the field of labor relations;
- participation of associations of workers and employers in the regulation of labor relations.

Article 3. Labor legislation and other normative legal acts containing labor law norms. Rules of international law

The regulation of labor relations and other relations directly related to them, in accordance with the Constitution of the Kyrgyz Republic, is carried out by labor legislation and other regulatory legal acts containing labor law norms: this Code, other laws, decrees of the President of the Kyrgyz Republic, resolutions of the Government of the Kyrgyz Republic, acts of bodies local self-government and local regulations containing labor law norms.

Interstate treaties and other norms of international law ratified by the Kyrgyz Republic are an integral and directly effective part of the legislation of the Kyrgyz Republic.

If international treaties ratified by the Kyrgyz Republic establish more favorable rules for an employee than those provided for by laws and other regulatory legal acts of the Kyrgyz Republic, agreements, collective agreements, then the rules of international treaties are applied.

In the event of a conflict between this Code and other laws containing norms that worsen the position of employees, the norms of this Code shall apply.

Article **4**

Local self-government bodies have the right to adopt acts containing labor law norms, within their competence, in agreement with the representative bodies of employees.

Article 5. Local regulations containing labor law norms adopted by the employer

The employer adopts local regulations containing labor law norms within its competence in accordance with laws and other regulatory legal acts, a collective agreement, agreements.

In cases provided for by this Code, laws and other regulatory legal acts, a collective agreement, the employer, when adopting local regulations containing labor law norms, coordinates with the representative body of employees.

Local regulations that worsen the position of employees in comparison with labor legislation, a collective agreement, agreements, or adopted without observing the procedure for coordination with the representative body of employees provided for by this Code, are invalid. In such cases, laws or other normative legal acts containing labor law norms are applied.

Article **6**

This Code, laws and other regulatory legal acts containing labor law norms apply to all employees who have concluded an employment contract with an employer.

This Code, laws and other regulatory legal acts containing labor law norms are mandatory for application throughout the territory of the Kyrgyz Republic for all employers (legal entities or individuals), regardless of their organizational and legal forms and forms of ownership.

In cases where it is established in court that a civil law contract actually regulates labor relations between an employer and an employee, the provisions of labor legislation apply to such relations.

Features of the application of this Code to foreign citizens and stateless persons are determined by Article 7 of this Code and other laws containing labor law norms.

Features of the legal regulation of labor of certain categories of employees (heads of organizations, state civil servants and municipal employees, persons working part-time, women, youth and others) are established by this Code and other regulatory legal acts.

Features of the legal regulation of labor relations of persons within the framework of the application of legislation in the field of protection of the rights of participants in criminal proceedings are determined by the Cabinet of Ministers of the Kyrgyz Republic.

This Code, laws and other regulatory legal acts containing labor law norms do not apply to the following persons: military personnel in the performance of military service duties; persons from among the rank and file and commanding staff of the internal affairs bodies, the penitentiary system and other law enforcement agencies , with the exception of the persons specified in Article 427 of this Code; members of the boards of directors (supervisory boards) of organizations (with the exception of persons who have concluded an employment contract with this organization); persons working under civil law contracts (contracts, assignments, and others); other persons in cases established by law (unless, in accordance with the procedure established by this Code, they simultaneously act as employers or their representatives).

Note. Law enforcement agencies are understood as internal affairs, national security, economic crimes, the penitentiary system, the prosecutor's office, the customs service, the tax service bodies that carry out pre-trial proceedings .

Article **7**

This Code, laws and other regulatory legal acts containing labor law norms apply to foreign citizens, stateless persons working in organizations located on the territory of the Kyrgyz Republic, unless otherwise provided by the law of the Kyrgyz Republic or an international treaty.

Employees of organizations located on the territory of the Kyrgyz Republic, whose founders or owners (in whole or in part) are foreign legal entities or individuals (including subsidiaries of transnational corporations), are subject to laws and other regulatory legal acts containing labor law norms, unless otherwise not provided for by law or an international treaty of the Kyrgyz Republic.

Citizens of the Kyrgyz Republic who are employees of the organizations specified in part two of this article, with equal work, have the right to equal pay along with foreign employees of such organizations.

Article 8. Regulation of labor relations and other relations directly related to them in a contractual manner

This Code regulates labor relations based on an employment contract, as well as relations related to:

- with professional training of employees and advanced training;
- with the activities of trade unions or other representative bodies to protect the rights of workers;
- with the activities of associations of employers to regulate social and labor relations;
- with the conduct of collective bargaining, with the conclusion of collective agreements and agreements;

- with the relationship between employees (their representatives) and employers at the level of organizations;
- providing employment;
- with control and supervision over compliance with labor legislation, labor protection;
- with consideration of individual and collective labor disputes.

Collective agreements, agreements, as well as labor contracts cannot contain conditions that reduce the level of rights and guarantees of employees established by labor legislation. If such conditions are included in a collective agreement, agreement or employment contract, they cannot be applied.

Labor and related relations based on membership in cooperatives, enterprises and partnerships are regulated by this Code with the features specified in their charters, but not contrary to labor legislation.

Article 9. Prohibition of discrimination in the sphere of labor

Everyone has equal opportunities to exercise their labor rights and freedoms.

No one can be limited in labor rights and freedoms or receive any advantages in their implementation depending on gender, race, nationality, language, origin, property and official status, age, place of residence, attitude to religion, political beliefs, affiliation or non-affiliation to public associations, a criminal record (with the exception of restrictions provided for by legislation in the field of labor relations), as well as from other circumstances not related to the business qualities of the employee and the results of his work.

Unequal pay for equal work is not allowed.

It is not discrimination to establish differences, exceptions, preferences and restrictions that are determined by the requirements inherent in a particular type of work, established by law, or are due to the state's special concern for persons in need of increased social and legal protection.

Persons who believe that they have been discriminated against in the sphere of labor have the right to apply to the court with an appropriate application for the restoration of violated rights, compensation for material damage and compensation for moral damage.

Article 10. Prohibition of forced labor

Forced labor, that is, compulsion to perform work under the threat of any violent influence, is prohibited, except in cases:

- performance of work, which is conditioned by the legislation on military duty and military service or alternative service replacing it;
- performance of work in emergency situations, that is, in cases of declaration of a state of emergency or martial law, disaster or threat of disaster (fires, floods, famine, earthquakes, severe epidemics or epizootics), as well as in other cases that endanger life or normal life conditions of the entire population or part of it;
- performance of work as a result of a court verdict that has entered into legal force under the supervision of state bodies responsible for compliance with the law in the execution of court sentences.

The use of child labor in the worst forms is prohibited.

Article **11**

A law or other regulatory legal act containing labor law norms shall enter into force from the moment specified in it or in another act determining the procedure for the entry into force of this act.

A law or other normative legal act containing labor law norms shall be terminated in connection with:

- with the expiration of its validity;
- with the entry into force of another act of equal or higher legal force on the same issue;
- with the cancellation (recognition as invalid) of this act by an act of equal or higher legal force.

A law or other regulatory legal act containing labor law norms does not have retroactive effect and applies to relations that have arisen after its entry into force.

The effect of a law or other regulatory legal act containing labor law norms shall apply to relations that arose before its entry into force, only in cases expressly provided for by this act.

In relations that arose before the entry into force of a law or other regulatory legal act containing labor law norms, the said law or act shall apply to the rights and obligations that arose after its entry into force.

Article 12. Calculation of the terms provided for by this Code

The term for the emergence or termination of labor rights and obligations begins from the calendar date, which determines the beginning or termination of labor relations.

Terms calculated in years, months, weeks expire on the corresponding dates of the last year, month, week of the term. Non-working days are also included in the period calculated in calendar weeks or days.

If the last day of the term falls on a non-working day, then the first working day following it shall be considered the expiration date of the term.

CHAPTER 2. LABOR RELATIONS. THE PARTIES TO LABOR RELATIONS. THE BASIS FOR THE EMERGENCE OF LABOR RELATIONS. SUBJECTS OF LABOR AND OTHER RELATIONS

Article 13. Labor relations

Labor relations - the relationship between the employee and the employer on the personal performance by the employee for payment of a labor function (work in a certain specialty, qualification or position) with subordination to the internal labor regulations, while the employer ensures the working conditions provided for by labor legislation, collective agreement, agreements, labor contract.

Article 14. Grounds for the emergence of labor relations

Labor relations between an employee and an employer arise on the basis of an employment contract concluded by them in accordance with this Code.

In cases and in the manner prescribed by law, other regulatory legal act or the charter (regulations) of the organization, labor relations arise on the basis of an employment contract and other acts preceding the conclusion of the contract:

- election (election) to office;
- election by competition to fill a vacant position;
- Appointment to a position or approval in a position;
- referrals to work by authorized bodies on account of the established quota; - a court decision on the conclusion of an employment contract;
- actual admission to work with the knowledge or on behalf of the employer or his representative, regardless of whether the employment contract was properly executed.

Article **15**

Employment relations arise on the basis of an act of election (election) to a position and an employment contract, if the obligation to perform a certain labor function follows from the act of election (election).

Article **16**

Labor relations arise on the basis of an act of election by competition and an employment contract, if the law, other regulatory legal act, the charter (regulation) of the organization or other local regulatory act of the employer determines the list of positions to be filled by competition and the procedure for competitive election to these positions.

Article **17**

Labor relations arise on the basis of an act on appointment to a position or on approval in a position and an employment contract in cases provided for by law, other regulatory legal acts or the charter (regulations) of the organization.

Article 18. Parties to an employment relationship

The parties to labor relations are the employee and the employer.

An employee is an individual who has entered into an employment relationship with an employer.

An employee may be a person who has reached the age of 16. In exceptional cases, in agreement with the representative body of the employees of the organization or the authorized state body in the field of labor, persons who have reached the age of 15 may be hired.

Students who have reached the age of 14 may enter into an employment contract with the written consent of one of the parents (guardian, custodian) or guardianship and guardianship authority, to perform light work in their free time from school that does not harm health and does not disrupt the learning process.

The consent of the parents (guardian, custodian) is given in writing (application), while the parents (guardian, custodian), along with the minor, sign an employment contract.

Employer - an individual or a legal entity (organization) that has entered into an employment relationship with an employee. In cases established by laws, another entity entitled to conclude employment contracts may act as an employer.

The rights and obligations of the employer in labor relations are exercised by: an individual who is an employer; management bodies of a legal entity (organization) or persons authorized by them in the manner prescribed by laws, other regulatory legal acts, constituent documents of a legal entity (organization) and local regulations. For the obligations of institutions financed in whole or in part by the owner (founder) arising from labor relations, the owner (founder) bears subsidiary liability in accordance with the procedure established by law.

Article 19. Basic rights and obligations of an employee

The employee has the right:

- to conclude, amend and terminate an employment contract in the manner and on the terms provided for by this Code, other laws;
- to provide him with work and wages stipulated by the employment contract;
- to a workplace protected from exposure to harmful and dangerous factors, to information about the state of conditions and requirements for labor protection at the workplace;

- timely and in full payment of wages in accordance with their qualifications, quantity and quality of work performed;
- to pay for downtime through no fault of their own - in the amount not lower than determined by this Code;
- for rest, provided by the establishment of the maximum duration of working hours, reduced working hours for a number of professions, jobs and certain categories of workers, the provision of weekly days off, non-working holidays, as well as annual paid holidays;
- to association, including the right to create trade unions and other representative bodies of employees to protect their interests;
- to conduct collective negotiations and enter into collective agreements through their representatives;
- for vocational training, retraining and advanced training in the manner prescribed by this Code and other regulatory legal acts;
- for compensation for harm to health caused to him in connection with the performance of labor duties;
- for compulsory social insurance in cases stipulated by the laws of the Kyrgyz Republic;
- to provide guarantees and compensations established by laws and other regulatory legal acts;
- to protect their labor rights and freedoms using the methods provided for by laws, including the right to judicial protection.

The employee is obliged:
- conscientiously fulfill their labor duties assigned to him by the employment contract;
- comply with the internal labor regulations of the organization;
- comply with established labor standards;
- comply with the requirements for labor protection and production safety;
- take care of the property of the employer and employees;
- not to disclose information entrusted to him in accordance with the employment contract, constituting state, official, commercial secrets;
- inform the employer about a situation that poses a threat to the life and health of people, the safety of the property of the employer and employees, as well as about the occurrence of downtime.

Article 20. Basic rights and obligations of the employer

The right of ownership of the employer, as well as free economic activity, are guaranteed by Articles 16 and 19 of the Constitution of the Kyrgyz Republic.

The employer has the right:
- conclude, amend and terminate employment contracts with employees in the manner and on the grounds established by this Code, other laws;
- adopt local regulations aimed at organizing labor;
- conduct collective negotiations and conclude collective agreements;
- create and join associations of employers in order to represent and protect their rights and interests;
- encourage employees;
- require employees to comply with the terms of the employment contract and the labor regulations in force in the organization;
- bring employees to disciplinary and financial liability in the manner prescribed by this Code, other laws;
- apply to the court in order to protect their rights and interests.

The employer is obliged:

- comply with laws and other regulatory legal acts, local regulations, terms of the collective agreement, agreements and employment contracts;
- provide the employee with work stipulated by the employment contract;
- provide employees with equal pay for work of equal value;
- timely and in full to pay the employee wages;
- adopt in the prescribed manner local regulations aimed at organizing labor (regulations, instructions, orders) and other acts necessary for the normal operation of the organization;
- provide employees' representatives with the information necessary for conducting collective negotiations, concluding collective agreements, as well as monitoring their implementation;
- conduct collective negotiations, as well as conclude a collective agreement in the manner prescribed by this Code;
- ensure the safety of work and conditions in the organization that meet the requirements of occupational safety and health;
- provide employees with equipment, tools, technical documentation and other means necessary for the performance of their labor duties;
- timely comply with the instructions of state supervisory and control bodies, as well as pay fines imposed for violation of laws, other regulatory legal acts containing labor law norms;
- carry out compulsory social insurance of employees in the manner prescribed by law;
- compensate for harm caused to employees in connection with the performance of their labor duties, as well as compensate for moral damage in the manner and on the conditions established by this Code, laws and other regulatory legal acts;
- monthly submit to the State Employment Service information on the availability of vacancies (vacancies) indicating the conditions and remuneration;
- perform other duties provided for by this Code, laws and other regulatory legal acts containing labor law norms, a collective agreement, agreements and employment contracts.

Article 21. Types of subjects of labor relations

The subjects of individual labor relations are:
- worker;
- employer.

The subjects of collective labor relations are:
- representative body of workers (trade union, united representative body, council of workers, etc.);
- association of employers;
- other entities in cases provided for by laws.

SECTION II. SOCIAL PARTNERSHIP IN THE SPHERE OF LABOR

CHAPTER 3. GENERAL PROVISIONS

Article 22. Social partnership

Social partnership is the interaction of public authorities, associations of employers and trade unions in determining and implementing an agreed socio-economic policy, labor relations policy, as well as bilateral relations between employers and trade unions, in which the state determines the parameters of interaction between the parties.

Bodies of state power and local self-government are parties to social partnership in cases where they act as employers or their representatives in accordance with the law or the authority of employers.

See: Law of the Kyrgyz Republic dated July 25, 2003 No. 154 "On social partnership in the field of labor relations in the Kyrgyz Republic"

Article 23. Basic principles of social partnership

The main principles of social partnership are:
equality of the parties;
respect and consideration of the interests of the parties;
the interest of the parties in participating in contractual relations;
state assistance in strengthening and developing social partnership on a democratic basis;
observance by the parties and their representatives of laws and other regulatory legal acts;
the authority of the representatives of the parties;
freedom of choice when discussing issues within the scope of work;
voluntary acceptance by the parties of obligations;
the reality of the obligations assumed by the parties;
obligatory performance of collective agreements, agreements;
control over the implementation of adopted collective agreements, agreements; responsibility of the parties, their representatives for non-fulfillment through their fault of collective agreements, agreements.

Article 24. Parties of social partnership

The parties to the social partnership are employees and employers represented by duly authorized representatives.

Article 25. System of social partnership

The social partnership system includes the following levels:
the republican level, which establishes the basis for regulating relations in the sphere of labor in the Kyrgyz Republic;
sectoral level, which establishes the basis for regulating relations in the sphere of labor in the industry (sectors);
the territorial level, which establishes the basis for regulating relations in the sphere of labor in the municipality;
the level of organization that establishes specific mutual obligations in the field of work between employees and the employer.

Article 26. Forms of social partnership

Social partnership is carried out in the following forms:
collective negotiations on the preparation of draft collective agreements, agreements and their conclusion;
mutual consultations (negotiations) on the issues of regulating labor relations and other relations directly related to them, ensuring guarantees of labor rights of employees and improving labor legislation;
participation of representatives of employees and employers in pre-trial resolution of labor disputes.

Article **27**

Features of application of the norms of this Section to civil servants, employees of military and paramilitary bodies and organizations, law enforcement agencies and diplomatic missions of the Kyrgyz Republic are established by legislative acts.

CHAPTER 4. REPRESENTATIVES OF WORKERS AND EMPLOYERS

Article 28. Representatives of employers

Representatives of the employer during collective negotiations, conclusion or amendment of the collective agreement are the head of the organization or persons authorized by the employer in accordance with this Code, laws, other regulatory legal acts, constituent documents of the organization and local regulations.

When conducting collective negotiations, concluding or changing agreements, resolving collective labor disputes regarding their conclusion or changing, as well as when forming and carrying out the activities of commissions for the regulation of social and labor relations, the interests of employers are represented by the relevant associations of employers.

Association of Employers - a non-profit organization that unites employers on a voluntary basis to represent the interests and protect the rights of its members in relations with trade unions, other representative bodies of employees, state authorities and local governments.

The peculiarities of the legal status of an association of employers shall be established by law.

See: Law of the Kyrgyz Republic dated May 22, 2004 No. 66 "On Employers' Associations"

Article 29. Representatives of employees

Representatives of employees in social partnerships are: trade unions and their associations, other representatives elected by employees in cases provided for by this Code.

The interests of the employees of the organization when conducting collective negotiations, concluding and amending the collective agreement, monitoring its implementation, considering labor disputes between employees and the employer are represented by the primary trade union organization or other representatives elected by employees.

The interests of employees in collective negotiations on the conclusion and amendment of agreements, the resolution of collective labor disputes regarding the conclusion or amendment of agreements, monitoring their implementation, as well as in the formation and implementation of the activities of commissions for the regulation of social and labor relations are represented by the relevant trade unions, their territorial organizations, associations of trade unions and associations of territorial organizations of trade unions.

It is not allowed to represent the interests of employees by bodies created or financed by employers, executive state authorities and local self-government, political parties.

Trade unions have the right to represent the interests of employees through the management bodies of the organization (management board, board of directors, supervisory board).

See: Law of the Kyrgyz Republic of October 16, 1998 No. 130 "On trade unions"

Article 30. Representatives of the interests of employees who are not members of a trade union

Employees who are not members of a trade union have the right, on contractual terms, to authorize the body of the primary trade union organization to represent their interests in relations with the employer.

Article 31. Other representatives of employees

In the absence of a primary trade union organization in the organization, as well as in the presence of a trade union organization uniting less than half of the employees, at the general meeting (conference) the employees have the right, on contractual terms, to entrust the representation of their interests to the specified trade union organization or another representative.

The presence of other representative bodies of employees cannot be an obstacle to the exercise by a trade union organization of its powers. The powers of trade unions cannot be replaced or duplicated by other representative bodies of workers.

Article 32. Powers of employees' representatives

Employee representatives have the right to:

- conduct collective negotiations, conclude collective agreements with the employer, control their implementation;
- participate in resolving issues of social and economic development of the organization in cases provided for by agreements and a collective agreement;
- participate in the development of local regulations of the organization in cases stipulated by labor legislation;
- carry out public control over compliance with labor legislation in the organization;
- freely visit workplaces in accordance with the established procedure, receive from the employer the necessary information for exercising public control;
- to act as a representative of employees in a collective labor dispute;
- represent the interests of employees in the bodies for the consideration of individual labor disputes, as well as act as a plaintiff in court;
- to appeal to the court the decisions of the head of the organization and persons authorized by him, if they contradict the labor legislation;
- declare and stop a strike in the manner prescribed by law.

Representatives of employees have other rights in accordance with laws, charters and regulations on these bodies.

Article **33**

The employer is obliged to create conditions that ensure the activities of employee representatives, in accordance with this Code, laws, collective agreements, agreements in the exercise of the rights granted to them:

- prior to making decisions affecting the interests of employees, consult with representatives of employees in cases provided for by this Code, laws, collective agreements, agreements;
- timely consider the proposals of employees' representatives and reasonably inform them of the decisions taken;
- provide representatives of employees with the necessary information on labor issues, other socio-economic issues;
- fulfill other obligations in relation to the representatives of employees, provided for by this Code, the collective agreement, agreements.

Article 34. Additional labor guarantees for employee representatives

Representatives of employees who are not released from production work are provided with free time from work for the performance of public duties on the terms stipulated by agreements, a collective agreement.

Employees released from production work as a result of being elected to elective positions in the representative bodies of employees are provided with the previous job (position) after the end of their elective powers, and in its absence - another equivalent job (position) in the same organization.

Dismissal at the initiative of the employer of members of the representative bodies of employees, except in cases of liquidation of the organization (paragraph 1 of Article 83 of this Code), is allowed, in addition to observing the general procedure for dismissal, only with the consent of the relevant higher representative body of employees.

CHAPTER 5. BODIES OF SOCIAL PARTNERSHIP. COLLECTIVE BARGAINING

Article **35**

To ensure the regulation of social and labor relations, conduct collective negotiations and prepare drafts of a collective agreement, agreements, their conclusion, as well as to organize control over the implementation of a collective agreement and agreements at all levels on an equal basis, by decision of the parties, commissions are formed from representatives of the parties endowed with the necessary powers .

At the republican level, a permanent Republican tripartite commission for the regulation of social and labor relations is formed, which is formed from representatives of the Government of the Kyrgyz Republic, the republican association of employers and trade unions.

At the territorial level, tripartite commissions for the regulation of social and labor relations may be formed, the activities of which are carried out in accordance with the law, the regulations on these commissions, approved by representative bodies of executive state power or local self-government.

At the sectoral level, commissions may be formed to conduct collective bargaining, prepare draft sectoral agreements and conclude them. Sectoral commissions can be formed both at the republican level and at the territorial level.

Agreements providing for full or partial financing from the budgets of all levels are concluded with the obligatory participation of representatives of the relevant executive authorities and local governments that are a party to the agreement.

At the level of the organization, a commission is formed to conduct collective negotiations, prepare a draft collective agreement and conclude it.

Article 36. Principles of conducting collective bargaining

The principles of collective bargaining are:

- equality and respect for the interests of the parties;
- freedom of choice in the discussion of issues that make up the content of the collective agreement, agreements;
- voluntary acceptance of obligations by the parties;
- Compliance with labor laws.

Article 37. Collective bargaining

Representatives of employees and employers participate in collective negotiations on the preparation, conclusion and amendment of a collective agreement, agreement and have the right to take the initiative to conduct such negotiations.

The party that has received a written notification of the start of negotiations is obliged to start negotiations within seven days. Neither party has the right to refuse to conduct collective bargaining.

Article 38. Procedure for Conducting Collective Bargaining

Participants in collective bargaining are free to choose to consider issues of regulation of social and labor relations.

If the organization has two or more primary trade union organizations or another representative body of workers, they create a single representative body for conducting collective negotiations, developing a single draft collective agreement and concluding it. The formation of a single representative body is carried out on the basis of the principle of proportional representation, depending on the number of members of the trade union and other representative body. In this case, a representative must be appointed from each representative body of employees.

If a single representative body is not created within 5 calendar days from the start of collective bargaining, then the representation of the interests of all employees of the organization can be carried out by the primary representative body of employees of the organization, which unites more than half of the employees.

If none of the primary representative bodies of the employees of the organization unites more than half of the employees, then the general meeting (conference) of employees by secret ballot determines the primary representative body of the organization, which is entrusted with the formation of the representative body.

In the cases provided for by parts three and four of this article, other primary trade union organizations retain the right to send their representatives to the representative body until the moment the collective agreement is signed.

The right to conduct collective negotiations, sign agreements on behalf of workers at the level of the republic, industry, territory is granted to the relevant trade unions (associations of trade unions). If there are several trade unions (associations of trade unions) at the appropriate level, each of them is granted the right to be represented in a single representative body for collective bargaining, formed taking into account the number of trade union members they represent. In the absence of an agreement on the creation of a single representative body for conducting collective negotiations, the right to conduct them is granted to the trade union (association of trade unions) that unites the largest number of members of the trade union (trade unions).

The parties must provide each other no later than 2 weeks from the date of receipt of the relevant request with the information they have that is necessary for conducting collective negotiations.

Participants in collective bargaining, other persons involved in the conduct of collective bargaining, must not disclose the information received, if this information relates to a legally protected secret (state, official, commercial and other). Persons who divulged the said information are subject to disciplinary, administrative, civil and criminal liability in accordance with the procedure established by laws.

The terms, place and procedure for conducting collective negotiations are determined by the representatives of the parties who are participants in these negotiations.

Article 39. Settlement of disputes

Settlement of disagreements that have arisen in the course of collective negotiations on the conclusion or amendment of a collective agreement, agreement, is carried out in the manner prescribed by this Code.

Article 40. Guarantees and compensations to persons participating in collective bargaining

Persons participating in collective negotiations, preparation of a draft collective agreement, agreement are released from their main work with the preservation of average earnings for a period determined by agreement of the parties, but not more than 3 months. All costs associated with participation in collective bargaining are compensated in the manner prescribed by law, the collective agreement and the agreement.

Payment for the services of invited experts and specialists is made by the inviting party, unless otherwise provided by the collective agreement, agreement.

Representatives of employees participating in collective bargaining, during the period of their conduct, cannot be subjected to disciplinary action, transferred to another job or dismissed at the initiative of the employer, without the prior consent of the body that authorized them to represent, with the exception of cases of termination of the employment contract for committing guilty acts, in accordance with which this Code and other laws provide for dismissal from work.

CHAPTER 6. COLLECTIVE AGREEMENTS AND AGREEMENTS

See: Law of the Kyrgyz Republic dated August 21, 2004 No. 164 "On Collective Agreements"

Article 41. Collective agreement

A collective agreement is a local normative act that regulates social and labor relations in an organization and is concluded in writing between employees and employers represented by their representatives.

Collective agreements may be concluded in organizations of any form of ownership for a period of at least 1 year.

The collective agreement may also be concluded in branches, representative offices or other separate structural divisions of the organization. The representative of the employer in these cases is the head of the relevant department, authorized by the employer.

If no agreement is reached between the parties on certain provisions of the collective agreement within 2 months from the date of the start of collective negotiations, the parties must sign the collective agreement on agreed terms with the simultaneous drawing up of a protocol of disagreements.

Unresolved disputes may be subject to further collective bargaining or resolved in accordance with this Code.

Article 42. Content and structure of the collective agreement

The content and structure of the collective agreement are determined by the parties. The collective agreement may include mutual obligations of employees and the employer on the following issues:

- on improving the organization of labor and increasing the efficiency of production;
- on rationing, forms, systems of remuneration, the size of tariff rates and salaries, additional payments and allowances for them;
- on the indexation of wages, on the payment of benefits and compensations;
- on the procedure for paying early preferential old-age pensions paid by the employer in accordance with the Law of the Kyrgyz Republic "On State Pension Social Insurance";
- on the duration of working time and rest time, labor holidays;
- on the creation of healthy and safe working conditions, improvement of health protection, guarantees of medical insurance for employees, environmental protection;
- on the regulation of internal labor regulations and labor discipline;
- on ensuring employment, training, advanced training, retraining and employment of laid-off workers;

- on guarantees and benefits for employees who combine work with education;
- on improving the housing and living conditions of employees, observing the interests of employees during the privatization of organizations and departmental housing;
- on health improvement, sanitary-resort treatment and rest of employees;
- on the prevention of mass layoffs, labor conflicts and strikes;
- on the responsibility of employees and the employer for damage caused to the organization;
- on the responsibility of the parties for the implementation of the collective agreement;
- other issues determined by the parties.

Normative provisions are included in the collective agreement, if the laws and other normative acts contain a direct instruction on the mandatory fixing of these provisions.

Article **43**

The collective agreement is concluded for a period of not more than 3 years and comes into force from the date of its signing by the parties or from the date established by the collective agreement.

The parties have the right to extend the validity of the collective agreement for a period not exceeding 3 years.

The action of the collective agreement extends to the employees of the organization, its branch, representative office and other separate structural unit, on whose behalf it is concluded.

The collective agreement remains valid in the event of a change in the name of the organization, termination of the employment contract with the head of the organization.

In case of reorganization of an organization (merger, accession, division, spin-off, transformation), the collective agreement shall remain in force during the entire period of reorganization.

When changing the form of ownership of the organization, the collective agreement remains valid for 3 months from the date of transfer of ownership.

When reorganizing or changing the form of ownership, either party has the right to send proposals to the other party on the conclusion of a new collective agreement or the extension of the old one for up to 3 years.

In the event of liquidation of an organization, the collective agreement shall remain in effect throughout the entire period of liquidation.

Article 44

Changes and additions to the collective agreement are made in the manner determined by the parties.

Article **45**

For failure to fulfill the obligations stipulated by the collective agreement, the parties are liable in accordance with the collective agreement.

Article 46 Agreement Types of agreements

Agreement - a normative act that establishes general principles for regulating social and labor relations and related economic relations, concluded between authorized representatives of employees and employers at the republican, sectoral (intersectoral) and territorial levels within their competence.

The agreement may include mutual obligations of the parties on the following issues: wages; conditions and labor protection; modes of work and rest; development of social partnership; other issues determined by the parties.

Depending on the scope of regulated social and labor relations, agreements may be concluded: general, sectoral (intersectoral), territorial and others.

The General Agreement establishes general principles for the regulation of social and labor relations at the republican level.

The sectoral (intersectoral) agreement defines the general terms of remuneration, labor guarantees and benefits for employees of the sector (sectors).

A sectoral (intersectoral) agreement may be concluded at the republican, territorial levels of social partnership.

The territorial agreement establishes general working conditions, labor guarantees and benefits for employees in the territory of the respective municipality.

Agreements by agreement of the parties participating in collective bargaining may be bilateral and tripartite.

Other agreements - agreements that can be concluded by the parties at any level of social partnership in certain areas of regulation of social and labor relations and other relations directly related to them.

Article 47. Procedure for the development and conclusion of an agreement

The procedure for developing and concluding an agreement is determined by the commission for conducting collective bargaining.

The draft agreement is developed by the commission and signed by the representatives of the parties.

Article 48. Content and structure of the agreement

The content and structure of the agreement are determined by agreement between the representatives of the parties, who are free to choose the range of issues for discussion and inclusion in the agreement.

Article **49**

The agreement comes into force from the moment of its signing by the parties or from the date specified in the agreement.

The period of validity of the agreement, the procedure for monitoring its implementation and the timing of the conclusion of a new agreement are determined by the parties in the agreement.

Article 50. Registration of an agreement

Registration of general, sectoral and territorial agreements is carried out respectively by the Government of the Kyrgyz Republic, the authorized state body in the field of labor and local territorial bodies at the location of one of the parties to the agreement.

Article 51

Changes and additions to the agreement are made by mutual agreement of the parties in the manner prescribed by this Code for the conclusion of an agreement.

Article 52. Control over the implementation of the agreement

Control over the implementation of agreements is carried out by the parties to the social partnership, their representatives, the relevant state body in the field of labor.

SECTION III. EMPLOYMENT CONTRACT

CHAPTER 7. GENERAL PROVISIONS ON THE EMPLOYMENT CONTRACT. CONCLUSION OF AN EMPLOYMENT CONTRACT

Article 53. The concept of an employment contract

Employment contract - an agreement between an employee and an employer, according to which the employer undertakes to provide the employee with work according to the stipulated labor function, to ensure the working conditions provided for by this Code, laws, other regulatory legal acts, a collective agreement, agreements, local regulations containing labor law norms, pay wages to the employee in a timely manner and in full, and the employee undertakes to personally perform work in a certain profession (specialty), qualification or position, subject to internal labor regulations.

See: Decree of the Government of the Kyrgyz Republic dated March 12, 1999 No. 145 "On Approval of Sample Forms of an Employment Contract and a Leave Note"

Article 54. Content of an employment contract

The content of the employment contract is determined by agreement of the parties in compliance with the requirements provided for by this Code.

The employment contract must contain the following information as mandatory:

1) the date and place of conclusion of the employment contract;

2) details of the parties:

- full name of the employer - legal entity, its location, number and date of state registration of constituent documents;

- last name, first name, patronymic (if indicated in the identity document) and position of the employer (his representative), and in the case when the employer is an individual, then the address of his permanent place of residence, name, number, date of issue of the identity document;

- surname, name, patronymic (if indicated in the identity document of the employee, the identification number of the social security certificate);

3) the workplace where the work is to be performed. When working remotely, the workplace is not indicated;

4) the name of the position, specialty, profession, indicating qualifications in accordance with the staffing table of the organization or a specific labor function;

5) date of commencement of work;

6) the term of the employment contract;

7) mode of operation;

8) the rights and obligations of the employee and the employer;

9) conditions of remuneration (including the size of the tariff rate or official salary of the employee, additional payments, allowances and incentive payments, compensation payments for difficult, dangerous and harmful working conditions);

10) reliable characteristics of working conditions, compensations and benefits to employees for work in difficult, harmful or dangerous conditions;

11) signatures of the parties.

The employment contract may provide for conditions on the establishment of a probationary period, on non-disclosure of state, official, commercial and other secrets protected by law, on the obligation of the employee to work after training for at least the period established by the contract or on reimbursement of costs if the training was carried out at the expense of the employer and the employment contract is terminated at the initiative of the employee before the expiration of the established period, as well as other conditions that do not worsen the position of the employee in comparison with this Code, laws, other regulatory legal acts, a collective agreement and agreements.

The terms of the employment contract can be changed only by agreement of the parties and in writing.

If a fixed-term employment contract is concluded, it shall indicate the period of its validity and the circumstance (reason) that served as the basis for concluding a fixed-term employment contract.

When concluding an employment contract with the head of the organization, his deputies and the chief accountant, by agreement of the parties, additional, in addition to those provided for by this Code, grounds for terminating the employment contract may be established.

Article 55. Term of an employment contract

Employment contracts are concluded:

1) for an indefinite period;

2) for a fixed period of not more than 5 years (fixed-term employment contract), unless another period is established by this Code and other laws.

A fixed-term employment contract is concluded in cases where it is provided for by laws, as well as when labor relations cannot be established for an indefinite period, taking into account the nature and conditions of the work ahead, including:

- with heads, deputy heads and chief accountants of organizations, regardless of their organizational and legal forms and forms of ownership;
- to replace a temporarily absent employee, for whom, in accordance with the laws, the place of work is retained;
- for the duration of temporary (up to 2 months), as well as seasonal work, when, due to natural conditions, work can only be done during a certain period of time (season);
- to carry out urgent work to prevent accidents, accidents, catastrophes and eliminate their consequences and other emergency circumstances;
- for carrying out work that goes beyond the normal activities of the organization (reconstruction, installation and commissioning, audit), as well as for carrying out work related to a deliberately temporary (up to 1 year) expansion of production or the volume of services provided;
- with persons entering work in organizations - small and medium-sized businesses with up to 15 employees within 1 year from the date of establishment of the organization, as well as employers - individuals;
- with persons sent to work abroad;
- with persons entering work in organizations created for a predetermined period of time or to perform a predetermined job;
- with persons hired to perform obviously defined work in cases where its performance (completion) cannot be determined by a specific date;
- for work directly related to the internship and vocational training of the employee;
- with persons studying in full-time forms of education;
- with persons working in this organization part-time;
- with scientific, pedagogical and other employees who have concluded employment contracts that provide for work for a certain period of time based on the results of a competition

held in the manner prescribed by law or other regulatory legal act of a state authority or local government body;

- in case of election for a certain period to an elected body or to an elective position, to a paid job, as well as employment related to the direct support of the activities of members of elected bodies or officials in public authorities and local governments, as well as in political parties and other public associations;

- with pensioners by age, as well as with persons who, for health reasons, in accordance with a medical report, are allowed to work exclusively of a temporary nature;

- for public works.

If the term of its validity is not specified in the employment contract, the contract is considered to be concluded for an indefinite period. If none of the parties demanded the termination of a fixed-term employment contract due to the expiration of its term, and the employee continues to work after the expiration of the employment contract, the employment contract is considered concluded for an indefinite period.

An employment contract concluded for an indefinite period cannot be renewed for a definite period without the consent of the employee.

Unreasonable conclusion of fixed-term employment contracts in order to avoid granting the employee the rights and guarantees provided for by this Code is prohibited.

Article **56**

The employer is not entitled to require the employee to perform work not stipulated by the employment contract, unless otherwise provided by this Code and other laws.

Article 57. Entry into force of an employment contract

An employment contract comes into force from the moment it is signed by the employee and the employer, unless otherwise stipulated in the contract itself.

The employee is obliged to start performing labor duties from the date specified by the contract. If the employment contract does not stipulate the day of commencement of work, the employee must start work on the next working day after the entry into force of the contract.

If the employee did not start work on time without good reason, the employment contract is canceled.

If the employee, in the absence of a written employment contract, actually started work with the knowledge or on behalf of the employer or his representative, then the employment contract is considered concluded from the day the work began and all rights provided for by this Code apply to it. The actual admission of the employee to work does not release the employer from the obligation to draw up a written employment contract with him.

Article 58. Conclusion of an employment contract and registration of employment

The employment contract is concluded in writing, drawn up in two copies and signed by the parties. One copy is given to the employee, the other is kept by the employer.

An employment contract may be concluded in the form of an electronic document certified by an electronic signature (electronic employment contract).

On the basis of the concluded employment contract, the employment of an employee within a three-day period is formalized by an order (instruction, resolution) of the employer. The order (instruction, resolution) the employer announces to the employee against receipt within three days from the date of signing.

The conclusion of an employment contract may be carried out under certain conditions, in accordance with Article 14 of this Code.

An employee may enter into employment contracts with several employers on a part-time basis, unless this is prohibited by the law of the Kyrgyz Republic.

When hiring, the employer is obliged to familiarize the employee with the internal labor regulations in force in the organization, other local regulations related to the employee's labor function, the collective agreement, agreements, instruct the employee on labor protection, in accordance with the established procedure, enter (fill in) employee's work book.

Article 58-1. Restrictions imposed on a citizen who has held a position in a state or municipal service when he concludes an employment or civil law contract

A citizen who has occupied a position in the state or municipal service included in the list established by the regulatory legal acts of the Kyrgyz Republic, within 2 years after dismissal from the state or municipal service, has the right to fill positions in the organization under the terms of an employment contract and (or) perform work in this organization (provide services to this organization) worth more than thirty calculated indicators per month on the terms of a civil law contract (civil law contracts), if certain functions of the state, municipal (administrative) management of this organization were included in the official (service) duties of a state or municipal employee, with the consent of the relevant commission on compliance with the requirements for official conduct of state or municipal employees and the settlement of conflicts of interest.

The commission is obliged to consider a written request from a citizen to give consent to fill a position in an organization under the terms of an employment contract and (or) to perform work in this organization (render services to this organization) on the terms of a civil law contract within 7 days from the date of receipt of the specified application in in the manner established by the regulatory legal acts of the Kyrgyz Republic, and on the decision taken, send a written notification to the citizen within one working day and notify him orally within 3 working days.

A citizen who has held positions in the state or municipal service, the list of which is established by the regulatory legal acts of the Kyrgyz Republic, within 2 years after dismissal from the state or municipal service, is obliged when concluding labor or civil law contracts for the performance of work (rendering of services) specified in Part 1 of this article, inform the employer of information about the last place of his service.

Non-compliance by a citizen who held positions in the state or municipal service, the list of which is established by the regulatory legal acts of the Kyrgyz Republic, after dismissal from the state or municipal service of the requirement provided for by part 3 of this article, entails the termination of an employment or civil law contract for the performance of work (rendering of services), specified in part 1 of this article, concluded with the specified citizen.

The employer, when concluding an employment or civil law contract for the performance of work (rendering of services), specified in part 1 of this article, with a citizen who held positions in the state or municipal service, the list of which is established by regulatory legal acts of the Kyrgyz Republic, within 2 years after his dismissal from the state or municipal service is obliged, within 10 days, to inform the representative of the employer (employer) of the state or municipal employee at the last place of his service about the conclusion of such an agreement.

Failure by the employer to fulfill the obligation established by part 5 of this article is an offense and entails liability in accordance with the legislation of the Kyrgyz Republic.

Verification of observance by the citizen specified in part 1 of this article of the ban on filling a position in an organization under the terms of an employment contract and (or) performing work in this organization (rendering services to this organization) on the terms of a civil law contract (civil law contracts) in cases provided for by the legislation of the Kyrgyz Republic, if certain functions of public administration of this organization were included in the official (service) duties of a civil or municipal employee, and compliance by the employer with

the conditions for concluding an employment contract or compliance with the conditions for concluding a civil law contract with such a citizen is carried out in the manner established by regulatory legal acts of the Kyrgyz Republic.

Article 59

An unreasonable refusal to conclude an employment contract with citizens is prohibited:

1) sent to work by the state employment service on account of quotas for jobs;

2) invited to work in writing;

3) arrived at work in accordance with the application of the employer or the contract concluded with him after graduation.

In the cases provided for in part one of this article, at the request of a citizen, the employer is obliged to notify him of the reasons for the refusal in writing no later than 3 days after the application. An unreasonable refusal may be appealed in court.

Article 60. Invalidity of an employment contract

An employment contract is recognized by the court as invalid if it is concluded:

1) under the influence of deceit, threats, as well as under extremely unfavorable conditions for the employee due to a combination of difficult circumstances;

2) for the sake of appearance, without the intention to create legal consequences (sham employment contract);

3) by a person who is unable to understand the meaning of his actions;

4) a citizen who has been declared legally incompetent due to mental illness or dementia.

Recognition of the contract as invalid does not entail the loss by the employee of the right to annual leave, monetary compensation for unused vacation days upon dismissal, the inclusion of the worked period in the length of service and other benefits.

Article 61. Invalidity of certain conditions of an employment contract

Separate terms of the employment contract are recognized as invalid if they:

1) worsen the position of the employee in comparison with the conditions provided for by this Code, other regulatory legal acts containing labor law norms, a collective agreement, agreements or local regulatory acts containing labor law norms;

2) discriminatory.

The invalidity of individual terms of the employment contract does not entail the invalidity of the employment contract as a whole.

Article **62**

When concluding an employment contract, an agreement of the parties may stipulate a test to verify the compliance of the employee with the work assigned to him. The probationary condition must be stipulated in the employment contract.

The absence of a probation clause in the employment contract means that the employee is accepted without probation.

During the probation period, the norms of this Code, laws and other regulatory legal acts containing labor law norms, local regulations, collective agreements, agreements apply to the employee.

The probation period cannot exceed 3 months, and for heads of organizations and their deputies, chief accountants and their deputies, heads of branches, representative offices and other

separate structural subdivisions of the organization - 6 months, unless otherwise provided by law.

The probationary period does not include the period of temporary disability and other periods when the employee was actually absent from work.

A test when hiring is not established for persons under the age of 18, elected to an elective position for paid work, elected through a competition for filling the corresponding position, held in the manner prescribed by labor legislation and other regulatory legal acts containing labor law norms, with the exception of cases provided for by the regulatory legal acts of the Kyrgyz Republic in the field of state civil service and municipal service, invited to work in the order of transfer from another employer as agreed between employers who have concluded an employment contract for a period of up to 2 months, in other cases provided for by other regulatory legal acts.

In case of an unsatisfactory result of the test, the employer has the right to terminate the employment contract with the employee before the expiration of the test period by notifying him in writing no later than 3 days in advance. In this case, the employer is obliged to indicate in writing the reasons that served as the basis for recognizing the employee as not having passed the test.

If before the expiration of the probationary period the employer has not made a decision to terminate the employment contract, then the employee is considered to have passed the test and the subsequent termination of the employment contract is allowed on a general basis.

If during the trial period the employee comes to the conclusion that the job offered to him is not suitable for him, then he has the right to terminate the employment contract at his own request, notifying the employer in writing 3 days in advance.

Article 63. Medical examination at the conclusion of an employment contract

Persons under the age of 18, as well as other persons in the cases provided for by this Code and other regulatory legal acts, are subject to mandatory preliminary medical examination when concluding an employment contract.

Article 64. Documents presented at the conclusion of an employment contract

When concluding an employment contract, a person entering a job presents to the employer: a passport or other identification document; work book; social security certificate; military registration documents (for those liable for military service and persons subject to conscription for military service), and for work requiring special knowledge (training), the employee presents a document on education (specialty, qualifications) ; a certificate of no criminal record for engaging in activities related to the upbringing, training and servicing of persons under the age of 18 years .

For persons entering work for the first time, a work book and a social security certificate are issued by the employer.

In some cases, taking into account the specifics of the work performed, this Code and other laws may provide for additional documents to be presented when applying for a job.

When applying for a job, it is prohibited to require documents from employees, in addition to those provided for by this Code and other laws.

It is prohibited to collect information about the employee's affiliation with political parties, movements or religious organizations, as well as information about the employee's private life.

Article **65**

The work book of the established form is the main document on the work activity and work experience of the employee. The form, procedure for maintaining and storing work books, as well as the procedure for preparing forms of work books and providing employers with them, is established by the Government of the Kyrgyz Republic.

The employer is obliged to keep work books for all employees who have worked in the organization for more than 5 days, if the work in this organization is the main one for the employee.

The work book contains information about hiring, transferring to another permanent job and dismissal of the employee, as well as the grounds for terminating the employment contract.

Entries in the work book about the reasons for termination of the employment contract are made in strict accordance with the wording of this Code or other law and with reference to the relevant article, paragraph.

Upon termination of the employment contract, the work book is issued to the employee on the day of dismissal (the last day of work). If the work book was not issued on the last day of work for reasons beyond the control of the employer (absence of the employee or his refusal to receive a work book), the employer sends a mail notification to the employee about the need to appear for the work book or agree to send it by mail . The employer is released from liability for the delay in issuing a work book from the date of notification.

For untimely issuance of a work book due to the fault of the employer, upon dismissal of an employee, the employer pays the employee the average daily wage for each day of delay in issuing a work book.

See: Decree of the Government of the Kyrgyz Republic dated July 24, 2003 No. 462 "On approval of the form of a work book, the form of an insert in a work book and the Procedure for maintaining work books"

Article 66. Issuance of documents on work and wages

The employer is obliged to issue no later than five days upon a written application of the employee, including the former, duly certified copies of documents related to work (orders for employment, transfers to another job, dismissal from work, extracts from the work book, certificates of salary and period of work in this organization, etc.).

The refusal of the employer to issue the documents specified in part one of this article or the delay beyond the established period entails administrative liability in accordance with the legislation of the Kyrgyz Republic.

Article **67**

Occupation of positions in the state civil service and municipal service is carried out by appointment or election in the manner prescribed by the Constitution , laws and other regulatory legal acts of the Kyrgyz Republic in the field of state civil service and municipal service.

Appointment to positions, service and dismissal from positions of the state civil service and municipal service are carried out in the manner established by the regulatory legal acts of the Kyrgyz Republic in the field of state civil service and municipal service.

See: Law of the Kyrgyz Republic dated August 11, 2004 No. 114 "On Public Service"

Article 68. Restriction of joint work of relatives in state organizations

Joint work in the same state organization of persons who are closely related or related to each other (parents, spouses, brothers, sisters, sons, daughters, as well as brothers, sisters, parents and children of spouses) is prohibited if their work is related to direct subordination or control of one of them to another, with exceptions determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated August 16, 2005 No. 372 "On the List of state organizations in which joint work of relatives is allowed"

CHAPTER 8. CHANGING THE EMPLOYMENT CONTRACT

Article 69. Transfer to another job

Transfer to another permanent or temporary job in the same organization at the initiative of the employer, that is, a change in the labor function or a change in the essential terms of the employment contract, as well as transfer to a permanent job in another organization or in another locality together with the organization is allowed only with the written consent of the employee.

It is prohibited to transfer an employee to work that is contraindicated for him for health reasons.

The relevant laws may establish the specifics of the rotation of state civil servants and municipal employees for other permanent or temporary work, taking into account the specifics of the state civil service and municipal service in the relevant state body and local government.

Article 70

Relocation is the assignment by the employer to the employee of the previous job at another workplace, in another structural unit of this organization in the same locality, assignment of work on another mechanism or unit, if this does not entail a change in the labor function and a change in the essential conditions of the employment contract.

The transfer is not made without the consent of the employee. The movement must be justified by industrial, organizational or economic reasons.

Article 71. Change of essential working conditions

For reasons related to changes in technology, the organization of production and labor, a reduction in the volume of work (products, services), it is allowed to change essential working conditions when the employee continues to work without changing the labor function (profession, specialty, qualifications, position).

The employee must be notified in writing about changes in essential working conditions (the system and the amount of remuneration, the mode of operation, the combination of professions, benefits and benefits, and others) no later than 1 month in advance. When essential working conditions change, appropriate changes and additions are made to the employment contract.

If the employee does not agree to continue working in the new conditions, the employer is obliged in writing to offer him another job available in the organization that corresponds to his qualifications and state of health.

In the absence of the specified work, the refusal of the employee from the proposed work, as well as in the event of refusal to work in the new conditions, the employment contract is terminated in accordance with paragraph 8 of Article 79 of this Code.

If the circumstances specified in part one of this article may lead to a mass dismissal of employees, the employer, in order to save jobs, has the right, in agreement with the representative body of the employees of the organization, and in case of its absence, with the written consent of the employee, introduce a part-time regime for a period of up to 6 months without observing the notice period provided for by part one of this article. At the same time, the duration of working time cannot be less than half of the monthly norm of working time, and wages - less than 1/2 of the tariff rate (salary).

If the employee refuses to continue working on the terms of the relevant working hours, then the employment contract is terminated in accordance with paragraph 2 of Article and 83 of this Code, with the provision of appropriate guarantees and compensations to the employee.

Article 72. Temporary transfer to another job due to production needs

In case of production necessity, the employer has the right to transfer employees for up to 1 month to work not stipulated by the employment contract in the same organization or in another organization, but in the same locality, with remuneration for the work performed, but not lower than the average earnings for the previous job .

Such a transfer is allowed to prevent a catastrophe, industrial accident or eliminate the consequences of a catastrophe, accident or natural disaster; to prevent accidents, destruction or damage to property and in other exceptional cases. At the same time, the employee cannot be transferred to work that is contraindicated for him for health reasons.

A temporary transfer is issued by an order (instruction, resolution), which the employer announces to the employee against receipt.

Article 73. Temporary transfer due to downtime

Downtime is a temporary suspension of work for reasons of an organizational, economic, natural nature or suspension of work due to the fault of an employee, as well as replacement of an absent employee.

Temporary transfer due to downtime is made taking into account the profession, specialty, position, qualifications of the employee.

A temporary transfer to another employer is made without the consent of the employee - for a period of up to 1 month, and with the consent of the employee - for the entire downtime.

It is not allowed to temporarily transfer an employee due to downtime to another area, as well as to work that is contraindicated for the employee for health reasons.

In case of temporary transfer due to downtime to a lower-paid job, employees who meet production standards retain the average wage for their previous job, and employees who do not comply with the norms or are transferred to time-paid work retain their tariff rate (salary).

Article 74. Provisional substitution

In the order of production necessity, it is allowed to assign the performance of duties in the position of a temporarily absent employee to another employee who is not a full-time deputy.

The duration of temporary substitution may not exceed 3 months.

The appointment of an employee as acting in a vacant position is not allowed.

Article 75. Transfer to another job for health reasons

An employee who, in accordance with a medical report, needs to be provided with another job, the employer is obliged, with his consent, to transfer to another available job that is not contraindicated to him for health reasons, temporarily or without a time limit.

When transferring for health reasons to a lower-paid job, the transferred person retains the previous average wage for a period of at least 1 month from the date of transfer.

If the employee refuses to transfer or there is no relevant work in the organization, the employment contract is terminated in accordance with paragraph 7 of Article 79 of this Code.

For employees temporarily transferred to a lower-paid job due to injury, occupational disease or other work-related damage to health, the employer responsible for the damage to health shall pay the difference between the previous amount of wages and wages for the new job.

Such a difference is paid until the restoration of working capacity or the establishment of permanent disability or disability.

Until the decision on the transfer of an employee in connection with an injury, occupational disease or other damage to health associated with work, to another job in accordance with a medical report, he is released from work with the preservation of the average wage for all missed working days as a result.

Article 76. Suspension from work

The employer is obliged to suspend the employee from work (not to allow him to work) on the relevant day (shift) or for the relevant period in the following cases:

1) according to the requirements of authorized state bodies and officials in cases provided for by laws and other regulatory legal acts;

2) appearing at work in a state of alcoholic, narcotic or toxic intoxication;

3) failure to pass exams on labor protection and safety regulations;

4) failure to use the required personal protective equipment provided by the employer;

5) failure to pass a medical examination, if it is mandatory in accordance with this Code and other regulatory legal acts;

6) in the cases provided for by paragraphs 9 and 10 of Article 83 of this Code, from the moment the relevant violation is discovered until the issue of terminating the employment contract with this employee in the prescribed manner is resolved;

7) detention at the time of theft at the place of work, before the entry into force of a court verdict or a decision of the body, whose competence includes the imposition of an administrative penalty;

8) in other cases established by the regulatory legal acts of the Kyrgyz Republic.

The employer suspends the employee for the entire period of time until the circumstances that are the basis for the suspension are eliminated.

For the period of suspension of the employee from work, wages are not accrued, except as otherwise provided by law. In the event that circumstances rehabilitating the employee are established on the grounds specified in paragraph 6 of this article, the employer is obliged to pay the employee wages for the entire period of suspension from work.

Article **77**

When the owner of the organization changes, the new owner, no later than 3 months from the date of the emergence of his ownership right, has the right to terminate or renew the employment contract with the head of the organization, his deputies and the chief accountant of the organization.

A change in the owner of an organization (its privatization, carried out in any form), as well as the transfer of an organization for rent, as well as its reorganization (merger, accession, division, separation, transformation), change of subordination or name are not grounds for terminating an employment contract with other employees organizations.

If the employee refuses to continue working due to a change in the owner of the organization, the employment contract is terminated in accordance with paragraph 9 of Article 79 of this Code.

When changing the owner of the property of an organization, a reduction in the number or staff of employees is allowed only after state registration of the transfer of ownership.

Article 78. Obligations of the employer to prevent mass dismissals of employees

In the event of a threat of mass dismissals of employees, the employer is obliged, in agreement with the trade union or other representative body of the employees of the organization and the relevant state body, to take special measures that provide for:

1) restriction or temporary termination of the admission of new employees, dismissal of part-time workers;

2) the abolition of the use of overtime work;

3) change in essential working conditions in accordance with parts one and five of Article 71 of this Code;

4) phased release of workers;

5) other measures, if they are provided for by the collective agreement, agreement.

A mass layoff is the reduction of at least 25 percent of employees in organizations with up to 50 people and at least 15 percent in organizations with more than 50 people for 2 consecutive months.

CHAPTER 9. TERMINATION OF AN EMPLOYMENT CONTRACT

Article 79. Grounds for termination of an employment contract

The grounds for termination of an employment contract are:

1) agreement of the parties (Article 80);

2) expiration of the employment contract (Article 81);

3) employee's initiative (Article 82);

4) employer's initiative (Article 83);

5) transfer of an employee at his request or with his consent to work for another employer or transfer to an elective (work) position;

6) circumstances beyond the control of the parties (Article 88);

7) the employee's refusal to be transferred to another job due to a state of health in accordance with a medical report (third part of Article 75);

8) the employee's refusal to continue working due to a change in essential working conditions (part four of Article 71);

9) the employee's refusal to continue working in the organization due to a change in ownership, a change in its subordination (subordination) and its reorganization (Article 77);

10) refusal of the employee to transfer in connection with the relocation of the employer to another locality (part one of Article 69);

11) unsatisfactory results of the probation period (Section 7 of Article 62).

An employment contract may also be terminated on other grounds provided for by this Code and other laws.

In all cases, the day of dismissal is the last day of work.

Termination of an employment contract is formalized by an order (instruction, resolution) of the employer indicating the grounds for termination of the employment contract with reference to the relevant article, paragraph of this Code or other law.

Article 80. Termination of an employment contract by agreement of the parties

An employment contract concluded for an indefinite period, as well as a fixed-term employment contract, may be terminated at any time by agreement of the parties in writing. The date of termination of the employment contract on this basis is determined by agreement of the parties between the employee and the employer.

The party to the employment contract that has expressed a desire to terminate the employment contract on this basis sends a written proposal to the other party to the contract. The

party that received the offer is obliged to inform the other party in writing about the decision taken within 3 days.

Cancellation of the agreement on termination of the employment contract is allowed only by agreement of the parties to the employment contract.

Article 81. Termination of a fixed-term employment contract

A fixed-term employment contract is terminated with the expiration of its term.

An employment contract concluded for the duration of a certain work is terminated upon completion of this work.

An employment contract concluded for the duration of the performance of the duties of an absent employee is terminated from the day this employee enters work.

An employment contract concluded for the duration of seasonal work is terminated after a certain season.

Article **82**

The employee has the right to terminate an employment contract concluded for an indefinite period or a fixed-term employment contract by notifying the employer in writing 2 weeks (14 calendar days) in advance.

Upon the expiration of the warning period, the employee has the right to stop work, and the employer is obliged to issue him a work book and pay the amounts due to him.

By agreement of the parties, the employment contract may be terminated before the expiration of the notice period.

During the warning period, the employee has the right to withdraw his application, unless another employee is invited to his workplace in writing, who, in accordance with this Code and other laws, cannot be refused to conclude an employment contract.

In cases where the employee's application for dismissal on his initiative is due to the impossibility of continuing his work (enrollment in an educational organization, retirement and other good reasons), as well as in cases of violation by the employer of laws and other regulatory legal acts containing labor law norms, conditions collective agreement, agreement or employment contract, the employer is obliged to terminate the employment contract within the period specified in the employee's application. The fact of violation of labor legislation, a collective agreement, an agreement or an employment contract is established by the state supervision body for compliance with labor legislation, a trade union body or a court.

If the employer refuses to terminate the fixed-term contract at the request of the employee, the latter has the right to apply to the court for resolution of the dispute.

In case of termination of a fixed-term employment contract without valid reasons specified in part four of this article, the employer has the right to demand compensation from the employee in the amount provided for by the employment contract, but not exceeding the average monthly wage.

Article 83. Termination of an employment contract at the initiative of the employer

An employment contract concluded for an indefinite period, as well as a fixed-term employment contract before its expiration may be terminated by the employer in the following cases:

1) liquidation of an organization (legal entity), termination of the activities of the employer (individual);

2) reduction in the number or staff of employees, including in connection with the reorganization of the organization;

3) non-compliance of the employee with the position held or the work performed:

a) due to the state of health in accordance with the medical opinion;

b) insufficient qualifications, confirmed by the results of attestation, certificates of non-compliance with labor standards, marriage certificates and other data;

4) change of the owner of the property of the organization (in relation to the head of the organization, his deputies and the chief accountant);

5) repeated non-performance by an employee without good reason of labor duties, if he has a disciplinary sanction;

6) a single gross violation of labor duties by an employee:

a) absenteeism (absence from work for more than 3 consecutive hours during the working day without good reason);

b) appearing at work in a state of alcoholic, narcotic or toxic intoxication. Such a condition is confirmed by a medical report, testimonies or an act drawn up by the employer together with the representative body of employees;

c) intentional damage or theft of the organization's property at the place of work;

d) violation by the employee of labor protection requirements, which caused serious consequences, including injuries and accidents;

e) disclosure of state, official, banking, commercial or other secrets protected by law, which became known to the employee in connection with the performance of labor duties and if the condition for its preservation is provided for in the employment contract.

With regard to certain categories of workers, laws and charters, regulations on discipline may provide for other types of single gross violations of labor duties;

7) the commission of guilty actions by an employee directly serving monetary or commodity values, if these actions give rise to a loss of confidence in him on the part of the employer;

8) commission by an employee performing educational functions of an immoral act incompatible with the continuation of this work;

9) making an unreasonable decision by the head of the organization (branch, representative office), his deputies and the chief accountant, which entailed a violation of safety, misuse or other damage to the property of the organization;

10) submission by the employee to the employer of forged documents or knowingly false information when concluding an employment contract, if these documents or information could be the basis for refusing to conclude an employment contract;

11) a single gross violation by the head of the organization (branch, representative office), his deputies of their labor duties;

12) in other cases established by this Code and other laws.

A person who holds a public position, municipal position in the manner prescribed by the laws of the Kyrgyz Republic and other regulatory legal acts is subject to dismissal (dismissal from office) due to loss of confidence in the following cases:

- commission of guilty actions by an employee directly serving monetary or commodity values;

- failure by a person to take measures to prevent and (or) resolve a conflict of interest to which he or she is a party;

- failure by a person to provide information about his income, property and property obligations, as well as income, property and property obligations of his wife (spouse) and minor children, or submission of knowingly false or incomplete information;

- participation of a person on a paid basis in the activities of the management body of a commercial organization, with the exception of cases established by law;

- carrying out entrepreneurial activities by a person;

- membership of a person in political parties, governing bodies, boards of trustees or supervisory boards, other non-profit non-governmental organizations and bodies of foreign non-profit non-governmental organizations operating on the territory of the Kyrgyz Republic, their

structural divisions, unless otherwise provided by an international treaty that has entered into force in accordance with the procedure established by law to which the Kyrgyz Republic is a party, or the legislation of the Kyrgyz Republic.

Non-confirmation in court of the results of an audit on violations of the legislation of the Kyrgyz Republic by a business entity and establishment in a judicial proceeding of the guilt of the official who conducted the audit entails his dismissal from his position.

A person holding a state or municipal position who has become aware of the emergence of a personal interest in a person subordinate to him, which leads or may lead to a conflict of interest, is subject to dismissal (release from office) due to loss of confidence in the event that he fails to take measures to prevent and (or) resolving a conflict of interest.

Article 84

Dismissal of employees who are members of a trade union organization or other representative body of employees, under paragraph 2, subparagraph "b" of paragraph 3, paragraph 5, subparagraph "d" of paragraph 6 of Article 83 of this Code is not allowed without the prior written consent of the relevant trade union organization or other representative body employees of this organization. The collective agreement may also provide for other grounds for dismissal, which require the prior consent of the trade union organization or other representative body to terminate the employment contract at the initiative of the employer.

The consent of the representative body of employees to terminate the employment contract is not required in the following cases:

- dismissal from an organization where there is no representative body of employees;
- dismissal of the head of the organization, his deputies, executives elected, approved or appointed by state authorities or administration, as well as public organizations and other associations of citizens and in other cases provided for by the legislation of the Kyrgyz Republic.

An employer's application for dismissal of an employee must be considered by a representative body within seven days.

The employer has the right to terminate the employment contract no later than 1 month from the date of receipt of the consent of the relevant representative body.

Article 85. Procedure for terminating an employment contract at the initiative of the employer

When reducing the number or staff of the organization's employees, the priority right to remain at work is granted to employees with higher labor productivity and qualifications, as well as those who meet the criteria established in the collective agreement, agreement or employment contract.

Upon termination of an employment contract with an employee on the grounds provided for in paragraph 8 of Article 79 and paragraphs 2, 3 of Article 83 of this Code, the employee may be transferred to another position.

When terminating an employment contract under paragraphs 1, 2 of Article 83 of this Code, the employer is obliged to notify the employee in writing personally at least 1 month before dismissal against receipt.

During the warning period, the employee fulfills his job duties, obeys the internal labor regulations, he is guaranteed conditions and remuneration on an equal basis with other employees, and is also given one free day a week to look for work while maintaining the average wage.

In case of dismissal due to the employee's inconsistency with the position held or work performed due to health status or insufficient qualifications that prevent the continuation of this work, the employer is obliged to notify the employee at least 2 weeks in advance.

When an employee is dismissed due to a reduction in the number or staff of the organization's employees or in connection with the liquidation of the organization, by agreement of the parties, the employment contract may be terminated before the expiration of the notice period with payment of compensation in the amount not lower than the average wage for each day remaining before the expiration of the period, established by paragraph three of this article.

It is not allowed to dismiss an employee during a period of temporary incapacity for work and during the period the employee is on vacation, with the exception of paragraph 1 of Article 83 of this Code (liquidation of an organization, termination of the employer's activities).

Article 86. Severance pay

Upon termination of an employment contract on the grounds specified in paragraphs 1, 2 of Article 83 of this Code, a severance pay is paid in the amount of at least two average monthly wages.

Upon termination of the employment contract under paragraph 10 of Article 79 , subparagraph "a" of paragraph 3 of Article 83 and paragraphs 1, 2 of Article 88 of this Code, a severance pay is paid in the amount of the average monthly wage.

An employment contract or a collective agreement may provide for other cases of payment of severance pay, as well as establish increased amounts of severance pay.

When collecting average earnings in favor of an employee reinstated in his previous job if his dismissal is recognized as illegal, the severance pay paid to him is subject to offset.

Article **87**

For an employee who is released upon termination of an employment contract due to the liquidation of an organization or a reduction in the number or staff, including in connection with the reorganization of an organization, the average monthly wage, including severance pay, is retained for the period of the job search, for 3 months, provided that if, within 10 working days after the dismissal, he registered with the state employment service as a job seeker. For the first month from the date of dismissal, the employee is paid a severance pay in the amount of at least two average monthly wages, for the second and third months of the job search, the employee retains the average monthly wage.

If after the expiration of the three-month period the dismissed employee is not provided with a suitable job, as well as if he refuses two offers of such work during the specified period, he acquires the status of unemployed.

Article 88. Termination of an employment contract due to circumstances beyond the control of the parties

An employment contract is subject to termination due to the following circumstances beyond the control of the parties:

1) conscription of an employee for military or alternative service replacing it, as well as in connection with the transfer of a spouse (wife) to serve in another locality;

2) the reinstatement of an employee who previously performed this work, by decision of the authorized state body in the field of supervision and control over compliance with labor laws or the court;

3) violation of the established rules for hiring;

4) condemnation of the employee to a punishment that precludes the continuation of the previous work, in accordance with a court verdict that has entered into force;

5) non-election to an elective position;

6) the death of an employee or employer - an individual, as well as the recognition by the court of an employee or employer - an individual as dead or missing;

7) the onset of emergency circumstances that prevent the continuation of labor relations (military operations, catastrophe, natural disaster and other emergency circumstances), if this circumstance is recognized by a decision of the Government of the Kyrgyz Republic.

Termination of an employment contract on the grounds specified in paragraph 2 of this article is allowed if it is impossible to transfer the employee with his consent to another job.

CHAPTER 10. WORKING HOURS

Article 89. The concept of working time and its regulation

The working time is the time during which the employee, in accordance with the internal labor regulations or the work schedule or the terms of the employment contract, must perform his job duties.

Working time is normalized by establishing norms for its duration during a calendar week (working week) and within a day (working day, work shift).

Article 90. Normal hours of work

Normal working hours may not exceed 40 hours per week, except as provided by this Code.

Employment contracts, by agreement of the parties, may provide for shorter working hours.

Article 91. Reduced working hours for certain categories of employees

For certain categories of workers, reduced working hours are established:

1) for employees aged 14 to 16 - no more than 24 hours a week, from 16 to 18 years - no more than 36 hours a week;

2) for workers engaged in heavy physical work, work with harmful or dangerous working conditions - no more than 36 hours a week;

3) for employees who are persons with disabilities of I and II disability groups - no more than 36 hours per week.

The list of industries, shops, professions and positions, as well as the list of jobs with harmful or difficult, dangerous working conditions, work in which gives the right to a reduced working time, is determined by the Government of the Kyrgyz Republic.

Article 92

For certain categories of workers (doctors, teachers and others), whose work is associated with increased mental, nervous, emotional stress, a reduced working time is established.

Categories of employees with a special nature of work, and the specific duration of their working hours are determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated February 8, 2008 No. 39 "On approval of the List of categories of workers with a special nature of work and the duration of their working hours"

Article 93. Part-time work

By agreement between the employee and the employer, part-time work or a part-time work week can be established both at the time of employment and subsequently. The employer is obliged to establish a part-time or part-time work week at the request of a pregnant woman, one

of the parents (guardian, trustee) who has a child under the age of 14 (a child with disabilities - up to 18 years), as well as a person caring for sick family member in accordance with the medical report.

When working on a part-time basis, the employee is paid in proportion to the hours worked or depending on the output.

Work on a part-time basis does not entail any restrictions for employees on the duration of the annual basic paid leave, the calculation of seniority and other labor rights.

Article 94. Five-day and six-day working week

A five-day work week with 2 days off or a six-day work week with 1 day off is determined by the internal labor regulations or shift schedules approved by the employer in agreement with the representative body of employees.

With a six-day working week, the duration of daily work (shift) cannot exceed: 7 hours at a weekly rate of 40 hours, 6 hours at a weekly rate of 36 hours and 4 hours at a weekly rate of 24 hours.

Article 95. Duration of daily work (shift)

The duration of daily work (shift) cannot exceed:

for employees aged 14 to 16 years - 5 hours, from 16 to 18 years - 7 hours;

for students of general educational organizations (schools), educational organizations of primary and secondary vocational education, combining study with work during the academic year, aged 14 to 16 years - 2.5 hours, aged 16 to 18 years - 3.5 hours ;

for persons with disabilities - in accordance with the medical report.

For employees engaged in heavy physical work, work with harmful or dangerous working conditions, where a reduced working time is established, the maximum allowable duration of daily work (shift) cannot exceed 6 hours with a 36-hour working week, unless otherwise provided by regulatory legal acts of the Kyrgyz Republic.

For creative workers of cinematography organizations, television and video crews, theaters, theater and concert organizations, circuses, mass media, professional athletes in accordance with the lists of categories of these workers approved by the Government of the Kyrgyz Republic, the duration of daily work (shift) may be established in accordance with with laws and other regulatory legal acts, local regulations, a collective agreement or an employment contract.

Article 96. Duration of work on the eve of non-working holidays

The duration of the working day (shift) immediately preceding a non-working holiday is reduced by 1 hour.

Reducing the length of the working day (shift) before a non-working holiday is not carried out in cases where employees have already established a reduced working time.

In continuously operating organizations and in certain types of work, where, due to the conditions of production (work), it is impossible to reduce the duration of work (shift) on the pre-holiday day, processing is compensated by providing additional rest time or, with the consent of the employee, payment according to the norms established for overtime work.

Article 97. Work at night

Night time is considered from 22:00 pm to 6:00 am.

The duration of work (shift) at night is reduced by 1 hour.

The duration of work (shift) at night is not reduced for employees who have a reduced working time, as well as for employees hired specifically for work at night, unless otherwise provided by the collective agreement.

The duration of work at night is equalized with daytime in cases where it is necessary for working conditions (in continuously operating industries, organizations, etc.), as well as in shift work with a six-day working week with 1 day off. The list of the specified works can be determined by the collective agreement, the local normative act.

Persons with disabilities and pregnant women may be involved in night work, if such work is not prohibited to them for medical reasons.

Women with children under the age of 3, employees with children with disabilities may be involved in night work only with their consent.

Persons under the age of 18 are not allowed to work at night.

The procedure for work at night of creative employees of cinematography organizations, television and video crews, theaters, theater and concert organizations, circuses, the media and professional athletes in accordance with the lists of categories of these employees approved by the Government of the Kyrgyz Republic may be determined by a collective agreement, local normative act or agreement of the parties to the employment contract.

Article 98. Work outside the normal working hours

Work outside the normal working hours can be carried out both at the initiative of the employee (part-time job) and at the initiative of the employer (overtime work).

Article **99**

At the request of the employee, the employer has the right to allow him to work under another employment contract in the same organization in a different profession, specialty or position outside the normal working hours in the order of internal combination.

An employee has the right to conclude an employment contract with another employer to work on the terms of external combination, unless otherwise provided by this Code or other laws.

Work outside normal working hours may not exceed 4 hours per day and 20 hours per week.

Internal combination is not allowed in cases where a reduced working time is established, with the exception of cases provided for by this Code and other laws.

Article 100. Work outside the normal working hours at the initiative of the employer (overtime work)

Overtime is work performed by an employee at the initiative of the employer in excess of the established working hours, daily work (shift), as well as work in excess of the normal number of working hours for the accounting period.

Involvement in overtime work is carried out at the suggestion, order or with the knowledge of the employer and only with the written consent of the employee.

It is prohibited to involve in overtime work employees engaged in heavy physical work, work with harmful or dangerous working conditions, except for the following cases:

1) in the performance of work necessary for the defense of the country, as well as to prevent a production accident or eliminate the consequences of a production accident or natural disaster;

2) when performing socially necessary work on water supply, gas supply, heating, lighting, sewerage, transport, communications - to eliminate unforeseen circumstances that disrupt their normal functioning;

3) if necessary, perform (finish) the work that has been started, which, due to an unforeseen delay due to the technical conditions of production, could not be performed (completed) within the normal number of working hours, if the failure to perform (non-completion) of this work may entail damage or destruction of the employer's property, state or municipal property or endanger the life and health of people;

4) in the performance of temporary work on the repair and restoration of mechanisms or structures in cases where their failure may cause the termination of work for a significant number of employees;

5) to continue work in the absence of a replacement employee, if the work does not allow a break. In these cases, the employer is obliged to immediately take measures to replace the shift with another employee.

Overtime work must not exceed 4 hours per employee for 2 consecutive days.

It is allowed to involve persons with disabilities and pregnant women in overtime work, if such work is not prohibited to them for medical reasons. Workers under the age of 18 are not allowed to work overtime.

The employer is obliged to ensure that overtime work performed by each employee is accurately recorded. Information about their number is provided to the employee at his request.

Article 101. Working hours

The working time regime should provide for the duration of the working week (five-day with 2 days off, six days with 1 day off, working week with the provision of days off on a staggered schedule), work with irregular working hours for certain categories of workers, the duration of daily work (shifts), time the beginning and end of work, the time of breaks in work, the number of shifts per day, the alternation of working and non-working days, which are established by the collective agreement or the internal labor regulations of the organization, compliance with the working hours established by this Code.

Features of the regime of working time and rest time for transport workers, communications workers and others with a special nature of work are determined by this Code and acts of the Government of the Kyrgyz Republic.

The established mode of working time is brought to the attention of employees no later than 2 weeks before its entry into force.

Article 102. Working hours during shift work

The mode of working time during shift work is determined by the shift schedule. Workers alternate shifts evenly.

The minimum duration of daily rest between shifts (from the end of one to the beginning of the next) must be, together with the break time for rest and meals, not less than twice the length of the work time in the shift preceding the rest.

Assigning an employee to work for two shifts in a row without his consent is prohibited.

Article **103**

In organizations where, due to the conditions of production (work), it is impossible or economically unreasonable to comply with the norm of daily or weekly working hours established for this category of workers, the summarized accounting of working hours may be applied, provided that the working hours for the accounting period (month, quarter and others) will not exceed the normal number of working hours. The accounting period cannot exceed 1 year.

The daily or weekly hours of work in summary accounting may be more or less than the norm of hours of a working day or a working week.

The accounting period for the summarized accounting of working time is the period within which the average length of the working day and working week established for this category of workers must be observed. The accounting period can be determined by calendar periods or the period of performance of certain work.

The norm of working hours for the accounting period is calculated by multiplying the norms of hours of the working day (shift) according to the schedule or work schedule, taking into account the reduction in working hours on holidays and night time by the number of working days in the accounting period.

The procedure for introducing the summarized accounting of working time is established by the internal labor regulations of the organization.

Article 104. Division of the working day into parts

In those jobs where it is necessary due to the special nature of the work, as well as in the production of work, the intensity of which is not the same during the working day (shift), the working day can be divided into parts so that the total duration of working time does not exceed the established duration of daily work. .

The types of work where the division of the working day into parts, the number and duration of breaks in work, as well as the types and amounts of compensation to employees for work with such conditions are determined by the collective agreement, agreements or the employer in agreement with the representative body of employees.

Breaks during the working day are not included in working hours.

Article 105. Flexible working hours

The flexible working time regime establishes the time of mandatory presence at work (fixed time) and flexible (variable) time during which the employee has the right to come to work and leave work at his own discretion.

The duration of the fixed time and each part of the flexible time is determined by agreement of the parties.

The maximum duration of flexible time during the working day should not exceed 10 hours, for the accounting period the sum of hours of working time should be equal to the norm of hours for this period.

The employer ensures that the employee works out the total number of working hours during the relevant accounting periods (working day, week, month, and others).

Article 106. Irregular working day

Irregular working hours - a special mode of work, in accordance with which individual employees may, by order of the employer, in necessary cases, be involved in the performance of their labor functions outside the normal working hours.

The list of positions of employees with irregular working hours is established by a collective agreement, agreement or internal labor regulations of the organization.

Article 107. Accounting for working time

The employer is obliged to organize the recording of the working time actually worked by the employee for this employer.

Accounting for attendance and departure from work is carried out in the time sheets of the established form, in annual time cards and other documents.

Accounting is subject to actual working time, which includes hours worked and unworked hours. As part of the hours worked, the time of overtime work, piece work, and business trips is separately taken into account. The structure of unworked time includes paid and unpaid time, as well as loss of working time, both through the fault of the employee, and in the absence of his fault.

The actual time is taken into account from the moment the employee arrives at the place of work in accordance with the schedule, shift schedule or special instructions from the employer and until the actual release from work on that day (shift).

Downtime is taken into account on the basis of downtime sheets and other documents.

CHAPTER 11

Article 108. The concept of rest time

Rest time - the time during which the employee is free from work duties and which he can use at his own discretion.

Article 109. Types of rest time

The types of rest periods are:
- breaks during the working day (shift);
- daily (inter-shift) rest;
- days off (weekly uninterrupted rest);
- non-working holidays;
- holidays.

Article 110. Break during the working day (shift) for rest and meals

During the daily work (shift), the employee must be given a break for rest and meals lasting at least 30 minutes and not more than 1 hour in total, which is not included in working time.

The time of the break and its specific duration are established by the internal labor regulations of the organization or by agreement between the employee and the employer.

It is allowed to divide the break into two parts. The lunch break time can be set in general for all employees or separately for structural units, teams and individual groups of employees.

At jobs where, due to the conditions of production (work), it is impossible to provide a break for rest and food, the employer is obliged to provide the employee with the opportunity to rest and eat during working hours.

The list of such works, as well as places for rest and eating are determined by the internal labor regulations of the organization.

Article 111. Special breaks for heating and rest

For certain types of work, employees are provided with special breaks during working hours, due to the technology and organization of production and working conditions. The types of these works, the duration and procedure for granting such breaks are determined by the internal labor regulations of the organization.

Employees working in the cold season in the open air or in closed, unheated premises, as well as loaders engaged in loading and unloading operations, and other employees, in cases provided for by law and the collective agreement, are provided with special breaks for heating

and rest, which are included during business hours. The employer is obliged to provide the equipment of rooms for heating and rest of employees.

Article 112. Holidays

All employees are provided with days off (weekly uninterrupted rest). Days off are days of weekly rest. With a five-day working week, 2 days off per week are provided, with a six-day working week, 1 day off is provided.

The general day off is (usually) Sunday. In certain sectors of the economy, depending on the nature of production, a collective agreement, collective agreement or employment contract may define another day of the week as a day off. The second day off with a five-day working week is established by the internal labor regulations or work schedule, unless otherwise determined by agreement of the parties. Both days off are provided, as a rule, in a row.

In organizations whose suspension of work on weekends is impossible due to production, technical and organizational conditions, days off are provided on different days of the week in turn to each group of employees in accordance with the internal labor regulations of the organization.

Article 113. Non-working holidays

Non-working holidays in the Kyrgyz Republic are:
January 1 - New Year;
February 23 - Defender of the Fatherland Day;
March 8 - International Women's Day;
March 21 - national holiday Nooruz;
the sixth paragraph is invalid
April 7 - Day of the People's April Revolution;
May 1 - Labor Day;
May 5 - Constitution Day of the Kyrgyz Republic;
May 9 - Victory Day;
August 31 - Independence Day of the Kyrgyz Republic;
November 7 and 8 - Days of history and memory of ancestors.

Muslim holidays "Orozo Ait", "Kurman Ait", determined by the lunar calendar, and January 7 - Christmas (Orthodox Christmas) are non-working holidays.

If a weekend and a non-working holiday coincide, the day off is transferred to the next working day after the holiday.

For the purpose of rational use of weekends and non-working holidays by employees, the Government of the Kyrgyz Republic has the right to transfer days off to other days.

Article **114** Exceptional cases of involving employees to work on weekends and non-working holidays

Work on weekends and non-working holidays is generally prohibited.

Engagement of employees to work on weekends and non-working holidays is carried out with their written consent in the following cases:

to prevent a production accident, catastrophe, eliminate the consequences of a production accident, catastrophe or natural disaster;

to prevent accidents, destruction or damage to property;

to perform unforeseen work, on the urgent implementation of which the normal operation of the organization as a whole or its individual divisions depends in the future.

On non-working holidays, work is allowed, the suspension of which is impossible due to production and technical conditions (continuously operating organizations), work caused by the need to serve the population, as well as urgent repair and loading and unloading work.

It is allowed to involve creative employees of cinematography organizations, television and video crews, theaters, theater and concert organizations, circuses, the media, professional athletes in accordance with the lists of categories of these employees in organizations financed from the budget, to work on weekends and non-working holidays. in the manner established by the Government of the Kyrgyz Republic, and in other organizations - in the manner established by the collective agreement.

In other cases, involvement in work on weekends and non-working holidays is allowed with the written consent of the employee and with the consent of the representative body of employees of this organization.

Engaging persons with disabilities, pregnant women to work on weekends and non-working holidays is allowed only if such work is not prohibited to them for medical reasons.

Involvement of employees to work on weekends and non-working holidays is carried out by written order of the employer.

Article 115. Compensation for work on a day off and non-working holiday

Work on a day off and a non-working holiday may be compensated by agreement of the parties by providing another day of rest or joining a labor leave, or in cash at least twice the amount.

Article 116. Annual paid holidays

Employees are granted annual leave while maintaining their place of work (position) and average earnings.

Article 117. Duration of the annual basic paid leave

Annual basic paid leave is granted to employees for a duration of 28 calendar days.

Annual basic paid leave lasting more than 28 calendar days (extended main leave) is granted to employees in accordance with this Code and other laws.

Article 118

Extended basic leave lasting more than 28 calendar days is established:

1) a civil servant in accordance with the law of the Kyrgyz Republic;

2) employees under the age of 18 (including those accepted for industrial training) and persons with disabilities - 30 calendar days. If the employee is 18 years old or his disability is removed during the working year for which the extended basic leave is granted, the duration of the latter is not reduced;

3) employees of forest industry and forestry enterprises - 30 calendar days. The list of industries, jobs, professions and positions, work in which gives the right to an extended basic leave, is determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated September 20, 1999 No. 504 "On Approval of the List of Forest Industry and Forestry Employees Who Are Provided with Extended Basic Leaves"

Article 119. Annual additional paid holidays

Annual additional paid leave is granted to employees employed in jobs with harmful and (or) dangerous working conditions, employees with a special nature of work, employees with irregular working hours, employees working in high mountains and remote and hard-to-reach areas, as well as in other cases prescribed by law.

Organizations, taking into account their production and financial capabilities, may independently establish additional holidays for employees, unless otherwise provided by laws. The procedure and conditions for granting these holidays are determined by collective agreements or local regulations of the organization.

Article **120**

Annual additional paid leave is granted to employees employed in jobs with harmful and (or) dangerous working conditions: in underground mining and open pit mining, in open pits and quarries, in areas of radioactive contamination, in other jobs associated with an unavoidable adverse effect on health human harmful physical, chemical, biological and other factors.

Lists of industries, jobs, professions and positions, work in which gives the right to additional paid leave for work with harmful and (or) dangerous working conditions, as well as the minimum duration of this leave and the conditions for its provision are approved by the Government of the Kyrgyz Republic.

Article 121. Annual additional paid leave for the special nature of work

Annual additional paid leave for the special nature of the work is granted to certain categories of employees whose work is related to the peculiarities of the performance of work.

The list of categories of employees who are entitled to additional annual paid leave for the special nature of work, as well as the minimum duration of this leave and the conditions for its provision are determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic of May 11, 2006 No. 343 "On Approval of the List of Categories of Employees Who Are Established Annual Additional Paid Leave for the Special Nature of Work, the Procedure and Conditions for Granting Additional Annual Leave and Its Minimum Duration"

Article 122. Annual additional paid leave for employees with irregular working hours

Employees with irregular working hours are granted annual additional paid leave, the duration of which is determined by the collective agreement or the internal labor regulations of the organization and which cannot be less than three calendar days. In the event that such leave is not granted, processing in excess of the normal working hours, with the written consent of the employee, is compensated as overtime work.

The procedure and conditions for granting annual additional paid leave to employees with irregular working hours in organizations financed from the republican budget are established by the Government of the Kyrgyz Republic, and in organizations financed from the local budget - by local governments.

Article 123. Calculation of the duration of annual paid holidays

The duration of the annual basic and additional paid holidays of employees is calculated in calendar days. Non-working holidays falling during the period of vacation are not included in the number of calendar days of vacation and are not paid.

In the cases provided for by this Code, other regulatory legal acts containing labor law norms, agreements, collective and labor contracts, the duration of the annual basic paid leave is calculated in working days according to the schedule of a six-day working week.

When calculating the total duration of annual paid leave, additional paid leaves are added to the annual basic paid leave.

Article 124. Working year

The working year for which annual labor leave is granted is a period of time equal in duration to a calendar year, but calculated for each employee from the date of employment.

Article **125**

The working year giving the right to annual basic paid leave includes:

actual work time;

the time when the employee did not actually work, but in accordance with laws, other regulatory legal acts, the place of work (position) was retained, including the time of annual leave;

time of forced absenteeism in case of illegal dismissal or removal from work and subsequent reinstatement at the previous job;

other periods of time provided for by the collective agreement, labor contract or local regulatory act of the organization.

The working year giving the right to annual basic paid leave does not include:

the time of the employee's absence from work without good reason (including as a result of his suspension from work in the cases provided for in Article 76 of this Code);

the time of leave to care for a child until he reaches the age established by law;

the time of leave granted at the request of the employee without pay for more than 14 calendar days.

The working year, which gives the right to annual additional paid leave for work with harmful and (or) dangerous working conditions, includes only the time actually worked in the relevant conditions.

Article **126**

Paid leave must be granted annually.

The right to use leave for the first year of work arises for the employee after 11 months of his continuous work in this organization. By agreement of the parties, an employee may be granted paid leave before the expiration of 11 months.

Before the expiration of 11 months of continuous work, paid leave at the request of the employee must be granted:

1) for women - before maternity leave or immediately after it;

2) employees under the age of 18;

3) part-time workers, if the labor leave at the main place of work falls on a period of up to 11 months of part-time work;

4) employees who have adopted a child (children) under the age of 3 months;

5) in other cases provided for by laws.

Leave for the second and subsequent years of work may be granted at any time of the working year in accordance with the order of granting annual paid leaves established in this organization.

It is allowed, except for the cases set forth in paragraphs one and three of part three of this article, to grant leave in proportion to the worked part of the working year, but not less than 14 calendar days.

When advancing the main vacation before the expiration of 11 months in the first working year, additional labor holidays to which the employee is entitled are provided in proportion to the worked part of the working year, unless otherwise provided by the collective or labor contracts.

The right to compensation for unused labor leave arises for the employee if he has worked for at least one month.

Article **127**

Vacations are issued by order (instruction, resolution) or a note on vacation, which are signed on behalf of the employer by an authorized person.

The employer is obliged to ensure that vacations are taken into account.

An approximate form of a note on leave is established by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated March 12, 1999 No. 145 "On Approval of Sample Forms of an Employment Contract and a Leave Note"

Article **128**

The order of granting paid vacations is determined annually in accordance with the vacation schedule approved by the employer no later than 2 weeks before the start of the calendar year. The vacation schedule is mandatory for both the employer and the employee.

The employee must be notified about the start time of the vacation no later than 2 weeks before it starts. Payment for vacation to an employee must be made no later than 3 days before it starts.

Certain categories of employees, in the cases provided for by this Code and other laws, are granted annual paid leave at their request at a time convenient for them.

Article 129. Extension or postponement of annual paid leave

Annual paid leave must be extended in the following cases:

- temporary disability of the employee;
- performance by the employee during the annual paid leave of state duties, if the law provides for this exemption from work;
- in other cases stipulated by laws, collective agreements or local regulations of the organization.

If the reasons listed in part one of this article occurred before the start of the vacation, the vacation, at the request of the employee, is transferred to another time of the current working year, determined by agreement between the employee and the employer.

The employee is obliged to notify the employer in writing of the reasons preventing the use of the vacation within the planned period, and of the extension of the vacation.

Vacation at the request of the employee is postponed for another period if the employee was not paid on time for the vacation or the employee was warned about the start time of the vacation later than 2 weeks before it began.

In exceptional cases, when the provision of leave to an employee in the current working year may adversely affect the normal course of the organization's work, it is allowed, with the consent of the employee, to transfer the leave to the next working year.

It is prohibited not to provide annual paid leave for 2 consecutive years, as well as failure to provide annual paid leave to employees under the age of 18 and employees employed in jobs with harmful and (or) dangerous working conditions.

In case of failure to provide annual paid leave, the employee does not lose the right to use it or to receive monetary compensation for all the years of absenteeism.

Article 130 Review from vacation

By agreement between the employee and the employer, annual paid leave may be divided into parts. In this case, the duration of the first part must be at least 14 calendar days.

Recall of an employee from vacation is allowed only with his consent. The unused part of the vacation in connection with this must be provided at the choice of the employee at a time convenient for him during the current working year or added to the vacation for the next working year.

Employees under the age of 18, pregnant women and employees employed in jobs with harmful and (or) dangerous working conditions are not allowed to be recalled from vacation.

Article 131. Replacement of annual paid leave with monetary compensation

A part of the vacation exceeding 14 calendar days, upon a written application of the employee, may be replaced by monetary compensation.

Replacing the annual basic paid leave with monetary compensation is not allowed for employees under the age of 18, as well as employees engaged in hard work and work with harmful and (or) dangerous working conditions.

Article 132. Realization of the right to leave upon dismissal of an employee

Upon dismissal, the employee is paid monetary compensation for all unused vacations.

At the written request of the employee, unused vacations may be granted to him with subsequent dismissal (except in cases of dismissal for guilty actions). In this case, the day of dismissal is considered the last day of vacation.

In the event of dismissal due to the expiration of the term of the employment contract, leave with subsequent dismissal may also be granted when the time of leave completely or partially goes beyond the term of the contract. In this case, the last day of vacation is also considered the day of dismissal.

When granting leave with subsequent dismissal upon termination of the employment contract at the initiative of the employee, this employee has the right to withdraw his application for dismissal before the end of the vacation, unless another employee is invited in his place in writing, as well as an employee who, in accordance with this Code and other laws may not refuse to conclude an employment contract.

Article 133. Leave without pay

For family reasons and other valid reasons, an employee, upon his written application, may be granted unpaid leave, the duration of which is determined by agreement between the employee and the employer.

The employer is obliged, on the basis of the employee's application, to grant unpaid leave in the following cases:

participants of the Great Patriotic War and persons equated to them in terms of benefits, participants in the liquidation of the accident at the Chernobyl nuclear power plant - up to 14 calendar days a year;

parents and wives (husbands) of military personnel who died as a result of injury, concussion or injury received while defending the country, or as a result of illness associated with being at the front - up to 14 calendar days a year;

working persons with disabilities - up to 60 calendar days a year;

employees - in the event of the birth of a child, marriage registration, death of close relatives - up to 5 calendar days;

in other cases provided for by this Code, other legislative acts or a collective agreement.

During the period when the employee is on leave without pay, he retains his place of work (position).

It is not allowed to send an employee on leave without pay at the initiative of the employer.

Article **134**

The right to use annual labor leave at any time convenient for the employee is granted:

1) employees who have two or more children under the age of 14 or a child with disabilities under the age of 18;

2) employees - participants of the Great Patriotic War and persons equated to them in terms of benefits;

3) employees to whom this right is granted by the Law of the Kyrgyz Republic "On social protection of citizens of the Kyrgyz Republic affected by the Chernobyl disaster";

4) persons with disabilities.

The right to extraordinary use of labor leave in a certain period is granted at any time of the year convenient for them:

1) employees under the age of 18 - in the summer (June - August);

2) to employees studying on the job in general education, primary, secondary vocational and higher educational institutions - before or during orientation classes, performing educational work, passing exams and tests;

3) employees whose wives are on maternity leave - during the period of this leave;

4) working part-time - simultaneously with leave for the main job;

5) pregnant women;

6) single mothers with a child under the age of 14.

Article 135. Procedure for calculating the duration of labor leave in proportion to the time worked

The duration of labor leave in proportion to the time worked in the working year is calculated by multiplying the amount of leave per month by the number of months worked in the working year.

In the total length of vacation days, proportional to the share of hours worked, tenths equal to 0.5 or more are rounded up to 1 day, and less than 0.5 are excluded from the calculation.

The calculation of the full months worked in the working year is made as follows:

1) the days included in the working year are counted;

2) the amount received is divided by the average monthly number of working days per year;

3) the balance of days, which is 13 or more working days, is rounded up to the nearest full month, and those that are less than 13 working days are excluded from the calculation.

Article 136. Maternity leave

Women, upon their application and on the basis of a medical report, are granted maternity leave in the manner prescribed by Article 307 of this Code.

Article 137. Child care leave

Upon application, the employee is granted additional unpaid leave to care for a child until the child reaches the age of three. By agreement of the parties, parental leave until the child reaches the age of three years may be granted at any time and for any duration.

Parental leave may be used in whole or in parts also by the child's father, grandmother, grandfather, other relative or guardian who actually cares for the child.

At the request of a woman or persons specified in part two of this article, while on leave to care for a child, they can work part-time or at home.

During parental leave, the specified employees retain their place of work (position).

Childcare leave is counted in the total length of service, as well as in the length of service in the specialty (except for cases of granting a pension on preferential terms, for length of service and in other cases established by other regulatory legal acts).

Article 138. Vacations for employees who have adopted newborn children

Employees who have adopted a child under the age of three months are granted maternity leave in the manner prescribed by Article 308 of this Code with the payment of maternity benefits for this period.

At the request of an employee who has adopted a child under the age of three months, additional parental leave is granted, provided for in Article 137 of this Code.

Article **139**

Employees sent by the employer to study at state-accredited educational organizations of higher professional education, regardless of their organizational and legal forms, by correspondence and part-time (evening) forms of education, successfully studying in these organizations, the employer provides additional leave with the preservation of average earnings For:

passing tests and exams in the first and second years - 40 calendar days, respectively, in subsequent courses - 50 calendar days, respectively;

preparation and defense of the diploma project (work) and passing the final state exams - 4 months;

passing the final state exams - 1 month.

The employer is obliged to grant unpaid leave:

employees admitted to entrance examinations to educational organizations of higher professional education - 15 calendar days;

employees - students of preparatory departments at educational organizations of higher professional education to pass final exams - 15 calendar days;

employees - students of educational institutions of higher professional education of full-time education, combining study with work, for passing tests and exams - 15 calendar days in the academic year; for the preparation and defense of a graduation project (work) and passing the final state exams - 4 months; for passing the final state exams - 1 month.

For employees studying by correspondence in educational institutions of higher professional education, once a school year, the employer pays for travel to the location of the higher educational institution and back to perform laboratory work, pass tests and exams, as well as to pass final state exams, prepare and defense of the graduation project (work).

Guarantees and compensations for employees who entered independently (without a referral from the employer) and combine work with training in educational institutions of higher professional education are established by a collective agreement or an employment contract.

Article **140**

Employees who are sent by the employer to study at state-accredited educational institutions of secondary vocational education, regardless of their organizational and legal forms, in part-time and part-time (evening) forms of study, who successfully study in these organizations, the employer provides additional leave with the preservation of average earnings For:

passing tests and exams in the first and second years - 30 calendar days, respectively, in subsequent courses - 40 calendar days, respectively;

preparation and defense of a graduation project (work) and passing state final exams - 2 months;

passing state final exams - 1 month.

The employer is obliged to grant unpaid leave:

employees admitted to entrance examinations to educational organizations of secondary vocational education - 10 calendar days;

employees studying in educational institutions of secondary vocational education of full-time education, combining study with work, for passing tests and exams - 10 calendar days in the academic year; for the preparation and defense of a graduation project (work) and passing the final state exams - 2 months; for passing the final state exams - 1 month.

Employees who study part-time in educational institutions of secondary vocational education, once a school year, the employer pays for travel to the location of the organization of primary and secondary vocational education and back to perform laboratory work, pass tests and exams, as well as to pass the final state exams, preparation and defense of the graduation project (work).

Guarantees and compensations for employees who independently entered (without a referral from the employer) and combine work with training in educational institutions of secondary vocational education are established by a collective agreement or an employment contract.

Article 141. Guarantees and compensations for employees studying in educational organizations of primary vocational education

Employees sent for training, successfully studying in state-accredited educational organizations of primary vocational education, regardless of their organizational and legal forms, are provided with additional leaves with the preservation of average earnings for passing exams for 30 calendar days during the year.

Article **142**

Employees who successfully study in state-accredited evening (shift) general educational organizations, regardless of their organizational and legal forms, the employer provides additional leave with the preservation of average earnings for passing final exams in grade IX - 9 calendar days, in grade XI (XII) - 22 calendar days.

Article 143. The procedure for providing guarantees and compensations to employees combining work with training

Guarantees and compensations for employees who combine work with education are provided upon receiving an education of the appropriate level for the first time.

When training an employee who combines work with education simultaneously in two educational organizations, guarantees and compensations are provided only for one of these educational organizations (at the choice of the employee).

CHAPTER 12 LABOR DISCIPLINE

Article **144** Statutes and discipline regulations

The internal labor regulations in the organization are determined by the internal labor regulations approved by the employer after agreement with the representative body of the employees of the organization.

Internal labor regulations of an organization - a local regulatory act of an organization that regulates, in accordance with this Code and other laws, the procedure for hiring and dismissing employees, the basic rights, duties and responsibilities of the parties to an employment contract, the organization's working hours, rest time, incentives and penalties applied to employees and other issues of regulation of labor relations in the organization.

For certain categories of employees, there are charters and regulations on discipline approved by the Government of the Kyrgyz Republic.

Article 145. Incentives for work

For success in work, the employer applies incentive measures provided for by the internal labor regulations of the organization (declares gratitude, gives out a bonus, awards with a valuable gift, diploma, presents to the title of the best in the profession).

Other types of incentives for employees for work are determined by the collective agreement or the internal labor regulations of the organization, as well as the charters and regulations on discipline. For special labor services to society and the state, employees, as well as employers through associations of employers, can be nominated for state awards.

Article 146. Disciplinary penalties

For violation of labor discipline, that is, unlawful non-performance or improper performance by the employee through his fault of the labor duties assigned to him, the employer has the right to apply the following disciplinary sanctions:

1) remark;

2) reprimand;

3) dismissal on appropriate grounds.

Laws, charters and regulations on discipline for certain categories of employees may also provide for other disciplinary sanctions.

It is not allowed to apply disciplinary measures that are not provided for by laws, charters or regulations on discipline.

Article 147. Procedure for the application of disciplinary sanctions

Disciplinary sanctions are applied by the head of the organization, authorized officials.

Before applying a disciplinary sanction, a written explanation must be requested from the employee. Refusal to provide such an explanation is formalized by an act, which is subject to registration by the employer, and cannot serve as an obstacle to the application of a penalty.

A disciplinary sanction is applied immediately after the discovery of a misconduct, but no later than 1 month from the date of discovery, not counting the time the employee was ill or on vacation.

A disciplinary sanction may not be applied later than 6 months from the date of the misconduct, and based on the results of an audit, audit of financial and economic activities or an audit - no later than 2 years from the date of its commission. The above time limits do not include the time of criminal proceedings.

When applying a disciplinary sanction, the severity of the misconduct committed, the circumstances under which it was committed, and previous work are taken into account.

Only one disciplinary sanction may be imposed for each disciplinary offence.

An order (instruction, resolution) on the application of a disciplinary sanction is announced to the employee against receipt within 3 working days from the date of its issuance. If the employee refuses to sign the specified order (instruction, resolution), an appropriate act is drawn up.

Article 148. Procedure for appealing disciplinary sanctions

A disciplinary sanction may be appealed in the manner established for the consideration of individual labor disputes of a claim nature or by an authorized state body in the field of supervision and control over compliance with labor legislation .

The body for the consideration of individual labor disputes of a claim nature and the authorized state body in the field of supervision and control over compliance with labor legislation take into account the compliance of the disciplinary sanction with the severity of the disciplinary offense committed, as well as the circumstances under which it was committed, the previous behavior of the employee, attitude to work.

Article **149**

A disciplinary sanction is valid for 1 year from the date of its application. If during this period the employee is not subjected to a new disciplinary sanction, then he is considered not to have a disciplinary sanction.

An employer applying a disciplinary sanction has the right to remove it before the expiration of a year on its own initiative, at the request of the employee, at the request of the representative bodies of employees or the immediate supervisor of the employee.

Article 150

The employer (owner of property) is obliged to consider the application of the representative body of employees about the violation by the head of the organization, his deputies of laws and other regulatory legal acts on labor, the terms of the collective agreement, agreement and report the results of the consideration to the representative body of employees.

If the facts of such violations are confirmed, the employer is obliged to apply a disciplinary sanction to the head of the organization, his deputies, up to and including dismissal.

SECTION IV. PAYMENT AND REGULATION OF LABOR. WARRANTY AND REFUND

CHAPTER 13

Article 151. Basic concepts and definitions

Remuneration of labor - a system of relations related to ensuring the establishment and implementation by the employer of payments to employees for their work in accordance with laws, other regulatory legal acts, collective agreements, agreements, local regulations and labor contracts.

Wages - remuneration (reimbursement) for work, depending on the complexity, quantity, quality and conditions, as well as compensation and incentive payments. Compensatory and incentive payments in the form of allowances and additional payments are established in

absolute terms or as a percentage of the official (tariff) salary, with the exception of the district coefficient, which is added to wages.

Minimum wage (minimum wage) - the amount of monthly wages guaranteed by law for the work of an unskilled worker who has fully worked out the norm of working hours when performing simple work in normal working conditions.

Tariff rate (salary) - a fixed amount of remuneration of an employee for the fulfillment of a labor norm (labor duties) of a certain complexity (qualification) per unit of time.

Tariffication of work - the assignment of types of labor to tariff categories or qualification categories, depending on its complexity.

The tariff category is a value that reflects the complexity of the work and the qualifications of the employee.

Qualification category - a value that reflects the level of professional training of an employee.

Tariff scale - a set of tariff categories of work (professions, positions), determined depending on the complexity of the work and the qualification characteristics of employees using tariff coefficients.

The tariff system is a set of standards with the help of which the wages of various categories of workers are differentiated.

Article 152. Remuneration of employees

The employer is obliged to pay for the work of an employee in accordance with this Code, other regulatory legal acts, a collective agreement and an employment contract.

The work of employees is paid by the hour, piecework or other systems of remuneration. Payment can be made according to individual and (or) collective results of work. The amount of wages may not be lower than the minimum wage established by law.

The remuneration of employees is determined depending on the quantity, quality and complexity of the work performed.

Qualification requirements for employees and the complexity of certain types of work are established on the basis of a qualification directory of work and professions of workers, a qualification directory of employee positions. The development and procedure for the application of these reference books is determined by the authorized state body in the field of labor. The assignment of work performed to a certain complexity and the assignment of qualification categories to employees is carried out by the employer independently in accordance with the qualification directory of works and professions of workers, the qualification directory of employee positions.

The list of remuneration related to wages is determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated July 26, 1999 No. 408 "On approval of the List of remuneration related to wages"

Article 153. Forms of remuneration

Wages are paid in cash in the currency of the Kyrgyz Republic (in soms).

Payment for labor in the form of promissory notes, receipts, food or manufactured goods cards and other similar substitutes for cash is prohibited.

Article 154. Establishment of the minimum wage

The minimum wage is established for unskilled labor simultaneously throughout the territory of the Kyrgyz Republic by law and cannot be lower than the subsistence level of an able-bodied person.

The monthly salary of an employee who has worked during this period the norm of working hours and fulfilled labor standards (labor duties) cannot be lower than the minimum wage established by law.

When remuneration is based on the tariff system, the size of the tariff rate (salary) of the first category of the tariff scale cannot be lower than the minimum wage.

The minimum wage does not include additional payments and allowances, bonuses and other incentive payments, as well as payments for work in conditions that deviate from normal, for work in special climatic conditions and in territories exposed to radioactive contamination, other compensation and social payments.

The procedure for calculating the subsistence minimum and its value are established by law.

Article 155. Establishment of wages

Wage systems, tariff rates, salaries, the ratio of their sizes between certain categories of employees, bonus systems, the procedure and conditions for payment, remuneration based on the results of work for the year, for length of service, other forms of material incentives are determined by agreements, a collective agreement (if a collective the contract is not concluded - by the employer after consultations with the trade union or other representative body), local regulations of organizations, labor contracts.

Systems and wage rates for employees of state budgetary organizations are established in the manner determined by the legislation of the Kyrgyz Republic and other regulatory legal acts.

The terms of remuneration under an employment contract cannot be worsened in comparison with established laws, other regulatory legal acts, agreements and a collective agreement.

The terms of remuneration determined by the agreement, collective agreement, local regulations of organizations cannot be worsened in comparison with the established laws.

Article 156

Ensuring an increase in the level of the real content of wages includes the indexation of wages in connection with the growth of consumer prices for goods and services. In organizations financed from the relevant budgets, wage indexation is carried out in the manner prescribed by laws and other regulatory legal acts, and in other organizations - in the manner established by the collective agreement, agreements or local regulatory act of the organization.

Article 157. Terms of payment of wages

Wages are paid at least once a month. The terms of payment of wages are established by the collective agreement or local regulations of the organization.

If the day of payment of wages coincides with a weekend or holiday, payment is made on the eve of this day.

Upon termination of the employment contract, payment of all amounts due to the employee is made no later than the last day of work. If the employee did not work on the day of dismissal, then the corresponding amounts must be paid no later than the next day after the dismissed employee submits a written request for payment.

If the employer violates the deadline for paying wages, vacation pay and other payments, the employer is obliged to pay additionally for each overdue calendar day 0.15 percent of the unpaid amount of money on the day of the actual calculation.

If the employer violates the deadline for paying the calculation upon dismissal, the employer is obliged to pay additionally for each overdue calendar day 0.5 percent of the unpaid amount of money on the day of the actual calculation.

The total amount of interest indicated in parts four and five of this article may not exceed 200 percent of the principal amount of the debt. This limitation on the maximum amount of interest applies only to the period from the moment the employer is in arrears in the payment of wages, vacation pay and other payments related to labor relations, and until the employee submits a written request to the employer for payment of the overdue amount of the debt. After the employee submits a written demand to the employer for payment of the overdue amount of debt, the limitation on the maximum amount of interest does not apply and the interest specified in parts four and five of this article is accrued until the day of the actual calculation.

Article 158

Wages not received by the day of the death of the employee are issued to members of his family or to a person who was dependent on the deceased on the day of his death. The payment of wages is made no later than a week from the date of submission of the relevant documents to the employer.

Article 159. Calculation of average earnings

For all cases of determining the size of the average wage provided for by this Code, a single procedure for its calculation is established.

To calculate the average wage, all types of payments provided for by the remuneration system used in a particular organization are taken into account, regardless of the sources of their payments.

The calculation of the average wage is based on the actual accrued wages and the actual hours worked in any mode of work.

The average salary is calculated from the 12 months preceding the moment of payment. The collective agreement may provide for other periods for calculation that do not worsen the position of the employee.

The average daily earnings for vacation pay and compensation for unused vacation are calculated for the last 3 calendar months by dividing the amount of accrued wages by 3 and 29.6 (average monthly number of calendar days).

The average daily wage for paying for vacations granted in working days, in the cases provided for by this Code, as well as for paying compensation for unused vacation in these cases, is determined by dividing the accrued wages by the number of working days according to the calendar of the six-day working week.

Features of the procedure for calculating the average wage, established by this article, are determined by the Government of the Kyrgyz Republic.

See Decree of the Government of the Kyrgyz Republic dated November 25, 1999 No. 642 "On the Rules for Calculating the Average Wage"

Article 160. Deductions from wages

Deductions from wages are made only in cases provided for by this Code and other laws.

Deductions from the employee's wages to pay off his debts to the employer may be made by order of the employer:

1) to compensate for the unworked advance payment issued to the employee on account of wages; to recover amounts overpaid due to accounting errors; to pay off an unspent and not returned in a timely manner advance payment issued in connection with a business trip or

transfer to another job in another area; for household needs, if the employee does not dispute the grounds and amount of deduction;

2) upon dismissal of an employee before the end of the working year, on account of which he has already received annual paid leave, for unworked vacation days. Withholding for these days is not made if the employee is dismissed on the grounds specified in paragraphs 1, 2, subparagraph "a" of paragraph 3 and paragraph 4 of Article 83, paragraphs 1, 2, 6 and 7 of Article 88 of this Code;

3) in case of compensation for damage caused through the fault of the employee to the employer in an amount not exceeding his average monthly salary.

In these cases, the employer has the right to make a decision to deduct from wages no later than 1 month from the date of expiration of the period established for the return of the advance, repayment of the debt, or from the date of the incorrectly calculated payment, except for the cases established by this Code, provided that the employee does not dispute bases and sizes of retention. If the specified monthly period is missed, deduction can be made only in court.

Wages overpaid to an employee by the employer, including in the event of incorrect application of the law, cannot be recovered from him, except in cases of a counting error.

Article 161. Limitation of the amount of deduction from wages

The total amount of all deductions for each payment of wages may not exceed 20 percent, and in cases provided for by laws, 50 percent of the wages due to the employee.

When deducting from wages under several executive documents, the employee, in any case, must be kept 50 percent of wages.

The restrictions established by this article do not apply to deductions from wages when serving corrective labor, when recovering alimony for minor children, compensating for harm caused to health, compensating for harm to persons who have suffered damage in connection with the death of a breadwinner, and compensating for damage caused by a crime. The amount of deductions from wages in these cases cannot exceed 70 percent.

Deductions from severance pay, compensation and other payments that are not levied under the law are not allowed.

Article 162. Procedure and place of payment of wages

When paying wages, the employer is obliged to notify each employee in writing of the components of wages due to him for a given period, the amount and grounds for the deductions made, the amount of money due to be received. The form of the pay slip is approved by the employer.

Wages are paid to the employee, as a rule, at the place of performance of work by him or transferred to the bank account indicated by the employee on the terms determined by the collective agreement or labor contract.

Wages are paid directly to the employee, unless another method of payment is provided for by law or an employment contract.

Article **163**

Remuneration for the labor of heads of organizations, their deputies and chief accountants in organizations financed from the state budget is made in the manner and in the amount determined by the Government of the Kyrgyz Republic.

The terms of remuneration for the head of the organization, his deputies and the chief accountant of other organizations are determined by agreement of the parties when concluding an employment contract.

See: Decree of the Government of the Kyrgyz Republic dated July 26, 1999 No. 407 "On approval of the Regulations on the conditions of remuneration of the head of the organization, his deputies and the chief accountant in organizations financed from the state budget"

Article 164. Remuneration for work in special conditions

The remuneration of labor of employees employed in special working conditions (hard work, work with harmful, dangerous and other special working conditions, work with special climatic conditions) is made in an increased amount in the manner and amount established by the regulatory legal acts of the Kyrgyz Republic. The list of works is determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated March 25, 2002 No. 161 "On wages applied in special conditions"

Article 165 is set out in the wording of the Law of the Kyrgyz Republic dated July 31, 2007, No. 117 (see previous edition)

Article 165. Payment of wages in case of bankruptcy

When an organization is declared bankrupt, the satisfaction of employees' claims for payment of wages is made in the order of priority provided for by the legislation of the Kyrgyz Republic.

Article 166

When performing work in working conditions that deviate from normal (when performing work of various qualifications, combining professions, working outside the normal working hours, at night, weekends and non-working holidays, working in the field, with traveling and mobile nature of work and others), the employee receives the appropriate additional payments provided for by the collective agreement, labor contract. The amounts of additional payments cannot be lower than those established by this Code, laws and other regulatory legal acts.

See: Decree of the Government of the Kyrgyz Republic dated March 18, 1999 No. 154 "On guarantees and compensations due to the special nature of work"

Article 167

An employee who performs for the same employer, along with his main job stipulated by an employment contract, additional work in another specialty, qualification or position without being released from his main job, is paid an additional payment for combining professions (positions) or performing the duties of a temporarily absent employee.

The amounts of additional payments for combining professions (positions) or performing the duties of a temporarily absent employee are established by the employer by agreement with the employee, but cannot be less than thirty percent of the rate (salary) for combined work.

Article 168

When an employee with a time wage performs work of various qualifications, his work is paid for work of a higher qualification.

When an employee with piecework wages performs work of various qualifications, his work is paid at the rates of the work performed by him.

In cases when, taking into account the nature of production, workers with piecework wages are entrusted with the performance of work charged below the categories assigned to them, the employer is obliged to pay them the difference between the categories.

Article 169. Payment for work at night

Each hour of work at night is paid at an increased rate, but not lower than one and a half times. Increased pay for night work is not included in tariff rates (salaries).

The specific amount of the increase is established by the employer after consultation with the representative body of employees, the collective agreement, agreements or labor contract.

Article **170**

In case of non-fulfillment of labor standards (official duties) due to the fault of the employer, payment is made for the time actually worked or work performed, but not lower than the average salary of an employee calculated for the same period of time or for work performed.

In case of non-fulfillment of labor standards (official duties) for reasons beyond the control of the employer and employee, the employee retains at least two-thirds of the tariff rate (salary).

In case of non-fulfillment of labor standards (official duties) due to the fault of the employee, payment of the normalized part of wages is made in accordance with the amount of work performed.

Article **171**

Marriage through no fault of the employee is paid on a par with good products.

Full marriage due to the fault of the employee is not subject to payment.

Partial marriage due to the fault of the employee is paid at reduced rates, depending on the degree of suitability of the product.

Article 172. Payment for idle time

Downtime due to the fault of the employer is paid in the amount of at least two-thirds of the employee's average wage.

Downtime for reasons beyond the control of the employer and employee is paid in the amount of at least two-thirds of the tariff rate (salary).

Downtime due to the fault of the employee is not paid.

Article 173. Payment for labor in the development of new industries (products)

A collective agreement or an employment contract may provide for the retention of the employee's previous salary for the period of mastering a new production (product).

Article 174. Remuneration for overtime work

Overtime work is paid for the first 2 hours of work at least one and a half times, for subsequent hours - at least twice the amount. Specific amounts of payment for overtime work may be determined by a collective agreement or an employment contract. At the request of the employee, overtime work, instead of increased pay, may be compensated by providing additional rest time, but not less than the time worked overtime.

Part-time work outside the normal working hours is paid based on hours worked or output.

Article 175. Payment for work on weekends and non-working holidays

Work on weekends and non-working holidays is paid at least twice:

pieceworkers - at least at double piecework rates;

employees whose work is paid at daily and hourly rates - in the amount of at least double the daily or hourly rate;

employees receiving a monthly salary - in the amount of at least a single daily or hourly rate in excess of the salary, if the work on a weekend and non-working holiday was carried out within the monthly norm of working hours, and in the amount of at least a double hourly or daily rate in excess of the salary, if the work produced in excess of the monthly norm.

At the request of an employee who worked on a weekend or non-working holiday, he may be granted another day of rest. In this case, work on a weekend or non-working holiday is paid in a single amount, and the day of rest is not subject to payment.

Remuneration of labor on weekends and non-working holidays for creative workers of cinematography organizations, theaters, theater and concert organizations, circuses and other persons involved in the creation and (or) performance of works, professional athletes in accordance with the lists of professions established by the Government of the Kyrgyz Republic, taking into account the opinion The tripartite republican commission for the regulation of social and labor relations may be determined on the basis of an employment contract, a collective agreement or a local regulatory act of an organization.

CHAPTER 14

Article 176. General provisions

Employees are guaranteed:

state assistance to the systemic organization of labor rationing;

the use of labor rationing systems determined by the employer with the participation of a representative body of employees or established by a collective agreement.

Article 177. Labor standards

Labor standards - the norms of output, time, service are established for workers in accordance with the achieved level of technology, technology, organization of production and labor.

Labor standards can be revised as new equipment, technology and organizational or other measures are improved or introduced to ensure the growth of labor productivity, as well as in cases of using physically and morally obsolete equipment.

Achieving a high level of output (provision of services) by individual workers through the use of new methods of labor and improvement of jobs on their initiative is not a basis for revising previously established labor standards.

Article 178. Development and approval of model labor standards

For homogeneous work, standard (intersectoral, professional and other) labor standards can be developed and established.

Model labor standards are developed and approved in the manner established by the Government of the Kyrgyz Republic.

Article 179. Introduction, replacement and revision of labor standards

Local regulations providing for the introduction, replacement and revision of labor standards are adopted by the employer after consultation with the representative body of employees.

Employees must be notified of the introduction of new labor standards no later than 1 month in advance.

Article 180

The employer is obliged to provide conditions for the employees to fulfill the production standards. These conditions include, in particular:

good condition of the building, structures, machines, technological equipment and other equipment;

timely provision of technical and other documentation necessary for work;

proper quality of materials, tools, other means and items necessary for the performance of work, their timely provision to the employee;

working conditions that meet the requirements of labor protection and production safety.

CHAPTER 15. GUARANTEES AND COMPENSATIONS

Article 181. Concept of guarantees and compensations

Guarantees - the means, methods and conditions by which the implementation of the rights granted to employees in the field of social and labor relations is ensured.

Compensation - monetary payments established for the purpose of reimbursement to employees of the costs associated with the performance of labor or other duties provided for by law.

Article **182**

The employer is obliged to release the employee from work with the preservation of his place of work (position) for the period of his performance of state or public duties in cases where, in accordance with the law, these duties must be performed during working hours.

The state body or public association that involved the employee in the performance of state or public duties, in the cases provided for by part one of this article, shall pay compensation to the employee for the time of performance of these duties in the amount determined by law or other regulatory legal act or by the decision of the relevant public association.

When an employee performs actions in the interests of society (liquidation of the consequences of accidents, natural disasters, saving a person's life, participating in the work of election commissions, etc.), he retains his place of work (position) and average earnings for this period.

Article 183. Guarantees for employees sent by the employer for medical examination

For the duration of the medical examination, employees who are required to undergo such an examination in accordance with this Code shall retain their place of work (position) and average monthly salary.

Article **184**

On the day of donation of blood and its components, as well as on the day of the related medical examination, the employee is released from work.

If, by agreement with the employer, the employee went to work on the day of donating blood and its components (with the exception of heavy work and work with harmful and (or) dangerous working conditions, when it is impossible for the employee to go to work on that day), he is provided with his wish another day of rest.

In the case of donating blood and its components during the period of annual paid leave, on a weekend or non-working holiday, the employee, at his request, is provided with another day of rest.

After each day of donating blood and its components, the employee is given an additional day of rest. The specified day of rest, at the request of the employee, can be attached to the annual paid leave or used at another time during the calendar year after the day of donating blood and its components.

When donating blood and its components, the employer retains for the employee his average earnings for the days of donation and the rest days provided in connection with this.

Article 185. Guarantees for employees sent for advanced training

When an employer sends an employee for advanced training with a break from work, he retains his place of work (position) and the average salary at his main place of work.

Employees sent for advanced training with a break from work in another area are paid travel expenses in the manner and amount that are provided for persons sent on business trips.

Article 186

In case of termination of the employment contract with the head of the organization, his deputies and the chief accountant in connection with a change in the owner of the organization, the new owner is obliged to pay compensation to the specified employees in the amount established by agreement of the parties to the employment contract, but not less than two average monthly wages of the employee.

Article 187

An employee dismissed in connection with conscription for fixed-term military service or alternative service replacing it, at the end of the service period, has a preferential right when being hired by the organization from which he was called.

Article **188** _ _

A business trip is a trip of an employee by order of the employer for a certain period of time to perform an official assignment outside the place of permanent work. Business trips of employees whose permanent work is carried out on the road or has a traveling character are not recognized as business trips.

Long-term business trip abroad (hereinafter referred to as S/C) is the business trip of civil servants and other employees to work in the diplomatic service and representative offices of state bodies of the Kyrgyz Republic in foreign states or international organizations located abroad, in accordance with the legislation of the Kyrgyz Republic.

Article 189. Guarantees when sending employees on business trips

When an employee is sent on a business trip, he is guaranteed the preservation of his place of work (position) and average earnings, as well as reimbursement of expenses associated with a business trip.

Article 190. Reimbursement of expenses related to a business trip

In case of sending on a business trip, the employer is obliged to reimburse the employee:
travel expenses;
the cost of renting a dwelling;
additional expenses associated with living outside the place of permanent residence (per diem);
other expenses incurred by the employee with the permission or knowledge of the employer.
The procedure and amount of reimbursement of expenses associated with business trips are determined by a collective agreement or a local regulatory act of the organization. At the same time, the amount of compensation cannot be lower than the amount established by the Government of the Kyrgyz Republic for organizations financed from the state budget.
See: Decree of the Government of the Kyrgyz Republic dated October 12, 2001 No. 635 "On the establishment of norms for travel expenses and the procedure for their reimbursement" (lost force);
Decree of the Government of the Kyrgyz Republic dated August 26, 2008 No. 471 "On the establishment of norms for travel expenses and the procedure for their reimbursement"

Article 191. Reimbursement of expenses when moving to work in another locality

When an employee moves, by prior agreement with the employer, to work in another locality, the employer is obliged to reimburse the employee:
expenses for the relocation of the employee, his family members and transportation of property (except for cases when the employer provides the employee with appropriate means of transportation);
expenses for settling in a new place of residence.
The specific amounts of reimbursement of expenses are determined by agreement of the parties to the employment contract, but cannot be lower than the amounts established by the Government of the Kyrgyz Republic for organizations financed from the state budget.

Article 192. Guarantees in the performance of duties in the interests of employees of the organization

The conditions for the release of an employee from work to perform duties in the interests of the employees of the organization, as well as the amount of guarantee payments during this time, are established by this Code, the collective agreement or the employer in agreement with the representative body of employees.

Article 193

When an employee, with the consent or knowledge of the employer and in his interests, uses personal property, the employee is paid compensation for the use, wear (depreciation) of the tool, personal transport, equipment and other technical means and materials belonging to the employee, and the expenses associated with their use are also reimbursed. The amount of reimbursement of expenses is determined by a written agreement of the parties, but cannot be lower than the amount determined by the Government of the Kyrgyz Republic for organizations financed from the state budget.
See: Decree of the Government of the Kyrgyz Republic of September 18, 2006 No. 672 "On the norms of compensation for the use of personal cars for business trips"

Article 194. Guarantees to an employee in case of temporary disability

In case of temporary disability, the employer pays the employee temporary disability benefits in accordance with the law and other regulatory legal acts.

The amount of benefits for temporary disability and the conditions for their payment are established by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated November 11, 2011 No. 727 "On approval of the Regulations on the procedure for assigning, paying and amount of temporary disability benefits, maternity benefits and the Regulations on the procedure for assigning, paying and amount of ritual allowance (for burial) »

SECTION V. PROFESSIONAL TRAINING AND RETRAINING OF STAFF

CHAPTER 16. GENERAL PROVISIONS

Article 195. The rights and obligations of the employer in the training and retraining of personnel

The need for professional training and retraining of personnel for their own needs is determined by the employer.

The employer conducts vocational training, retraining and advanced training of employees, teaching them second professions in the organization, and, if necessary, in educational organizations of primary, secondary and higher vocational education on the terms and in the manner determined in the collective agreement, agreements, labor contract.

The forms of vocational training and retraining of personnel, the list of professions and specialties are determined by the employer.

In cases stipulated by laws, other regulatory legal acts, the employer is obliged to carry out advanced training of employees, if advanced training is a condition for them to perform certain types of activities.

For employees undergoing professional training, the employer must create the necessary conditions for combining work with training, provide guarantees established by this Code, other regulatory legal acts, a collective agreement, agreements, and an employment contract.

Article 196. The right of employees to vocational training and advanced training

Employees have the right to vocational training, including training in new professions, specialties, as well as advanced training.

This right is exercised by concluding an additional agreement between employees and the employer.

Article 197. Attestation

In order to stimulate the growth of professional skills and qualifications, increase creative activity, determine the business qualities of an employee, improve the activities of the organization and promote the employee in the service, as well as compliance with his position, the employer has the right to attest employees.

The standard position and the list of positions that may be subject to certification are determined by the state body in the field of labor.

Article **198**

The employer has the right to conclude a student contract for vocational training with a job seeker, and with an employee of this organization - a student contract for retraining on the job.

A student agreement with a job seeker is civil law and is regulated by civil law and other acts containing civil law norms. A student agreement with an employee of this organization is additional to an employment contract and is regulated by labor legislation and other acts containing the norms of an employment contract.

Article **199**

The student agreement must contain:

- names of the parties;
- an indication of a specific profession, specialty, qualification acquired by the student;
- the obligation of the employer to provide the employee with the opportunity to study in accordance with the student agreement;
- the obligation of the employee to undergo training and, in accordance with the acquired profession, specialty, qualification, work under an employment contract with the employer for the period specified in the student agreement;
- period of apprenticeship;
- the amount of payment during the period of apprenticeship.

The student agreement may contain other conditions determined by agreement of the parties.

Article **200**

A student agreement is concluded for the period necessary for training in a given profession, specialty, qualification.

The student agreement is concluded in writing in two copies.

Article **201**

The student agreement is valid from the day specified in this agreement, during the period stipulated by it.

The validity of the student agreement is extended for the duration of the student's illness, military training, and in other cases provided for by laws and other regulatory legal acts.

During the term of the student agreement, its content can only be changed by agreement of the parties.

Article 202. Organizational forms of apprenticeship

Apprenticeship is organized in the form of individual, brigade, coursework and other forms.

Article 203. Time of apprenticeship

Apprenticeship time during the week should not exceed the norm of working time established for employees of the appropriate age, profession, specialty when performing the relevant work.

Employees undergoing training in the organization, by agreement with the employer, can be completely exempted from work under an employment contract or perform this work on a part-time basis.

During the period of validity of the apprenticeship agreement, employees cannot be involved in overtime work, sent on business trips not related to apprenticeship.

Article 204. Payment for apprenticeship

Pupils during the period of apprenticeship are paid a scholarship, the amount of which is determined by the student agreement and depends on the profession, specialty, qualification received, but cannot be lower than the minimum wage established by law.

The work performed by the student in practical classes is paid according to the established rates.

Article **205**

Upon the occurrence of a case of harm caused to students by injury, occupational disease or other damage to health in the performance of their duties in accordance with the student agreement, compensation for harm is carried out in accordance with labor legislation, including labor protection legislation .

Article 206. Invalidity of the terms of the student agreement

The terms of the student agreement that are contrary to this Code, the collective agreement, agreements are invalid and do not apply.

Article **207**

Persons who have successfully completed apprenticeship, when concluding an employment contract with the employer, under the contract with which they were trained, are not set a probationary period.

If, upon completion of the apprenticeship, without valid reasons, the student does not fulfill his obligations under the contract, including does not start work, he, at the request of the employer, returns to him the scholarship received during the apprenticeship, and also reimburses other expenses incurred by the employer in connection with the apprenticeship.

Article **208**

The student agreement is terminated on the grounds provided for the termination of the employment contract.

SECTION VI. OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 17. LABOR PROTECTION

See: Law of the Kyrgyz Republic dated August 1, 2003 No. 167 "On labor protection"

Article 209. Basic concepts

Occupational safety is a system for preserving the life and health of workers in the course of their work, including legal, socio-economic, organizational and technical, sanitary and hygienic, medical and preventive, rehabilitation and other measures.

Safe working conditions - working conditions under which the impact on workers of harmful or hazardous production factors is excluded or the levels of their impact do not exceed the established standards.

Workplace - a place where the employee must be or to which he needs to arrive in connection with his work and which is directly or indirectly under the control of the employer.

Personal and collective protective equipment - means designed to prevent or reduce the impact on workers of harmful or dangerous production factors, as well as to protect against pollution (safety shoes, overalls, dielectric gloves and tools, safety belts, goggles, and others).

Harmful working conditions - working conditions characterized by the presence of harmful production factors that exceed hygienic standards and have an adverse effect on the body of the worker.

Production activity - a set of actions of workers using the means of labor necessary to turn resources into finished products, including the production and processing of various types of raw materials, construction, and the provision of various types of services.

Article 210. State regulatory requirements for labor protection

State regulatory requirements for labor protection (hereinafter referred to as labor protection requirements), contained in laws and other regulatory legal acts, establish rules, procedures and criteria aimed at preserving the life and health of an employee in the course of work.

The procedure for the development and approval of by-laws on labor protection (intersectoral and sectoral rules and standard instructions for labor protection, construction and sanitary norms and rules, rules and instructions for safety, rules for installation and safe operation, a set of rules for design and construction, hygienic standards and state labor safety standards), as well as the terms for their revision are established by the Government of the Kyrgyz Republic.

Article 211. Obligations of the employer to ensure labor protection

The obligation to create healthy and safe working conditions for employees and to comply with labor protection requirements rests with the employer and is carried out at the expense of the employer.

The employer must ensure:

- safety of employees during the operation of buildings, structures, equipment, the implementation of technological processes, as well as the raw materials and materials used in the production;
- use of means of individual and collective protection of workers;
- working conditions at each workplace that meet the requirements of labor protection;
- development and approval of labor protection instructions for employees;
- regime of work and rest of employees in accordance with the legislation of the Kyrgyz Republic;
- free issuance of special clothing, special footwear and other personal protective equipment, flushing and neutralizing agents to employees in accordance with established standards;
- training, instructing and testing the knowledge of employees of labor protection requirements, preventing from work persons who have not been trained, instructed and tested knowledge of labor protection requirements;
- organization of control over the state of working conditions at workplaces, as well as compliance by the employee with labor protection requirements;
- certification of workplaces according to working conditions;
- conducting mandatory preliminary (when applying for a job) and periodic medical examinations of employees, extraordinary medical examinations (examinations) of employees;
- preventing employees from performing their labor duties without undergoing mandatory medical examinations, as well as in case of medical contraindications;
- informing employees about the conditions and labor protection at the workplace, about the existing risk of damage to health, the compensations and personal protective equipment due to them, compensations and benefits for working conditions;

- taking measures to prevent accidents, preserve the life and health of workers in the event of such situations, including the provision of first aid to victims;
- investigation in accordance with the procedure established by the Government of the Kyrgyz Republic of accidents at work and occupational diseases;
- sanitary-household and treatment-and-prophylactic service of workers;
- Compulsory social insurance of employees against industrial accidents and occupational diseases;
- familiarization of employees with the requirements of labor protection;
- compensation for harm caused to the health and life of employees;
- allocation of financial resources in the required amount to improve working conditions in accordance with the requirements of labor protection;
- provision to employees, in cases provided for by law, of benefits and compensations for work with harmful and difficult working conditions (age pension according to List No. 2 , other types of pensions provided for by the Law of the Kyrgyz Republic "On State Pension Social Insurance", size, additional leave, milk or equivalent foodstuffs, etc.);
- unhindered admission to the organization of representatives of the relevant authorities, to the investigation of accidents at work and occupational diseases, inspections of work to prevent industrial injuries and accidents, providing them with information on labor protection in the manner prescribed by law.

Article 212. Obligations of an employee in the field of labor protection

The employee is obliged:
- comply with the established requirements of the rules, norms and instructions for labor protection;
- correctly apply means of individual and collective protection;
- undergo training, instruction and testing of knowledge of labor protection requirements;
- immediately notify their immediate or superior manager of any situation that threatens the life and health of people, of each accident that occurs at work, or of a deterioration in their health;
- undergo mandatory preliminary (when applying for a job) and periodic medical examinations.

Article 213. Compliance of production facilities and products with labor protection requirements

Projects for the construction and reconstruction of production facilities, as well as machines, mechanisms and other production equipment, technological processes must comply with labor protection requirements.

Construction, reconstruction, technical re-equipment of production facilities, production and introduction of new equipment, introduction of new technologies are prohibited without the conclusion of the relevant body of state supervision and control over compliance with labor protection requirements on the compliance of project documentation with labor protection requirements.

New or reconstructed production facilities cannot be put into operation without the conclusion of the relevant body of state supervision and control over compliance with labor protection requirements.

It is prohibited to use in the production of harmful or hazardous substances, materials, products, goods and the provision of services for which methods and means of metrological control and toxicological (sanitary-hygienic, biomedical) assessment have not been developed.

In the case of the use of new, not previously used in the organization, harmful or dangerous substances, the employer is obliged to develop and coordinate with the relevant body of state supervision and control over compliance with labor protection requirements, before using these substances, measures to preserve the life and health of employees.

Machines, mechanisms and other production equipment, vehicles, technological processes, materials, chemicals, means of individual and collective protection of workers, including those of foreign production, must comply with the labor protection requirements established in the Kyrgyz Republic.

Article 214. Providing employees with personal protective equipment and hygiene

At work with harmful or dangerous working conditions, as well as at work performed in special temperature conditions or associated with pollution, employees are issued overalls, safety shoes and other personal protective equipment, soap, washing and neutralizing agents in accordance with the norms and rules approved in in the manner determined by the Government of the Kyrgyz Republic.

The purchase, storage, washing, cleaning, repair, disinfection and disposal of personal protective equipment and hygiene of employees are carried out at the expense of the employer.

Article 215. Guarantees of the employee's right to labor protection

The terms of the employment contract must comply with labor protection requirements. The employment contract specifies reliable characteristics of working conditions, compensations and benefits to employees for hard work and work with harmful or dangerous working conditions.

For the period of suspension of work at the enterprise (its subdivision) or workplace due to violation of labor protection requirements through no fault of the employee, the place of work, position and average wage are retained.

If the employee is not provided with personal and collective protective equipment in accordance with the norms and working conditions, the employer is not entitled to require the employee to perform labor duties.

The employee has the right to refuse to perform work that clearly threatens his life and health, in connection with the requirements of labor protection, at the same time informing the relevant manager about this.

An employee's refusal to perform work in the event of an immediate danger to his life and health or from performing hard work and work with harmful or dangerous working conditions not provided for by the employment contract, as well as if he is not provided with personal protective equipment, does not entail any consequences for the employee . For the period of elimination of such a danger, the employee retains his average earnings.

Other guarantees of the rights of employees to labor protection, types of compensations and benefits for work with harmful and difficult working conditions, as well as the procedure and conditions for their provision are established by this Code, laws and other regulations, labor contracts.

In the absence of labor protection requirements in regulatory enactments necessary for the performance of certain work, the employer is obliged to take measures to ensure safe working conditions for employees.

Article 216. Training and instruction of employees on labor protection

All employees of organizations, including the employer, are required to undergo training, knowledge testing on labor protection in the manner established by the Government of the Kyrgyz Republic.

For newcomers, as well as employees transferred to another job, the employer is obliged to instruct in labor protection, organize training in safe methods of performing work and providing first aid to victims of accidents.

For workers entering work in production with increased danger or for work where professional selection is required, preliminary training in labor protection is carried out with passing exams and subsequent periodic recertification.

Admission to work of persons who have not undergone training, instruction and testing of knowledge on labor protection in the prescribed manner is prohibited.

See the Decree of the Government of the Kyrgyz Republic dated April 5, 2004 No. 225 "On Approval of the Model Regulations on the Service and on the Organization of Labor Protection and the Regulations on the Procedure for Training Occupational Safety and Testing Knowledge of the Labor Protection Requirements of Employees of Organizations"

Article **217**

Depending on the type of activity of the organization and taking into account the needs of employees, the employer is obliged to provide employees with drinking water and organize their meals; equip the organization with sanitary facilities: dressing rooms, toilets, showers, rooms for eating, relaxing, rooms for women's personal hygiene, points for first aid in case of an accident or illness. Workers in hot shops and areas should be provided with carbonated salted water.

The employer is obliged to organize the relevant health care services and institutions (health center, medical unit, hospital and others) in the manner prescribed by law.

See: Order of the Ministry of Labor and Social Protection of the Kyrgyz Republic dated January 26, 2007 No. 4 "On Approval of the Rules for the Organization of Sanitary and Medical Services for Workers"

Article 218

In heavy work and work with harmful or dangerous working conditions, it is prohibited to use the labor of women and persons under the age of 18, as well as persons for whom these works are contraindicated for health reasons.

Lists of hard work and work with harmful or dangerous working conditions, in the performance of which it is prohibited to use the labor of women and persons under the age of 18, are approved by the Government of the Kyrgyz Republic.

See : Decree of the Government of the Kyrgyz Republic dated March 24, 2000 No. 158 "On the List of industries, jobs, professions and positions with harmful and (or) dangerous working conditions in which the use of women's labor is prohibited";
Decree of the Government of the Kyrgyz Republic dated July 2, 2001 No. 314 "On the list of industries, professions and jobs with difficult and harmful working conditions, which prohibit the use of labor of persons under eighteen years of age"

Article **219**

At jobs with harmful working conditions, employees are given milk or other equivalent food products free of charge according to established norms.

At works with especially harmful working conditions, therapeutic and preventive nutrition is provided free of charge according to established standards.

Norms and rules for the distribution of milk and other equivalent food products, as well as therapeutic and preventive nutrition, are established in the manner determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated June 25, 1997 No. 374 "On the free distribution of milk and other equivalent food products, soap, detergents and disinfectants to workers in hazardous working conditions"

Article 220. Medical examinations of workers of certain categories

Employees engaged in heavy work, work in high mountains and work with harmful or dangerous working conditions (including underground work), in work related to the movement of transport and performed on a rotational basis, undergo mandatory preliminary, upon admission to work, extraordinary, as well as periodic medical examinations (examinations) to determine their suitability for the assigned work and the prevention of occupational diseases.

Employees of organizations in the food and processing industry, public catering and trade, water supply facilities, medical and preventive and children's institutions, as well as some other organizations undergo these medical examinations in order to protect public health.

Mandatory periodic medical examinations and extraordinary medical examinations (examinations) are carried out during working hours with the preservation of the average wage.

The list of harmful production factors and types of work, positions and professions that require medical examinations, the rules for their conduct are established by the authorized state health authority in agreement with the authorized state body in the field of labor and trade union bodies.

Article **221**

Transportation to medical and other institutions of employees who fell ill or injured at work is carried out by means of transport of the employer or at his expense.

Article 222. Labor protection service

In order to ensure compliance with labor protection requirements, to monitor their implementation in each organization carrying out production activities with more than 50 employees, a labor protection service is created or a position of a labor protection specialist with appropriate training or experience in this field is introduced.

In an organization with 50 or fewer employees, the decision to create a labor protection service or introduce the position of a labor protection specialist is made by the employer, taking into account the specifics of the organization's activities.

If there is no labor protection service (labor protection specialist) in the organization, the employer concludes an agreement with specialists or organizations providing services in the field of labor protection.

The structure of the labor protection service in the organization and the number of employees of the labor protection service is determined by the employer depending on the number of employees, the degree of danger and harmfulness of production, territorial remoteness in accordance with the standards established by the state body in the field of labor.

The model regulation on the labor protection service is approved by the Government of the Kyrgyz Republic or an authorized body.

See Decree of the Government of the Kyrgyz Republic dated April 5, 2004 No. 225 "On Approval of the Model Regulations on the Service and on the Organization of Work in Occupational Safety and Health and the Regulations on the Procedure for Training in Occupational Safety and Testing Knowledge of the Occupational Safety Requirements of Employees of Organizations"

Article 223. Investigation and registration of industrial accidents and occupational diseases

Investigation and registration of accidents at work and occupational diseases are carried out in the manner determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated February 27, 2001 No. 64 "On Approval of the Regulations on the Investigation and Recording of Industrial Accidents"

The employer, with the participation of representatives of trade unions or other representative body of employees of the organization, and in cases established by law - with the participation of representatives of specially authorized state bodies and other interested persons, is obliged to timely and correctly investigate and record accidents at work, occupational diseases, take the necessary measures to eliminate their causes, providing material and other assistance to the victims or family members of the deceased.

The employer is obliged to immediately inform the authorized state bodies in the field of supervision and control over compliance with labor legislation, and other relevant bodies about a group, severe or fatal accident.

The severity of the injury is determined on the basis of a medical report, which is issued within 24 hours by a medical institution at the request of the employer or the state supervision body.

In the investigation of an accident at work, an occupational disease, the authorized representative of the victim has the right to participate, and in the event of the death of the victim, the authorized representative of his relatives. If the proxy did not take part in the investigation, the employer or the chairman of the commission are obliged, at the request of the proxy, to familiarize him with the materials of the investigation.

Based on the results of the investigation of an accident, occupational disease, an act of the established form is drawn up, one copy of which the employer or the chairman of the commission is obliged to issue against receipt to the victim or relatives of the deceased or their authorized representative.

The conclusion of the commission on the absence of a connection between a minor accident and production must be agreed with the relevant state supervision body or the Technical Labor Inspectorate of trade unions.

If the employer refuses to investigate, draw up an accident report in the form of H-1 or an occupational disease, or if the victim, relatives of the deceased or their authorized representative disagree with the content of the act, they have the right to apply, respectively, to the authorized state bodies in the field of supervision and control over compliance with labor legislation , the technical labor inspectorate of trade unions, the state sanitary and epidemiological service or the court.

Article 224. Benefits and compensations for working conditions

For hard work and work with harmful or dangerous working conditions, employees are provided with benefits and compensation (age pension according to List No. 2 , wage supplements, reduced working hours, additional leave, milk distribution, and others). The procedure and conditions for their provision, cancellation are established by the regulatory legal acts of the Kyrgyz Republic.

The employer, in agreement with the representative body of the employees of the organization, may cancel or reduce compensation and benefits in connection with the improvement of working conditions on the basis of attestation of workplaces or instrumental measurements of the levels of factors in the production environment. When resolving the issue of preferential pensions, an additional conclusion of the relevant state supervision and control body is required.

The employer has the right, at his own expense, to provide employees with additional benefits and compensations for exposure to harmful or hazardous production factors in comparison with those established by law.

CHAPTER 18

Article 225. Liability of the employer for harm caused to the health of the employee

The employer is liable for harm caused to employees by injury, occupational disease or other damage to health associated with the performance of their job duties (hereinafter referred to as labor injury) and occurring both on the territory of the employer and outside it, as well as during the employee's movement to the place work or from work on the transport provided by the employer.

Article **226**

The employer is obliged to compensate in full the harm caused to the health of the employee in the performance of his labor duties by a source of increased danger, unless he proves that the harm arose as a result of force majeure or the intent of the victim.

If the damage was not caused by a source of increased danger, then the employer is released from liability if he proves that the damage was not caused through his fault.

Harm caused to the health of an employee in the performance of his labor duties, through the fault of third parties (individuals and legal entities), is compensated by the employer with subsequent recourse to the guilty person in the manner prescribed by law.

Article 227. Fault of the employer

An employment injury is considered to have occurred through the fault of the employer, if it occurred as a result of his failure to provide healthy and safe working conditions, failure to comply with labor protection requirements.

Article **228**

Evidence of the employer's liability for the harm caused, and in the cases provided for in Article 227 of this Code, and proof of his guilt can serve as:

- an act on an accident at work (occupational disease);
- an act of the commission on the investigation of an accident at work;
- sentence, court decision, decision of the prosecutor, body of inquiry or preliminary investigation;
- the conclusion of state supervision and control bodies or the technical labor inspectorate of trade unions on the causes of damage to health;
- a decision to impose an administrative or disciplinary sanction on officials;
- medical report on occupational disease;
- testimonies of witnesses;
- other documents.

Article 229. Responsibility of the employer - the owner of the aircraft

In the event of an employment injury to a member of the aircraft crew that occurred in connection with the performance of official duties during taxiing, takeoff, flight or landing, the

employer who owns the aircraft on the basis of ownership or other legal grounds shall be liable for the harm caused, unless he proves that the damage was caused by the intent of the victim.

Article 230. Mixed liability

If a work injury has occurred not only due to the fault of the employer, but also due to the gross negligence of the victim, mixed liability is applied. In this case, the amount of compensation is reduced according to the degree of guilt of the victim. The degree of guilt of the victim is determined by the commission as a percentage.

In case of gross negligence of the victim and the absence of the employer's fault in cases where his liability arises regardless of fault (part one of Article 226), the amount of compensation is also reduced accordingly. In this case, a complete denial of compensation for harm is not allowed.

The decision of the commission for the investigation of an accident at work on determining the degree of guilt of the victim due to his gross negligence may be appealed to the authorized state bodies in the field of supervision and control over compliance with labor legislation , the technical labor inspectorate of trade unions or to the court.

Mixed liability does not apply in case of temporary transfer to another job, in case of compensation for additional expenses, as well as in case of compensation for burial expenses, in case of compensation for lost earnings due to the death of the breadwinner.

Article 231. Types of compensation for harm

Compensation for harm to the victim consists of:
1) in the payment of compensation for lost earnings (or the corresponding part thereof);
2) in compensation for additional expenses;
3) payment in established cases of a lump-sum allowance;
4) in compensation for non-pecuniary damage;
5) compensation for burial expenses.

Article 232

The degree of loss of professional ability to work due to an industrial injury, the disability group is determined by the medical and social expert commission (MSEK) based on the results of the examination of the victim.

The procedure for establishing the degree of loss of professional ability to work due to an industrial injury is determined by the Government of the Kyrgyz Republic.

Examination in MSEK is carried out at the request of the employer, the authorized state body in the field of supervision and control over compliance with labor legislation , a medical institution or a court, or the victim or his representative upon presentation of an accident report at work (occupational disease) or other document on the accident associated with the performance of work duties.

Early re-examination of the victim is carried out at his request or at the request of the employer.

In case of disagreement with the decision of MSEC, the victim or other interested persons have the right to appeal it to a higher authority for MSEC or to the court.

See: Decree of the Government of the Kyrgyz Republic dated December 31, 2002 No. 915 "On Medical and Social Expertise in the Kyrgyz Republic"

Article 233

The amounts of money in compensation for harm, compensation for additional expenses and a one-time allowance may be increased by agreement of the parties or on the basis of a collective agreement, agreement.

Article 234

The amounts of compensation for harm are subject to indexation in connection with an increase in the cost of living in the manner prescribed by law.

When the size of the calculated index is increased in a centralized manner, all amounts of compensation for harm increase in proportion to the increase in the size of the calculated index.

When determining the total amount of earnings for calculating compensation for harm for the first time, the amounts included in earnings are indexed in the manner determined by the Government of the Kyrgyz Republic.

Article 235. Reimbursement of earnings to the victim

The amount of compensation for harm to the victim is determined on the basis of his average monthly earnings and the degree of loss of professional ability established for him.

When compensating for earnings, the disability pension granted to the victim in connection with an industrial injury, as well as other types of pensions granted both before and after the industrial injury, as well as the earnings received by the victim after the injury, are not counted towards compensation for harm.

Article **236**

The composition of lost earnings, from which the amount of compensation for harm is calculated, includes all types of wages, including for overtime work, work on weekends and holidays, as well as for part-time jobs.

Lump-sum payments are not taken into account, in particular, compensation for unused vacation and severance pay upon dismissal.

For the period of temporary disability and maternity leave, the benefit paid is taken into account.

The author's fee is included in the composition of the lost earnings.

The scholarship paid for the period of study is equated (at the request of the person applying for compensation) to earnings.

All types of earnings are taken into account in the amounts accrued before taxes and other obligatory payments.

Article 237. Periods for which the average monthly earnings are determined

The average monthly salary is determined for the last 12 months of work (service) preceding a labor injury or loss or reduction in ability to work due to a labor injury (at the choice of a citizen). In the case of an occupational disease, the average monthly earnings may also be determined for the last 12 months of work preceding the termination of work that caused such an illness.

From the number of months for which the average monthly earnings are calculated, the following are excluded (at the request of the citizen):

1) incomplete months of work in connection with its beginning or termination not from the first day of the month;

2) months (including incomplete ones) of leave granted in connection with caring for a child, as well as the time of work during which a citizen was disabled or received compensation for

harm caused by an industrial injury, cared for a person with disabilities of the I disability group , a child with disabilities under the age of 18 or a person in need of outside care according to the conclusion of MSEC;

3) months (including incomplete) leave without pay or with partial pay, which is provided at the initiative of the employer in case of temporary suspension of work.

Excluded months are replaced by immediately preceding months or are excluded from the calculation if it is impossible to replace them.

Article 238. The procedure for calculating the average monthly earnings

The average monthly earnings for the period specified in Article 237 of this Code shall be calculated by dividing the total earnings for twelve months of work (service) by 12.

If the work lasted less than twelve months, the average monthly earnings are calculated by dividing the total earnings for the months actually worked by the number of those months.

In cases where the period of work was less than 1 calendar month, the amount of compensation for harm is calculated based on the conditional monthly earnings, determined as follows: earnings for all hours worked are divided by the number of days worked, and the amount received is multiplied by the number of working days in the month, calculated on average per year.

If it is impossible to obtain documents on actual earnings, the amount of compensation for harm is calculated based on five times the minimum wage.

In cases where the average monthly income is less than five times the minimum wage, the amount of compensation for harm is calculated on the basis of five times the minimum wage.

If there have been stable changes in the earnings of the victim before the injury or other damage to his health that improves his financial situation (the wages for his position have been increased, he has been transferred to a higher-paid job and in other cases when the stability of the change or the possibility of changing the wages of the victim has been proven) , when determining his average monthly earnings, only the earnings that he received or should have received are taken into account.

Article 239. The amount of compensation for damage in case of repeated labor injury

In the event of a repeated labor injury, the average monthly salary, at the request of the victim, is calculated for the corresponding periods preceding the first or repeated labor injury.

If occupational injuries were caused during the period of work for one employer, the amount of compensation for harm is calculated according to the total percentage of disability in the aggregate from the first and repeated injuries.

If industrial injuries are caused by different employers, the amount of compensation for harm is determined by each employer separately, based on the percentage of loss of professional ability to work for the corresponding industrial injury.

Article 240. Calculation of earnings of citizens who worked abroad

The average monthly earnings of citizens who worked abroad are calculated on a general basis.

For employees sent in accordance with the established procedure to work in institutions and organizations of the Kyrgyz Republic abroad or in international organizations, the amount of compensation for harm is calculated from the average monthly earnings of employees of the relevant profession and qualification in the Kyrgyz Republic on the day the compensation for harm was awarded.

Article 241. Calculation of earnings of persons undergoing industrial training

The average monthly earnings of persons who received an industrial injury during the period of industrial training (practice) are calculated on a general basis. At the same time, the scholarship paid for the period of study is equated to earnings.

At the request of the victim, the average monthly earnings can be calculated for the period of work preceding industrial training.

Article **242**

The victim, temporarily transferred with his consent in connection with an industrial injury to an easier, lower-paid job, is paid until the restoration of his ability to work or the establishment of a long or permanent loss of professional ability to work in the amount of at least the average monthly earnings before the industrial injury.

The conclusion on the need for transfer to another job, its duration (within 1 year) and the nature of the recommended work is issued by a medical institution.

If the employer fails to provide the relevant work during the specified period, the victim is paid the average monthly salary that he received before the industrial injury.

The average monthly earnings from the previous job in this case, as well as in the case specified in Article 244 of this Code, is determined for the two months preceding the month in which the labor injury occurred, in the manner prescribed by law.

Article 243. Compensation for damage during the training of a new profession (specialty)

The employer, with the consent of the victim, is obliged to provide at his own expense the training of his new profession (specialty) in accordance with the conclusion of the medical institution or MSEK, if, due to an industrial injury, he cannot perform his previous job.

During the training of a new profession (specialty), the victim is paid the average monthly salary from the previous job. During this period, the payment of amounts in compensation for harm is made on a general basis.

Article 244. Types of additional expenses

The employer responsible for causing harm is obliged to compensate, in addition to the compensation for lost earnings, additional expenses caused by the work injury.

Additional expenses are: for additional food, purchase of medicines, prosthetics, for the care of the victim, carried out by an outsider or members of his family, sanatorium-and-spa treatment, including payment for the travel of the victim to the place of treatment and back, and, if necessary, also for the person accompanying him , the purchase of special vehicles and fuel, the overhaul of these vehicles and other expenses, if the victim did not receive them free of charge from the relevant organizations on other grounds provided for by law.

Persons with disabilities of the I disability group do not need the conclusion of the MSEC on the need to care for them (except in cases of need for special medical care).

A victim in need of several types of assistance shall be compensated for the costs associated with receiving each type of assistance.

The additional expenses provided for by part two of this article are made in accordance with the conclusion of the MSEC or a medical institution on the need for them by the victim. Payment of such expenses is carried out in the manner determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Republic of Kazakhstan dated April 23, 1993 No. 175 "On approval of the Rules for compensation for harm caused to employees by injury, occupational disease or other damage to health associated with the performance of their labor duties"

Article 245. Amount of additional expenses

The amount of additional expenses is determined on the basis of invoices, checks, prescriptions of relevant organizations and other documents, or according to prices prevailing in the locality in which the victim incurred these expenses.

Expenses for victims who, according to the conclusion of the MSEK, need extraneous special medical care, are set at the level of five, for extraneous household care - two minimum wages and are reimbursed monthly, regardless of who provides it.

Expenses for the acquisition of vehicles and their overhaul during the established period of operation are made within the limits of their value.

Article 246. Additional leave for treatment in connection with damage to health and its payment

If there is a conclusion of the MSEC or a medical institution on the need of the victim in sanatorium-resort treatment, he is granted leave for treatment in excess of the annual leave with pay.

Compensation for harm during the period of leave for treatment is made on a general basis.

The amount of payment for the travel expenses of the victim, as well as the person accompanying him, is determined in accordance with the legislation on business trips.

Article **247**

In addition to compensation for lost earnings, additional types of compensation for harm, the employer pays the victim a lump-sum allowance.

The amount of the lump-sum allowance is determined by the collective agreement and must be assigned taking into account the loss of working capacity and disability, but not less than:

- for disability group III - triple the average annual earnings of the victim;
- in case of disability of the II group - five average annual earnings of the victim;
- in case of disability of the I group - ten average annual earnings of the victim.

Article **248**

The employer is obliged to compensate the victim who has received a labor injury, moral damage (physical and moral suffering).

Moral damage is compensated in monetary or other material form, regardless of other types of damage subject to compensation, and its amount is determined by the court or by agreement between the employer and the victim.

Article **249**

In the event of the death of the victim (breadwinner), the following have the right to compensation for harm:

1) disabled persons who were dependents of the deceased or had the right to receive maintenance from him by the day of his death;

2) the child of the deceased, born after his death;

3) one of the parents, spouse (wife) or other family member, regardless of his ability to work, who does not work and is engaged in caring for the children, grandchildren, brothers and sisters of the deceased who have not reached 14 years of age or, although they have reached the specified age, but according to the conclusion medical bodies in need of outside care for health reasons;

4) persons who were dependents of the deceased and became disabled within 5 years after his death.

Disabled are: persons under 18 years of age, as well as aged 18 years and older, studying in full-time educational institutions, but not older than 23 years; persons recognized in accordance with the established procedure as persons with disabilities; persons who have reached retirement age.

The disabled dependents of the deceased are entitled to compensation for harm, regardless of whether they were related to him or not. This right of dependents is not lost even if there are persons obliged by law to support them.

Disabled persons who had earnings during the life of the deceased or received a pension and other payments are considered his dependents if the funds provided by the deceased were the main and permanent source of livelihood for these persons.

Dependence of minor children is assumed and does not require proof.

One of the parents, spouse (wife) or other family member who is not working and is engaged in caring for the children, grandchildren, brothers and sisters of the deceased and who became disabled during the period of care, retains the right to compensation for harm after the end of care for these persons.

Persons who were not dependent on the deceased, but at the time of his death had the right to receive maintenance from him, include disabled persons specified in the legislation on marriage and family.

Article **250**

For persons who were dependents of the deceased and have the right to compensation for harm in connection with his death, the harm is determined in the amount of the average monthly earnings of the deceased, minus the share due to him.

To determine the amount of compensation for harm to each of the persons entitled to this compensation, the part of the breadwinner's earnings attributable to all these persons is divided by their number.

For disabled persons who were not dependent on the deceased, but who have the right to compensation for harm, its amount is determined in the following order: if the funds for maintenance were collected on the basis of a court decision, then compensation for harm is determined in the amount appointed by the court; if the funds for maintenance were not collected in court, then the amount of compensation for harm is established taking into account the financial situation of disabled persons and the ability of the deceased to provide assistance to them during his lifetime.

If the right to compensation for harm is simultaneously enjoyed by persons who were both dependent on the deceased and those who were not dependent on him, then the amount of compensation for harm for persons who were not dependent on the deceased is first determined. The amount of compensation for harm established by him is excluded from the earnings of the breadwinner, then, based on the remaining amount of earnings, the amount of harm to persons dependent on the deceased is determined in the manner prescribed by parts one and two of this article.

When determining compensation for harm in connection with the death of the breadwinner, the income of the deceased shall take into account the pension received by him during his lifetime, life support and other similar payments.

When determining the amount of compensation for harm, pensions assigned to persons in connection with the death of the breadwinner, as well as other types of pensions assigned both before and after the death of the breadwinner, as well as earnings, scholarships and other incomes received by these persons, on account of compensation for harm, do not are counted.

Article 251

calculated in accordance with the procedure established by Article 250 of this Code for each of those entitled to compensation for harm in connection with the death of the breadwinner shall not be subject to further recalculation, except for the following cases:

1) the birth of a child after the death of the breadwinner;

2) the appointment or termination of the payment of compensation to persons involved in the care of children, grandchildren, brothers and sisters of the deceased breadwinner;

3) appointment of payment of compensation for harm to persons who were dependents of the deceased and became disabled within 5 years after his death.

Article **252**

Persons who, in accordance with Article 249 of this Code, have the right to compensation for harm in connection with the death of the breadwinner, the employer shall pay a lump-sum allowance in the amount of twenty average annual earnings of the victim. The amount of the lump-sum allowance should not be less than the four-year subsistence minimum established for the given locality (on the day of payment).

Article **253**

The employer is obliged to compensate the parents, spouse (wife), children of an employee who died due to an industrial injury, moral damage.

Moral damage is compensated in monetary or other material form, regardless of other types of damage subject to compensation, and its amount is determined by the court or by agreement between the employer and the persons specified in part one of this article.

Article 254. Application to the employer

An application for compensation for harm is submitted to the employer, who is liable for the harm caused by an industrial injury, regardless of the period of limitation.

The employer is obliged to assist the applicant in obtaining the documents necessary for filing a claim for compensation for harm, and, if necessary, to demand them from other organizations.

The following documents are attached to the application:

1) the conclusion of the MSEC on the degree of loss of the victim's professional ability to work;

2) the conclusion of the MSEC or a medical and preventive institution on the need of the victim in medical, social and professional rehabilitation;

3) a copy of the death certificate;

4) a certificate on the composition of the family of the deceased, indicating the persons who were dependent on him;

5) a copy of the birth certificate of children;

6) a certificate stating that a family member of the deceased does not work and is busy caring for his children, grandchildren, brothers and sisters;

7) a certificate stating that persons aged 18 to 23 who are entitled to compensation for harm study in full-time educational institutions;

8) a certificate of disabled persons who, by the day of the death of the victim, had the right to receive maintenance from him;

9) other documents.

In the absence or impossibility of restoring documents confirming that the person is dependent on the deceased, the fact of being dependent is established by the court.

Article 255. Compensation for damage in cases of reorganization or liquidation of the employer responsible for the damage

In the event of liquidation or reorganization (merger, accession, division, separation, transformation) of the employer, the obligation to pay the relevant payments shall be borne by the successor to whom an application for damages is submitted.

If the rights and obligations of the liquidated employer do not pass to the legal successor, he is obliged to capitalize and pay to the state social insurance bodies the amounts payable in compensation for harm.

The composition of the liquidation commission includes a representative of the state social insurance body.

The liquidation report is approved only after the capitalization of the amounts necessary for the payment of compensation for harm in the future, and their transfer to the state social insurance bodies.

In such cases, the state social insurance bodies shall pay the amounts in compensation for harm. If capitalization of payments has not been made due to the insolvency of the liquidated employer, the missing and subject to capitalization amounts shall be reimbursed to the state social insurance body from the state budget.

If, upon the liquidation of the employer, the capitalization of payments in compensation for damage has not been made, a claim for compensation for damage is filed with the state social insurance body.

The employer is obliged to inform the persons entitled to compensation for harm in connection with an industrial injury within two weeks about his forthcoming liquidation or reorganization.

The procedure for capitalization of amounts in compensation for harm is determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated August 30, 2006 No. 629 "On approval of the Regulations on the procedure for capitalization of funds"

Article 256. Representative of the victim in negotiations with the employer

At the request of the victim or other interested persons, the trade union or other representative body of the employees of the organization allocates its representative to participate in negotiations with the employer on the side of the victim.

Article 257. Consideration by the employer of an application for compensation for harm

The employer is obliged to consider the application for compensation for harm and make an appropriate decision within ten days.

The decision is drawn up by an order (instruction, resolution) of the employer indicating the names of the persons to whom compensation for harm is established, its amount for each family member and the timing of payments.

One copy of the order (instruction, resolution) of the employer on compensation for harm or a reasoned written refusal is handed over to the interested persons within ten days from the date of application.

The delay in consideration of the application or delivery of the order within the prescribed period is considered as a denial of compensation for harm.

Article 258. Pre-trial consideration of cases on compensation for harm

Victims and persons entitled to compensation for harm in the event of the death of the victim have the right to appeal against the decision of the employer on issues related to compensation for harm to the authorized state bodies in the field of supervision and control over compliance with labor legislation or the trade union.

The decision of the authorized state body in the field of supervision and control over compliance with labor legislation , the technical labor inspectorate of trade unions on the payment of compensation for damages is mandatory for the employer.

If the employer disagrees with such a decision, it may be appealed by him in the manner prescribed by law. The disagreement of the employer with the decision of the authorized state body in the field of supervision and control over compliance with labor legislation cannot serve as a basis for non-payment of the amount of compensation for harm.

Article **259** The procedure for judicial review of the dispute

If the interested person does not agree with the decision of the employer, the decision of the authorized state body in the field of supervision and control over compliance with labor legislation , as well as if a response is not received within the prescribed period, the dispute is considered by the court.

The trade union or other representative body of employees has the right, with the consent of the interested persons, to apply to the court and take part in the process.

An application for compensation for harm is submitted to the court at the discretion of the applicant, either at the location of the employer, or at his place of residence, or at the place of harm.

Claims for compensation for harm caused to employees by injury related to the performance of their job duties, or in connection with the death of the victim, are not subject to limitation of actions.

Article **260**

Amounts in compensation for harm are paid:

1) to victims - from the day when, due to an industrial injury, they lost their full or partial professional ability to work;

2) to persons entitled to compensation for harm in connection with the death of the victim - from the day of the death of the victim, but not earlier than the day of acquiring the right to compensation for harm.

Claims for compensation for damages filed after 3 years from the moment the right to compensation for such damage arises are satisfied for the past time no more than 3 years preceding the application for compensation.

The date of application for compensation for harm is considered the day of submission of the application.

Article 261. Periods during which compensation for damage is paid

Compensation for damages in terms of lost earnings is made within the period for which the loss of professional ability to work due to labor injury is established, and additional expenses - during the period for which the need for them is determined.

Persons entitled to compensation for harm in connection with the death of the victim shall be paid compensation in accordance with Article 250 of this Code.

Compensation for harm to the victim, as well as to persons entitled to compensation for harm in connection with the death of the victim, is made regardless of the income they receive.

Article 262. Extension of payments for damages

The extension of payments in compensation for harm is made from the date of the end of previous payments, regardless of the time the victim and other interested persons applied to the employer.

Payments for damages for the past time are paid subject to confirmation of disability for this period, as well as upon submission of the necessary documents. Under the same conditions, payments are made to compensate for additional expenses caused by damage to health.

Article **263**

The recipient is obliged to inform the employer in writing about the changes that have taken place, entailing a revision of the amount of compensation for harm.

Article **264** Costs of delivery and forwarding of the amounts paid

Payment of amounts in compensation for harm for the current month is made no later than the expiration of this month.

One-time allowances are paid no later than one month from the date of submission of the documents necessary for their appointment. Monthly indemnification payments are made within the time limits set by the employer for the payment of wages.

The delivery and forwarding of the sums paid in compensation for harm are made at the expense of the employer responsible for causing the harm. At the request of the recipients, these amounts can be transferred to their bank accounts.

Article **265**

Recalculation of the assigned compensation for harm is made from the following terms:

1) if the right to increase the amount of compensation for harm arises - from the first day of the month following the one in which the victim applied for recalculation of compensation for harm with all the necessary documents;

2) upon the occurrence of circumstances entailing a reduction in the amount of compensation for harm - from the first day of the month following the one in which the relevant circumstances occurred.

Article **266**

In the event that a person who is assigned compensation for harm is placed in a boarding house (boarding house, territorial center) for the elderly and people with disabilities, the amounts in compensation for harm (with the exception of amounts due to disabled dependents) are transferred by the employer to the settlement account of the boarding house (boarding house, territorial center).

Incapacitated dependents of the said persons shall be paid compensation for harm by the employer in the following order: for one disabled dependent - one fourth, for two dependents - one third, for three or more - half of the assigned amount of compensation for harm.

The remaining part of the amount of compensation for harm is transferred to the settlement account of the boarding house (boarding house, territorial center).

The administration of the boarding house (boarding house, territorial center) pays the person who has been awarded compensation for harm the difference between the transferred amount and the cost of living in the boarding house (boarding house, territorial center), but not less than 25 percent of the assigned amount of compensation for harm.

Article **267**

At the request of a person in places of deprivation of liberty, the amounts of compensation due to him are transferred to his bank account or issued to a family member or other citizen.

Article 268. Payment of compensation for damage when leaving for permanent residence outside the Kyrgyz Republic

In the event that a person to whom compensation for harm has been assigned leaves for a permanent place of residence outside the Kyrgyz Republic, he is paid the assigned amount of compensation for harm in the manner determined by international treaties of the Kyrgyz Republic.

Article **269**

The payment of amounts in compensation for harm, assigned, but not received in a timely manner to the victims or persons entitled to compensation for harm, is made for the past time, but not more than 3 years preceding the day of the appeal.

Amounts in compensation for harm due to the victim or persons entitled to compensation for harm in connection with the death of the breadwinner, and not received by them in connection with the death, are paid to their heirs on a general basis.

Amounts in compensation for harm not received in a timely manner due to the fault of the employer responsible for the harm are paid for the past time without limitation by any period.

In case of non-payment of compensation for damages, including a lump-sum allowance, within the established time limits, the employer is obliged to pay penalties in the amount of 0.15 percent of the unpaid amount of compensation for damages for each day of delay.

For late payment of damages and lump-sum benefits, the employer is held administratively liable in accordance with the legislation of the Kyrgyz Republic.

Article 270

The amounts received on account of compensation for harm to the victims or persons entitled to compensation for harm in connection with the death of the victim may be recovered by the employer back, provided that the decision to pay them was made on the basis of false documents submitted by the interested parties or knowingly false information provided by them, and also in the case of a counting error or concealment of data that affects the determination of the amount of amounts indemnification.

Reverse collection of incorrectly received amounts in compensation for harm is carried out by the employer in compliance with the guarantees established by this Code.

In the event of termination of the payment of amounts in compensation for harm, the remaining debt is collected in court.

Section 271. Reimbursement for Burial Expenses

The employer responsible for the damage caused by the death of the victim is obliged to reimburse the necessary burial expenses to the person who incurred these expenses. The amount of expenses is determined by agreement of the parties or by the court.

Article **272**

The order (instruction, resolution) of the employer, the court decision on the appointment of compensation for harm, the application of the victim and other interested persons on the appointment of compensation for harm with all the necessary documents are stored by the employer in a separate file for each recipient.

During the period of payment of amounts in compensation for harm, the cases of the victims on the appointment of compensation for harm are stored in the accounting department of the employer.

After 2 years after the termination of payment of amounts in compensation for harm, these cases are handed over by the employer for permanent storage to the state archives.

SECTION VII. MATERIAL RESPONSIBILITY OF THE PARTIES TO THE EMPLOYMENT CONTRACT

CHAPTER 19. GENERAL PROVISIONS

Article **273**

A party to an employment contract (employer or employee) that has caused damage to the other party shall compensate for this damage in accordance with this Code and other laws.

An employment contract or written agreements attached to it may specify the liability of the parties to this contract. At the same time, the contractual liability of the employer to the employee should not be lower, and the employee to the employer - higher than it is provided for by this Code or other laws.

Termination of the employment contract after causing damage does not entail the release of the party to the employment contract from liability.

Article **274**

The liability of a party to an employment contract for damage caused by it to the other party to this contract arises as a result of its culpable unlawful behavior (action or inaction) and a causal relationship between the culpable unlawful behavior and the damage caused, unless otherwise provided by this Code, other legislative acts.

The employer compensates the employee for damages in the form of lost earnings and loss or damage to the employee's property, as well as moral damage in cases established by law.

The employee compensates the employer for damage in the form of loss or damage to his property, as well as the need to make excessive cash payments.

In the cases established by law, the head of the organization compensates for lost income due to the unfair performance of his labor duties.

CHAPTER 20. LIABILITY OF THE EMPLOYER TO THE EMPLOYEE

Article **275**

The employer is obliged to compensate the employee for the earnings he has not received in all cases of illegal deprivation of his opportunity to work. Such an obligation arises if earnings are not received as a result of:

- unlawful removal of an employee from work, transfer to another job or dismissal;
- delays by the employer in issuing a work book to an employee, entering into the work book an incorrect or inconsistent wording of the reason for the employee's dismissal;
- refusal to execute or untimely execution of the decision of the body for the consideration of labor disputes or the state inspector in the field of supervision and control over compliance with labor legislation on the reinstatement of the employee in his previous job;
- distribution by any means (including by issuing a biased characteristic) of information discrediting the employee, which prevented the employee from applying for another job;
- other cases stipulated by laws and the collective agreement.

Article **276**

The employer, who caused damage to the property of the employee as a result of improper performance of his duties under an employment contract, compensates for this damage in full. The amount of damage is determined at market prices in force in the area at the time of compensation for damage, or, with the consent of the employee, with equivalent property.

Article 277. Compensation for moral damage caused to an employee

Moral damage caused to the employee by unlawful actions or inaction of the employer is compensated to the employee in cash in the amount determined by agreement of the parties to the employment contract.

In the event of a dispute, the fact of causing moral damage to an employee and the amount of its compensation are determined by the court, regardless of the property damage subject to compensation.

See: Decree of the Plenum of the Supreme Court of the Kyrgyz Republic dated November 4, 2004 No. 11 "On some issues of judicial practice in the application of legislation on compensation for moral damage"

Article 278. Procedure for compensation for damage caused to an employee

An application for compensation for damage is submitted by the employee himself or by another interested person to the employer. The employer is obliged to consider the received application and make an appropriate decision no later than 10 days from the date of its receipt.

If the employee does not agree with the decision of the employer or after the expiration of the period set for a response, the employee has the right to apply to the labor dispute resolution bodies or to the court.

CHAPTER 21. LIABILITY OF AN EMPLOYEE

Article 279. Liability of an employee for damage caused to the employer

The employee is obliged to compensate the employer for the direct actual damage caused to him in the amount established by this Code. Unreceived income (lost profit) is not subject to recovery from the employee.

Direct actual damage is understood as a real decrease in the employer's cash property or deterioration in the condition of the specified property (including the property of third parties

held by the employer, if the employer is responsible for the safety of this property), as well as the need for the employer to incur costs or excessive payments for the acquisition or restoration of property.

The employee is liable both for direct actual damage directly caused by him to the employer, and for damage incurred by the employer as a result of compensation for damage to other persons.

Article 280. Circumstances excluding material liability of an employee

The material liability of the employee is excluded in cases of damage due to force majeure, normal economic risk, extreme necessity or necessary defense, or the employer's failure to fulfill the obligation to ensure proper conditions for the storage of property entrusted to the employee.

Article **281**

The employer has the right, taking into account the specific circumstances under which the damage was caused, to fully or partially refuse to recover it from the guilty employee, unless otherwise provided by laws.

Article 282. Limits of material liability of an employee

The employee bears material responsibility for the damage caused to the employer within the limits of his average monthly earnings, unless otherwise provided by this Code or other laws.

Article 283. Cases of full liability

Liability in the full amount of the damage caused is assigned to the employee in the following cases:

- shortage of valuables entrusted to him on the basis of a written agreement on full liability;
- shortage of valuables received under a one-time document;
- intentional damage;
- causing damage in a state of alcoholic, narcotic or toxic intoxication;
- infliction of damage as a result of the criminal actions of the employee, established by the verdict of the court;
- when, in accordance with this Code and other laws, the employee is fully liable for damage caused in the performance of labor duties;
- causing damage as a result of an administrative offense, if such is established by the relevant state body;
- disclosure of information constituting a legally protected secret (official, commercial or other), in cases stipulated by laws;
- causing damage not in the performance of work duties by the employee.

Liability in the full amount of the damage caused can be established by an employment contract concluded with the head of the organization, his deputies, and the chief accountant.

Article 284. Written agreements on the full liability of employees

With employees who have reached the age of 18, directly serving monetary or material values, both at the time of employment and subsequently, in addition to the employment contract, a written agreement on full individual or collective liability may be concluded.

See: Decree of the Bishkek City Hall dated April 16, 2008 No. 166 "On Approval of a Model Agreement on Full Liability"

Lists of positions and works to be replaced or performed by employees, with whom the employer can conclude agreements on individual, collective (team) liability for damages in full, are approved by the employer in agreement with the representative bodies of employees on the basis of approximate lists determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated December 27, 2001 No. 820 "On Approval of the Indicative List of Positions and Works, during the Occupation of which Written Agreements on Full Individual, Collective (Team) Liability" may be concluded

An agreement on full individual liability concluded with an employee whose duties do not include the maintenance of monetary and material assets is recognized as invalid.

Under an agreement on full individual material liability, valuables are handed over to a specific employee who is personally responsible for their shortage. To be released from liability, the employee with whom the specified contract is concluded must prove the absence of his guilt.

Under an agreement on collective liability for damages in full, valuables are entrusted to a predetermined group of persons who are held liable for their shortage. To be released from liability, the employees with whom the specified contract is concluded must prove the absence of their fault.

In organizations engaged in the maintenance of valuables (storage, sale, transportation, processing, and others), the employer may create a risk fund, through which compensation for shortages is allowed.

Article 285. Determining the amount of damage caused

The amount of damage caused to the employer in the event of loss and damage to property is determined by actual losses calculated on the basis of market prices in force in the area on the day the damage was caused, but not lower than the value of the property according to accounting data, taking into account the degree of depreciation of this property.

Article **286**

Before making a decision on compensation for damages by specific employees, the employer is obliged to conduct an audit to determine the amount of damage caused and the reasons for its occurrence. To conduct such an inspection, the employer has the right to create a commission with the participation of relevant specialists.

Requesting a written explanation from the employee to establish his guilt is mandatory.

The employee or his representative has the right to get acquainted with all the materials of the inspection and appeal against them in the manner prescribed by this Code.

Article 287. Voluntary compensation for damage to employees

An employee who is guilty of causing damage to the employer may voluntarily compensate for it in whole or in part.

Voluntary compensation for damage is carried out within the limits established by this Code.

By agreement between the employee and the employer, compensation for damage by installments is allowed. In this case, the employee submits to the employer a written obligation to compensate for the damage, indicating specific payment terms.

With the consent of the employer, the employee may transfer to him equivalent property to compensate for the damage caused or repair the damaged one.

If the employee who gave a written obligation to voluntarily compensate for the damage did not compensate it within the established time limits due to the termination of the employment relationship, then the outstanding debt is recovered in court.

Article 288. Procedure for recovery of damage caused to the employer

Recovery from the guilty employee of the amount of damage caused, not exceeding the average monthly earnings, is carried out by order of the employer. The order of the employer can be made no later than 1 month from the date of the final determination by the employer of the amount of damage caused by the employee.

If the amount of damage to be recovered from the employee exceeds his average monthly earnings or a month has elapsed from the day the damage was discovered, recovery is carried out in court.

In case of disagreement with the recovery of the amount of damage caused, the employee has the right to apply to the court.

Article 289

The court may, taking into account the degree and form of guilt, the specific circumstances and financial situation of the employee, reduce the amount of compensation for damage to be recovered from the employee.

Reducing the amount of compensation for damages to be recovered from the employee is not made if the damage was caused by a crime committed for mercenary purposes.

Article 290. Reimbursement of expenses associated with employee training

The employee is obliged to reimburse the costs incurred by the employer when sending him to training at the expense of the employer, in case of dismissal without good reason before the expiration of the period stipulated by the employment contract or agreement on employee training at the expense of the employer.

Article 291. Compensation for damage caused to the organization by its head

Damage caused to an organization through the fault of its leader shall be compensated in accordance with this Code and other laws. The decision to recover damages from the head of a state (municipal) organization may be taken by a higher authority.

Recovery from the head of the organization of material damage in a judicial proceeding is carried out at the request of the owner or a body authorized by him, and for state (municipal) organizations - and the prosecutor.

SECTION VIII. FEATURES OF LABOR REGULATION OF CERTAIN CATEGORIES OF EMPLOYEES

CHAPTER 22. GENERAL PROVISIONS

Article 292. Features of labor regulation

Features of labor regulation - norms that partially restrict the application of general rules on the same issues or provide additional rules for certain categories of workers.

Article **293**

Features of regulation of the labor of women, persons with family responsibilities, employees under the age of 18, heads of organizations, persons working part-time, as well as in other cases, are established by this Code and other laws.

CHAPTER 23

Article **294**

It is prohibited to use the labor of persons under the age of 18 in jobs with harmful and (or) dangerous working conditions, in underground work, as well as in work, the performance of which may harm their health and moral development (gambling business, work in night cabarets and clubs). production, transportation and trade in alcoholic beverages, tobacco products, narcotic and toxic drugs).

Carrying and moving by workers under the age of 18 years of weights exceeding the maximum norms established for them is prohibited.

See: Decree of the Government of the Kyrgyz Republic dated December 2, 2005 No. 548 "On approval of the maximum allowable load standards for lifting and moving weights manually by women and workers under the age of 18"

The list of jobs for which it is prohibited to use the labor of workers under the age of 18, as well as the maximum norms of weights, are approved in the manner established by the Government of the Kyrgyz Republic.

See Decree of the Government of the Kyrgyz Republic dated July 2, 2001 No. 314 "On the list of industries, professions and jobs with difficult and harmful working conditions, where the employment of persons under eighteen years of age is prohibited"

Article 295. Additional guarantees when hiring persons under the age of 18

The employer is obliged to hire persons under the age of 18 who are in special need of social protection (graduates of orphanages, orphans and children left without parental care and others), sent by the relevant state bodies in the order of employment, at the expense of the established quota.

Refusal to hire on account of the established quota to the persons specified in the first part of this article is prohibited and may be appealed by them to the relevant state bodies or the court.

For the refusal to hire the persons specified in the first part of this article, the employer shall be liable in the manner determined by the legislation of the Kyrgyz Republic.

Article 296. Medical examinations of persons under the age of 18

Persons under the age of 18 are hired only after a preliminary mandatory medical examination and then, until the age of 18, are subject to an annual mandatory medical examination.

The medical examinations provided for by this Article shall be carried out at the expense of the employer.

Mandatory annual medical examinations of underage workers are carried out during working hours with the preservation of the average wage.

Article 297

It is prohibited to send employees under the age of 18 to work overtime, work at night, on weekends and non-working holidays, to cultural events (with the exception of creative workers in the media: media, cinematography organizations, theaters, theater and concert organizations, circuses and other persons, with the written consent of one of the parents (guardian) and the permission of the authorized state body in the field of education, participating in the creation and (or) performance (exhibition) of works without prejudice to their health, education and moral

development, professional athletes in accordance with the lists of professions established by the Government of the Kyrgyz Republic).

Article **298**

The output norms for workers under the age of 18 are established on the basis of the general output norms in proportion to the reduced working hours established for these employees.

For employees under the age of 18 who enter work after graduating from general educational organizations and educational organizations of primary vocational education, as well as those who have undergone vocational training at work, in the cases and in the manner established by laws and other regulatory legal acts, reduced production rates may be approved.

Article 299

With time wages, wages for workers under the age of 18 are paid taking into account the reduced hours of work. The employer may, at his own expense, make additional payments to them up to the level of wages of employees of the relevant categories for the full duration of daily work.

The work of workers under the age of 18 admitted to piece work is paid according to the established piece rates. The employer may establish for them, at their own expense, an additional payment up to the tariff rate for the time by which the duration of their daily work is reduced.

Remuneration of employees under the age of 18 studying in general educational organizations, educational organizations of primary, secondary and higher vocational education and working in their free time from study is made in proportion to the hours worked or depending on output. The employer may establish wage supplements for these employees at their own expense.

Article **300**

Persons who graduated from educational organizations of primary, secondary and higher vocational education are provided with work in accordance with the specialty and qualifications received on the basis of contracts concluded by them with employers, or on the basis of contracts for the training of specialists concluded by educational organizations of primary, secondary and higher vocational education and employers.

Local self-government bodies, in whose territory there are educational organizations of primary, secondary and higher vocational education, and the state employment service provide assistance in the employment of graduates of educational organizations of primary, secondary and higher vocational education, taking into account their professional training and qualifications.

The refusal of the employer to hire graduates of educational organizations of primary, secondary and higher vocational education, who arrived at work in accordance with the contracts specified in part one of this article, may be appealed by them to the relevant authorized state bodies in the field of supervision and control over compliance with labor legislation or court.

In case of refusal to hire graduates of educational organizations of primary, secondary and higher professional education, who arrived to work in accordance with the contracts specified in part one of this article, the employer shall be liable in the manner determined by the legislation of the Kyrgyz Republic.

Article 301. Additional guarantees for employees under the age of 18 upon termination of an employment contract

Termination of an employment contract with employees under the age of 18 at the initiative of the employer (except in the event of liquidation of the organization), in addition to observing the general procedure for dismissal, is allowed only with the consent of the relevant authorized state body in the field of supervision and control over compliance with labor laws and the commission on minors and protection of their rights .

Article 302. Liability of employees under the age of 18 for causing damage

Employees under the age of 18 are liable in full for the intentional infliction of damage, as well as for damage caused in a state of alcoholic, narcotic and toxic intoxication or as a result of an administrative offense established by a decision of the relevant state body, or a crime established by a court verdict.

CHAPTER 24

Article **303**

It is prohibited to use the labor of women in heavy work and in work with harmful and (or) dangerous working conditions, as well as in underground work, except for non-physical work or work on sanitary and domestic services, as well as in work related to lifting and manually moving heavy loads, exceeding their maximum allowable limits.

The list of industries, jobs, professions and positions with harmful and (or) dangerous working conditions in which the use of women's labor is prohibited, and the maximum allowable load standards for women when lifting and moving heavy loads are approved in the manner determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated March 24, 2000 No. 158 "On the List of industries, jobs, professions and positions with harmful and (or) dangerous working conditions in which the use of women's labor is prohibited";
Decree of the Government of the Kyrgyz Republic dated December 2, 2005 No. 548 "On approval of the maximum allowable load standards for lifting and moving weights manually by women and workers under the age of 18"

Article **304**

Sending pregnant women on business trips, engaging in overtime work, work at night, on weekends and non-working holidays is allowed in cases where this work is not prohibited to them for medical reasons.

Sending on business trips, engaging in overtime work, work at night, weekends and non-working holidays of women with children under 3 years old is allowed only with their written consent and provided that this is not prohibited by their medical recommendations. At the same time, women with children under the age of 3 must be familiarized in writing with their right to refuse to be sent on a business trip, to engage in overtime work, work at night, weekends and non-working holidays.

The guarantees provided for by paragraph two of this article are also provided to employees who have children with disabilities or persons with disabilities from childhood until they reach the age of 18, as well as employees who care for sick members of their families in accordance with a medical report.

Article 305. Additional guarantees in employment for pregnant women and women with children

It is forbidden to refuse employment to women for reasons related to pregnancy or the presence of children. An employer's refusal to hire on the grounds specified in part one of this article may be appealed by them to the relevant authorized state bodies in the field of supervision and control over compliance with labor legislation or the court.

Article 306. Transfer to another job of pregnant women

Pregnant women, in accordance with a medical report and upon their application, are reduced production rates, service rates, or these women are transferred to another job that excludes the impact of adverse production factors, while maintaining the official salary (tariff rate) for the previous job.

Until the issue of providing a pregnant woman with another job that excludes the impact of adverse production factors is resolved, she is subject to release from work with the preservation of the official salary (tariff rate) for all missed working days as a result of this at the expense of the employer.

When undergoing a mandatory dispensary examination in medical institutions, pregnant women retain their official salary (tariff rate) at the place of work.

Article 307. Maternity leave

Women, upon their application and on the basis of a medical report, are granted maternity leave of 70 calendar days before childbirth and 56 (in cases of complicated childbirth or the birth of two or more children - 70) calendar days after childbirth with the payment of pregnancy benefits for this period and childbirth in the amount established by the legislation of the Kyrgyz Republic.

See: Regulations on the procedure for assigning and paying benefits for temporary disability, benefits for pregnancy and childbirth (approved by the Decree of the Government of the Kyrgyz Republic dated August 14, 2006 No. 576)

Maternity leave is calculated in total and is granted to the woman in full, regardless of the number of days actually used by her before giving birth.

For women working in high-mountainous regions and remote and hard-to-reach areas, the duration of maternity leave with the payment of maternity benefits in the amount of full earnings, regardless of length of service, is established:

in case of normal childbirth - 140 calendar days (70 calendar days before childbirth and 70 calendar days after childbirth);

in complicated childbirth - 156 calendar days (70 calendar days before childbirth and 86 calendar days after childbirth);

at the birth of two or more children, regardless of the actual duration of prenatal leave - 180 calendar days (70 calendar days before childbirth and 110 calendar days after childbirth).

Article **308**

Employees who have adopted a child under the age of 3 months are granted leave for the period from the date of adoption until the expiration of 70 calendar days from the date of birth of the adopted child, and in case of simultaneous adoption of two or more children - 110 calendar days from the date of their birth.

In case of adoption of a child (children) by both spouses, the leave specified in the first part of this article is granted to one of the spouses at their discretion.

Women who have adopted a child, at their request, instead of the leave provided for in part one of this article, are granted maternity leave for the period from the date of adoption of the child until the expiration of 70 calendar days, and in case of simultaneous adoption of two or

more children - 110 calendar days from the date of their birth. The procedure for granting these holidays, which ensures the preservation of the secrecy of adoption, is established by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated December 22, 2005 No. 606 "On Approval of the Procedure for Granting Leave to Employees Who Have Adopted (Adopted) a Child"

Article 309. Breaks for feeding a child

Working women with children under the age of one and a half years are provided, in addition to a break for rest and food, additional breaks for feeding the child (children) at least every 3 hours of work, lasting at least 30 minutes each.

If a working woman has two or more children under the age of one and a half years, the duration of the break is set at least 1 hour.

At the request of a woman, breaks for feeding a child (children) can be attached to a break for rest and food, or in a summarized form transferred both to the beginning and to the end of the working day (work shift) with a corresponding reduction in it (her).

Breaks for feeding the child (children) are included in working hours and are payable in the amount of average earnings.

The terms and procedure for granting breaks are established by the employer, taking into account the wishes of the mother.

Article 310. Guarantees for pregnant women and women with children upon termination of an employment contract

Termination of an employment contract with pregnant women is not allowed, except in cases of liquidation of the organization and expiration of the employment contract.

Termination of an employment contract with women with children under the age of 3, with single mothers with children under the age of 14 (children with disabilities - under 18), other persons raising these children without a mother, at the initiative of the employer, is not is allowed (with the exception of dismissal under paragraph 1, subparagraph "a" of paragraph 3, paragraphs 5 - 8, 10, 11 of Article 83 of this Code).

Article **311**

To take care of children with disabilities and persons with disabilities from childhood until they reach the age of 18, one of the parents (guardian, caregiver) is provided, upon his written application, 1 day free from work every month with payment of the average daily wage.

At the request of one of the parents (guardian, trustee) of a child with disabilities or a person with disabilities from childhood under the age of 18, the employer is obliged to provide him with additional annual leave without pay for up to 14 calendar days.

Article 312. Guarantees and benefits for persons raising children without a mother

Guarantees and benefits provided by this Code to a woman in connection with motherhood (restriction of night work and overtime work, involvement in work on weekends and non-working holidays and sending on business trips, provision of additional holidays, establishment of preferential working conditions and other guarantees and benefits established by laws and other normative legal acts) apply to fathers raising children without a mother, as well as to guardians (custodians) of minors.

CHAPTER 25

Article 313. Realization of the right to work by persons with disabilities

Persons with disabilities, taking into account individual rehabilitation programs, are provided with the right to work for employers with normal working conditions, in specialized organizations, in shops and areas employing persons with disabilities, and also to engage in individual or other labor activities that are not prohibited the legislation of the Kyrgyz Republic.

Article 314. Job quotas for persons with disabilities

Public employment service bodies with the participation of public organizations of persons with disabilities develop, and local governments and local state administrations approve, standards for quoting jobs for persons with disabilities in the amount of at least 5 percent of the number of employees (if the number of employees is at least 20 people). At the same time, on account of this standard, it is allowed to provide work on a part-time basis.

The standard for quoting jobs for persons with disabilities must be communicated to employers by the state employment service no later than 3 months before the start of the next calendar year.

Employers are obliged to create, at the expense of the established quota, jobs for the employment of persons with disabilities.

Article 315. Employment of persons with disabilities

Employment of persons with disabilities is provided by the state employment service. Their referral for employment of a person with disabilities to a specially created or quota-based workplace is mandatory for execution by the employer.

In the event of an unjustified refusal to hire a person with disabilities in the direction of the state employment service, the employer is liable in accordance with the legislation of the Kyrgyz Republic.

Article 316. Additional guarantees when hiring persons with disabilities

The employer is obliged to accept persons with disabilities sent by the state employment service in the order of employment to jobs at the expense of the established quota.

Persons with disabilities are not subject to a test when they are hired.

The conclusion of the relevant authorized state health authorities or the medical and social expert commission (hereinafter referred to as the MSEC) on the part-time work regime, reducing the load and other working conditions for employees with disabilities is mandatory for the employer.

Article 317. Guarantees, working conditions and rest of persons with disabilities

For working persons with disabilities, the employer is obliged to create working conditions in accordance with the individual rehabilitation program issued by MSEK, including by organizing their vocational training at work and home work.

Working conditions, including remuneration, working hours and rest periods, the duration of annual leave, established by agreements, in a collective agreement, agreements and an employment contract cannot worsen the situation or restrict the rights of persons with disabilities in comparison with other employees.

For persons with disabilities of I and II disability groups, a reduced working time is established - no more than 36 hours per week. At the same time, the duration of the daily work of persons with disabilities of I and II disability groups cannot exceed 7 hours. The use of summarized accounting of working hours is not allowed.

The involvement of persons with disabilities in overtime work, work on weekends and at night is allowed only with their consent and provided that such work is not prohibited by a medical certificate.

The direction of persons with disabilities on a business trip is allowed only with their consent.

The employer has the right to reduce the production norms for people with disabilities depending on their state of health.

Article 318. Additional guarantees for persons with disabilities upon transfer to another job and termination of an employment contract

The transfer of a person with disabilities to another job without his consent on the grounds of disability is not allowed, except in cases where, according to the conclusion of the MSEC, his state of health interferes with the performance of professional duties or threatens labor health and safety.

When reducing the number or staff of employees, persons with disabilities, with equal labor productivity and qualifications, are given preference to stay at work. Persons with disabilities working in specialized organizations designed to use the labor of persons with disabilities have the preferential right to remain at work, regardless of labor productivity and qualifications.

Termination of an employment contract with persons with disabilities at the initiative of the employer is not allowed (with the exception of dismissal in connection with the liquidation of the organization under paragraph 1, subparagraph "a" of paragraph 3, paragraphs 5 - 8, 10, 11 of Article 83 of this Code) .

Article **319** Social Security for Persons with Disabilities

Employers are obliged to allocate or create new jobs for the employment of employees who have received a disability due to a work injury or occupational disease in this organization.

In case of non-fulfillment of the requirement provided for in part one of this article, the employer, upon termination of the employment contract with these employees, shall be liable in accordance with the legislation of the Kyrgyz Republic.

Persons with disabilities who worked before retirement with the employer retain the right, on an equal basis with its employees, to use the available opportunities for medical care, housing, vouchers to health and preventive institutions, as well as other social services and benefits provided for by collective agreements, agreements .

The employer has the right, at his own expense, to establish supplements and additional payments to pensions for persons with disabilities, single persons in need of outside help and care, as well as provide other benefits provided for by the collective agreement, agreements.

Article 320. Benefits and benefits for employers employing persons with disabilities

Employers who employ persons with disabilities enjoy the benefits provided for by the legislation of the Kyrgyz Republic.

CHAPTER 26

Article 321. General provisions

The head of an organization is a natural person who, in accordance with the law or the constituent documents of the organization, manages this organization, including performing the functions of its sole executive body.

The provisions of this chapter apply to the heads of organizations, regardless of their organizational and legal forms, except for those cases:

when the head of the organization is the sole participant (founder), member of the organization, owner of its property;

when the organization is managed under an agreement by another organization (managing organization) or an individual entrepreneur (manager).

Article **322**

The rights and obligations of the head of the organization in the field of labor relations are determined by this Code, laws and other regulatory legal acts, the constituent documents of the organization, and the employment contract.

Article 323. Conclusion of an employment contract with the head of the organization

An employment contract with the head of the organization is concluded for a period established by the constituent documents of the organization or by agreement of the parties.

Laws and other regulatory legal acts, constituent documents of the organization may establish procedures prior to the conclusion of an employment contract with the head of the organization (holding a competition, election or appointment to a position, etc.).

Article **324**

The head of an organization may hold paid positions in other organizations only with the permission of the authorized body of the legal entity or the owner of the property of the organization, or a person (body) authorized by the owner.

The head of an organization cannot be a member of the bodies exercising the functions of supervision and control in this organization.

Article **325**

The head of the organization is fully liable for the actual damage caused to the organization.

In cases stipulated by laws, the head of the organization compensates the organization for losses caused by his guilty actions. In this case, the calculation of losses is carried out in accordance with the norms provided for by civil law.

Article 326. Additional grounds for terminating an employment contract with the head of an organization

In addition to the grounds provided for by this Code and other laws, an employment contract with the head of an organization may also be terminated on the following grounds:

1) in connection with the dismissal of the head of the debtor organization in accordance with the bankruptcy (insolvency) legislation;

2) in connection with the adoption by the authorized body of the legal entity or the owner of the property of the organization, or the authorized owner of the person (body) of the decision on the early termination of the employment contract;

3) on other grounds provided for by the employment contract.

Article **327**

In the event of termination of the employment contract with the head of the organization before its expiration by decision of the authorized body of the legal entity or the owner of the property of the organization, or the person (body) authorized by the owner in the absence of guilty actions (inaction) of the head, he is paid compensation for early termination of the employment contract with him in the amount determined by the employment contract, but not less than two average monthly wages.

Article 328. Early termination of an employment contract at the initiative of the head of the organization

The head of the organization has the right to terminate the employment contract ahead of schedule by notifying the employer (the owner of the organization's property or a body authorized by him) in writing no later than 1 month in advance.

Article **329**

Laws, constituent documents of the organization may apply to members of the collegial executive body of the organization who have concluded an employment contract the specifics of labor regulation established by this chapter for the head of the organization.

Laws may establish other features of the labor regulation of the heads of the organization and members of the collegial executive bodies of these organizations.

CHAPTER 27

See also: Decree of the Government of the Kyrgyz Republic dated March 14, 2000 No. 135 "On approval of the Regulations on the specifics of regulating the work of part-time workers"

Article 330. General provisions on part-time work

Part-time employment is the performance by an employee of another regular paid job on the terms of an employment contract in his free time from his main job.

The conclusion of employment contracts for part-time work is allowed with an unlimited number of employers, unless otherwise provided by law.

Part-time work can be performed by an employee both at the place of his main job and in other organizations.

The employment contract must indicate that the work is part-time.

It is not allowed to work part-time for persons under the age of 18, in hard work, work with harmful or dangerous working conditions, if the main work is associated with the same conditions, as well as in other cases established by laws.

Article **331**

When hiring a part-time job in another organization, the employee is obliged to present the employer with a passport or other identification document. When hiring a job that requires special knowledge, the employer has the right to require the employee to present a diploma or other document on education or training or a duly certified copy thereof, and when hiring for hard work, work with harmful or dangerous working conditions - a certificate of the nature and conditions labor at the main place of work.

Article 332

The working time set by the employer for persons working part-time may not exceed 4 hours a day and 20 hours a week.

Article **333**

Remuneration for the labor of persons working part-time is made in proportion to the hours worked, depending on the output or on other conditions determined by the employment contract.

When establishing persons working part-time with time wages, standardized tasks, payment is made according to the final results for the amount of work actually performed.

Persons working part-time in areas where regional wage coefficients and bonuses to the official salary for length of service in high altitude conditions are established are paid based on these coefficients and bonuses.

Article **334**

Persons working part-time are granted annual paid leave simultaneously with leave for their main job. If the employee has not worked for eleven months at a part-time job, then leave is granted in advance.

If at a part-time job the duration of the annual paid leave of the employee is less than the duration of the leave at the main place of work, the employer, at the request of the employee, grants him leave without pay for the corresponding duration.

Article 335. Guarantees and compensations for persons working part-time

Guarantees and compensations provided for persons combining work with education, as well as for persons working in high-mountainous regions and remote and hard-to-reach areas, are provided to employees only at their main place of work, with the exception of regional wage coefficients and bonuses to the official salary for length of service work in high altitude conditions.

Other guarantees and compensations provided for by this Code, laws, other regulatory legal acts, collective agreements, agreements, local acts of organizations are provided to persons working part-time in full.

Article **336**

In addition to the grounds provided for by this Code and other laws, an employment contract with a person working part-time may be terminated if an employee is hired for whom this work will be the main one.

CHAPTER 28

Article 337. Conclusion of an employment contract for a period of up to two months

When hiring for a period of up to 2 months, a test is not established for employees.

Article **338**

Employees who have concluded an employment contract for a period of up to 2 months may be involved within this period, with their written consent, to work on weekends and non-working holidays.

Work on weekends and non-working holidays is compensated in cash, but not less than double the amount.

Article 339. Paid holidays

Employees who have concluded an employment contract for a period of up to 2 months are provided with paid leave at the rate of 2 working days per month of work.

Article 340. Termination of an employment contract

An employee who has concluded an employment contract for a period of up to 2 months is obliged to notify the employer in writing of early termination of the employment contract 3 calendar days in advance.

The employer is obliged to notify the employee, who has concluded an employment contract for up to 2 months, of the upcoming dismissal due to the liquidation of the organization, reduction in the number or staff of employees in writing against receipt at least 3 calendar days in advance.

An employee who has concluded an employment contract for a period of up to 2 months is not paid severance pay upon dismissal, unless otherwise provided by this Code, other laws, a collective agreement or an employment contract.

CHAPTER 29

Article 341. Seasonal work

Seasonal work is recognized as work that, due to climatic and other natural conditions, is performed during a certain period (season) not exceeding six months.

Lists of seasonal work are approved by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated November 1, 2001 No. 679 "On Approval of the List of Seasonal Works"

Article **342**

The condition of the seasonal nature of the work must be specified in the employment contract.

When hiring workers for seasonal work, the probation may not exceed 2 weeks.

Article 343. Paid holidays for employees engaged in seasonal work

Employees engaged in seasonal work are provided with paid leave at the rate of 2 calendar days for each month of work.

Article 344. Termination of an employment contract with employees engaged in seasonal work

An employee engaged in seasonal work is obliged to notify the employer in writing of the early termination of the employment contract 3 calendar days in advance.

The employer is obliged to notify the employee engaged in seasonal work of the upcoming dismissal in connection with the liquidation of the organization, reduction in the number or staff in writing against receipt at least 7 calendar days in advance.

Upon termination of an employment contract with an employee engaged in seasonal work in connection with the liquidation of the organization, reduction in the number or staff, severance pay is paid in the amount of two weeks of average earnings.

CHAPTER 30

Article **345**

The shift method is a special form of carrying out the labor process outside the place of permanent residence of workers, when their daily return to the place of permanent residence cannot be ensured.

The shift method is used when the place of work is located at a significant distance from the employer's location, when it is impossible to perform work by the usual method, as well as in order to reduce the time for construction, repair, reconstruction and operation of industrial, social and other facilities in uninhabited, remote areas or areas with special natural conditions.

Employees involved in work on a rotational basis, during their stay at the work site, live in shift camps specially created by the employer, which are a complex of buildings and structures designed to ensure the vital activity of these workers during the period of their work and inter-shift rest.

The conditions for organizing work on a rotational basis are established by this Code and regulatory legal acts of the Government of the Kyrgyz Republic.

See: Regulations on the procedure and conditions for paying bonuses for work on a rotational basis (approved by the Decree of the Government of the Kyrgyz Republic dated March 18, 1999 No. 154)

Article 346. Restrictions on work on a rotational basis

Employees under the age of 18, pregnant women, as well as persons with medical contraindications for performing work on a rotational basis cannot be involved in work performed on a rotational basis.

Article 347. Watch duration

The shift is considered to be the total period, including the time of work at the facility and the time between shifts of rest in the shift camp. The duration of the shift should not exceed 1 month.

In exceptional cases, at certain facilities, the employer, in agreement with the representative body of the employees of the organization, the duration of the shift can be increased to three months, and for work performed at facilities located at an altitude of more than 2000 meters above sea level, an additional agreement is required with the relevant state health authority and authorized state body in the field of supervision and control over compliance with labor legislation .

Article 348. Accounting for working time when working on a rotational basis

With the rotational method of work, a summarized accounting of working time is established for a month, quarter or other longer period, but not more than 1 year.

The accounting period covers all working time, travel time from the location of the organization or from the collection point to the place of work and back, as well as rest time falling on this calendar period of time. At the same time, the total duration of working hours for the accounting period should not exceed the normal number of working hours established by this Code.

The employer is obliged to keep records of working time and rest time for each employee by months and for the entire accounting period.

Article **349**

Working time and rest time within the accounting period are regulated by the shift work schedule, which is approved by the employer in agreement with the representative body of the employees of the organization and brought to the attention of employees no later than 2 months before its entry into force.

The schedule provides for the time required for the delivery of workers to the shift and back. Days spent on the way to the place of work and back are not included in working hours and may fall on the days of rest between shifts.

Overtime working hours within the shift work schedule can be accumulated during the calendar year and summed up to whole days with the subsequent provision of additional days of rest.

Rest days in connection with work outside the normal working hours within the accounting period (shift work schedule) are paid in the amount of the tariff rate (salary), unless otherwise provided by the employment contract or collective agreement.

Article 350. Guarantees and compensations for persons working on a rotational basis

Employees performing work on a rotational basis, for each calendar day of stay in the places of work during the period of rotation, as well as for the actual days spent on the road from the employer's location (collection point) to the place of work and back, are paid instead of per diem allowance for a rotational work method in the amounts established in the manner determined by the Government of the Kyrgyz Republic.

See: Regulations on the procedure and conditions for paying bonuses for work on a rotational basis (approved by the Decree of the Government of the Kyrgyz Republic dated March 18, 1999 No. 154)

Employees traveling to work on a rotational basis in high-mountainous regions and remote and hard-to-reach areas from other regions of the republic are provided with the following guarantees and compensations:

1) a regional coefficient of wages is established and percentage bonuses are paid to the official salary for the length of service in high altitude conditions in the manner and in the amount provided for persons permanently working in high mountainous regions and remote and hard-to-reach areas;

2) annual additional paid leave:

a) when working at an altitude above sea level: from 2000 to 3000 meters - 12 calendar days; from 3001 to 4000 meters - 24 calendar days; from 4001 meters and above - 36 calendar days;

b) when working in remote and hard-to-reach areas - 12 calendar days.

The length of service that gives the right to receive benefits and compensations includes calendar days of work in high-mountainous regions and remote and hard-to-reach areas and the actual days spent on the road, provided for by shift schedules.

Employees traveling to perform work on a rotational basis in areas where district wage coefficients are applied, these coefficients are calculated in accordance with the laws and other regulatory legal acts of the Kyrgyz Republic.

For days on the road from the location of the employer (collection point) to the place of work and back, provided for by the shift work schedule, as well as for days of delay of employees on the way due to meteorological conditions and the fault of transport organizations, the employee is paid a daily tariff rate (salary).

CHAPTER 31

Article **351**

When concluding an employment contract with an employer - an individual, the employee undertakes to perform any work not prohibited by the legislation of the Kyrgyz Republic, specified by this contract.

A written employment contract must include all the conditions that are essential for the employee and the employer.

The employer - an individual is obliged:

draw up in writing an employment contract with an employee in accordance with the requirements of this Code;

pay insurance premiums and other obligatory payments in the manner and in the amount determined by the legislation of the Kyrgyz Republic;

draw up certificates of social protection of state pension insurance for persons entering work for the first time.

Article 352. Term of an employment contract

By agreement of the parties, an employment contract between an employee and an employer - an individual can be concluded both for an indefinite and for a fixed period.

Article 353. Regimes of work and rest

The mode of operation, the procedure for granting days off and annual paid holidays are determined by agreement between the employee and the employer - an individual. At the same time, the duration of the working week cannot be longer, and the duration of the annual paid leave less than established by this Code.

Article 354

An employer - an individual shall notify the employee in writing about a change in the essential conditions stipulated by the employment contract at least 7 calendar days in advance.

Article 355. Termination of an employment contract

In addition to the grounds provided for by this Code, an employment contract with an employee working for an employer - an individual may be terminated on the grounds provided for by the employment contract.

The terms of the notice of dismissal, as well as the cases and amounts of severance pay and other compensation payments paid upon termination of the employment contract, are determined by the employment contract.

Article 356. Resolution of individual labor disputes

Individual labor disputes that are not settled by the employee and the employer - an individual independently, are considered in court.

Article 357. Documents confirming work for employers - individuals

A document confirming the time of work with an employer - an individual, is a written employment contract or an entry in the work book.

The employer - an individual registered as an individual entrepreneur, having a seal, has the right to make entries in the work books of employees, as well as draw up work books for employees hired for the first time.

CHAPTER 32

Article 358. Home workers

Homeworkers are persons who have concluded an employment contract for the performance of work at home from materials and using tools and mechanisms allocated by the employer or purchased by the homeworker at his own expense.

If a homeworker uses his tools and mechanisms, he is paid compensation for their wear and tear (amortization). Payment of such compensation, as well as reimbursement of other expenses associated with the performance of work at home, are made in the manner determined by the employment contract.

The procedure and terms for providing homeworkers with raw materials, materials and semi-finished products, settlements for manufactured products, reimbursement of the cost of materials belonging to homeworkers, the procedure and terms for exporting finished products are determined by the employment contract.

Persons who have concluded an employment contract for the performance of work at home are subject to labor legislation with the specifics established by this Code.

Article 359. Conditions under which home work is allowed

Work received by a homeworker cannot be contraindicated for health reasons and must be performed in conditions that meet the requirements of labor protection.

Article 360. Termination of an employment contract with homeworkers

Termination of an employment contract with homeworkers is carried out on the grounds provided for by this Code and the employment contract.

Chapter 32-1. Features of regulation of labor of workers performing remote work

Article 360-1. remote work

Remote work is the performance of a labor function determined by an employment contract outside the location of the employer, provided that information and telecommunication technologies are used to perform this labor function and interact between the employer and the employee on issues related to its implementation.

Employees performing remote work are subject to labor legislation and other regulatory legal acts, taking into account the specifics established by this chapter.

The working conditions between the employer and the employee performing remote work are determined by the employment contract.

Article 360-2. Features of concluding an employment contract with an employee performing remote work

The conclusion of an employment contract with an employee performing remote work is allowed both in the personal presence of the employee himself, and in the form of an electronic labor contract.

The place of conclusion of the employment contract is the location of the employer. The employment contract must indicate that the work is remote.

An employment contract may provide for additional conditions on the obligations of an employee performing remote work, the use of equipment, informatization objects, provided or recommended by the employer, in the performance of labor duties.

The procedure and terms for providing employees performing remote work with the equipment, informatization objects and other means necessary for the performance of their labor duties, the procedure and terms for submitting reports on the work performed by them, the amount, procedure and terms for paying compensation for the use by these employees of their own equipment, informatization objects , as well as other costs associated with the implementation of remote work, are determined by the employment contract.

The methods and frequency of interaction between an employee performing remote work and the employer are determined by the employment contract.

Article 360-3. Occupational safety of an employee performing remote work

In order to ensure safe conditions and labor protection for an employee performing remote work, the employer ensures that the employee is familiarized with the labor protection requirements when working with equipment and means provided or recommended by the employer.

Other obligations of the employer to ensure safe conditions and labor protection may be provided for by the employment contract.

Article 360-4. The mode of working hours and rest time of an employee performing remote work

Employees performing remote work are subject to the norms of working hours and rest time established by this Code.

Accounting for working time and rest time of an employee performing remote work is determined by agreement of the parties in an employment contract.

The procedure for providing an employee performing remote work with annual paid leave and other types of leave is determined by the employment contract in accordance with this Code and legislation in the field of state civil service and municipal service.

Article 360-5. Temporary transfer of an employee to remote work at the initiative of the employer in exceptional cases

During the introduction of a state of emergency or martial law, the declaration of an emergency, or the introduction of other restrictive measures, the employee may be temporarily transferred at the initiative of the employer to remote work until the above cases are canceled.

At the end of the term for such a transfer (but no later than the day when the circumstance (case) that served as the basis for the employer to make a decision to temporarily transfer the employee to remote work) ceases, the employer is obliged to provide the employee with the previous job provided for by the employment contract, and the employee is obliged to begin its implementation.

CHAPTER 33

Article **361**

State guarantees and compensations for persons working in mountainous areas and remote and hard-to-reach areas are established by this Code, other laws and regulatory legal acts.

Additional guarantees and compensations to these persons may be established by collective agreements and agreements, based on the financial capabilities of employers.

Article **362**

The procedure for establishing and calculating the length of service required to receive guarantees and compensations is determined by the Government of the Kyrgyz Republic in accordance with the legislation of the Kyrgyz Republic.

Article 363. Payment for labor

Remuneration of labor in high-mountainous regions and remote and hard-to-reach areas is carried out using regional coefficients for wages and percentage bonuses to official salaries.

Article **364**

The size of the district coefficient to wages and the procedure for its payment are established by the Government of the Kyrgyz Republic.

Article 365. Percentage bonus to official salaries

Persons working in high-mountainous regions and remote and hard-to-reach areas are paid a percentage bonus to official salaries for the length of service in these regions or localities. The amount of the percentage bonus to official salaries and the procedure for its payment are established by the Government of the Kyrgyz Republic.

Article **366**

Persons dismissed from organizations located in high-mountainous regions and remote and hard-to-reach areas, due to the liquidation of the organization or the reduction in the number or staff of employees, are kept for the period of employment, but not more than four months, the average salary, taking into account severance pay.

The payment of severance pay and retained average wages is made by the employer at the former place of work at the expense of the employer.

Article 367. Shortened working week

For women working in mountainous areas and remote and hard-to-reach areas, a 36-hour week may be established by a collective agreement or labor contract, if a shorter working week is not provided for them by law. At the same time, wages are paid in the same amount as for a full-time work week.

The procedure for establishing a shortened working week is determined in a collective agreement or an employment contract.

Article 368. Annual additional paid leave

In addition to the annual basic paid leave established by law and additional paid holidays provided on a general basis to persons working in high-mountainous regions and remote and hard-to-reach areas, annual additional paid leave is provided:

- when working at an altitude above sea level: from 2000 to 3000 meters - 12 calendar days; from 3001 to 4000 meters - 24 calendar days; from 4001 meters and above - 36 calendar days;
- when working in remote and hard-to-reach areas - 12 calendar days.

The total duration of annual leave for part-time workers is established on a general basis.

When regulating the provision of annual additional paid leave by several regulatory legal acts, the regulatory legal act that establishes more favorable conditions for employees is applied.

Article **369**

Annual additional paid leave, established by Article 368 of this Code, is granted to employees after eleven months of work for this employer.

The total duration of the annual paid leave is determined by summing up the annual basic and all additional annual paid holidays.

Full or partial combination of annual paid holidays for persons working in high-mountainous regions and remote and hard-to-reach areas is allowed no more than 2 years in advance. At the same time, the total duration of the leave granted should not exceed six months, including the time of leave without pay required for travel to the place of use of the leave and back.

The unused part of the annual paid leave, exceeding 6 months, is added to the next annual paid leave for the next year.

At the request of one of the working parents (guardian, custodian), the employer is obliged to provide annual paid leave or part of it (at least 14 calendar days) to accompany a child under the age of 18 entering educational institutions of secondary or higher vocational education located in another locality . If there are two or more children, leave for the specified purpose is granted once for each child.

Article 370. Guarantees of medical care

For persons working in high-mountainous regions and remote and hard-to-reach areas, a collective agreement may provide for the payment of the cost of travel within the territory of the republic for medical consultations or treatment if there is an appropriate medical certificate, if appropriate consultations cannot be provided at the place of residence.

Article **371**

The conclusion of an employment contract with persons who have arrived in high-mountainous regions and remote and hard-to-reach areas is allowed if they have a medical certificate confirming that there are no contraindications for working and living in these regions and localities.

Article 372. Compensation for expenses related to moving

Persons who have concluded an employment contract for work in organizations located in high-mountainous regions and remote and hard-to-reach areas, and who arrived in accordance with these contracts from other regions of the republic, are guaranteed the following compensations:

a one-time allowance in the amount of 2 official salaries (rates) and a one-time allowance for each family member arriving with him, in the amount of half the official salary (rate) of the employee;

payment of the cost of travel of an employee and members of his family in the territory of the Kyrgyz Republic at actual expenses and transportation of luggage not more than 3 tons per family at actual expenses, but not more than the tariffs provided for transportation by rail;

paid leave of 7 calendar days for training and settling in a new place.

The right to pay the cost of travel and baggage transportation of family members is retained for a year from the date the employee concludes an employment contract in this organization in the indicated areas and localities.

An employee and members of his family in the event of moving to a new place of residence in another locality due to termination of an employment contract for any reason (including in the event of the death of an employee), with the exception of dismissal for guilty actions, are paid the cost of travel at actual expenses and baggage not more than 3 tons per family according to actual expenses, but not more than the tariffs provided for transportation by rail.

Guarantees and compensations provided for by this article are provided only at the main place of work.

Article 373. Other guarantees and compensations

Guarantees and compensations for persons working in high-mountainous regions and remote and hard-to-reach areas, in the field of social insurance, pension provision, housing legal relations and others, are established by the relevant laws and other regulatory legal acts of the Kyrgyz Republic.

CHAPTER 34

Article 374. Employment directly related to the movement of vehicles

Employees hired for work directly related to the movement of vehicles must undergo professional selection in the manner determined by the state body in the field of the relevant mode of transport, as well as have the appropriate training and health condition necessary for the performance of labor duties.

An employee is hired to work directly related to the movement of vehicles only after a mandatory preliminary medical examination in accordance with the procedure established by state bodies in the field of healthcare and in the field of the corresponding type of transport.

Article 375

Employees whose work is directly related to the movement of vehicles are not allowed to work outside the length of working hours established for them by profession or position directly related to the movement of vehicles, as well as work with harmful and (or) dangerous working conditions.

The list of professions (positions) and jobs directly related to the movement of vehicles is approved in the manner established by the Government of the Kyrgyz Republic.

Features of the regime of working time and rest time, working conditions of certain categories of workers, whose work is directly related to the movement of vehicles, are established by the state body in the field of the corresponding type of transport. These features cannot worsen the position of employees in comparison with those established by this Code.

See Order of the Ministry of Transport and Communications of the Kyrgyz Republic dated September 2, 2005 No. 254 "On Approval of the Rules on the Peculiarities of Working Hours and Rest Time for Car Drivers"

Article **376**

The discipline of employees whose work is directly related to the movement of vehicles is regulated by this Code and the regulations (charters) on discipline approved by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated July 19, 2006 No. 526 "On Approval of the Disciplinary Charter of Civil Aviation Workers of the Kyrgyz Republic"

CHAPTER 35

Article **377**

Persons with an educational qualification, which is determined in the manner established by the model regulations on educational organizations of the relevant types and types, approved by the Government of the Kyrgyz Republic, are allowed to teach.

Persons to whom this activity is prohibited by a court verdict or for medical reasons, as well as persons who have been convicted for certain types of crimes, are not allowed to teach in educational organizations. Lists of relevant medical contraindications and types of crimes are established by the Government of the Kyrgyz Republic.

Article **378**

The replacement of all positions of scientific and pedagogical workers in a higher educational institution is carried out under an employment contract concluded for a period of up to 5 years.

When filling positions of scientific and pedagogical workers in higher educational institutions, with the exception of the dean of the faculty and the head of the department, the conclusion of an employment contract is preceded by a competitive selection. The regulation on the procedure for filling these positions is approved by the Government of the Kyrgyz Republic.

The positions of the dean of the faculty, the head of the department of a higher educational institution are elective. The procedure for elections to these positions is determined by the statutes of higher educational institutions.

In state and municipal higher educational institutions, the positions of rectors, vice-rectors, heads of branches (institutions) are filled by persons under the age of 65, regardless of the time of conclusion of employment contracts. Persons holding these positions and having reached this age are transferred, with their consent, to other positions corresponding to their qualifications. Heads of state higher educational institutions are appointed and dismissed in the manner and in cases established by the legislation on education.

Vice-rectors are hired under a fixed-term employment contract. The expiration date of a fixed-term employment contract concluded by the vice-rector with a higher educational institution coincides with the expiration date of the rector's powers.

On the proposal of the academic council of a higher educational institution, the founder (founders) has the right to extend the term of office of the rector until he reaches the age of 70 years.

On the proposal of the academic council of a higher educational institution, the rector has the right to extend the term of office of vice-rector, dean of the faculty, head of the branch (institute) until they reach the age of 70 years.

Article 379

For teaching staff of educational organizations, a reduced working time of no more than 36 hours per week is established.

The teaching load of a pedagogical worker of an educational organization, stipulated in an employment contract, may be limited by the upper limit in cases provided for by the model regulation on an educational organization of the appropriate type and type, approved by the Government of the Kyrgyz Republic.

Depending on the position and (or) specialty, for pedagogical workers of educational organizations, taking into account the characteristics of their work, the duration of working hours (norms of hours of pedagogical work for the wage rate) is determined by the Government of the Kyrgyz Republic. Pedagogical workers are allowed to work part-time, including in a similar position, specialty.

See: Decree of the Government of the Kyrgyz Republic dated August 1, 2006 No. 549 "On establishing the length of working hours (standard hours of pedagogical work for the wage rate) of pedagogical workers of educational organizations";
Decree of the Government of the Kyrgyz Republic dated December 31, 2008 No. 749 "On the duration of working hours of teaching staff of educational organizations for the improvement of the qualifications of teaching staff"

Article 380. Annual basic extended paid leave

The teaching staff of an educational organization is provided with an annual basic extended leave after the end of the academic year, the duration of which is determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated April 25, 2006 No. 295 "On the duration of the annual basic extended leave provided to teachers of educational organizations"

Article 381. Additional grounds for terminating an employment contract with a teacher

In addition to the grounds provided for by this Code and other laws, an employment contract with a teacher of an educational organization may be terminated in the following cases:

1) repeated within 1 year of gross violation of the charter of the educational organization;

2) application, including one-time, methods of education associated with physical and (or) mental violence against the personality of the student, pupil;

3) achievement by the rector, vice-rector, dean of the faculty, head of the branch (institute), state or municipal educational organization of higher professional education of the age of 65 years.

CHAPTER 36. FEATURES OF LABOR REGULATION OF EMPLOYEES OF THE DIPLOMATIC SERVICE OF THE KYRGYZ REPUBLIC

Article 382. Regulation of labor relations of employees of the diplomatic service of the Kyrgyz Republic

Labor relations of employees of the diplomatic service of the Kyrgyz Republic are regulated in accordance with this Code, as well as other regulatory legal acts of the Kyrgyz Republic, taking into account the specifics established by the Law of the Kyrgyz Republic "On the diplomatic service of the Kyrgyz Republic".

Labor legislation and other normative legal acts of the Kyrgyz Republic apply to the bodies of the diplomatic service and their employees only to the extent that this is not regulated by a special law.

Article **383**

Citizens of the Kyrgyz Republic who do not have citizenship of a foreign state and are not subject to appointment by the President of the Kyrgyz Republic or the Prime Minister of the Kyrgyz Republic are appointed to diplomatic, consular and administrative public positions in the diplomatic service of the Kyrgyz Republic by the head of the authorized state body in the field of foreign affairs.

When an employee of the diplomatic service of the Kyrgyz Republic is sent to the S/As, he is relieved of his position in the authorized state body in the field of foreign affairs, the body attached to it or its representative office in the administrative-territorial units of the Kyrgyz Republic and is appointed to a position in the body of the diplomatic service located abroad.

At the end of the term of the S/A, an employee of the diplomatic service of the Kyrgyz Republic is appointed to a position not lower than that which he held in the authorized state body in the field of foreign affairs, the body under it or its representative office in the territorial units of the Kyrgyz Republic before leaving.

In the absence of an appropriate vacancy, an employee of the diplomatic service of the Kyrgyz Republic may be appointed to a position lower than the position held before departure, but not lower than one step, and only with the consent of the employee.

The provisions of this article do not apply to employees of the diplomatic service of the Kyrgyz Republic appointed by the President of the Kyrgyz Republic or the Prime Minister of the Kyrgyz Republic.

Article **384**

The working conditions of employees of the diplomatic service of the Kyrgyz Republic sent to S/As cannot be worse than it is established by this Code.

Article 385

Article **386**

In addition to the grounds provided for by this Code and other legislative acts, an employee of the diplomatic service of the Kyrgyz Republic sent to the S/As may be recalled from the S/As in the following cases:

1) the occurrence of an emergency in the host country;

2) declaring an employee persona non grata or receiving a notification from the local competent authorities about his unacceptability in the host country;

3) non-compliance by the employee with the customs and laws of the host country, as well as generally accepted norms of behavior and morality;

4) non-observance by family members of the employee of the laws of the host country, generally accepted norms of behavior and morality, as well as the rules of residence in force on the territory of the relevant body of the diplomatic service of the Kyrgyz Republic abroad;

5) a single gross violation of labor duties, as well as regime requirements with which the employee was familiarized;

6) temporary disability lasting more than 2 months or in the presence of a disease that prevents work abroad, in accordance with the list of diseases approved in the manner established by the Government of the Kyrgyz Republic.

When recalling employees of the diplomatic service of the Kyrgyz Republic from the S/A on one of the grounds provided for in part one of this article, dismissal of employees who did not hold a position in the authorized state body in the field of foreign affairs, the body under it or its representative office in the territorial units of the Kyrgyz Republic before leaving for the S/A , is carried out under paragraph 2 of Article 79 of this Code.

CHAPTER 37

Article 387. Parties to an employment contract in a religious organization

The employer is a religious organization registered in accordance with the procedure established by law and has concluded an employment contract with the employee in writing.

An employee is a person who has reached the age of 18, who has entered into an employment contract with a religious organization, who personally performs certain work and is subject to the internal regulations of a religious organization.

Article 388. Internal regulations of a religious organization

The rights and obligations of the parties to the employment contract are determined in the employment contract, taking into account the specifics established by the internal regulations of the religious organization, which should not contradict the Constitution of the Kyrgyz Republic, this Code and other laws.

Article **389**

An employment contract between an employee and a religious organization may be concluded both for a fixed period and for an indefinite period.

When concluding an employment contract, the employee undertakes to perform any work not prohibited by law, specified in this contract.

In accordance with this Code and the internal regulations of the religious organization, the employment contract shall include conditions that are essential for the employee and for the religious organization as an employer.

If it is necessary to change the essential terms of the employment contract, the religious organization is obliged to notify the employee in writing at least 7 calendar days before their introduction.

Article 390. Working hours of persons working in religious organizations

The working time regime of persons working in religious organizations is determined taking into account the normal length of working time established by this Code, based on the regime for performing rituals or other activities of a religious organization determined by its internal regulations.

Article 391. Liability of employees of religious organizations

An agreement on full material liability may be concluded with an employee of a religious organization in accordance with the list determined by the internal regulations of the religious organization.

Article 392. Termination of an employment contract with an employee of a religious organization

In addition to the grounds provided for by this Code, an employment contract with an employee of a religious organization may be terminated on the grounds provided for by the employment contract.

The terms for notifying an employee of a religious organization about dismissal on the grounds provided for by the employment contract, as well as the procedure and conditions for

providing guarantees and compensations to these employees related to such dismissal, are determined by the employment contract.

Article 393. Consideration of individual labor disputes of employees of religious organizations

Individual labor disputes that are not settled independently by the employee and the religious organization as an employer are considered in court.

CHAPTER 38

Article **394**

In the event of bankruptcy carried out in the form of restructuring, rehabilitation, rehabilitation, settlement agreement and conservation, labor relations with employees do not terminate, except in cases where, as a result of this process, there is a reduction in staff or their number.

During this period, the employer (special administrator, external manager) has the right to renegotiate or terminate the employment contract with employees performing general managerial functions (supervisor, his deputies, chief accountant).

If, as a result of restructuring, a new legal entity was formed, to which the assets of the liquidated organization were transferred, the employer must transfer or dismiss employees in accordance with this Code.

Termination of labor relations with all employees is carried out if the organization is liquidated in the process of bankruptcy.

Calculation and payment of compensations are made in accordance with this Code.

CHAPTER 39

Article 395

Employees who have concluded an employment contract for work in military units, institutions, military educational institutions, other organizations of the Armed Forces and executive authorities, where the legislation of the Kyrgyz Republic provides for military service, are subject to labor legislation with the features provided for by laws and other regulatory legal acts of the Kyrgyz Republic. Republic.

In accordance with the tasks of the bodies, institutions and organizations specified in the first part of this article, special conditions for remuneration, as well as additional benefits and advantages, are established for employees.

Article **396**

For medical workers, a reduced working time of no more than 39 hours per week is established. Depending on the position and (or) specialty, the duration of working hours for medical workers is determined by the Government of the Kyrgyz Republic.

See: Decree of the Government of the Kyrgyz Republic dated February 8, 2008 No. 39 "On approval of the List of categories of workers with a special nature of work and the duration of their working hours"

Article 397

Creative workers of the media, cinematography organizations, theaters, theater and concert organizations, circuses and other persons involved in the creation and (or) performance of works, professional athletes are subject to labor legislation with the specifics provided for by laws and other regulatory legal acts.

The main form of labor relations with creative workers, managers and specialists of state and municipal organizations in the field of culture and art is an employment contract.

A fixed-term employment contract is concluded with employees of retirement age of state cultural organizations in accordance with Article 55 of this Code.

SECTION IX. PROTECTION OF LABOR RIGHTS OF WORKERS. RESOLUTION OF LABOR DISPUTES. RESPONSIBILITY FOR VIOLATION OF LABOR LAWS

CHAPTER 40. GENERAL PROVISIONS

Article 398. Ways to protect the labor rights of employees

The main ways to protect labor rights and legitimate interests of employees are:
- state supervision and control over compliance with labor legislation;
- protection of the labor rights of workers by trade unions and other representative bodies;
- self-defense of labor rights by employees.

CHAPTER 41. STATE SUPERVISION AND CONTROL OVER COMPLIANCE WITH LAWS AND OTHER NORMATIVE LEGAL ACTS ON LABOR

Article **399**

State supervision and control over compliance with laws and other regulatory legal acts on labor in all organizations on the territory of the Kyrgyz Republic is carried out by the authorized state body in the field of supervision and control over compliance with labor legislation in the manner determined by the Government of the Kyrgyz Republic.

Part two is no longer valid.

State supervision over the precise and uniform implementation of laws and other normative legal acts on labor is carried out by the Prosecutor General of the Kyrgyz Republic and prosecutors subordinate to him in accordance with the law.

Article **400** _

Authorized state bodies in the field of supervision and control over compliance with labor legislation carry out their activities in cooperation with executive authorities, local governments, other state supervisory and control bodies, prosecutors, associations of trade unions and employers, and other organizations.

Coordination of the activities of the bodies of state supervision and control and public control on compliance with laws and other regulatory legal acts on labor and labor protection is carried out by the authorized state body in the field of supervision and control over compliance with labor legislation .

Article 401

Article **402**

State inspectors in the field of supervision and control over compliance with labor legislation (legal, labor protection) in the exercise of supervisory and control activities have the right to:

- upon presentation of an official certificate of the established form and the corresponding direction, visit organizations of all organizational and legal forms and forms of ownership for the purpose of conducting an inspection;
- request and receive free of charge from employers and their representatives, executive authorities and local self-government documents, explanations, information necessary to perform supervisory and control functions;
- investigate accidents at work in the prescribed manner;
- present to the heads of organizations and their representatives binding orders to eliminate violations of laws and other regulatory legal acts on labor, to bring those responsible for these violations to disciplinary liability or to remove them from office in the prescribed manner;
- suspend the work of organizations, individual production units and equipment in case of violations of labor protection requirements that pose a threat to the life and health of workers, until these violations are eliminated;
- to send to the courts, in the presence of the conclusions of the state expertise on violations of working conditions, the requirements for the liquidation of organizations or the termination of the activities of their structural divisions due to violation of labor protection requirements;
- remove from work persons who have not undergone training in safe methods and techniques for performing work, briefing on labor protection, internships at workplaces and testing knowledge of labor protection requirements in the prescribed manner;
- prohibit the use and production of personal and collective protective equipment for workers that do not have certificates of conformity or do not meet the requirements of labor protection;
- bring to administrative responsibility in the manner prescribed by the legislation of the Kyrgyz Republic, persons guilty of violating laws and other regulatory legal acts on labor, if necessary, invite them to the labor inspectorate in connection with cases and materials in progress, and also refer them to law enforcement agencies materials on bringing these persons to criminal responsibility, to file claims in court;
- to act as experts in court on claims for violation of laws and other regulatory legal acts on labor, on compensation for harm caused to the health of workers at work.

Article **403** _

State inspectors in the field of supervision and control over compliance with labor legislation in the implementation of supervisory and control activities are required to comply with the Constitution of the Kyrgyz Republic, laws and other regulatory legal acts on labor, as well as regulatory legal acts regulating the activities of bodies and officials of authorized state bodies in the field of supervision and monitoring compliance with labor laws .

State inspectors in the field of supervision and control over compliance with labor legislation are obliged to keep state, official, commercial and other secrets protected by law, obtained in the exercise of their powers, and after leaving their positions, to consider absolutely confidential the source of any complaint about shortcomings or violations of the provisions of laws and other normative legal acts on labor, to refrain from informing the employer of information about the applicant, if the verification is carried out in connection with his appeal, and the applicant objects to informing the employer about the source of the complaint.

The procedure for conducting inspections by officials of the authorized state body in the field of supervision and control over compliance with labor legislation is determined by the conventions of the International Labor Organization on labor inspection issues ratified by the Kyrgyz Republic, this Code, laws and other regulatory legal acts.

Article 404. Procedure for inspecting organizations

State inspectors in the field of supervision and control over compliance with labor legislation in order to exercise state supervision and control over compliance with laws and other regulatory legal acts on labor inspect any organization throughout the territory of the Kyrgyz Republic, regardless of their organizational and legal forms.

During the inspection, the state inspector in the field of supervision and control over compliance with labor legislation is obliged to notify the employer or his representative of his presence, unless he considers that such notification may harm the effectiveness of control.

Organizations of the Armed Forces, border service, security agencies, internal affairs, other law enforcement agencies, correctional institutions, the defense industry in relation to the regulation of the labor of workers with whom labor contracts have been concluded are subject to inspections with a special procedure for conducting them, which provides for:

- access only for state inspectors in the field of supervision and control over compliance with labor legislation , who received the appropriate permit in advance;
- carrying out inspections at the appointed time;
- restriction on inspections during maneuvers or exercises, declared periods of tension, military operations.

A special procedure for conducting inspections is established by laws and other regulatory legal acts.

Article **405** _

Decisions of state inspectors in the field of supervision and control over compliance with labor legislation may be appealed to the relevant head of subordination, the chief state inspector in the field of supervision and control over compliance with labor legislation of the Kyrgyz Republic and (or) in court. Decisions of the chief state inspector in the field of supervision and control over compliance with the labor legislation of the Kyrgyz Republic may be appealed in court.

Article 406. Liability for violation of laws and other normative legal acts containing labor law norms

Heads and other officials of organizations guilty of violating laws and other normative legal acts containing labor law norms are liable in cases and in the manner established by the legislation of the Kyrgyz Republic.

Article **407** _

Persons who impede the implementation of state supervision and control over compliance with laws and other regulatory legal acts on labor, do not comply with the instructions presented to them, use threats of violence or violent actions against state inspectors in the field of supervision and control over compliance with labor legislation, members of their families and their property, bear responsibility established by the legislation of the Kyrgyz Republic.

Article **408** _

For unlawful actions or inaction, state inspectors in the field of supervision and control over compliance with labor legislation bear responsibility established by the legislation of the Kyrgyz Republic.

Article **409**

Public control over compliance with labor legislation, other normative legal acts containing labor law norms, collective agreements is carried out by trade unions, whose interests they represent.

Trade unions exercise control over the observance of labor legislation. To carry out this function, legal and technical labor inspectorates of trade unions are created, the powers of which are defined in the relevant laws and regulations on trade unions.

Article 410

Obstruction in any form of lawful activity of employees' representatives is prohibited.

CHAPTER 42. INDIVIDUAL LABOR DISPUTES

Article 411. Individual labor disputes

Unresolved disagreements between the employer and the employee on the following issues are recognized as individual labor disputes:

- establishing new or changing existing working conditions for the employee;
- application of labor legislation, agreements, collective agreement, local regulations of the organization, as well as the terms of the employment contract (claim disputes).

An individual labor dispute is a dispute between an employer and a person who is (or previously was) in an employment relationship with this employer.

The employer and employee must take steps to resolve the dispute between themselves.

Article 412. Subjects for consideration and settlement of individual labor disputes

Individual labor disputes are considered by labor dispute commissions, the authorized state body in the field of supervision and control over compliance with labor laws and courts.

The employee, at his choice, may apply for the resolution of a labor dispute to a labor dispute commission or an authorized state body in the field of supervision and control over compliance with labor legislation, or directly to the court.

In cases where a labor dispute commission has not been established in an organization, a labor dispute is subject to consideration directly by the authorized state body in the field of supervision and control over compliance with labor legislation or in court.

The settlement of a labor dispute can also be carried out through the use of the mediation procedure in the manner prescribed by the legislation in the field of mediation.

Article 413. Procedure for consideration of labor disputes

The procedure for consideration of individual labor disputes is regulated by this Code, other regulatory legal acts, and the procedure for resolving these disputes in court, in addition, is determined by the civil procedural legislation of the Kyrgyz Republic.

Features of consideration of individual labor disputes of certain categories of employees are established by the legislation of the Kyrgyz Republic.

The procedure for considering labor disputes established by this Code does not apply to employees holding elective paid positions in public organizations.

Early release of elected employees can take place only by decision of the bodies that elected them.

Article **414**

The employee has the right to apply to the bodies for the consideration of individual labor disputes for the resolution of an individual labor dispute within 3 months from the day when he learned about the violation of his right, and for disputes about dismissal - within 2 months from the date of familiarization with the dismissal order or from date of issue of the work book.

The employer has the right to apply to the court for disputes on compensation by the employee for harm caused to the organization within 1 year from the date of discovery of the harm caused.

The statute of limitations does not apply to the recovery of wages.

The terms specified in this article also apply when an employee applies to the prosecutor's office, the authorized state body in the field of supervision and control over compliance with labor laws (trade union labor inspectorate).

If, for valid reasons, the specified deadlines are missed, they can be restored, respectively, by the commission on labor disputes and the court.

Article 415. Formation of labor dispute commissions

Labor dispute commissions are formed in organizations that employ at least 10 people, at the initiative of employees and (or) the employer from an equal number of representatives of employees and the employer. Representatives of employees to the commission on labor disputes are elected by the general meeting (conference) of employees of the organization or delegated by the representative body of employees with subsequent approval at the general meeting (conference) of employees of the organization.

Representatives of the employer are appointed by the head of the organization.

By decision of the general meeting, labor dispute commissions may be formed in structural divisions of the organization. These commissions are formed and operate on the same basis as the commissions on labor disputes of the organization. The commissions on labor disputes of structural subdivisions may consider individual labor disputes within the powers of these subdivisions.

The activities of the commission on labor disputes of the organization are regulated by the regulation approved by the general meeting.

The commission on labor disputes elects from among its members a chairman, a deputy chairman and a secretary of the commission.

Article 416. Competence of labor dispute commissions

The Labor Disputes Commission is a body for the consideration of individual labor disputes arising in organizations, with the exception of disputes for which this Code and other laws establish a different procedure for their consideration.

Article **417**

The employee's application received by the commission on labor disputes is subject to mandatory registration by the said commission.

The Labor Disputes Commission is obliged to consider an individual labor dispute within 10 days from the date of submission of the application by the employee.

The dispute is considered in the presence of the employee who submitted the application or a representative authorized by him. Consideration of a dispute in the absence of an employee or his representative is allowed only upon his written application. If the employee or his representative fails to appear at the meeting of the commission, the consideration of the application is postponed. In the event of a second failure to appear without good reason, the

commission may decide to withdraw the application from consideration, which does not deprive the employee of the right to file an application for consideration of a labor dispute again within the period established by this Code.

Individual labor disputes of employees aged 14 to 16 are considered with the participation of one of the parents or guardian (custodian).

The commission on labor disputes has the right to call witnesses to the meeting, to invite specialists. At the request of the commission, the head of the organization is obliged to submit the necessary documents within the prescribed period.

A meeting of a labor dispute committee shall be deemed competent if at least half of the members representing employees and at least half of the members representing the employer are present respectively.

At a meeting of the commission on labor disputes, a protocol is kept, which is signed by the chairman or deputy chairman of the commission and certified by the seal of the commission.

Article **418**

The commission on labor disputes makes a decision by secret ballot by a simple majority of votes of the members of the commission present at the meeting.

The decision of the commission on labor disputes shall indicate:

name of the organization (subdivision), surname, name, patronymic, position, profession or specialty of the employee who applied to the commission;

dates of application to the commission and consideration of the dispute, the substance of the dispute;

surnames, names, patronymics of the members of the commission and other persons present at the meeting;

the essence of the decision and its justification (with reference to the law or other regulatory legal act);

Voting results.

Properly certified copies of the decision of the commission on labor disputes are handed over to the employee and the head of the organization within 3 days from the date of the decision.

Article 419. Execution of decisions of the labor dispute commission

The decision of the commission on labor disputes is subject to execution within 3 days after the expiration of 10 days provided for appeal.

In case of non-execution of the decision of the commission within the prescribed period, the employee is issued by the commission on labor disputes a certificate, which is an executive document. The certificate shall not be issued if the employee or the employer has filed an application for the transfer of the labor dispute to the court within the prescribed period.

Based on the certificate issued by the labor dispute commission and presented no later than 3 months from the date of its receipt, the bailiff enforces the decision of the labor dispute commission by force.

If an employee misses the established 3-month period for good reasons, the labor dispute commission that issued the certificate may restore this period.

Article **420**

If an individual labor dispute is not considered by the labor dispute commission within 10 days, the employee has the right to transfer its consideration to the court.

The decision of the commission on labor disputes may be appealed by the employee or employer to the court within 10 days from the date of delivery of copies of the decision of the commission to them.

If the deadline is missed for valid reasons, the court may restore this deadline and consider the dispute on the merits.

Article 421 Consideration of individual labor disputes in court

The courts consider individual labor disputes on the basis of applications:

1) an employee or an employer, if he does not agree with the decision of the commission for consideration of individual labor disputes or if the parties have not reached an agreement;

2) an employee who applied to the court bypassing the commission on labor disputes;

3) an employee, if the commission for the consideration of labor disputes has not considered the application within the prescribed period;

4) a prosecutor, if the decision of the commission does not comply with laws and other regulatory legal acts.

Individual labor disputes are considered directly in court on the basis of applications:

1) employees of organizations where there are no commissions for consideration of individual labor disputes;

2) the employee on reinstatement at work, regardless of the grounds for termination of the employment contract, on transfer to another job, on changing the date and wording of the reason for dismissal, on payment for the time of forced absenteeism or on payment of the difference in wages for the time of performing lower-paid work;

3) the employer on compensation for damage caused by the employee;

4) an employee about the refusal of the employer to draw up an act on an accident at work or disagreement with its content;

5) an employee on compensation for harm caused to his health in connection with the performance of labor duties;

6) employees to the demand of the employer to renegotiate an open-ended employment contract for a fixed-term one, if the nature of the work and working conditions have not changed;

7) an employee about reinstatement at work upon termination of the employment contract during the probationary period.

Individual labor disputes are also considered directly in court:

1) on refusal to hire;

2) on the protection of labor honor, dignity and business reputation of the employee and compensation in connection with this property and moral damage;

3) at the request of persons working under an employment contract for employers - individuals;

4) at the request of employees who believe that they have been discriminated against.

Article 422. Release of employees from legal expenses

When applying to the court with a claim on claims arising from labor relations, employees are exempted from paying court costs.

Article **423**

If the suspension, dismissal or transfer to another job is recognized as illegal, the employee must be reinstated in his previous job by the body considering the individual labor dispute.

The body considering an individual labor dispute makes a decision to pay the employee the average earnings for the entire period of forced absenteeism or the difference in earnings for the entire period of performing lower-paid work.

At the request of the employee, the body considering an individual labor dispute may limit itself to making a decision on the recovery of the above compensation in his favor.

At the request of the employee, the body considering an individual labor dispute may decide to change the wording of the grounds for dismissal to dismissal of their own free will.

If the wording of the reason for dismissal is recognized as incorrect or not in accordance with the law, the court considering an individual labor dispute is obliged to change it and indicate in the decision the reason and grounds for dismissal in strict accordance with the wording of this Code or another law.

If the incorrect wording of the reason for dismissal in the work book prevented the employee from entering another job, then the court decides to pay the employee the average earnings for the entire time of forced absenteeism.

In cases of dismissal without a legal basis or in violation of the established procedure for dismissal or illegal transfer to another job, the court has the right, at the request of the employee, to make a decision to compensate the employee for monetary compensation for moral damage caused to him by these actions. The amount of this compensation is determined by the court.

If it is not possible to reinstate the employee in his previous job (the position was reduced, the division was abolished, the organization was liquidated), then the court imposes on the employer or his legal successor the obligation to pay the employee material compensation in the amount of at least 12 times the average monthly earnings.

Article 424. Satisfaction of monetary claims of an employee

If the body considering an individual labor dispute recognizes the employee's monetary claims as justified, they are satisfied in full.

Article 425. Excluded

Article 426

The reverse recovery from the employee of the amounts paid to him in accordance with the decision of the body for the consideration of an individual labor dispute, when the decision is canceled by way of supervision, is allowed only in cases where the canceled decision was based on false information provided by the employee or forged documents submitted by him.

Article 427

Individual labor disputes of persons holding political and special government positions on issues of dismissal, changing the date and wording of the reason for dismissal, transfer to another job, payment for forced absenteeism or performance of lower-paid work and the imposition of disciplinary sanctions are resolved out of court.

Decisions taken on the circumstances specified in this article shall not be subject to appeal.

CHAPTER 43

Article 428. Basic concepts

Collective labor dispute - unresolved disagreements between employees (their representatives) and employers (their representatives) regarding the establishment and change of working conditions (including wages), the conclusion, amendment and implementation of collective agreements, agreements, as well as in connection with the refusal of the employer to take into account the opinion an elected representative body of workers in the coordination and adoption of acts containing labor law norms in organizations.

Conciliation procedures - consideration of a collective labor dispute in order to resolve it by a conciliation commission with the participation of a mediator.

The moment of the beginning of a collective labor dispute - the day of notification of the decision of the employer (his representative) on the rejection of all or part of the claims of employees (their representatives) or the failure of the employer (his representative) to report his decision in accordance with Article 430 of this Code, as well as the date of drawing up a protocol of disagreements during collective bargaining.

A strike is a temporary voluntary refusal of employees to perform their labor duties (in whole or in part) in order to resolve a collective labor dispute.

Article **429**

Employees and their representatives, determined in accordance with Articles 29-31 of this Code, have the right to put forward demands.

The requirements put forward by employees and (or) the representative body of employees of the organization (branch, representative office, other separate structural unit) are approved at the relevant meeting (conference) of employees.

The meeting of employees is considered competent if more than half of the employees are present at it. The conference is considered eligible if it is attended by at least two thirds of the elected delegates.

The employer is obliged to provide the employees or representatives of employees with the necessary premises for holding a meeting (conference) on making demands and has no right to interfere with its (her) holding.

The requirements of employees are set out in writing and sent to the employer.

The demands of trade unions and their associations are put forward and sent to the relevant parties of social partnership.

Article 430. Consideration of claims of employees, trade unions and their associations

Employers are obliged to take into consideration the claims of employees sent to them.

The employer informs the representative body of the employees of the organization (branch, representative office, other separate structural unit) about the decision taken in writing within 3 working days from the date of receipt of the employees' request.

Representatives of employers (associations of employers) are obliged to take into consideration the demands of trade unions (their associations) sent to them and inform the trade unions (their associations) of the decision taken within 1 month from the date of receipt of these requirements.

Article 431. Conciliation procedures

The procedure for resolving a collective labor dispute consists of the following stages: consideration of a collective labor dispute by a conciliation commission, consideration of a collective labor dispute with the participation of a mediator.

Consideration of a collective labor dispute by a conciliation commission is mandatory if the employer does not satisfy the demands of employees or their representative bodies.

None of the parties to a collective labor dispute has the right to evade participation in the conciliation procedure.

The representatives of the parties and the conciliation commission are obliged to use every opportunity to resolve the collective labor dispute.

Article 432. Consideration of a collective labor dispute by a conciliation commission

The conciliation commission is created within up to 3 working days from the date of the beginning of the collective labor dispute. The decision to create a commission is formalized by the relevant order (instruction) of the employer and the decision of the representative of the employees.

The conciliation commission is formed from representatives of the parties to the collective labor dispute on an equal basis.

The parties to a collective labor dispute are not entitled to evade the creation of a conciliation commission and participation in its work.

The employer creates the necessary conditions for the work of the conciliation commission.

A collective labor dispute must be considered by a conciliation commission within 5 working days from the date of issuance of an order (instruction) on its creation. This period may be extended by mutual agreement of the parties, which is documented in a protocol.

The decision of the conciliation commission is taken by agreement of the parties to the collective labor dispute, drawn up in a protocol, is binding on the parties to this dispute and is executed in the manner and within the time limits established by the decision of the conciliation commission.

If no agreement is reached in the conciliation commission, the parties to the collective labor dispute continue conciliation procedures with the participation of a mediator.

Article 433. Consideration of a collective labor dispute with the participation of a mediator

After the conciliation commission draws up a protocol of disagreements, the parties to a collective labor dispute may invite a mediator within 3 working days.

The procedure for consideration of a collective labor dispute with the participation of a mediator is determined by agreement of the parties to the collective labor dispute with the participation of a mediator.

The mediator has the right to request from the parties to the collective labor dispute and receive from them the necessary documents and information relating to this dispute.

Consideration of a collective labor dispute with the participation of a mediator is carried out within up to 7 working days from the date of his invitation (appointment) and ends with the adoption by the parties of the collective labor dispute of an agreed decision in writing or drawing up a protocol of disagreements.

Article 434. Guarantees in connection with the resolution of a collective labor dispute

Members of the conciliation commission for the period of participation in the resolution of a collective labor dispute are released from their main job with the preservation of average earnings for a period of not more than 3 months within 1 year.

Representatives of employees, their associations participating in the resolution of a collective labor dispute cannot be subjected to disciplinary action during the period of resolution of a collective labor dispute, transferred to another job or dismissed at the initiative of the employer without the prior consent of the body that authorized them to represent.

Article 435. Agreement in the course of resolving a collective labor dispute

An agreement reached by the parties to a collective labor dispute in the course of resolving this dispute shall be drawn up in writing and shall be binding on the parties to the collective labor dispute.

Control over its execution is carried out by the parties to the collective labor dispute.

Article 436. Right to strike

In accordance with Article 30 of the Constitution of the Kyrgyz Republic, the right of workers to strike is recognized as a way to resolve a collective labor dispute.

If the conciliation procedures did not lead to the resolution of the collective labor dispute, or the employer evades conciliation procedures, does not comply with the agreement reached in the course of resolving the collective labor dispute, then the employees or their representatives have the right to start organizing a strike.

Participation in a strike is voluntary. No one may be forced to participate or refuse to participate in a strike.

Persons forcing employees to participate or refuse to participate in a strike shall bear disciplinary, administrative, criminal liability in accordance with the procedure established by this Code and other laws.

Representatives of the employer are not entitled to organize a strike and take part in it.

Article **437**

The decision to declare a strike is made by a meeting (conference) of employees of an organization (branch, representative office, other separate structural unit) at the suggestion of a representative body of employees previously authorized by employees to resolve a collective labor dispute. The decision to declare a strike, adopted by a trade union (association of trade unions), is approved for each organization by a meeting (conference) of employees of this organization.

A meeting (conference) of employees is considered eligible if it is attended by at least two thirds of the total number of employees (conference delegates).

The employer does not have the right to interfere with the meeting (conference).

The decision is considered adopted if at least half of the employees present at the meeting (conference) voted for it. If it is impossible to hold a meeting (convening a conference) of workers, the representative body of workers has the right to approve its decision by collecting the signatures of more than half of the workers in support of the strike.

After 5 calendar days of work of the conciliation commission, a one-hour warning strike may be declared once, about which the employer must be warned in writing no later than 3 working days in advance.

When conducting a warning strike, the body that leads it shall ensure the minimum necessary work (services) in accordance with this Code.

The employer must be notified in writing about the start of the forthcoming strike no later than 10 calendar days in advance.

The decision to declare a strike shall indicate: a list of disagreements between the parties to the collective labor dispute, which are the basis for declaring and holding a strike; the date and time of the start of the strike, its expected duration and the expected number of participants; the name of the body leading the strike, the composition of the representatives of employees authorized to participate in conciliation procedures; proposal for the minimum necessary work (services) performed in the organization (branch, representative office, other separate structural subdivision) during the strike.

Article **438**

The strike is led by a representative body of workers. The body leading the strike has the right to convene meetings (conferences) of workers, receive information from the employer on issues affecting the interests of workers, and engage specialists to prepare opinions on controversial issues.

The body leading the strike has the right to suspend the strike. Resuming the strike does not require a reconsideration of the dispute by the conciliation commission. The employer must be warned about the resumption of the strike no later than 3 working days.

Article 439. Obligations of the parties to a collective labor dispute during a strike

During the period of the strike, the parties to a collective labor dispute are obliged to continue resolving this dispute by conducting conciliation procedures.

The employer, executive authorities, local self-government bodies and the body leading the strike are obliged to take measures depending on them to ensure public order during the strike period, the safety of the property of the organization (branch, representative office, other separate structural unit) and employees, as well as the operation of machines and equipment, the shutdown of which poses a direct threat to the life and health of people.

The list of minimum necessary works (services) in organizations (branches, representative offices), whose activities are related to the safety of people, ensuring their health and the vital interests of society, in each sector (sub-sector) of the economy is developed and approved by the relevant executive authority, which is entrusted with coordination and regulation of activities in the relevant sector (sub-sector) of the economy, in agreement with the relevant trade union. In the event that several trade unions operate in the sector (sub-sector) of the economy, the list of the minimum required work (services) is approved in agreement with all trade unions operating in the sector (sub-sector) of the economy. The procedure for developing and approving the list of minimum required works (services) is determined by the Government of the Kyrgyz Republic.

The minimum required work (services) in an organization (branch, representative office) is determined by agreement of the parties to the collective labor dispute together with the local government on the basis of lists of the minimum required work (services) within 5 days from the date of the decision to declare a strike. The inclusion of the type of work (services) in the minimum required work (services) must be motivated by the likelihood of harm to health or a threat to the lives of citizens. The minimum required works (services) in an organization (branch, representative office) cannot include works (services) that are not provided for by the relevant lists of the minimum required works (services).

The decision of the body establishing the minimum necessary work (services) in the organization (branch, representative office) may be appealed by the parties to the collective labor dispute in court.

If the minimum necessary work (services) is not provided, the strike may be declared illegal.

Article 440. Illegal strikes

Are illegal and strikes are not allowed:

a) during periods of martial law or a state of emergency or special measures in accordance with the legislation on a state of emergency; in bodies and organizations of the Armed Forces of the Kyrgyz Republic, other military, paramilitary and other formations and organizations in charge of ensuring the country's defense, state security, emergency rescue, search and rescue, fire fighting, prevention or elimination of natural disasters and emergency situations; in law enforcement agencies; in organizations directly servicing especially hazardous types of production or equipment, at ambulance and emergency medical aid stations;

b) in organizations related to ensuring the life of the population (energy supply, heating and heat supply, water supply, gas supply, aviation, rail and water transport, communications, hospitals), if strikes pose a threat to the defense and security of the state, life and health of people .

A strike may be recognized as illegal only by a court decision on the basis of an application from the employer or the prosecutor.

The decision of the court is brought to the attention of the workers through the body leading the strike, which is obliged to immediately inform the participants in the strike about the decision of the court.

The court decision on the recognition of the strike as illegal, which has entered into legal force, is subject to immediate execution. Workers are obliged to stop the strike and start work no later than the next day after the delivery of a copy of the said court decision to the body leading the strike.

In the event of a direct threat to the life and health of people, the court has the right to postpone a strike that has not begun for a period of up to 30 days, and to suspend a strike that has begun for the same period.

Article 441. Guarantees and legal status of employees in connection with a strike

The participation of an employee in a strike cannot be considered as a violation of labor discipline and grounds for terminating an employment contract, except in cases of failure to fulfill the obligation to end the strike in accordance with part four of Article 440 of this Code.

It is prohibited to apply measures of disciplinary liability to workers participating in a strike, except for the cases provided for by part four of Article 440 of this Code.

For the duration of the strike, the employees participating in it retain their place of work and position.

The employer has the right not to pay wages to employees during their participation in the strike, with the exception of employees engaged in the performance of the mandatory minimum of work (services).

A collective agreement, agreement or agreements reached in the course of resolving a collective labor dispute may provide for compensation payments to workers participating in a strike.

Employees who do not participate in the strike, but in connection with its conduct were not able to perform their work and declared in writing the beginning of downtime in connection with this, payment for downtime through no fault of the employee is made in the manner and in the amount provided for by this Code. The employer has the right to transfer these employees to another job in the manner prescribed by this Code.

A collective agreement, agreement or agreements reached in the course of resolving a collective labor dispute may provide for a more preferential procedure for payments to employees participating in a strike than provided for by this Code.

Article 442. Prohibition of lockout

In the process of settling a collective labor dispute, including holding a strike, a lockout is prohibited - the dismissal of employees at the initiative of the employer in connection with their participation in a collective labor dispute or strike.

Article **443**

Representatives of the employer who evade receiving the demands of employees and participating in conciliation procedures, including those who do not provide premises for holding

a meeting (conference) to put forward demands, declare a strike or impede its (her) conduct, are subject to disciplinary liability in accordance with this Code or administrative responsibility in the manner established by the legislation of the Kyrgyz Republic on administrative offenses.

Representatives of the employer and employees who are guilty of non-fulfillment of obligations under the agreement reached as a result of the conciliation procedure are held administratively liable in the manner prescribed by the legislation on administrative offenses.

Article 444. Responsibility of employees for illegal strikes

Workers who started a strike or did not stop it the next day after bringing to the body leading the strike a court decision that has entered into legal force on recognizing the strike as illegal or on postponing or suspending the strike may be subject to disciplinary action for violation of labor discipline.

The representative body of employees that declared and did not stop the strike after it was recognized as illegal is obliged to compensate the losses caused to the employer for the entire period of the illegal strike, at its own expense in the amount determined by the court.

Article **445**

The actions of the parties to a collective labor dispute, agreements and recommendations adopted in connection with the resolution of this dispute are drawn up in minutes by representatives of the parties to the collective labor dispute, conciliation bodies, and the body leading the strike.

CHAPTER 44. RESPONSIBILITY FOR VIOLATION OF LABOR LEGISLATION AND OTHER ACTS CONTAINING LABOR LAW NORMS

Article **446**

Persons guilty of violating labor legislation and other regulatory legal acts containing labor law norms are subject to disciplinary liability in the manner prescribed by this Code, other laws, and are also subject to civil, administrative and criminal liability in the manner established by the legislation of the Kyrgyz Republic. Republic.

The president
Kyrgyz Republic **A. Akaev**

mountains Bishkek, Government House
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