



**REVIEW
OF DECENT WORK COUNTRY PROGRAMME IN KAZAKHSTAN
(2010-2012)**

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List of Acronyms and Abbreviations

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

Preface

The report was commissioned by the International Labour Organization in the second half of 2012. It has been prepared under frame of implementation of Concept of Decent Work in Kazakhstan and in particular through the prism of assessment of achieved results of the Decent Work Country Programme in 2010-2012.

The author underlines that the report would not have been completed without support of Irina Sinelina, Evaluation Manager, DWT/CO-Moscow. It was expressed not only in her high qualified consultations and huge numbers of practical and theoretical materials in the sphere of Decent work which were sent by her. But the most important during the preparation the report author had been feeling her very attentive and tactful attitude to author of the report. Thus, the author expresses to her his sincerely appreciation and respect. The ILO National Coordinator Mr. Talgat Umirzhanov and DW Project Assistant Ms. Eleonora Salykbaeva were extremely helpful in facilitating research, organizing meetings and supporting the consultant with relevant and timely information.

At the time of preparation the author met with highly qualified specialists. He expresses his thanks and appreciation to them and notes that the report would not have been prepared without their consultations, materials and information. He thanks all the representatives of the tripartite constituents' organizations and in particular Mr. Sarbasov A.A., Director of Department of Labour and Social Partnership of MLSPP RK, Mr. Kadyrov N.H., Executive Director of Confederation of Employers of the Republic of Kazakhstan, Ms. Zhumagelgieva G.A., Vice-Chairperson of Federation of Trade Unions of the Republic of Kazakhstan, Ms. Aitkaliyeva A.M., Deputy Director of Department of Labour and Social partnership of MLSPP RK, Mr. Karzhaubayev A.Zh., Deputy Director of Department of Employment of MLSPP RK, Mr. Argandykov D.R., Director of Department of Employment of MLSPP RK, Mr. Efstafiev V.E., Director of Department of Statistics of Labour and Standards of Living of Agency on Statistics of the Republic of Kazakhstan, Ms. Makanova A.K., Deputy Director of Department of Social Protection and Social Insurance of MLSPP RK, Mr. Ospankulov T.K., Deputy Chairman of Committee of Control and Social Protection of MLSPP RK, Ms. Dzhangabilova A.D., Chief of Social Protection Division of MLSPP RK, Ms. Tolegenova B.K., Chief of Social Partnership Division of MLSPP RK, Mr. Buss V.E., Chief of Employment Policy Division of MLSPP RK, Mr. Baisakalov A.B., Chief Expert of Labour Market of MLSPP RK and all the other colleagues who shared their valuable views and experiences.

EXECUTIVE SUMMARY

Implementation of DWCP for 2010-2012 has been taking place in the Republic of Kazakhstan in the context of the general Concept of Decent Work, which is part of the national development agenda. DWCP 2010-2012 was focused at promoting sustainable socio-economic development of the country based on regulating labour relations in compliance with international standards, promotion of effective employment, and further development of social dialogue. The DWCP has the following three priorities:

Priority 1. Improved regulation of labour relations in conformity with international labour standards

Priority 2. Support to productive employment and social protection of men and women

Priority 3. Development of tripartite cooperation and social dialogue

These priorities were operationalized through respective outcomes, strategies and steps (activities).

Purpose, scope and clients of the review

The review of the DWCP Kazakhstan for 2010-2012 was commissioned by the ILO DWT/CO Moscow and the field research was conducted in July – September 2012. The purpose of the review is to improve further programming and ensure internal and external accountability. The review covered all the priorities and outcomes of the Programme, including four RBSA-funded outcomes 2010-2011. The main clients of the evaluation are the specialists and management of the ILO DWT/CO Moscow, ILO Regional Office for EUROPE, technical departments at the Headquarters, donors, tripartite constituents and national implementing partners in Kazakhstan.

Methodology

The methods of expert assessment, historical analysis (comparison of statistical indicator trends for different years of programme implementation, in particular), and different interview methods were used to review and analyze the implementation of the Programme.

While using the method of expert assessment of DWCP outcomes, the consultant conducted interviews not only with the immediate project implementers, but also with the experts, who were not directly involved into the implementation of a certain priority or outcome.

To put the implementation of the Concept of Decent Work and DWCP for 2010-2012, in particular, into the context, the report presents the major statistical indicators of relevance to the Programme in their dynamics. Although the presented statistical indicators were not specified during the preparation of DWCP for 2010-2012, nevertheless, they allow assessing the progress of the Decent Work Concept, and DWCP for 2010-2012 in particular, within the overall historical context and in connection with the situation at the previous stages.

The findings of the review were validated at a round-table tripartite meeting in Astana on December 7, 2012 and the report was refined based on comments provided.

Main findings and conclusions

DWCP for 2010-2012 included three priorities and eleven outcomes. Evaluation and analysis of the programme showed that almost all the outcomes were effectively achieved and the programme was implemented successfully. Some of the planned outcomes were even exceeded (overachieved). Under the ILO's auspices and with the direct involvement of social partners, the activities and TC projects were aimed at facilitating better working conditions for workers of the country and helping provide them with decent jobs. Most importantly, during the period of implementation there was some progress registered in the country in terms of major DW indicators, such as unemployment and occupational accidents which decreased in comparison with the period preceding to programme implementation.

Successful implementation of the DWCP 2010-2012 was predetermined by the fact that all the ILO supported activities, programmes and projects were directly related to the main priorities and outcomes of the DWCP, thus enabling to streamline efforts, stay focused and concentrate on the achievement of targets.

Another significant factor in the implementation of the programme was that its priorities and objectives were closely coordinated with the goals and objectives of the government, social partners and implementers. Overall, the positive effect of the programme implementation was that all the constituents worked more systematically and consistently than previously, without the programme.

Main lessons learned

1. According to the interviews with the constituents and implementing partners, the success in the implementation of the DWCP is due to an effective coordination of different activities among each other, and to the fact that the DWCP corresponded to the constituents' own goals and objectives. The issues addressed by the programme proved to be topical for the constituents' own agenda.
2. The effectiveness of interaction between the ILO and social partners would have been higher if there was a broader involvement of experts, specialists and mid-level officials from the ILO, the Ministry of Labour and Social Protection, the Federation of Kazakhstani Trade Unions, and Confederation of Employers of Kazakhstan, so that they could establish direct long-term contracts among them-selves, going beyond the top management of these organizations.
3. The programme would have been even more effective if there was an involvement of other unions of employers and workers. The market economy and the ongoing reforms provide the basis for both formation and reorganization of various unions of workers and employers. These unions, which quite often have short-term and narrow goals and objectives, should be aware that their work would be more effective, sustainable and

strategically oriented, if they understand that involvement into the implementation of the Decent Work Country Programme and promotion of universally recognized international labour norms and standards would allow them to be more competitive and acquire a more “civilized” status.

4. It should be noted that the usefulness of all the provided information would have been higher if it were provided in the Russian language. The partners noted that due to the lack of specialists with the knowledge of foreign languages in the constituents’ organizations, availability of technical materials, analytical studies, reports in Russian is an issue.

Main recommendations

1. In general, the new DWCP will be implemented successfully if representatives of the Kazakhstani government, Federation of the Kazakhstani Trade Unions, Confederation of Employers of Kazakhstan and other unions and communities of employers and workers are involved in its development.
2. The new DWCP will be implemented successfully if it is coordinated with the strategic goals and objectives of the tripartite partners.
3. The programme will be more specific if it is based on the strategic development plan of the Ministry of Labour and Social Protection, because the Ministry is not only one of the sides of the social partnership that will sign the Programme, but also because its strategic plan is formed in the context of the national development framework until 2020 and the implementation of “Kazakhstan-2030” Strategy.
4. In order to further enhance the positive impact of programmes on decent work, it is necessary that a new DWCP is coordinated not only with major strategic focus of the tripartite partners, but also with the guidelines announced in the Address “Social modernization of Kazakhstan: twenty steps to a society of universal labour.”
5. It is recommended to consider the possibility of the involvement of other unions of employers and workers existing in Kazakhstan into the cooperation on a future DWCP.
6. One of the important future activities for the Federation of the Kazakhstani Trade Unions and the Confederation of Employers of Kazakhstan will be expanding work in the sphere of informal employment.
7. Resolving labour disputes, establishing civilized labour relations in different sectors of the economy will also be some of the most sensitive and urgent tasks of the social partners.

Introduction

The concept of decent work promoted by the International Labour Organization (ILO) has an important social, economic, political and moral significance for all countries - members of the ILO. Within the framework of this Concept implementation, the countries have an opportunity to adopt unified global standards in the sphere of labour, to provide individual rights to work which will satisfy working men and women needs, both moral and material.

In Kazakhstan, the Decent Work Country Programme (DWCP) for 2010-2012 was developed upon the initiative of the International Labour Organization, namely its DWT/CO-Moscow. The Programme developed jointly with three partners of the Republic of Kazakhstan had been a continuation of the previous activities in promoting and implementing basic principles of decent work in Kazakhstan. To illustrate, prior to this programme, a DWCP for 2007-2009 was implemented in Kazakhstan with the following main priorities: modernization of the national legislation on occupational safety and health, improvement of employment opportunities of men and women and promotion of social dialogue based on further development of collective bargaining system.

DWCP 2010-2012 was focused at promoting sustainable socio-economic development of the country based on improved regulation of labour relations in conformity with international labour standards, support to productive employment and social protection of men and women, and further development of social dialogue. It was guided by the key provisions of the UN Millennium Development Goals, including elimination of poverty by providing decent employment; resolving issues of gender inequality; prevention of HIV/AIDS at the workplace, and other.

The fact that DWCP 2010-2012 was coordinated with the implementation of the UN Development Assistance Framework (UNDAF) and the ILO Global Jobs Pact was very important. It should be noted that the Programme helped achieve two UNDAF outcomes, namely: Social and Economic Development for All and Good Governance.

Generally, DWCP 2010-2012 was a result of fruitful cooperation (based on consultations process) of the government of Kazakhstan, social partners and the ILO. It was developed not only in the context of the implementation of international programmes, but also in the context of national priorities defined in the Development Strategy of the Republic of Kazakhstan till 2030, Concept of Kazakhstan Transition to Sustainable Development by 2024, Concept of Regulation of Labour Market and Employment for 2020, and Strategic Plan of the Ministry of Labour and Social Protection of Population for 2010-2014.

1. Background of evaluation and analysis of DWCP 2010-2012

1.1 Decent Work Country Programme for 2010-2012 in Kazakhstan

DWCP 2010-2012 determined three major priorities and eleven outcomes to be achieved during that period of time (Table 1).

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

Priorities	Outcomes
Priority 1: Improved regulation of labour relations in conformity with international labour standards	<u>Outcome 1.1:</u> National legislation is revised in conformity with ILO conventions on conditions of work, social protection, and gender equality
	<u>Outcome 1.2:</u> Labour legislation is improved
	<u>Outcome 1.3:</u> OSH-related legislation is improved and national OSH standards are developed in compliance with international standards
Priority 2: Support to productive employment and social protection of men and women	<u>Outcome 2.1:</u> Effective labour market policies are formulated and implemented
	<u>Outcome 2.2:</u> Sustainable jobs are created through more inclusive skills training and entrepreneurship development
	<u>Outcome 2.3:</u> National social security system is improved
	<u>Outcome 2.4:</u> OSH management system is introduced and applied in specific high-risk sectors to ensure safe working conditions, including to migrant workers
	<u>Outcome 2.5:</u> Specific legislation and effective mechanisms for the protection of migrant workers and their families are further developed
Priority 3: Development of tripartite cooperation and social dialogue	<u>Outcome 3.1:</u> The efficiency and impact of social dialogue at all levels and the role and status of tripartite bodies are enhanced
	<u>Outcome 3.2:</u> Corporate social responsibility is promoted by constituents
	<u>Outcome 3.3:</u> Social partnership is further strengthened for elimination of the worst forms of child labour

1.2 Major objectives of the review of the Decent Work Country Programme in Kazakhstan for 2010-2012

The main purpose of the review of DWCP implementation in Kazakhstan in 2010-2012 is to improve further programming and activities in promoting the Concept of Decent Work. The review is aimed at presenting a clear picture of the results of implementation of the DWCP for 2010-2012 to all the parties interested in implementing the Concept of Decent Work in Kazakhstan or all parties to the social partnership (government bodies, trade unions, employers' associations). This objective was accomplished by the means of comparative analysis of planned outcomes and their implementation. The comparative analysis was completed not only on the basis of official publications and papers, but also on the basis of interviews conducted by the ILO consultant with all the participants of social partnership who signed the document.

Elaboration of proposals and recommendations on further development and implementation of the Decent Work Concept in Kazakhstan was also an important objective of the review. To complete this objective, not only the implementation of the Programme was reviewed and assessed, but also key strategic directions of socio-economic development of the country were analyzed. In addition, these directions were considered in the context of implementing the major principles of Decent Work as defined by the ILO. The proposals and recommendations would become part of information base for politicians, decision-makers, as well as state and private business community, associations of employers and employees interested in further promotion of the ILO's principles in the country.

An important aspect of this review is that it allows monitoring and assessment of the implementation of the Decent Work Programme through the prism of major DW indicators, such as: level of unemployment, unsafe working conditions and so on. Practical examples of implementation under the key priorities and outcomes presented in the review are also an important part of this document.

In the overall, the review is focused, first of all, on the analysis of outcomes of DWCP 2010-2012, and secondly, on the elaboration of recommendations for its further development.

1.3 Theoretical and methodological basis of evaluation and analysis of implementation of Decent Work Programme in the Republic of Kazakhstan in 2010-2012

The major principles reflected in the ILO policy documents provided a theoretical basis for conducting the evaluation of DWCP implementation in Kazakhstan in 2010-2012.

The methods of expert assessment, historical analysis (comparison of statistical indicator trends for different years of programme implementation, in particular), and different interview methods were used to review and analyze the implementation of the Programme.

While using the method of expert assessment of DWCP outcomes, the consultant conducted interviews not only with the immediate project implementers, but also with the experts, who were not directly involved into the implementation of a certain priority or outcome, but provided national data and statistics.

To put the implementation of the Concept of Decent Work and DWCP for 2010-2012, in particular, into the context, the report presents the major statistical indicators of relevance to the Programme in their dynamics. Although the presented statistical indicators were not

specified during the preparation of DWCP for 2010-2012, nevertheless, they allow assessing the progress of the Decent Work Concept and DWCP for 2010-2012, in particular, within the overall historical context and in connection with the situation at the previous stages.

The achievement of outcomes of the Programme was assessed based on the following scoring categories and related standards:

1	2	3	4	5	6
Highly unsatisfactory	Unsatisfactory	Somewhat unsatisfactory	Somewhat satisfactory	Satisfactory	Highly satisfactory
No results at all; outputs not delivered	Planned results not achieved, although some outputs were delivered	Planned results still pending, but likely to be achieved	Planned results partially achieved	Planned results achieved to a full extent	Planned results exceeded, beyond expectations; performance very successful and over accomplished

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

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

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

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

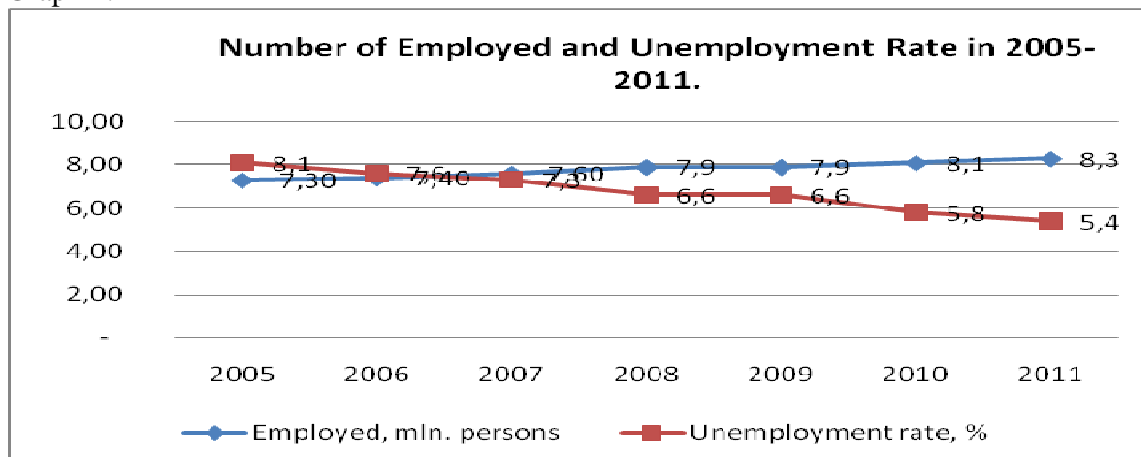
Due to its significance, the Agency on Statistics of the Republic of Kazakhstan monitors the implementation of the Concept of Decent Work using the following indicators:

1. Possibility to obtain/find a job and to freely choose a job which is expressed in the number of employed and the ratio of employed and unemployed people on the labour market;

2. Jobs stability and security, expressed in the availability of an official labour contract for an indefinite period of time, degree of social protection of employed and the level of their coverage by vocational education, availability of training and re-training;
3. Social dialogue and labour relations, expressed in the coverage of employees by collective agreements or labour unions, level of social benefits (social protection) from the employers;
4. Safety of work judged by the indicator of unfavorable or hazardous working conditions, as well as coverage by occupational accident insurance;
5. Duration of work in relation to the normal working hours of 40 hours per week;
6. Harmonious combination of work and family responsibilities, which makes possible to combine household duties and employment.

A retrospective analysis of the implementation of the Decent Work concept in Kazakhstan through the prism of the abovementioned indicators for 2005-2011 revealed a number of positive trends. Thus, starting from 2005 the number of employed (indicator 1) increased year by year from 7,262,000 in 2005 to 8,301,600 persons in 2011. The increase in the number of employed population was due not only to an increase of economically active population (due to the entry of the new generation into working age and due to migration), but also to the reduction of the level of unemployment (Graph 1).

Graph 1.



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

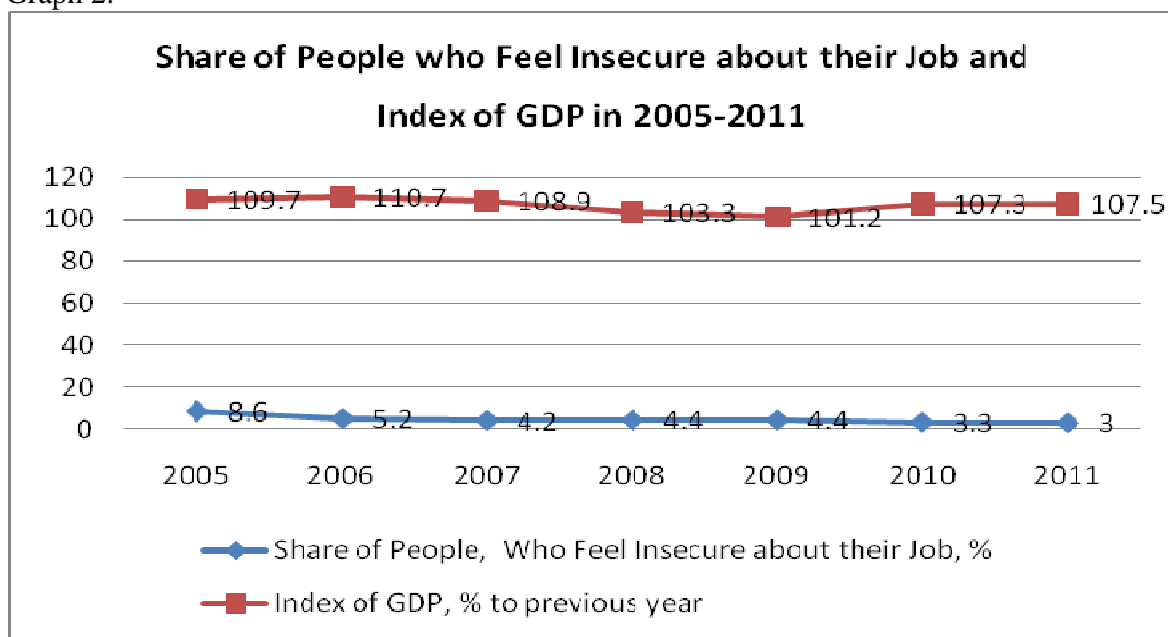
Besides, as we can see from Graph 1, the dynamics of unemployment decrease was higher than the increase in the number of employed. It is noteworthy that unemployment decrease was not steady. For example, it did not decrease in 2009. As Graph 1 shows, the unemployment level remained at the same level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

general. In our opinion, implementation of the DCWP for 2010-2012 also played a role in this trend.

While analyzing the second indicator (*Jobs stability and security, expressed in the availability of an official labour contract for an indefinite period of time, degree of social protection of employed and the level of their coverage by vocational education, availability of training and re-training*), it should be noted that in 2005-2011 in Kazakhstan the number of people, who feel insecure about their jobs, decreased both in absolute and relative terms.

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

Graph 2.



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

As we can see from Graph 2, the proportion of people who are not confident in job security decreases as the country's GDP grows. With the growth of GDP in 2005-2006, the uncertainty in the job security of the employed people decreased from 8.6% to 5.2%, respectively, and with the decrease in GDP growth in 2007-2008, the share of these persons increased from 4.2% to 4.4% accordingly. In this case, the calculations showed a close negative correlation. Negative correlation coefficient between the two variables was during this period.

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

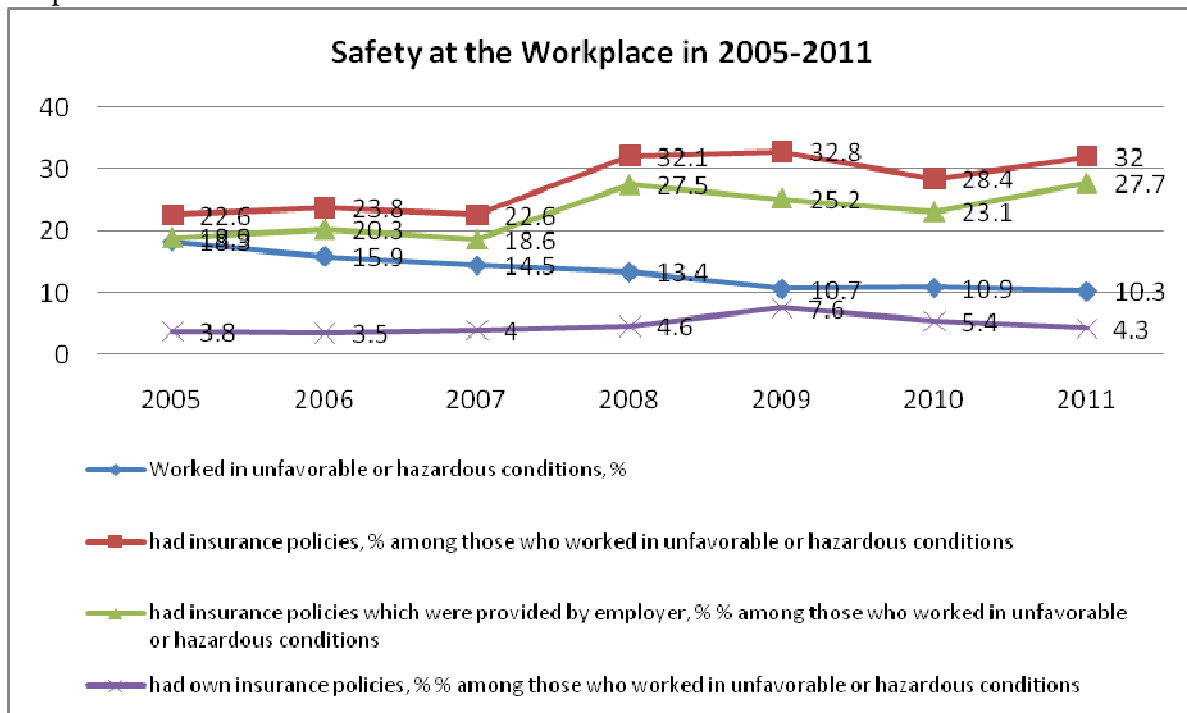
To analyze the third indicator, namely "*social dialogue and labour relations, expressed in the coverage of employees by collective agreements or trade unions, the level of social support (protection) from their employers*", the number of people with temporary jobs and employment status, as well as people who did not have a secure job, were examined. The

analysis showed that those, who are employed temporarily, are not typically members of any trade unions, and therefore, are not involved in social dialogue. The level of their support by an employer is quite low. Temporarily employed people are usually hired to complete some limited work during certain seasons, so they sign only short-term contracts. Very often their jobs are based only on verbal agreements.

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

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

Graph 3.



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

As we can see from Graph 3, the level of safety at the workplace increased during the last six years. Thus, in 2005, 18.3% of the total number of employees or every sixth person had to work in unfavorable or hazardous conditions, while in 2011 the number decreased to 10.3%.

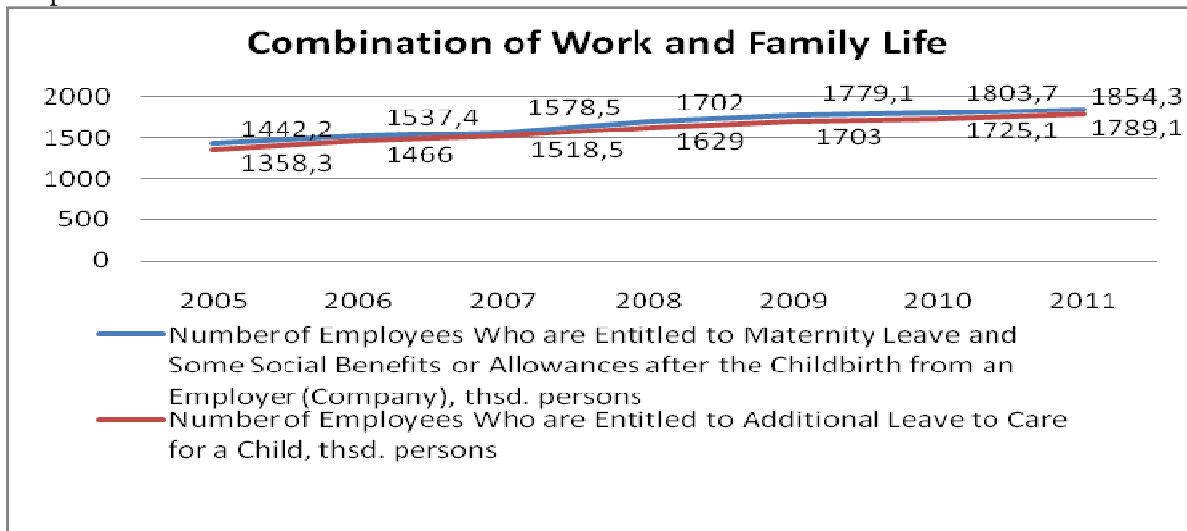
In order to mitigate the consequences of workplace accidents, according to Law # 405-II “On Social Security” of April 25, 2005, employees receive an insurance policy. Social insurance is mainly provided at the employer’s expense with a small part paid by the employee.

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

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

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

Graph 4.



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

Of course, the above parameters do not fully reflect all the aspects of reconciling work and family life. The following additional parameters could also be used to measure this aspect:

number of people who worked part-time due to family circumstances, or alternatively, number of people who worked over 40 hours a week due the various family needs. Besides, the number of employed who utilize a company kindergarten could also be considered to measure this aspect. However, we should admit that these additional parameters are not that comprehensive as the number of employees who are entitled to maternity leave and social benefits or allowances after the childbirth from an employer (enterprise). This indicator is most important not only due to its social significance. It is also in line with the implementation of ILO Convention No.183 “On Maternity Protection.”

As we can see from Graph 4, there is a positive trend in Kazakhstan in this direction. The trend is determined not only by an increase of birth rates, but also the fact that mothers make full use of their legal right to an additional leave to take care of a child. The number of people who received additional leaves of absence exceeded the number of those who are entitled to maternity leave and social benefits and payments from an employer at childbirth. To illustrate, share of maternity leaves in 2010 was 1.4% and 2.8% in 2011, while the share of employees who were on additional leaves made up 1.3% in 2010 and 3.7% in 2011.

It should be noted that an increase in growth rates of the number of people who received additional leaves was taking place not only during the implementation of the DWCP for 2010-2012, but also during the ratification of ILO Convention No.183 (the law of the Republic of Kazakhstan “On Ratification of the Convention on the revision of Convention (revised) of 1952 on Maternity Protection” was adopted on February 2012 by the Decree of the President of Kazakhstan #554-IV).

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

At the same time, the significance of the implementation of the national programmes on Decent Work, including DWCP for 2007-2009 and DWCP for 2010-2012, should not be underestimated. With the ILO support and direct involvement of social partners, these programmes were focused on promoting better working conditions in the country and providing decent jobs. This will be most clearly seen in the analysis and evaluation of DWCP 2010-2012 presented in the following sections.

2.2. Major DWCP priorities 2010-2012

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

Priority 1. Improved regulation of labour relations in conformity with international labour standards

Priority 2. Support to productive employment and social protection of men and women

Priority 3. Development of tripartite cooperation and social dialogue

Under the first priority, it was assumed that the fundamental principles and rights in the world of work enshrined in the ILO documents and reflected in national legislation will be further promoted in the context of new socio-economic transformations.

Under the second priority, it was anticipated that cooperation will promote the principles of the ILO Global Jobs Pact on the following issues:

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

Implementation of the third priority implied that cooperation of the Republic of Kazakhstan and the International Labour Organization in 2010-2012 will focus on further development of social dialogue. The main efforts of the partners will be aimed at implementing the principle of the ILO Global Jobs Pact on engaging in social dialogue based on the principles of tripartism and collective bargaining between employers and workers as constructive processes aimed at maximizing the impact of crisis responses to the needs of the real economy.

2.3 Analysis and evaluation of outcomes aimed at improving regulation of labour relations in conformity with international standards (Priority 1)

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

Outcome 1.1: National legislation is revised in conformity with ILO conventions on conditions of work, social protection, and gender equality

Outcome 1.2: Labour legislation is improved

Outcome 1.3: OSH-related legislation is improved and national OSH standards are developed in compliance with international standards

Presentation of findings by each outcome is provided below.

Outcome 1.1: National legislation is revised in conformity with ILO conventions on conditions of work, social protection, and gender equality

The primary role of the ILO in supporting this outcome was to help the constituents in the preparation of materials for the ratification of ILO conventions, provide technical expertise on the improvement of labour legislation for a more effective application of the ILO standards and principles, as well as provide assistance and consultations for a careful analysis of the conditions necessary for the ratification of the ILO priority conventions.

The following planned activities (steps) of the DWCP were used as a basis for assessment of performance under Outcome 1.1:

1. Initiation of preparatory work on ratification of ILO Protection of Wages Convention No. 95, Social Security (Minimum Standards) Convention No. 102, Minimum Wage Fixing Convention No. 131 and Maternity Protection Convention No. 183;
2. With the technical support of the ILO, assessment of the impact and feasibility of ratification of the ILO Migration for Employment Convention No. 97 and Migrant Workers (Supplementary Provisions) Convention No.143;
3. Ratification of the ILO Asbestos Convention No. 162 and making relevant changes in the national legislation;
4. Ratification of the ILO Promotional Framework for Occupational Safety and Health Convention No. 187 and making relevant changes in the national legislation;
5. Ratification of the ILO Seafarers' Identity Documents Convention No. 185.

Analysis of implementation of the first activity (step) showed that it was in good progress. Technical consultations and coordination meetings are presently being held in the country and various internal governmental procedures are being implemented for the ratification of ILO Conventions No. 95 on Protection of Wages, No. 102 on Social Security (Minimum Standards), No. 131 on Minimum Wage Fixing, No.156 on Workers with Family Responsibilities. In general, despite the fact that consideration of ratification of the ILO Convention No. 102 was postponed to 2013-2014 upon the request of the Expert Committee of the Kazakhstani Ministry for Foreign Affairs, implementation of the main components of the activity goes on according to the plan.

In December 2011, the Kazakhstani Ministry of Labour and Social Protection of the Population jointly with the ILO and other social partners organized a seminar on issues of ratification of C 183. In addition, legal expertise was done to examine compliance of Kazakhstani legislation with the provisions of this Convention. It should be emphasized that preparations for ratification of Convention No. 183 "On Maternity Protection" were not only implemented as planned, but also concluded with its ratification in November 2012. In our opinion, the results of work conducted by the ILO, Kazakhstani Ministry of Labour and Social Protection, Federation of Labour Unions of the Republic of Kazakhstan, and Confederation of Employers of the Republic of Kazakhstan can be assessed as successful.

In sum, implementation of the first planned activity (step) under outcome 1.1 of Priority 1 can be assessed as satisfactory.

Analysis of implementation of the second activity (step) concerning the assessment of impact of Kazakhstan's accession to ILO Convention No 143 on Migration for Employment

and Convention No 97 on Migrant Workers, showed particular urgency and relevance of the issue for Kazakhstan.

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

Despite all these measures, there are a number of problems in the country in this sphere. Some employers do not observe the legislation and rules in attracting foreign labour. In many cases rights of migrant workers and their families are violated in the country. In view of the above, the analysis of the impact of Kazakhstan accession to the ILO Convention No 143 “On Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers” and the Convention No 97 “On Migrant Workers” is quite an important component of DWCP for 2010-2012 in Kazakhstan.

Despite a considerable amount of work carried out to implement this activity, it should be noted that in general the planned result, namely, providing assessment of the impact of Kazakhstan’s accession to the ILO Conventions No.143 “On Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers” and the Convention No. 97 “On Migrant Workers” is still pending. Consequently, the degree of completion of **the second activity**, in our opinion, can be assessed as **somewhat satisfactory**.

Analysis of implementation of the third planned activity (step) of outcome 1.1 of Priority 1, namely, ratification of ILO Convention No.162 “Safety in the Use and Production of Asbestos” showed that it was completed. On January 17, 2011 the Parliament of the country adopted the Law of the Republic of Kazakhstan to ratify this Convention. Therefore, **the third activity under outcome 1.1 can be assessed as satisfactory**.

Analysis of the implementation of the fourth planned activity (step), namely ratification of Convention No.187 in order to introduce modern occupational safety and health management systems, also revealed that considerable work is going on to adapt international standards in occupational safety and health to the local conditions and to facilitate their implementation at the enterprises. As part of this work, training courses for top managers of organizations as well as workplace safety representatives were held in the country. The training program included such issues as:

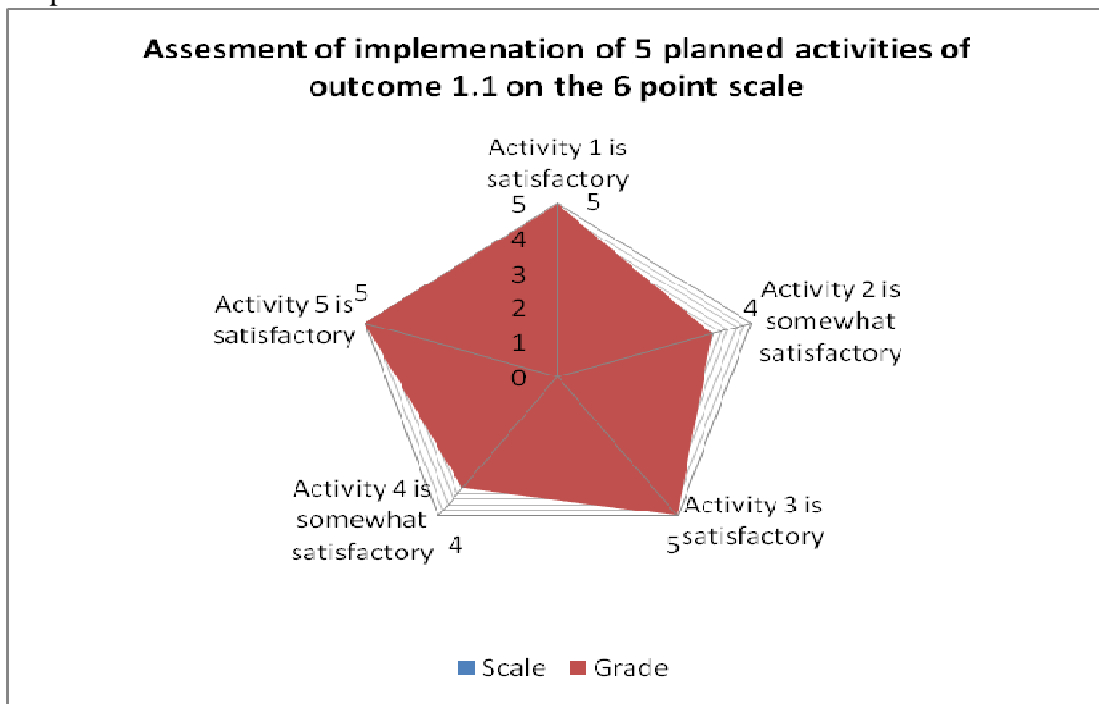
- How to organize an OSH management system. Workplace safety and health requirements. Technical procedures and their content;
- International, intergovernmental and national standards (regulations). The guide on ILO- OSH 2001; GOST 12.0.230-2007;
- OSH management systems in organizations and methods of their development, implementation, maintenance and continuous improvement.

In spite of the significant work completed in this area, the ratification of Convention 187 planned for 2010-2012 has not yet occurred. However, the preparation for ratification is in its final stages. In particular, the Kazakhstani Ministry for Labour and Social protection jointly with the ILO conducted tripartite meetings with the participation of state labour inspectors from all the regions of the country on the implementation of OSH management system. Moreover, the focus and attention during the meetings was given to enterprises with a high level of workplace safety risks. **Based on the above analysis, activity four can be assessed as somewhat satisfactory.**

Analysis of the implementation of the fifth activity (step) under outcome 1.1, namely ratification of ILO Convention No. 185 “On Seafarers’ Identity” showed that it was fulfilled. On May 17, 2010 the Parliament adopted the Law of the Republic of Kazakhstan on the ratification of the Convention. **Therefore, the fifth activity can be assessed as satisfactory.**

Graph 5 displays the assessment of five planned steps (activities) of Outcome 1.1 on a six-point scale.

Graph 5.



Overall, the assessment of achievement of Outcome 1.1 (*National legislation is revised in conformity with ILO conventions on conditions of work, social protection, and gender equality*) is satisfactory.

Outcome 1.2: Labour legislation is improved

The ILO's primary role was to support the implementation of the Strategic Plan of the Ministry of Labour and Social Protection of the Republic of Kazakhstan for 2010 - 2014 by carrying out a review of the Draft Law of the Republic of Kazakhstan "On Amendments to the Labour Code of the Republic of Kazakhstan". In addition, it was expected that the ILO will conduct activities aimed at the improvement of legislation and practices of labour inspection to bring them in line with the recommendations of the audit, ILO Conventions No.81 and 129, and international norms.

A particular strategic direction was to provide expert assistance in the development of the new Employment law based on the new Concept of regulation of labour market and employment of human resources in Kazakhstan.

The following activities (steps) were used as performance indicators in the assessment of the level of completion of outcome 1.2:

1. Development of a draft law, based on broad tripartite consultations, to introduce amendments to the Labour Code of the Republic of Kazakhstan", taking into account comments of the ILO supervisory bodies on ratified conventions;
2. Adoption of legislative and other measures to ensure effective participation of labour inspection in monitoring compliance with labour legislation;
3. Improvement of national legislation in the field of employment and mandatory social insurance;
4. A revised law on migration of population is developed.

The analysis and assessment of the first activity showed that it had been completed. In particular, the ILO specialists conducted an expert assessment of the law of the Republic of Kazakhstan "On introduction of changes and amendments to the Labour Code of the Republic of Kazakhstan". They presented appropriate comments, which were taken into account while the law was being drafted. ILO National Coordinator Mr. Umirzhanov participated in the development of the draft law. To conclude the above mentioned, **the first activity (step) under outcome 1.2 can be assessed as satisfactory.**

With regards to the second activity (step) "*Adoption of legislative and other measures to ensure effective participation of labour inspection in monitoring compliance with labour legislation,*" it should be noted that on January 6, 2011 the Law of the Republic of Kazakhstan #377-IV "On State Control and supervision in the Republic of Kazakhstan" was adopted. According to the Law, monitoring of labour legislation is one of the main areas for state control and surveillance, including the following issues:

- monitoring of compliance with labour and occupational safety and health legislation of the Republic of Kazakhstan;
- control over compulsory occupational accident insurance;
- control over employment issues.

Taking into account the abovementioned, **the second activity of outcome 1.2 can be assessed as satisfactory.**

While discussing implementation of the third activity (Improvement of national legislation in the field of employment and mandatory social insurance) of outcome 1.2, it should be noted

that the fundamental document governing the processes on labour market and employment is the Law of the Republic of Kazakhstan “On Employment of the Population” adopted on 23 January 2001. Some amendments and modifications have been introduced into the law since its adoption, in particular, in 2010-2012. For example, the Law of the Republic of Kazakhstan of June 27, 2011 “On amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of employment and social protection” introduced amendments to this Law according to which the notion of “self-employed” was re-defined. In 2011, the Concept of Employment of Human Resources and Employment Programme 2020 were adopted, with the ILO technical advice and comments.

In terms of improving the legislation in the field of social insurance, it should be noted that in accordance with the Concept of Social Security (2001), there is presently a three-tier social security system in the republic, which consists of:

- basic social allocations guaranteed by the state
- compulsory social insurance
- voluntary (private) contributions to provide social allocations to the recipients defined by the contributors

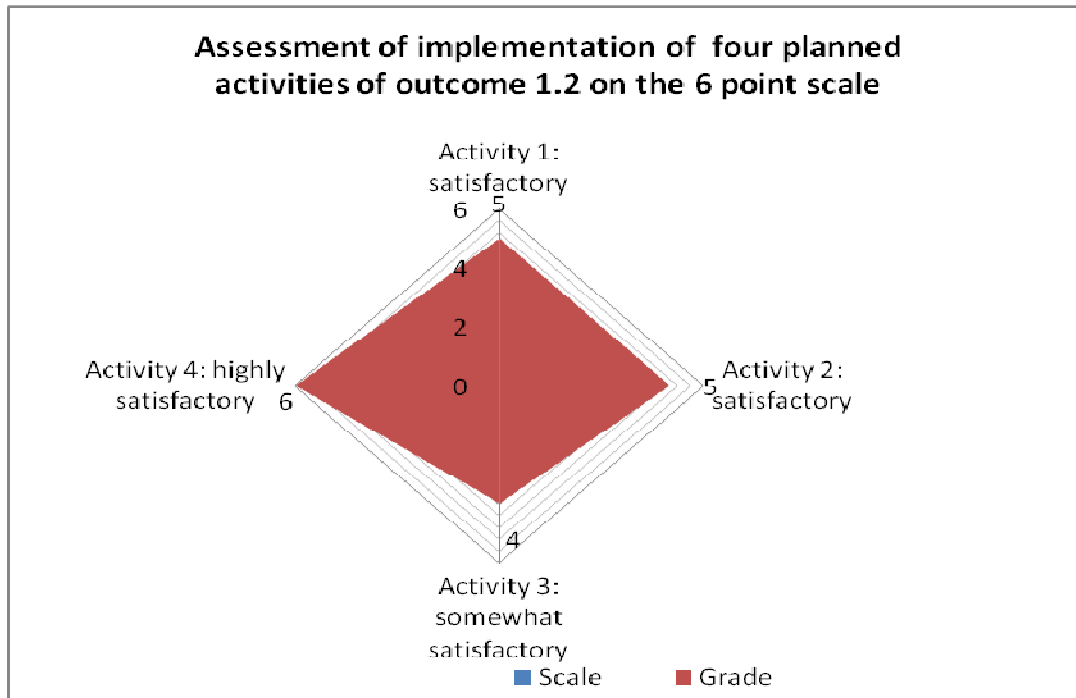
Compulsory social insurance refers to the second level of social protection and is aimed at creating a system of additional protection for workers in the formal sector in case of social risks. The fundamental law governing this area is the Law of the Republic of Kazakhstan # 405-II of April 25, 2003 “On Compulsory Social Insurance”. There have been improvements and amendments introduced to the law on a regular basis. One of the significant events to be noted in this context was an international scientific and practical conference “Social Modernization: New Social Policy” on September 30, 2011 conducted by the Ministry of Labour and Social Protection and the ILO. Important issues, such as major tendencies and prospects of social security development in the Republic of Kazakhstan, were discussed at the conference, which contributed to the strengthening of the knowledge base of the expert community and promoted understanding of international best practices. It is noteworthy that one of the issues which represent a promising direction for social insurance development was the issue of enhancing the coverage of the system of social insurance to self-employed population in the future.

Overall, the analysis of the status of **the third activity (step)** under outcome 1.2 shows that it is being implemented and can be assessed as **somewhat satisfactory**.

The fourth activity envisaged the development of a revised law on migration. As it was already noted, the law of the Republic of Kazakhstan “On Migration of the Population” #477-IV was not only redrafted, but also adopted on July 22, 2011 with the ILO’s advice and technical comments. In fact, the level of achievement exceeded expectations, so, in our opinion, the **fourth activity (step) can be assessed as highly satisfactory**.

Graph 6 below displays the assessment of planned steps (activities) of Outcome 1.2 on a six-point scale.

Graph 6.



To sum up, the assessment of achievement of Outcome 1.2 (*Labour legislation is improved*) is satisfactory.

Outcome 1.3: OSH-related legislation is improved and national OSH standards are developed in compliance with international standards

Prior to the implementation of the DWCP for 2010-2012 and in the framework of the previous programme, the ILO provided consultations on mechanisms of implementation of newly enacted labour legislation concerning occupational safety and health.

To implement DWCP for 2010-2012, in particular to achieve Outcome 1.3, it was expected that the ILO would continue to provide, upon request, advice and recommendations on further improvement of legislation with an aim to reform the national OSH system in accordance with the provisions of ILO Conventions No. 155 and 187 and related recommendations.

The following three activities (steps) were planned to achieve this outcome:

1. New terms and concepts on assessment and management of OSH-related risks are integrated into the Labour Code
2. Regulations on OSH are revised
3. Draft OSH standards “Enterprise OSH System Guidelines”, “Small Business OSH System Requirements and Guidelines,” “OSH Management at Organizations. Main Requirements for risk assessment and management” and “OSH Management at Organizations. Inspection (Audit) Procedure” are developed

The issues of occupational safety and health are quite crucial and acute in Kazakhstan. The Ministry of Labour and Social Protection and the Committee on Control and Social Protection under the Ministry in particular, are regularly monitoring enterprises for OSH compliance. These issues are discussed at the quarterly teleconferences of the Ministry of Labour and Social Protection with the enterprises, especially those, where situation with occupational safety has deteriorated.

The Ministry of Labour and Social Protection regularly conducts an attestation of enterprises' production facilities on compliance of the workplaces and working conditions with the accepted standards and requirements on occupational safety. According to an Analytical Memo of the Ministry of Labour and Social Protection, as of January 1, 2012, there were 2,425 production facilities which passed an attestation of working conditions. During the first six months of 2012, attestation of 1,104 production facilities was conducted.

The analysis of implementation of the first activity (step) of Outcome 1.3 showed that technical consultations on introducing new terms and concepts on OSH risks assessment and management into the Labour Code were delivered, either online or during the missions of ILO Specialists. Among the most visible examples are technical consultations provided within the framework of the Labour Forum on "Strategic Objectives of Risk Management in the Sphere of Labour and Human Capital Development" conducted in Atyrau on November 3, 2010. Technical consultations and the Labour Forum in general resulted in the introduction into the Labour Code of a requirement to establish Workplace Safety Committees which became mandatory by law. In addition, the revised Labour Code includes a reference to the international standards on OSH.

To sum up, the analysis of the first activity (step) of Outcome 1.3 shows that the MLSPP RK, as well as the ILO, delivered the planned results, therefore, **the activity can be assessed as satisfactory.**

With regards to the second activity (step) of Outcome 1.3, it should be noted that the analysis of regulations in the area of occupational safety and health is carried out on a permanent basis in close cooperation with the ILO specialists and the constituents. It is due not only to a high social significance of occupational health and safety issues, but also to the necessity of legal regulation of these issues, in particular, as required in the context of the Labour Code.

In the overall, the second activity (step) of Outcome 1.3 is assessed as **satisfactory.**

To implement the third activity (step) of Outcome 1.3, the Ministry of Labour and Social Protection, Federation of Trade Unions of Kazakhstan, Confederation of Employers of Kazakhstan and ILO organized a two-day seminar on occupational safety in oil and gas industry which included individual sessions on the analysis of ILO standards on occupational safety. The seminar was held during the Labour Forum on November 3, 2010 in Atyrau.

The analysis of the status of work on the development of draft OSH standards "Enterprise OSH System Guidelines", "Small Business OSH System Requirements and Guidelines," "OSH Management at Organizations. Main Requirements for risk assessment and management" and "OSH Management at Organizations. Inspection (Audit) Procedure"

showed that not only had these documents been developed, but they were also approved by the Committee on Technical Regulation and are being enforced. Table 3 shows data (as of January 1, 2012) on the enterprises, which implemented international and national standards on occupational safety and health.

Table 3.

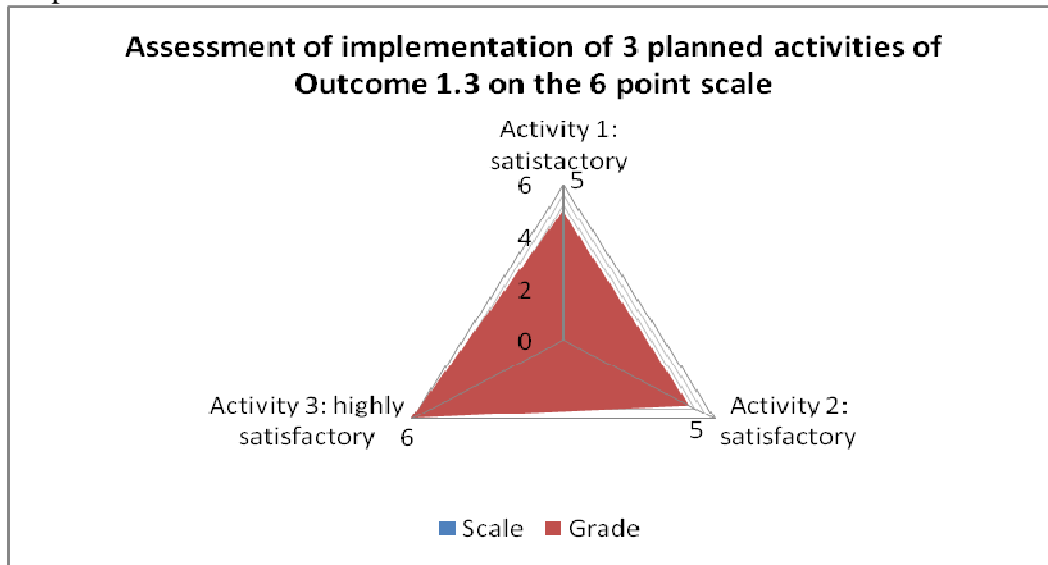
#	Regions and cities	Number of enterprises categorized as “private” (according to the report on collective agreements as of 01.01.2012)			Number of enterprises that implemented OSH standards (based on the results for 2011)
		Including:			
		large	medium	small	
1	Akmolinskaya	60	274	4246	61
2	Aktyubinskaya	36	375	6244	55
3	Almatinskaya	74	268	7152	68
4	Atyrauskaya	59	175	5159	55
5	Eastern Kazakhstan	97	338	8391	112
6	Zhambylskaya	21	115	3939	56
7	Western Kazakhstan	37	132	3734	78
8	Karagandinskaya	85	383	12154	152
9	Kyzylordinskaya	38	171	3495	41
10	Kostanayskaya	77	306	5490	71
11	Mangistauskaya	59	219	6394	17
12	Pavlodarskaya	46	167	5522	29
13	Northern Kazakhstan	39	252	3619	61
14	Southern Kazakhstan	90	303	10587	69
15	Astana city	118	385	18541	115
16	Almaty city	412	1483	47067	29
17	Total in the republic	1348	5346	151734	1069

Source: MLSPP RK

To summarize the abovementioned, we can state that the implementation of the third activity (step) of Outcome 1.3 **exceeded the expectations and is assessed as highly satisfactory.**

Graph 7 below displays the assessment of three planned steps under Outcome 1.3.

Graph 7.



In sum, the overall assessment of Outcome 1.3 (*Improvement of legislation and the development of national standards for occupational safety in accordance with international norms*) is satisfactory.

Overall, the planned results under Priority 1 were delivered and outcomes achieved.

2.4 Analysis and evaluation of activities aimed at Support to productive employment and social protection of men and women (Priority 2)

It was planned to implement and achieve the following five outcomes under Priority 2:

Outcome 2.1: Effective labour market policies are formulated and implemented

Outcome 2.2: Sustainable jobs are created through more inclusive skills training and entrepreneurship development

Outcome 2.3: National social security system is improved

Outcome 2.4: OSH management system is introduced and applied in specific high-risk sectors to ensure safe working conditions, including to migrant workers

Outcome 2.5: Specific legislation and effective mechanisms for the protection of migrant workers and their families are further developed

Presentation of findings by each outcome is provided below.

Outcome 2.1: Effective labour market policies are formulated and implemented

The main strategy to achieve this result was to support the development of a new concept for labour market and employment regulation aimed at improving competitiveness and providing the basis for drafting a new employment law to preserve employment by implementing preventive economic measures.

The main planned activities (steps) under Outcome 2.1 were as follows:

1. The Action Plan for 2008-2010 to improve the national employment system is implemented;
2. A new Concept for labour market and employment regulation in Kazakhstan is developed.

Analysis of implementation of the two abovementioned activities (steps) demonstrated intensive involvement of the ILO and tripartite partners. The action plan was implemented and the Concept on labour market regulation and employment of human resources in Kazakhstan was developed in 2010. Moreover, an Employment Programme was also developed in 2010. The ILO specialists, as well as experts from the Federation of the Labour Unions of Kazakhstan, the Kazakhstani Employers' Association, and other organizations presented their technical comments and recommendations, which were taken into account in improving the legislation. It should be noted that the Concept on labour market regulation and employment of human resources in Kazakhstan was not only developed, but also adopted and enacted. Innovations that had been included into this Concept were further on incorporated into the Employment Programme 2020. It should be noted that there were a number of important innovations in the Employment Programme 2020 itself.

The following select aspects of these two policy documents could be noted as particularly innovative:

- Labour market regulation policy was defined as a specific subject for regulation;
- A special focus was made on the development of entrepreneurship in the country and specific financial instruments were proposed in this regards;
- The problems of self-employed were highlighted and solutions proposed.

In general, **both planned activities (steps) under Outcome 2.1 were completed satisfactorily and, moreover, the implementation of the second activity exceeded expectations.** The concept was not only developed and adopted, but it was also executed in practice. Accordingly, **the overall assessment of Outcome 2.1 (*Effective labour market policies are formulated and implemented*) is highly satisfactory.**

Outcome 2.2: Sustainable jobs are created through more inclusive skills training and entrepreneurship development

The following activities (steps) were planned to achieve Outcome 2.2:

1. Modular Skills Training (MST) methodology and Know About Business (KAB) programme introduced at vocational training institutions;
2. Improved access is secured to business education and training, including through the institutionalization of the ILO Start and Improve Your Business (SIYB) programme in the framework of the National Employment Programme;

3. A mandatory nation-wide standard on supplementary vocational training of workers on occupational safety and health is approved.

Analysis of the implementation of the first and second activities (steps) revealed that the introduction of MST methodology and KAB programme in vocational training institutions is going on in cooperation with the Ministry of Education and Science of the Republic of Kazakhstan. As part of the above activities, the ILO has been introducing a new approach aimed at addressing a range of issues in order to expand access to entrepreneurial education and training, with a special emphasis on youth employment and gender equality. The ILO provided support in the development of knowledge base and promotion of a virtual resource platform¹ on business training.

The ILO has been also contributing to advocacy and outreach to the regions to engage women and youth into entrepreneurial skills and SIYB training through a series of seminars, workshops and roundtables.

As noted in the national mass media: *“Initially, the Programme developed by the International Labour Organization is taught according to a new methodology using the Internet, interactive dashboards, and video materials. The course “Know about Business” includes nine modules that explain how to identify a good business idea, start a business, prepare a business plan and other components of successful business”.*²

A pilot survey on the composition and status of self-employed people was conducted among men and women in Almaty and Enbekshikazakh region of Almaty oblast in 2011.

It should be noted that all these activities, as well as KAB and SIYB programs, were implemented as part of the Employment Programme 2020 approved by the government. To ensure successful implementation of the Employment Programme 2020 and in particular the above activities, technical consultations were provided on microfinance and improvement of micro-credit mechanisms for both men and women. In view of the above, **steps 1 and 2 are assessed as satisfactory.**

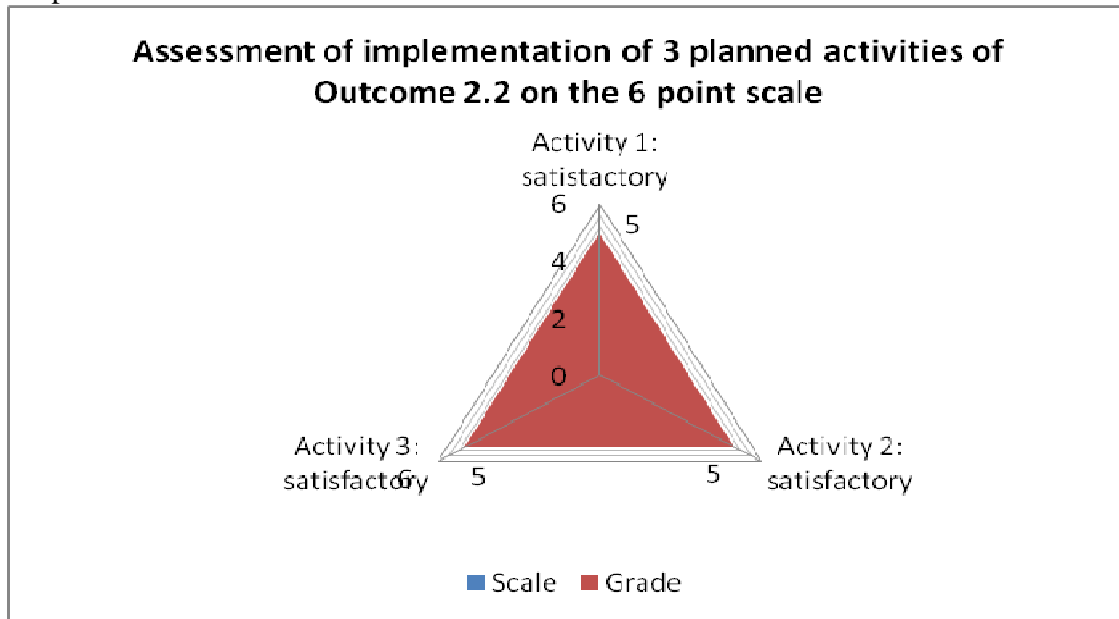
Finally, with regards to step 3, on April 21, 2011 “State Mandatory Standard of the RK on Supplementary Vocational Training of Workers on Occupational Safety and Health” was approved. **Therefore step 3 is assessed as satisfactory as well.**

Graph 8 below shows the assessment of implementation of three activities of Outcome 2.2.

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

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

Graph 8.



To summarize, the overall implementation of outcome 2.2. (*Sustainable jobs are created through more inclusive skills training and entrepreneurship development*) can be assessed as satisfactory.

Outcome 2.3: National social security system is improved

To achieve Outcome 2.3, the following activities (steps) were planned:

1. Amendments to the pension law are made to achieve the increase of basic pension benefits and higher replacement rate in compliance with C 102.
2. The methodology to determine subsistence minimum level is revised.

The pension reform, which began in 1997 with the adoption of the Concept of Reforming the Pension System in Kazakhstan, marked the first decisive step in reforming the social sphere as a whole. The main goal of the reform was to build a financially sustainable and fair system which would commensurate worker's labour contribution to his/her pension formed through a personalized account of pension contributions. Despite the validity of the approach, the current pension system does not adequately take into account the impact of market mechanisms on the accumulated pension contributions. In particular, economic growth and inflation processes, especially in the periods of financial crisis, are the main reasons behind the need for review of the mechanism of pension benefits determination, as well as determination of wages.

To implement the first activity (step) of Outcome 2.3, the ILO, the Ministry of Labour and Social Protection and social partners conducted an expert review of pension legislation aimed at increasing pension benefits. As a result, the law of the Republic of Kazakhstan #363-IV

“On Introduction of Amendments into the Law of Republic of Kazakhstan “On Pensions in the Republic of Kazakhstan” providing for an increase in pension payments was adopted on December 15, 2010. On the basis of this law, minimum pension payment was increased by 75% based on a 39-fold monthly index, as compared to the 32- fold monthly index.

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

In the overall, in our opinion, **the first planned activity** (step) of Outcome 2.3 regarding the introduction of amendments into the pension legislation aimed to increase retirement payments can be assessed as **satisfactory**.

At the same time, the second planned activity (step) of Outcome 2.3 has not yet been fulfilled completely. The decision of the Expert Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan to postpone the ratification of ILO Convention No.102 (Convention concerning Minimum Standards of Social Security) till 2013-2014 negatively affected the implementation of this activity to some extent.

Despite this, considerable work on improving subsistence minimum determination methodology was conducted. For example, the ILO reviewed the existing subsistence minimum determination methodologies in Kazakhstan. Also, at an ad hoc request of the MOLSP the ILO prepared country case studies on methods of calculation of subsistence minimum or estimating the poverty lines (examining Canada, Bulgaria, Russian Federation and Finland experiences). On December 8, 2011, the Ministry of Labour and Social Protection, Federation of Trade Unions of Kazakhstan, Confederation of Employers of Kazakhstan and the ILO held a roundtable, where the experience of other countries in determining minimum subsistence level was presented.

In our view, **the second planned activity** of Outcome 2.3 can be assessed as **somewhat satisfactory**.

To summarize the abovementioned, in the overall performance under Outcome 2.3 (*National social security system is improved*) is assessed as satisfactory, with just a few results pending.

Outcome 2.4: OSH management system is introduced and applied in specific high-risk sectors to ensure safe working conditions, including to migrant workers

To achieve Outcome 2.4, the following activities (steps) were planned:

1. OSH management system complying with the Interstate standard GOST 12.0.230-2007 “Occupational safety and health management system. General Requirements” (ILO OSH-2001) is introduced at enterprises of the country;
2. OSH syllabus is developed and introduced by the National Occupational Safety and Health Institute as part of the systemic approach to improvement of training standards;
3. Advisory Board is set up under the National Occupational Safety and Health Institute to consider and introduce findings of research to practical work of enterprises;

4. Annual training of labour inspectors and social partners regarding a methodology to introduce the Interstate GOST 12.0.230-2007 “Occupational safety and health management system. General Requirements” (ILO-OSH 2001) is organized;
5. Multiplication of “Work Improvement in Neighborhood Development” (WIND) programme;
6. Integration of HIV/AIDS workplace issues into the OSH management system.

In relation to the first planned activity (step), the occupational health and safety management system is presently being introduced in the country with the technical advice from the ILO and in accordance with Interstate standard GOST 12.0.230-2007 “Occupational safety and health management system. General Requirements.” As of January 1, 2012, the number of enterprises where labour conditions were inspected made up 2,425. During the first months of 2012, the review of working conditions was carried out at 1,104 enterprises. According to the reports of territorial departments, 1,069 international and national standards of occupational safety have been implemented at the enterprises of the country, which is a seven times increase as compared to the previous year (153 enterprises). On April 29, 2011, a tripartite meeting on the issues of implementing occupational safety and health management system at the enterprises with high occupational risk was held.

The analysis of the implementation of the first activity (step) of Outcome 2.4 shows that it has been fulfilled as planned. Based on this, the activity can be assessed **as satisfactory**.

The second planned step concerning the development and integration of the syllabus of training for workers on occupational safety and health has been **assessed as satisfactory as well**. A 15.5 hours training programme on “Occupational Safety and Health” for managers of enterprises at all levels and engineering specialists was approved on January 21, 2011. It consists of two main sections: Basics of Occupational Safety and Health and Basics of Occupational Safety Management in Organizations.

According to the planned third step, an Advisory Council was established at the Ministry of Labour and Social Protection of Population of the Republic of Kazakhstan to review and integrate the results of research into practical work at the enterprises. While noting the effectiveness of this Council, it should be advisable to include the representatives of social partners into the Council, as it had been originally planned. Including the representatives of workers and employers into the Council would not only help ensure transparency of the Council's work, but also improve the quality of its work. Based on the abovementioned, the third planned step, in our view, can be considered as **somewhat satisfactory**.

To implement the fourth step of Outcome 2.4, the Ministry of Labour and Social Protection, as well as the social partners with consultancy support from the ILO, have been organizing regular training seminars for professionals dealing with occupational safety issues. In 2011, 2003 seminars were organized for state labour inspectors. 1516 seminars were organized during the first six months of 2012, which is an increase as compared to the previous year. Table 4 below shows the data on information & communication and promo activities of state labour inspectors in 2011 and the first six months of 2012.

Table 4. Report on information and promo activities of state labour inspectors according to the results of 2011 and the first six months of 2012

Regions and cities	Participation in approval of new production facilities		Number of enterprises that passed attestation on working conditions		# of methodological guides & recommendations prepared		Organized:				Number of reviewed claims and grievances		i.e. concerning the issues of:					
	2012	2011	2012	2011	2012	2011	Seminars and classes		Media events		2012	2011	Labour relations		OSH		Employment	
							2012	2011	2012	2011			2012	2011	2012	2011	2012	2011
Akmolinskaya	25	21	53	21	0	0	103	124	38	40	558	610	495	563	62	47	1	0
Akt'yubinskaya	84	89	26	23	0	0	90	106	61	62	491	673	472	646	19	27	0	0
Almatinskaya	0	0	17	8	0	0	167	120	34	20	259	310	253	305	6	5	0	0
Atyrauskaya	12	22	17	9	4	4	12	12	22	24	436	388	385	345	51	39	0	4
Eastern Kazakhstan	5	8	436	326	0	0	302	285	37	27	1009	929	883	823	115	92	11	14
Zhambylskaya	0	0	104	30	0	0	59	67	30	44	208	191	193	181	14	10	1	0
Western Kazakhstan	48	12	12	1	0	0	27	18	34	23	431	488	357	470	66	12	8	6
Karagandinskaya	41	92	60	22	0	0	82	144	13	2	894	953	795	890	89	49	10	14
Kyz'ykordinskaya	19	32	5	0	0	0	71	37	24	17	319	281	273	256	12	11	34	14
Kostanayskaya	76	67	81	138	0	0	64	163	40	43	476	769	376	640	100	129	0	0
Mangistauskaya	7	9	21	35	0	0	60	122	13	24	904	1125	816	826	37	284	51	15
Pavlodarskaya	26	17	139	80	0	0	66	70	12	25	791	844	718	757	62	84	11	3
Northern Kazakhstan	12	1	58	90	2	3	73	75	15	29	317	388	301	369	16	19	0	0
Southern Kazakhstan	42	77	21	10	0	0	173	151	25	36	594	683	540	619	50	58	4	6
Astana city	192	120	16	18	0	0	48	395	26	26	1164	1893	1145	1852	16	41	3	0
Almaty city	194	102	38	42	1	0	119	114	27	21	1346	1926	1337	1912	8	13	1	1
Total in the republic	783	669	1104	853	7	7	1516	2003	451	463	10197	12451	9339	11454	723	920	135	77

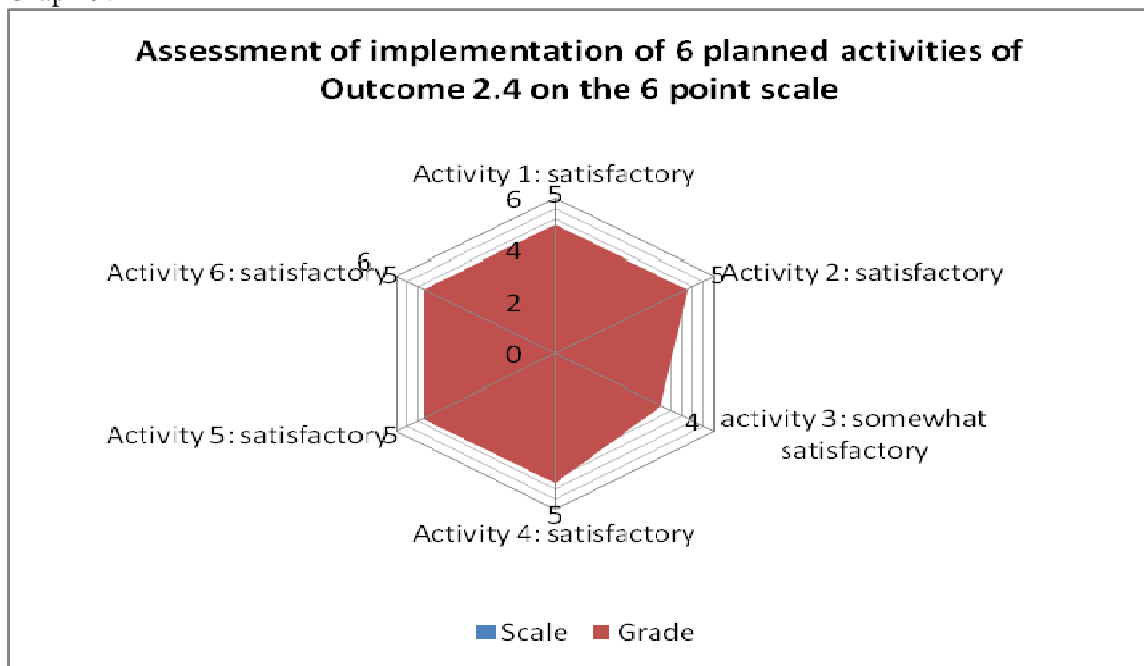
Thus, based on the above mentioned information we can assess **the fourth planned step as satisfactory.**

Implementation of the fifth scheduled step, namely sharing experience of the ILO programme “Work Improvement in Neighborhood Development” (WIND), has been done in the framework of the dissemination of experience of a pilot programme implemented in Southern Kazakhstan. This programme aimed at protecting the rights of migrant workers is currently disseminated among the rural population in other regions of the country. The assessment of **step five is satisfactory.**

Execution of the sixth planned step under outcome 2.4, i.e. issues of integration of HIV/AIDS workplace prevention into OSH management system, has been completed quite effectively. For example, the issues of HIV/AIDS prevention were included in the curricula and training programs on occupational safety for workers. In view of the urgency and importance of the issue, a training workshop for state labour inspectors on “HIV/AIDS and the world of work” was organized on September 29-30, 2012. Based on the abovementioned, the sixth step under Outcome 2.4 has been implemented as planned and is assessed as **satisfactory.**

Graph 9. displays the assessment of implementation of six planned steps (activities) of Outcome 2.4.

Graph 9.



In the overall, performance under Outcome 2.4 (OSH management system is introduced and applied in specific high-risk sectors to ensure safe working conditions, including to migrant workers) is assessed as satisfactory.

Outcome 2.5: Specific legislation and effective mechanisms for the protection of migrant workers and their families are further developed

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

1. Specific provisions on the protection of migrant workers' rights are included in the national legislation;
2. Specific measures aimed at protecting migrant workers are developed as a part of national policies and programmes and implemented by the government and social partners;
3. Bi-lateral and multi-lateral agreements on labour migration with other countries are developed.

In the context of the first and the second steps implementation, on July 22, 2011, the law of the Republic of Kazakhstan "On Migration of the Population" was adopted in its new and revised version. According to the law, particularly Article 4, "Major principles and objectives of state policy on migration of the population" and Article 5 "Rights and Responsibilities of Immigrants", the Republic of Kazakhstan protects the rights of immigrants, who arrive in the country to work. According to Article 4, Clause 2 and Sub-clause 1, the major objectives of the state policy are protection of migrants' rights and freedoms. According to Article 5, Clause 1 and Sub-clauses 1 and 2, immigrants in the Republic of Kazakhstan are entitled to the rights and freedoms stipulated for the Kazakhstani citizen (if otherwise is not stipulated by the Constitution, laws and international agreements). Immigrants also have the right to education, medical and social assistance in the order established by the legislation of the Republic of Kazakhstan.

During the preparation of the draft law, the ILO and the constituents organized meetings and tripartite consultations regarding inclusion of migrant workers in the social protection system. In addition, the ILO provided comments on the draft law "On Migration of the Population" to MLSPP RK.

It should be noted that the CIS agreement #147-XX111 in the sphere of labour migration and social protection of migrant workers, ratified on September 8, 1994, is the basic agreement for CIS countries on labour migration issues. In addition, to ensure the regulation of the legal status of migrant workers and members of their families and implement the principle of equal treatment of migrant workers and citizens of the receiving country in issues regarding living and working conditions, a Convention on the Legal status of Migrant Workers and Members of Their Families of the Commonwealth of Independent States was signed on November 14, 2008, in Chisinau. The Convention was ratified by the Law #235-IV of the Republic of Kazakhstan on December 31, 2009. The DWCP 2010-2012, particularly the two abovementioned activities, has been implemented with due regard and in line with this law.

Despite a number of positive events carried out to promote protection of migrant- workers rights in Kazakhstan, there is still a range of acute issues remaining. First and foremost, there is an issue of labour migrants who work in the informal sector of economy. The problem of informal economy was given a lot of attention in the framework of DWCP 2010-2012. Due to

the significance of the issue, the ILO carried out a study “Development of Policies and Measures to Facilitate Transition from Informal to Formal employment (on the example of Kazakhstan)”.

It is pointed out in the study that: *“Informal working conditions of migrant workers fail to comply not only with sanitary, but also with basic human conditions. For example, they sell goods in the cold or in the rain, in places that are not equipped for this purpose. Construction workers do not have the means of protection when working in hazardous conditions. Seasonal illegal labour migrants in many cases do not have days off. Moreover, seasonal workers lack basic living conditions. They sleep in tents, at best in barracks that accommodate 10-15 people in a room. Informal migrant workers engaged in construction work in shifts for 15 days, 10 hours a day. Many of them work for 10-15 hours a day.”*In view of the above, despite considerable work already carried out in line with the implementation of the Outcome 2.5, in our view, it is necessary to continue this work in the future with a focus on informal labour migration.

In general, based on the analysis of implementation of the **first and second steps** under Outcome 2.5 it should be noted that these steps have been **accomplished and can be assessed satisfactory**.

In the context of the third step, it should be noted that the Republic of Kazakhstan has signed a variety of bilateral and multilateral agreements with other countries in the field of labour migration. A number of agreements were signed prior to the implementation of DWCP 2010-2012 as follows:

- Between the government of Kazakhstan and the government of the Kyrgyz Republic on employment and social protection of migrant workers employed in agriculture in the border areas. This agreement was approved by the Government Resolution #29 on December 16, 2003;
- Between the government of Kazakhstan and the government of the Republic of Tajikistan on labour and protection of migrant workers rights - the Kazakhstani citizens temporarily working in the Republic of Tajikistan, on labour and protection of the rights of the migrant workers - the citizens of the Republic of Tajikistan temporarily working in Kazakhstan. This agreement was approved by the Resolution # 1248 of the government of the Republic of Kazakhstan on December 23, 2006;
- Between the government of Kazakhstan and the government of the Kyrgyz Republic on the employment and protection of the rights of migrant workers -citizens of Kazakhstan temporarily working in the Kyrgyz Republic, on the employment and protection of the rights of migrant workers -citizens of the Kyrgyz Republic temporarily working in Kazakhstan. This agreement was approved by the government of the Republic of Kazakhstan on 13 June 2007 (resolution #1248);

Building up on the achievements of the previous period, and with the technical support from the ILO technical cooperation project of labour migration another agreement was signed in 2010 “Between the government of Kazakhstan and the government of the Socialist Republic of Vietnam on temporary employment of citizens of the Republic of Kazakhstan in the

Socialist Republic Vietnam and citizens of the Socialist Republic Vietnam in Kazakhstan.” This agreement was approved by the Government Resolution 601 on June 17, 2010.

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

The ILO and the Federation of the Trade Unions of the Republic of Kazakhstan have been playing an active role in promoting migrant-workers’ rights. In the framework of an ILO technical cooperation project “Regulation of the labour migration as a tool for development and regional cooperation in Central Asia - Kazakhstan, Kyrgyzstan and Tajikistan” (2008-2011), an Agreement on cooperation between the Federations of trade unions of Kazakhstan, Kyrgyzstan and Tajikistan was signed on March 31, 2011 in Astana.

To promote better practices in the area of labour migration, the ILO, the Confederation of Employers of the Republic of Kazakhstan, and the European Union issued a brochure “The booklet and informational materials for employers on how to attract foreign workers in the Republic of Kazakhstan and the migrant workers’ rights” which is considered very useful.

The booklet (see picture on the right hand side) was reprinted by the Confederation of Employers of the Republic of Kazakhstan with the support of the ILO project “Regulation of labour migration as an instrument of interregional cooperation in Central Asia - Kazakhstan, Kyrgyz Republic and Tajikistan”.

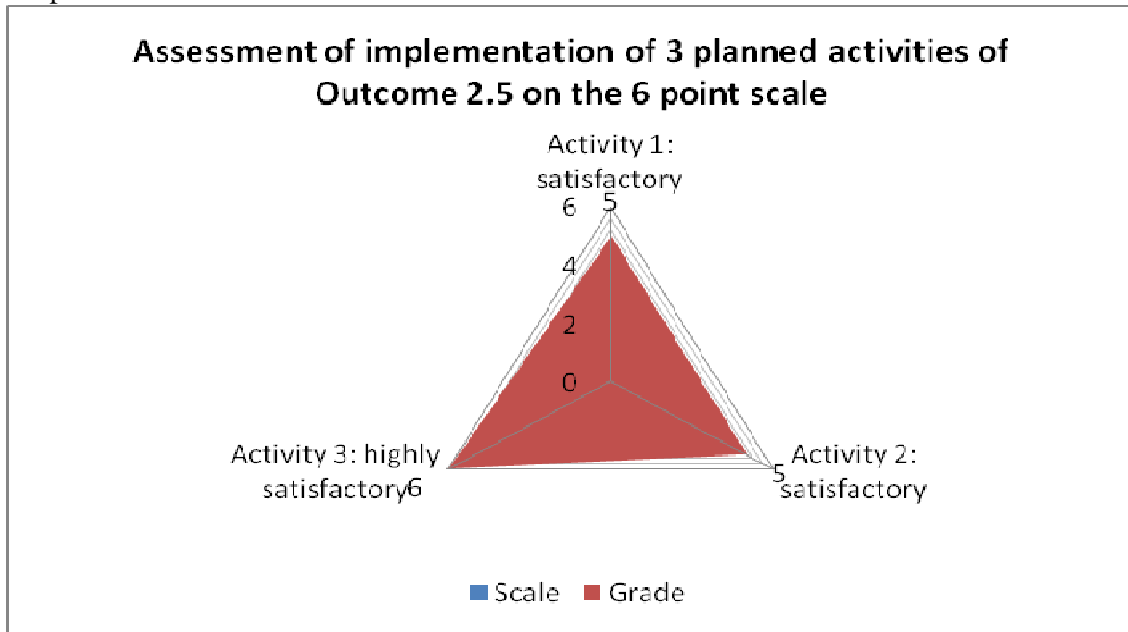
We believe that the abovementioned booklet is an example and result of a positive approach in the implementation of the DWCP in Kazakhstan. This booklet is not only a useful guide for the Kazakhstani employers, but also a resource material for migrant workers from Kyrgyzstan, Tajikistan, Uzbekistan and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



In this regards, we recommend the ILO to replicate this work in the above mentioned countries. In addition to Kyrgyzstan and Tajikistan, we included Uzbekistan and Turkmenistan into the list of the countries because intensive labour migration to Kazakhstan is a widespread phenomenon in these countries as well.

Based on the abovementioned, it should be noted that **implementation of third planned step has been very successful and it can be estimated as highly satisfactory**. Graph 10 shows the assessment of implementation of planned activities/steps of Outcome 2.5.

Graph 10.



In sum, the implementation of Outcome 2.5 (*Specific legislation and effective mechanisms for the protection of migrant workers and their families are further developed*) can be assessed as satisfactory.

Overall, the planned results under Priority 2 were delivered, planned steps completed and outcomes successfully achieved.

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

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

Outcome 3.1: *The efficiency and impact of social dialogue at all levels and the role and status of tripartite bodies are enhanced*

Outcome 3.2: *Corporate social responsibility is promoted by constituents*

Outcome 3.3: *Social partnership is further strengthened for elimination of the worst forms of child labour*

Presentation of findings by each outcome is provided below.

Outcome 3.1: The efficiency and impact of social dialogue at all levels and the role and status of tripartite bodies are enhanced

To achieve Outcome 3.1, the following activities (steps) were scheduled within the DWCP for 2010-2012:

1. Full effect is given to the ratified Conventions relevant to voluntary collective bargaining (Nos. 87, 98 and 135);
2. Strengthening social dialogue at the sectoral level and implementation of signed agreements;
3. Training of employers' and workers' organizations, including at the sectoral level, to strengthen their institutional capacities;
4. Strengthening the role and capacity of tripartite commissions to enable them also to play a role in crisis recovery and implementation of the Global Jobs Pact;
5. Extending the coverage of agreements between employers and workers at all levels;
6. Development of capacities of tripartite constituents in the creation and application of mechanisms regulating the work on HIV/AIDS prevention at the workplace.

As of today, Kazakhstan ratified twenty ILO conventions, including Convention No. 87 “On Freedom of Association and Protection of the Right to Organize” (Statute of the Republic of Kazakhstan #29-11 of 30.12. 1999); Convention No. 98 “Right to Organize and Collective Bargaining” (Statute of the Republic of Kazakhstan # 118-11 of 14.12.01) and Convention No. 144 “Tripartite Consultation” (Statute of the Republic of Kazakhstan #12-11 of 30.12.1999). In the framework of the implementation of these conventions, various collective agreements have been signed in Kazakhstan³. At present, work is ongoing to engage more and more enterprises and organizations in collective bargaining relations. Table 5 shows the data on the number of collective agreements as of the second quarter of 2012.

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

#	Regions and cities	number of enterprises	number of collective agreements	
			Total	%
1.	Akmolinskaya	6513	3382	51,9
2.	Aktyubinskaya	8276	2559	30,9
3.	Almatinskaya	9325	5680	60,9
4.	Atyrauskaya	6380	2149	33,7
5.	Eastern Kazakhstan	11816	8690	73,5
6.	Zhambylskaya	5643	1730	30,7
7.	Western Kazakhstan	5748	1223	21,3
8.	Karagandinskaya	14875	3251	21,9
9.	Kyzykordinskaya	5109	4407	86,3

³ In 2008, in view of the particular significance of these Conventions, a campaign “Sign a collective agreement” was held in the country.

10.	Kostanayskaya	7709	3358	43,6
11.	Mangistauskaya	7523	1391	18,5
12.	Pavlodarskaya	7449	2645	35,5
13.	Northern Kazakhstan	5499	3516	63,9
14.	Southern Kazakhstan	13484	5018	37,2
15.	Astana city	19680	1792	9,1
16.	Almaty city	43421	2545	5,9
	Total in the republic	178450	53336	29,9

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

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

Proactive stance of the trade unions has a significant influence on the adoption of collective agreements. Thus, according to the data of the Federation of the Kazakhstani Trade Unions, as of March 2012, out of 18, 231 organizations, where the trade unions are functioning, 17,410 had collective agreements, which accounts for 95.5%.

The activities of the social partners have not been limited only to collective agreements. They also addressed a variety of other issues. In particular, they have been working on social and labour conflicts prevention. In this regard, on December 6, 2011, a round table discussion on “Collective labour disputes and conflicts: ways to prevent and regulate” was held with the ILO’s cooperation and expert support. At the roundtable, the social partners discussed ways to improve the system for collective and individual labour disputes resolution, ways to prevent and regulate them. The range of problems discussed also included the issue of interaction between social partners at various levels aimed at balancing the interests of all parties.

To summarize the abovementioned, we can conclude that **the first activity (step) of Outcome 3.1 can be assessed as satisfactory.**

The second and the third activities (steps) of Outcome 3.1, to strengthen social dialogue, institutional capacities and implement agreements at the sectoral level - are also being implemented. Currently, according to the Federation of the Kazakhstani Trade Unions, 19 out of 26 sectoral trade unions signed tariff agreements. Moreover, 13 agreements were signed at the regional level. Upon signing the regional and sectoral agreements, the tripartite partners maintained the following obligations of the parties:

- To ensure workers’ rights to decent work
- To increase the level of real wages in line with productivity growth
- To introduce a system of bonuses (prizes)
- To reward workers according to the results of the year or on the occasion of public holidays
- To compensate for a deviation from normal work schedule
- To apply additional payments for special working conditions

Of particular note, the Labour Forum “Strategic objectives of risk management in the field of labour and human capital development” held in Atyrau on November 3, 2010 was a significant event aimed at strengthening social dialogue and fulfilling sectoral agreements. The Labour Forum was organized upon the initiative of the Ministry of Labour and Social Protection in view of the negative trends in social and labour relations, particularly in the oil and gas industry. The main objective of the Forum was to promote the adoption of measures aimed at minimizing risks of labour disputes in oil and gas and mining industries. The representatives of the International Labour Organization, the Ministry of Oil and Gas, Ministry of Education and Science, Ministry of Industry and New Technologies of Kazakhstan, the heads of associations of employers and employees, leaders of regional administrations from Western Kazakhstan, Mangistau, Kyzylorda, Atyrau, Aktobe regions, representatives of large companies operating in oil and gas and mining industries in Kazakhstan attended the Labour Forum.

One of the outcomes of the Labour Forum was the signing of the Memorandum of Cooperation between the ministries, workers’ and employers’ organizations, which aimed to develop social dialogue, promote social stability and social harmony in oil and gas sectors and the mining industry on the basis of the interests of the social partners. Social partners’ organizations have been trained on many issues pertaining to their institutional capacities development.

The ILO has also provided assistance in Strengthened institutional capacities of employers’ organizations and, in particular, for the Confederation of Employers of Kazakhstan in resolving the issues related to informal employment. Trainings and workshops on “Negotiation and consensus-building skills” and “Building effective wage policies” proved to be very useful for them.

Based on the analysis of implementation of steps two and three of Outcome 3.1, they can be assessed as satisfactory.

With regards to step four, it should be noted that the Republic of Kazakhstan has a three-level system of social partnership. It is implemented through a system of relations governed by agreements at three levels: country, sector/industry and region. At the national level social partnership is ensured by the Republican tripartite commission on social partnership and regulation of social and labour relations. The main instrument at the national level, based on which social partnership is implemented, is the General agreement between the government of the Republic of Kazakhstan, national unions of workers and of employers.

At its meetings, the Tripartite Commission discussed the issues of cooperation in the framework of the existing national legislation and international conventions, particularly the ILO. The work plan of the Republican Tripartite Commission takes into account not only the implementation of national programmes, but also international programmes and commitments. For example, the meeting of the Republican Tripartite Commission for Social Partnership on November 17, 2010 discussed such issues as improvement of wage system for civil servants and a package of measures to implement the DWCP for 2010 – 2012.

A lot of attention was paid to the issues related to anti-crisis measures in line with the implementation of both national and international policies, and in particular the ILO Global Jobs Pact. The Commission discussed the Employment Strategy and workers’ retraining in the

context of implementation of the “Road Map” programme, which has proven its effectiveness during the global financial crisis. In addition, the social partners discussed the opportunities in the promotion and implementation of the “Road Map for Business 2020”, in the context of future job creation.

The analysis of implementation of the fourth scheduled activity (step) of Outcome 3.1 showed that social partners, particularly on the national level, enhanced their capacity and contributed to social stability at the time of the global financial crisis by preserving jobs and supporting the implementation of the Employment Programme and the “Road map” programme.

In conclusion, implementation of activity (step) four of Outcome 3.1 can be given the best assessment as highly satisfactory.

With regards to step five, it should be noted that the levels of the multi-tier system of social partnership are closely inter-connected. Thus, sector- or region- based agreements are guided by the major principles reflected in the General Agreement or other documents on social partnership adopted at the national level. To illustrate, the Memorandum of cooperation between the ministries, associations of employees and employers in oil and gas sectors and the mining complex, which were signed during the abovementioned Labour Forum, established the basis for sector-specific agreements between the union of oil and gas workers of Kazakhstan, the Ministry of Oil and Gas and the representatives of sectoral organizations, signed on December 28, 2010 for 2011-2013. Similar agreements were signed between the union of mining industry workers, the Republican Association of Mining and Metallurgical Enterprises and the Ministry of Industry and New Technologies for 2011-2013.

In order to implement the adopted sectoral agreements, partners initiated activities aimed at the implementation of Article 122 of the Labour Code, which stipulates introduction of a minimum standard of pay («MCOT») for workers with laborious tasks, harmful (extremely harmful) and hazardous (extremely hazardous) working conditions.

The issues reflected in sectoral agreements provided a basis for collective agreements at the workplace level. As an example of positive impact, gender development issues, particularly regarding women workers’ health and regular medical examinations, have been included both into the sector-specific agreements and collective agreements.

It should be noted in this context that on June 28, 2012, ILO and the Federation of the Kazakhstani Trade Unions conducted a joint tripartite training on gender equality and combining work and family responsibilities in Kazakhstan for the representatives of trade unions, government agencies and associations of employers. The training strengthened the capacity of the partners in applying gender equality principles and equipped them with the skills necessary to implement to provisions of the national and sectoral agreements at the workplace level.

To summarize, implementation of the fifth step of Outcome 3.1 can be assessed **as satisfactory.**

In the context of step six analysis, it should be noted that the issues of HIV/AIDS prevention in the world of work and their practical application are extremely significant and topical for Kazakhstan. Due to their particular urgency, provisions on the development of the national tripartite strategy on HIV/AIDS in the world of work were included into the General Tripartite Agreement for 2012-2014. In the framework of the General Agreement, the constituents

committed themselves to promote ILO Recommendation 200 on HIV/AIDS in the world of work.

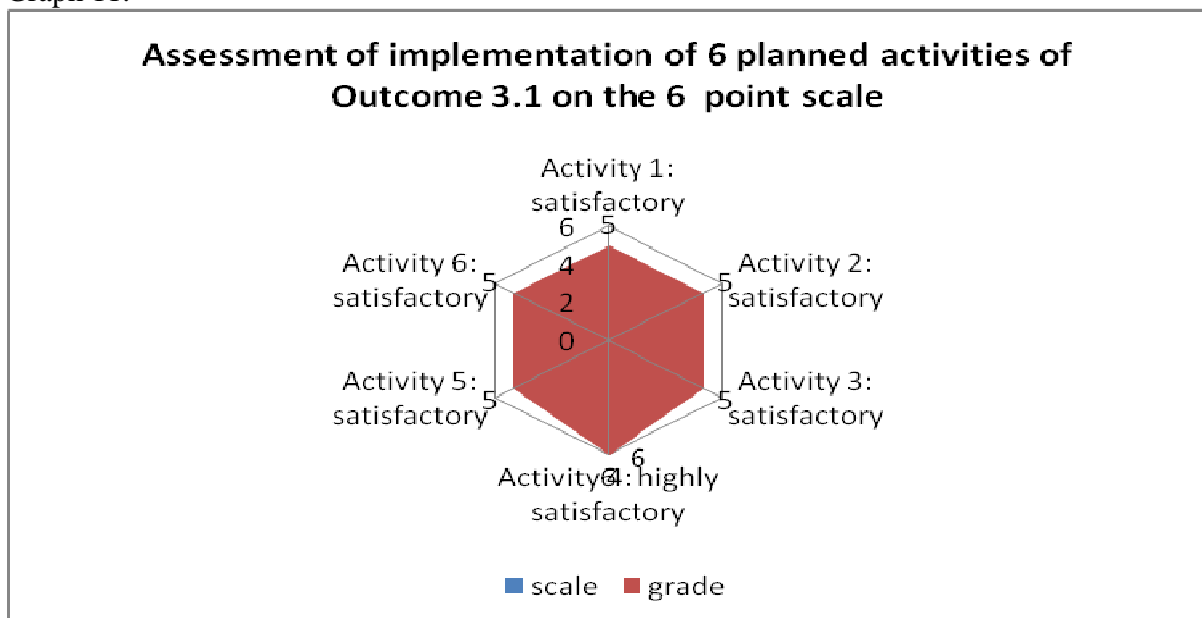
In addition, the issues of HIV/AIDS prevention in the world of work were discussed by the social partners at various roundtables and seminars conducted by the ILO. For example, a seminar entitled “HIV/AIDS and the world of work” was held with the participation of the Kazakhstani Republican Association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

On March 26-27, 2012, in Astana, the Federation of the Kazakhstani Trade Unions jointly with the ILO conducted a training for trade union officials on “implementation of programmes aimed at prevention of negative consequences of HIV in the workforce: the role and practices of trade unions in Kazakhstan.” During the training the participants discussed such issues as the dynamics of the spread of HIV/AIDS in Eastern Europe and Central Asia, review of the epidemiological situation on HIV in Astana, review of the ILO informational, methodological and educational materials regarding workplace policies on preventing negative effects of HIV, trade unions response and, finally, development and implementation of HIV/AIDS workplace education programmes.

Due to the importance of the issue, the ILO developed an information booklet “Start with Yourself - Live and Work Safely” in Kazakh and Russian languages. The booklet is quite an effective tool in prevention of HIV/AIDS at the workplace. It contains information on possible ways of transmission of HIV, as well as information that it is safe to work with a colleague who is HIV-positive. In addition, the booklet outlines the main principles of testing on HIV and peculiarities of HIV treatment. The booklet contains not only general information on the topic, but also contact information of HIV/AIDS Prevention Centers in Kazakhstan. Overall, the implementation of the **sixth planned step of Outcome 3.1 is assessed as satisfactory.**

Graph 11 below displays the assessment of six planned activities (steps) of Outcome 3.1.

Graph 11.



The overall assessment of Outcome 3.1 (*The efficiency and impact of social dialogue at all levels and the role and status of tripartite bodies are enhanced*) is satisfactory.

Outcome 3.2: Corporate social responsibility is promoted by constituents

The following steps were planned under Outcome 3.2:

1. Raising awareness of constituents on different aspects of CSR;
2. Improving the constituents' capacity to promote the core principles and provisions of the ILO Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).

According to the UN Global Compact principles "business community should uphold freedom of association and effective recognition of the right to collective bargaining." Kazakhstan, in line with the implementation of the Global Compact and in compliance with the key provisions of the ILO Conventions, in particular Convention No.87, "Freedom of Association and Protection of the Right to Organize" (ratified on 30 December 1999 by the decree # 29-11), Convention No.98 "On the Right to Organize and Collective Bargaining" (ratified December 14, 2001 by the decree #118-11) and Convention No. 144, "Tripartite Consultation" (ratified on 30 December 1999 by the resolution #12-11), has worked actively in this area in cooperation with the ILO.

In order to broaden the engagement of business community and encourage companies to address social issues, an annual contest on business social responsibility "Paryz" has been held in Kazakhstan since 2008. The social partners have been participating actively in organizing the contest. The contest has become one of important instruments in setting standards and criteria in dealing with social issues in companies. The contest has the following nominations:

- "The best socially responsible company"
- "Best Social Project of the year"
- "The best collective agreement"
- "For contribution to the environment"

Under "The best collective agreement" nomination, one of the main criteria is improvement of working conditions and workers' rights. The number of contest participants has been increasing from year to year. To illustrate, 390 applications were submitted for the contest in 2009, 434 in 2010 and 610 in 2011.

As a whole, the analysis of implementation of **the first activity (step) of Outcome 3.2 brings us to a conclusion that it was completed satisfactorily.**

Analysis of the implementation of the second step of Outcome 3.2 also showed good progress. Principles of employment, training, working and living conditions, as well as labour relations embodied in the Declaration on Multinational Enterprises guided the preparation of various agreements, i.e. in the framework of the Labour Forum on November 3, 2010 in Atyrau, where representatives of various multinational companies operating in the oil and metallurgical complex in Kazakhstan signed the Memorandum aimed at the development of

social dialogue, promotion of social stability and social harmony in these industries. Due regard was also given to the implementation of the principles on remuneration of wages stipulated in the MNE Declaration. For example, according to Article 3 of the Memorandum, employers' and workers' unions should “take measures to prevent significant differentiation of salaries of local and foreign employees in similar positions in the enterprises and stipulate these measures in collective bargaining agreements in the industry.”

Measures to implement the basic principles and provisions of the ILO Declaration on MNEs in 2010-2012 include not only signing of the Memorandum, but also other events. It should be noted that promotion of the key principles and provision of the Declaration on MNEs occurred with active participation of the International Labour Organization. **Thus, the second activity of Outcome 3.2 can be assessed as satisfactory.**

In sum, the implementation of Outcome 3.2 (*Corporate social responsibility is promoted by constituents*) is assessed as satisfactory.

Outcome 3.3: Social partnership is further strengthened for elimination of the worst forms of child labour

The following activities (steps) were scheduled in the Decent Work Country Programme for 2010-2012 to fulfill Outcome 3.3:

1. Accountability of the National Coordinating Council on the Elimination of the Worst Forms of Child Labour to effectively implement the National Plan of Action.
2. The National Plan of Action on the Worst Forms of Child Labour to support implementation of the ILO Convention No.182 in the Republic of Kazakhstan for 2009-2011, is implemented by the social partners;
3. Strategies to fight child labour are incorporated into national policy development framework as well as regional tripartite agreements.

As a background note, the National Coordination Council on the Elimination of the Worst Forms of Child Labour was established by Decree #73 of the Ministry of Labour and Social Protection of March 31, 2006. Representatives from the ILO, associations of the employers and employees, the General Prosecutor's Office, the Ministry of Culture and Information of the Republic of Kazakhstan, the Interior Ministry, NGOs, and a number of other agencies and organizations became members of the Council.

Analysis of performance under the first and second steps and, in particular, the activities of the National Coordination Council (NCC) on the Elimination of the Worst Forms of Child Labour in line with the implementation of ILO Convention № 182 “On the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour” showed some progress achieved in this direction. The work of the NCC was going on in accordance with the approved action plan. In 2009-2011, the NCC coordinated the implementation of a number of activities.

The review of the implementation of the first and second activities (steps), in particular the activities of the National Coordination Council (NCC) to Fight the Worst Forms of Child Labour in line with the implementation of ILO Convention No.182 “Concerning prohibition

and immediate action to eliminate the worst forms of child labour” showed that work had been completed. The activities of the NCC are held according to the approved action plan. In 2009-2011, NCC coordinated these activities.

Under the auspices of the National Plan of Action, a national information resource center on elimination of the worst forms of child labour has been functioning. The Center publishes results of various research, information materials for the population and specialists on child labour. The Center provides materials to the partners and interested parties and also posts them on the organization’s website www.stopdetrud.kz

The social partners take part in the implementation of the National Plan of Action to a certain degree. Thus, according to the plan for 2009-2011 and 2012-2014, the Federation of Trade Unions of Kazakhstan together with the ILO, held a series of seminars on the following topics: “Social Protection of Children”, “Fighting the Worst Forms of Child Labour in Central Asia: Activity Planning at the National Level”, and other seminars.

Publication of booklets “Employers’ role in eliminating child labour” and “How employers can eliminate child labour?” by Kazakhstani employers is an example of an effective tool in the context of implementation of ILO Convention No.182 and the National Plan of Action in general.

Implementation of the National Plan of Action is supported in the framework of technical cooperation projects of the ILO International Programme on the Elimination of the Child Labour (IPEC).

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

- 1) Adoption of a complex of preventive measures, which would preclude the worst forms of child labour;
- 2) Improvement of the institutional framework for the monitoring of the worst forms of child labour;
- 3) Improvement of mechanisms aimed at prevention of exploitation of children, release of children subject to the worst forms of child labour, and their rehabilitation;
- 4) Improvement of information and awareness raising methodologies;

Overall, in our view, the results of implementation of the first two planned activities (steps) demonstrate effective work both of the social partners and the ILO; therefore, they can be assessed as highly satisfactory.

With regards to step three, it should be noted that the regions of Kazakhstan differ from each other by their social-economic and cultural development. Each region has its own specific features, in particular regarding the issue of child labour. Due to the sensitivity and urgency of the issue, research related to eliminating the worst forms of the child labour was included into the National Action Plan for 2009-2011. Pilot studies were conducted in the Southern Kazakhstan and Almaty region.

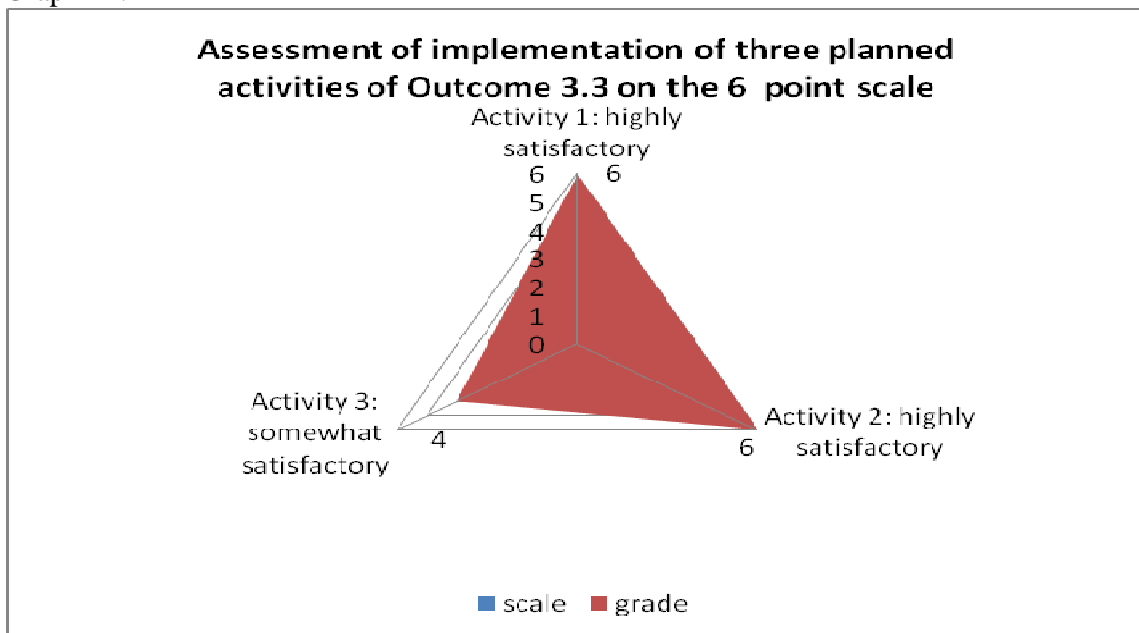
Issues of child labour were raised at the 8 session of the National Coordination Council carried out as a videoconference on May 20, 2012. Representatives of the regional

administrations from Almaty and Southern Kazakhstan, as well as members of the Coordination Council and ILO-IPEC coordinator in Kazakhstan, took part in the session.

Despite certain progress, performance level under step three has not been quite high up to yet, so there is still more work ahead. In particular, it is necessary to include the issue into the regional tripartite agreements. **Overall, the third step of Outcome 3.3 is assessed as somewhat satisfactory.**

Graph 12 displays the assessment of implementation of three planned activities (steps) of Outcome 3.3.

Graph 12.



In sum, the assessment of implementation of Outcome 3.3 (*Social partnership is further strengthened for elimination of the worst forms of child labour*) is satisfactory.

Overall, the planned results under Priority 3 were delivered and outcomes successfully achieved.

3. Conclusions, recommendations and prospects of further development

3.1 Overall findings, conclusions on the implementation of DWCP for 2010-2012

In conclusion, the review shows that DWCP for 2010-2012 has been successfully accomplished according to the plan. Outcomes under all the three Priorities have been achieved satisfactorily. This comes as a result of active cooperation of the ILO and the tripartite constituents.

Research and analysis of implementation of DWCP for 2010-2012 revealed that its successful implementation would not have been possible without technical and financial inputs from the ILO, including its specialized programmes and technical cooperation projects. Moreover, based on the detailed analysis of DWCP 2010-2012 implementation, it should be emphasized that good coordination of efforts by the ILO and tripartite constituents provided a solid basis for its implementation.

According to the interviews with the constituents and implementing partners, the success in the implementation of the DWCP is due to an effective coordination of different activities among each other, and to the fact that the DWCP corresponded to the constituents' own goals and objectives. The issues addressed by the programme proved to be topical for the constituents' own agenda.

It should be noted that the constituents cooperate with numerous international organizations in the sphere of employment, labour market, social protection, child labour, and gender policy such as WB, IOM, UNDP, UNICEF, OSCE and others. Thus, the department of social assistance of the Ministry jointly with the World Bank conducted a pilot project on payments to low-income persons and their families to pay for child care. In matters of poverty reduction, UNDP and UNICEF were actively involved in improving social support for families with children. However, according to the respondents, if compared to other international organizations, the ILO is the only international organization, which provides assistance in the improvement of labour relations in Kazakhstan in the framework of the DWCP.

Different methodologies, studies, guidebooks, and other materials produced during the DWCP implementation have been used by the social partners in their activities. For example, the methods of subsistence minimum determination, as well as the results of research on transition from informal to formal employment provided the constituents with a solid basis for organizing various seminars, workshops, and round tables for employers, workers, and government employees.

At the same time, the effectiveness of interaction between the ILO and social partners would have been higher if there was a broader involvement of experts, specialists and mid-level officials from the ILO, the Ministry of Labour and Social Protection, the Federation of Trade

Unions of Kazakhstan, and the Confederation of Employers of Kazakhstan, so that they could establish direct long-term contracts among them-selves, going beyond the top management of these organizations.

When implementing Priority 1 of DWCP 2010-2012, the social partners have had a possibility to obtain information on the global and regional experiences in the development of labour relations, employment and OSH through modern means of communication. At the same time, they received complete and comprehensive information from the subregional ILO office and, in particular, from the national coordinator. The information has been very useful and was used in drafting both the Concept of Employment and the long term Employment Programme - 2020.

It should be noted however that the usefulness of all the provided information would have been higher if it were provided in the Russian language. The partners noted that due to the lack of specialists with the knowledge of foreign languages, translations of the materials were often becoming available with some delays. This fact particularly affected the development of methods of subsistence minimum determination, when information on Canada, Bulgaria, and Finland experiences kindly provided by the ILO on partners' request was not enough and there were difficulties in obtaining additional information due to the translation problems and time constraints.

One of the particular strengths of the DWCP is that it helped to address the issues of employment. It should be noted in this context and, in particular, in line with Priority 2, Outcome 2.1, that a special programme on youth internships is being implemented by the government. It envisages creation of special "social" workplaces for youth, so that young people can get work experience according to their specialization acquired in educational institutions. Another example is the Road Map for Business, which is being implemented within the framework of DWCP, in particular the abovementioned priority 2. As a tangible outcome of the Road Map, more young people have become interested in entrepreneurial activities.

While noting the positive effect of DWCP on the improvement of labour relations in the country, the programme partners note that it would require a more detailed structuring and systematization in the future. According to them, it is necessary "to present the programme in a more systematic way and, in particular, attach tables showing a specific plan (algorithm) of action."

Another strength of the DWCP 2010-2012 is that such recognized organizations, as the Federation of Kazakhstani Trade Unions, and the Confederation of Kazakhstani Employers, took responsibility for its implementation. These national organizations, which represent unions of workers and employers, have an extensive practical experience in the field of social partnership, negotiations at various levels, and resolution of sensitive issues between workers and employers. It is their sense of responsibility, earnestness, and understanding of the national significance of social partnership and decent work that formed the basis for the implementation of the country's DWCP 2010-2012.

At the same time, the programme would have been even more effective if there was an involvement of other unions of employers and workers. The market economy and the ongoing reforms provide the basis for both formation and reorganization of various unions of workers and employers. These unions, which quite often have short-term and narrow goals and objectives, should be aware that their work would be more effective, sustainable and strategically oriented, if they understand that involvement into the implementation of the Decent Work Country Programme and promotion of universally recognized international labour norms and standards would allow them to be more competitive and acquire a more “civilized” status. To use a metaphor, the situation can be compared with the rules of road safety. The drivers in all the civilized countries know road safety rules and only in places where there are no rules there is chaos, disorder, a huge number of casualties and accidents.

It should be noted that in Kazakhstan, the international standards in labour relations, occupational safety and social protection are mainly applied at large enterprises, while the situation is more problematic at small and medium enterprises. Small and medium enterprises in most cases are not engaged. Such a pattern is apparently due to the fact that small and medium businesses are at an early stage of their business development, while their employees, who obtained jobs in a highly competitive environment, face other more pressing issues. Thus, it is more important for the employers to survive competition by any means, including at the expense of workers’ rights, while workers are eager to keep their jobs, even if they have to sacrifice their labour rights. Such situation might exist in many countries. However, in our opinion, if a government agency organized free courses on Labour Legislation to eliminate illiteracy in labour issues, there would be less violations of the legislation. Employers, who would attend courses on Labour Rights and Human Resource Management, will have to understand that they are dealing not with slaves or “labour force” that blindly obey their orders, but cooperate with **human beings** or **human resources** interested in a company’s growth and prosperity. Having attended such courses, future employees will not only be aware of their rights, but will also know whom they can turn to and how they can act in case their labour rights are violated.⁴

With regards to the implementation of international standards and various approaches to the issues of labour relations, social protection, labour migration, etc., according to the Federation of Kazakhstani Trade Unions, there is an acute need for seminars to be organized in the framework of the DWCP on a regular basis, not as one-time events. In general, the need for workshops and seminars on a regular basis was expressed by many respondents from all the three parties to the social partnership.

All the constituents and, in particular, the Confederation of the Kazakhstani Employers, noted great effectiveness of work completed under the DWCP 2010-2012. As an example of such effect, during one of the trainings with the participation of employers conducted in the framework of the DWCP, the participants came up with a recommendation to include a provision prohibiting child labour into the agreements concerning acquisition of land slots, trade and industrial facilities. So that if an employer violates this provision, the agreement

⁴ It should be noted that relevance and necessity of such work was emphasized by the author of this report in research papers, articles and monographs.

should be terminated. In the opinion of the Confederation of the Kazakhstani Employers, such measure could be effectively applied not only in Kazakhstan but also in other countries.

Discussing ways to improve and further develop the DWCP, its implementers noted that it is necessary to pay attention to industry-specific aspects of safety at work, especially in agriculture, construction, railway transportation.

In addition, due to an increasing number of labour disputes and conflicts, there is a great need in trainings, seminars and courses on labour disputes settlement, negotiations strategy and theory of conflict.

Another issue for inclusion into the future programme, according to the partners, is formalization of the status of self-employed.

Summing up, the following conclusions and lessons can be drawn from the experience of the implementation of DWCP 2010-2012:

1. The Decent Work Country Programme would not have been successfully implemented, if it was not supported by the ILO.
2. Different activities, including RBSA funded country programme outcomes, and technical cooperation projects initiated by the ILO and implemented with the involvement of the constituents have significantly contributed to the Programme results.
3. The DWCP provided a valuable opportunity to familiarize with international and regional experiences.
4. The activities and technical cooperation projects initiated and implemented by the ILO were topical and relevant not only in the context of the DWCP 2010-2012 but also were of practical value. Conclusions, recommendations, results of the activities were presented at various seminars, trainings, roundtables and then implemented in practice by the ILO's social partners.
5. Successful implementation of the DWCP 2010-2012 was predetermined by the fact that all of its priorities and outcomes were coordinated and corresponded to the goals and objectives of the social partners. For example, the Federation of the Kazakhstani Labour Unions was especially interested in implementing the Priority 1- Regulation of the labour relations in accordance with the international standards. For the Confederation of the Kazakhstani Employers, the issues that matched their interests were those related to the labour migration and elimination of child labour. Nevertheless, the social partners were interested in other issues included into the DWCP 2010-2012. Moreover, in some cases, the social partners, in particular the Confederation of Employers of Kazakhstan, coordinated their programmes in line with the DWCP.
6. Despite the fact that the constituents have been working with various international organizations in order to implement the national Decent Work agenda, the ILO is the only organization that provided timely information on labour market, employment, labour relations, and labour migration.
7. One of the problems that prevent from more effective implementation and use of the information provided by the ILO is the lack of personnel proficient in foreign languages and/or the limited availability of materials in Russian.

8. Another important issue in the implementation of the DWCP is that the workshops and trainings are held on a temporary basis, while the constituents would like them to be held on a permanent basis with the help of the ILO.

3.2 New Programme Opportunities and Recommendations

1. Based on the above analysis, it should be noted that the new Decent Work Programme will be implemented successfully if it responds to the strategic goals and objectives of the tripartite partners.
2. The new DWCP will be implemented successfully if representatives of the Kazakhstani government, Federation of the Kazakhstani Trade Unions, Confederation of the Employers of Kazakhstan and other unions and communities of employers and workers are involved in its development and implementation.
3. The study showed that one of the important future activities for the Federation of the Kazakhstani Trade Unions and the Confederation of the Kazakhstani Employers will be expanding work in the sphere of informal employment.
4. Resolving labour disputes, establishing civilized labour relations in different sectors of the economy will be some of the most sensitive and urgent tasks of these organizations.
5. The programme will be more specific if it is based on the strategic development plan of the Ministry of Labour and Social Protection, because the Ministry is not only one of the sides of the social partnership that will sign the Programme, but also because its strategic plan is formed in the context of the national development framework until 2020 and the implementation of “Kazakhstan-2030” Strategy.
6. Noting the importance of using the strategic development plan of the Ministry of Labour and Social Protection in the preparation and implementation of a new DWCP, we believe those who prepare the Programme should also pay particular attention to the Address of the President of Kazakhstan to the nation entitled “Social modernization of Kazakhstan: twenty steps towards a society of universal labour.” The Address is of a particular significance for the new DWCP because it emphasizes an acute necessity to increase the prestige of work. As noted in the Address: “In the end, all the values of global civilization, economic and cultural wealth are created by human labour, not virtual financial institutions... At present, work, as a decisive national factor in the conditions of XXI century, in the conditions of global competition, should **come to the vanguard**”.

Having analyzed the Address of the President, we believe that the following provisions of this document would be appropriate in the new Decent Work Country Programme in the form of priorities or objectives:

- To enact fair laws and clear norms aimed to prevent, regulate, and resolve conflict situations, as well as facilitate functioning of the entire social relations system;
- To develop and implement a system of quality social standards and professional qualifications for Kazakhstani citizens, especially, for economically active population;
- To introduce new motivational stimuli to work and well-being based on high sense of responsibility of an individual and a business, partnership and collaboration of all the subjects of labour relations with the government;
- To establish a system of public incentives for labour achievements;
- To update social legislation “On Trade Unions”;
- To use the law “On Mediation” in order to neutralize labour disputes and/or adopt subordinate legal framework aimed at the development of the institute of mediation;
- To improve the law “On State Youth Policy” with regards to probation period for young workers and professionals;
- To develop legislation on the National System of Professional Qualifications;
- To establish an effective model of social and labour relations;
- To further develop the sphere of employment;
- To provide for inclusion of self-employed population into the real economy;
- To develop a methodology for correlating working population with the group of self-employed, adequate to the real situation and employment prospects;
- To improve the methodology for determining the level of unemployment according to the new methodology of determining the self-employed population;
- To improve legal literacy of all the parties of social and labour relations through: 1) organizing comprehensive legal education of workers, possibly at the employers’ expense. 2) massive advocacy, publication of materials, which present the basics of labour legislation in a user-friendly format”;
- To establish a national qualifications system (NQS);
- To increase control and safety at work according to the requirements of the ILO Convention No. 81 “Concerning Labour Inspection in Industry and Commerce” ratified by Kazakhstan;
- To build effective multi-level mechanism to regulate disputes in labour relations;
- To reduce the number of poor and prevent social exclusion;
- To introduce minimum social standards and guarantees;
- To develop mechanisms for socialization of citizens from socially vulnerable groups;
- To develop a special law “On Social Workplaces”.

Having presented the above recommendations, one should note that of course the programme should be based on the fundamental principles of the ILO. In addition, the new programme should take into account the problems and unresolved issues remaining from the implementation of the previous programme in 2010-2012. In order to ensure coordination of activities of the International Labour Organization and its social partners, the abovementioned directions, in our opinion, will allow the new programme to be more relevant and realistic.

Annex 1. Conventions Ratified by the Republic of Kazakhstan, as of October 2012

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

Annex 2. Review of the achievements under RBSA funded outcomes

As stated in the TOR in 2010-2011, extra funds were allocated from the ILO Regular Budget Supplementary Account (RBSA) in order to support the work on the DWCP as per the following Country Programme Outcomes (CPOs):

KAZ101 - Promotion of ratification of ILO C102, C155, C187 and C183 is facilitated (under Priority 1)

KAZ153 - Policies and measures are elaborated to facilitate transition from informal to formal employment (under Priority 2)

KAZ127 - Sectoral social dialogue is strengthened (under Priority 3)

KAZ128 - Tripartite constituents develop and implement HIV/AIDS at the workplace policies (under Priority 3)

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

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

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

The ILO representatives provided technical assistance to tripartite partners to prepare for ratification of the conventions 95 and 103, assess impact and prospects of ratifying the conventions 97 and 143, and assess probability of ratification the Convention 183.

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

To implement Priority 2: Promotion of effective employment and social protection of men and women and to achieve five outcomes delineated, the ILO implemented the following RBSA funded project:

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

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

The recommendations on major directions aimed to decrease informal employment in Kazakhstan were provided in the subsequent reports. The measures provided in the recommendations included such aspects, as bigger coverage and involvement of informally employed population into activities of various labour unions, establishment of different mobile employment organizations, increase in the share of non-cash turnover of funds, and other measures. During the abovementioned activities, the ILO representatives also provided assessment and recommendations of implementation of the Employment Programme – 2020.

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

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

KAZ127 - Strengthening of the industry-based social dialogue

During the implementation of KAZ128 project, the ILO organized various seminars and formed working groups on HIV/AIDS policy. In 2011, in January in Astana and in April in Almaty 2011, discussions of the procedures to adapt Recommendation 200 and their use in the work of the social partners were organized. Another important event held with the ILO's assistance was to development of the guidelines for social partners' policy on HIV in the workplace.

Strengthening of a social dialogue is one of the significant issues in the Republic of Kazakhstan. The role of the International Labour Organization is undeniably significant is this issue. While implementing KAZ127 project, seminars and meetings of the social partners in oil and gas industries and metallurgical sector (in particular with Arcelor Mittal) were organized. Among the major themes of discussion were ways to improve employees' working conditions, establishment of committees on occupational safety and their role in assessment of risks, development of collective agreements and so on. Under this project, the ILO has partially supported participation of six representatives from Kazakhstan in the training A404281 "Negotiation and consensus-building skills" held in October 2011 in ITC in Italy.

Annex 3. TOR

Terms of reference

Review of Decent Work Country Programme (DWCP)

Kazakhstan 2010-2012

1) Introduction

The International Labour Organization (ILO) evaluation policy set out the Office's commitment to more systematic use of internal and self evaluation. The Decent Work Country Programme (DWCP) outcomes review is part of the process of the DWCP progress monitoring and reporting. It is to be carried out with the participation of the ILO constituents and other national partners, as appropriate. It enables the ILO and its constituents to review their joint performance in delivering planned outputs and supporting the achievement of outcomes. The ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia (ILO DWT/CO Moscow) has prepared the Terms of Reference in consultation with the Regional Office for EUROPE and EVALUATION unit at the ILO headquarters in Geneva. They will be submitted to tripartite constituents for discussion in order to refine the approach.

The review will be a means of providing feedback on how well the ILO performed under the second DWCP (2010-2012), highlight good practices and make recommendations on how the next DWCP could be designed and implemented. Another use will be to improve the evaluability of future country programs in general through close attention to the results matrices. The review will be coordinated by the ILO DWT/CO Moscow.

2) Background and Context

Decent Work Country Programme

The ILO DWT/CO Moscow, prior to the beginning of the ILO Programme and Budget cycle 2010-11, developed a Decent Work Country Programme jointly with the constituents. The DWCP was signed at the beginning of 2010.

The following priorities were identified for collaboration between the ILO and the tripartite constituents in Kazakhstan in the framework of the Decent Work concept, which refers to policies promoting employment, which should be safe and secure, decently remunerated, ensure social protection of workers and their families, give voice to workers, and guarantee equal opportunities and treatment for all:

1. Improved regulation of labour relations in conformity with international labour standards
2. Support to productive employment and social protection of men and women
3. Development of tripartite cooperation and social dialogue

A detailed implementation plan, including outcomes, outputs, indicators and source of funding for the delivery of the DWCP, was developed as an internal document, along with a Monitoring & Evaluation plan. The implementation plan enabled the Office to organise and monitor its work towards the achievement of a number of specific objectives (outcomes) divided into three groups as per each of the above priority areas, as follows:

Priority 1. Improved regulation of labour relations in conformity with international labour standards

Outcomes:

- 1.1 National legislation is revised in conformity with ILO conventions on conditions of work, social protection, and gender equality. **KAZ101¹**
- 1.2 Labour legislation is improved. **KAZ104**
- 1.3 Occupational Safety and Health (OSH) related legislation is improved and national OSH standards are developed in compliance with international standards. **KAZ103**

Priority 2. Support to productive employment and social protection of men and women

Outcomes:

- 2.1 Effective labour market policies are formulated and implemented. **KAZ102**
- 2.2 Sustainable jobs are created through more inclusive skills training and entrepreneurship development. **KAZ152, KAZ153**
- 2.3 National social security system is improved. **KAZ151**
- 2.4 OSH management system is introduced and applied in specific high-risk sectors to ensure safe working conditions, including to migrant workers. **KAZ155**
- 2.5 Specific legislation and effective mechanisms for the protection of migrant workers and their families are further developed **KAZ154**

Priority 3. Development of tripartite cooperation and social dialogue

Outcomes:

- 3.1: The efficiency and impact of social dialogue at all levels and the role and status of tripartite bodies are enhanced. **KAZ127, KAZ128, KAZ129**
- 3.2: Corporate social responsibility is promoted by constituents. **KAZ129**
- 3.3: Social partnership is further strengthened for elimination of the worst forms of child labour. **KAZ126**

Strengthened institutional capacities of employers' organizations (KAZ801)
Workers have strong, independent and representative organizations (KAZ802)

RBSA country programme outcomes

The main resources for the implementation of the DWCP are being provided from the ILO Regular Budget, technical cooperation projects and national partners cost-sharing. In

addition to the above, in 2010-2011, extra funds were allocated from the ILO Regular Budget Supplementary Account (RBSA) in order to support the work on the DWCP as per the following Country Programme Outcomes (CPOs):

KAZ101 - Promotion of ratification of ILO C102, C155, C187 and C183 is facilitated (see above under Priority 1)

KAZ153 - Policies and measures are elaborated to facilitate transition from informal to formal employment (see under Priority 2)

KAZ127 - Sectoral social dialogue is strengthened (see under Priority 3)

KAZ128 - Tripartite constituents develop and implement HIV/AIDS at the workplace policies (see under Priority 3)

According to the RBSA terms and conditions of funding, work on these outcomes (for which funds have been allocated in 2010-11) is to be completed by March – June 2012.

In the new 2012-13 biennium a number of additional RBSA outcomes (KAZ802, KAZ 801; KAZ151) got funding and relevant work started in the first half of 2012.

3) Clients

The main clients of the evaluation are the specialists and management of the ILO DWT/CO Moscow, ILO Regional Office for EUROPE, technical departments at the Headquarters, donors, tripartite constituents and national implementing partners in Kazakhstan.

4) Purpose

The purpose of the review is to improve further programming and ensure internal and external accountability. It will provide:

- a summary of results and achievements per each of the priority areas
- an analysis of relative effectiveness under each DWCP priority/outcome and areas for improvement
- conclusions, lessons learned
- feedback for the next DWCP¹, including recommendations for the next steps: a) on programming issues and strategies; b) on the design and implementation.

5) Scope and criteria

The review will cover all activities carried out under the Decent Work Country Programme during 2010-2012, including the RBSA-funded CPOs in 2010-2011 (**KAZ127; KAZ101; KAZ128; KAZ153**), as part of a stock taking exercise.

It will focus on the progress made on tangible outcomes directly resulting from ILO contributions. Key criteria for the review are: 1) adequacy of resources; 2) delivery of

outputs; 3) use of outputs by partners; 4) progress made towards outcomes and sustainability of achievements; and 5) emerging risks and opportunities.

6) Proposed Methodology

The review exercise is a participatory assessment of current practice. When conducting the review, in addition to the ILO Office, the tripartite constituents as well as other parties involved in the country programme and targeted for making use of the ILO's support will be asked to contribute and participate.

An external consultant will be hired to facilitate the review process. The external consultant will conduct a desk review, interview key stakeholders and beneficiaries, draft the report, facilitate a presentation for the stakeholders or roundtable discussion of the main findings and prepare the final review report based on inputs received.

Specialists from the ILO DWT/CO Moscow will be asked to contribute to the exercise.

Preparation

1. DWT/CO Moscow with the help of the National Coordinator should compile relevant documents:
 - Activity/performance reports, mission reports, products, studies, research produced (under each outcome)
 - Other relevant background information, including DWCP Implementation and Monitoring plan, project level reports, evaluation reports, etc.

All the above information for each outcome should be sent to the reviewer prior to the planned actual review period.

2. The consultant will observe the following workflow:
 - Collect DWT/CO input
 - Review documents
 - Conduct stakeholder interviews
 - Document findings, prepare first draft report, including good practice cases
 - Facilitate a presentation or discussion of main findings with the stakeholders (tentatively at the end of 2012 in Astana, Kazakhstan)
 - Finalise the report
3. The ILO National Coordinator in Kazakhstan in coordination with the DWT/CO should arrange a program of interviews for the consultant with the following (as appropriate):
 - ILO staff in the country
 - Government (Ministry of Labour)
 - Workers' organisation

- Employers' organisation
- Other UN agencies
- Implementing partners and beneficiaries (e.g., people who have received training and/or benefitted from other activities)

4. The consultant in coordination with the National Coordinator will arrange a presentation for the stakeholders, in order to share the preliminary findings.

7) Outputs

- The review consultant should prepare a draft report (in English) and a presentation of main findings;
- Based on the feedback from ILO staff and constituents, the review consultant should summarize all the findings and conclusions in a final report (in English), including documented good practice cases;
- In addition, the final report should provide summary findings for each DWCP outcome based on document reviews and ILO and partners' comments. Each outcome should be scored against key performance categories, using the multi-point scoring matrix (see template in Annex 2. Table 1. Scoring template for summarizing outcome-level findings of the review);
- A final section of the report should highlight overall conclusions and recommendations and recap major issues to be reflected in a future DWCP. The recommendations should also address strategies for the future;
- The final report should be shared with the ILO staff, tripartite constituents and partners, who can react to the findings and issues raised, and plan next steps to address these.

8) Qualifications requirements for the external consultant

University degree in economics or social sciences; understanding of the ILO's tripartite culture and Decent Work approach; research, interviewing and report writing skills; knowledge of the country/region; fluency in English and Russian. Knowledge of Kazakh language would be an advantage.

9) Provisional work plan and schedule for 2012

Task	Time frame	Responsible person	Unit/ Consultations
1. Draft TOR prepared	March	DWT/CO	National

Task	Time frame	Responsible person	Unit/	Consultations
				Coordinator
2. Internal and external consultations to finalize terms of reference	April	DWT/CO; National Coordinator		EUROPE; constituents
3. Identification of external facilitator	April -May	DWT/CO		EUROPE; National Coordinator
4. Preparation of background documents, materials, reports and studies by outcomes	May-June	DWT/CO Specialists; National Coordinator		
5. An itinerary scheduled for the reviewer to get inputs from national stakeholders (government, workers and employers' organization, UN agencies etc.)	TBD	National Coordinator; DWT/CO		Constituents
6. Documents reviewed	[4 work days]	Consultant		
7. Interviews with stakeholders	[5 work days]	Consultant		National Coordinator; DWT/CO; national tripartite constituents, partners, UN agencies
8. Outline of key findings	[2 work days]	Consultant		
9. Roundtable presentation of key finding to the constituents	[2 hours] <i>To be determined</i>	Consultant		National Coordinator; DWT/CO; tripartite constituents

Task	Time frame	Responsible person	Unit/	Consultations
10. Draft report	[7 days]	Consultant		National Coordinator; DWT/CO
11. Circulation of the draft report for comments: ILO staff, constituents and other stakeholders	[5 days] Deadline to be determined	DWT/CO; National Coordinator		
12. Finalization of the report based on comments	[2 days] Upon receipt of consolidated comments from the ILO	Consultant		DWT/CO

10) BASIC QUESTIONNAIRE FOR INTERVIEWS WITH THE CONSTITUENTS

1. General questions

How has your organization been involved into the implementation of the DWCP?
Каким образом Ваша организация была вовлечена в реализацию программы?

Are the priorities and outcomes of the DWCP relevant?
Актуальны ли цели и задачи программы?

Is the DWCP contributing to the stated objectives (priorities)?
Содействует ли реализация программы достижению поставленных задач?

Are you aware of any other similar programs being implemented by other international organizations? Are you involved with such programs?
Располагаете ли вы информацией о других подобных программах, проводимых другими международными организациями? Участвуете ли вы в них?

2. Specific questions on past performance

Is the DWCP framework adequate to country realities?
Адекватна ли форма, в которой реализуется программа, реальным условиям в стране?

Are the events, activities relevant to the stated outcomes/objectives?
Соответствуют ли целям проекта реализуемые мероприятия?

Are you using the information, analytical materials, technical expertise, guidelines and other outputs of the DWCP?
Используете ли Вы информацию, аналитические материалы, профессиональную экспертизу, методики и прочие результаты реализации программы?

Was your organization properly involved, consulted and informed about the program?
Как Вы думаете, ваша организация была в должной мере вовлечена в выполнение программы?

What are the strengths and weaknesses of the programme?
Скажите о наиболее сильных и наиболее слабых сторонах программы?

Are there any issues/challenges related to programme implementation?
Существуют ли проблемы при внедрении подходов и реализации программы?

What kind of challenges has your organization met in the implementation of the programme?
Какие возникли трудности в Вашей организации при реализации программы?

Are you getting enough information on international and regional experiences, modern approaches and best practices? Are they applicable to country conditions?

Достаточно ли вы получаете информации о мировом и региональном опыте, передовых подходах, успешных практиках? Применима ли информация к условиям страны?

3. Specific questions on effectiveness and future impact/ Вопросы об эффективности и перспективах

Is the programme likely to produce tangible results?

Как вы оцениваете вероятность того, что программа приведет к видимым и долговременным результатам?

Is it likely that the objectives of the programme will be achieved?

Ожидаете ли Вы, что цели программы будут достигнуты?

How would you assess the effectiveness of the programme?

Как вы оцениваете результативность (эффективность) программы?

Is the programme successful? Is it being implemented as planned?

Как Вы оцениваете успешность программы? осуществляется ли она так, как планировалось?

4. Questions about possible changes/ Вопросы о возможных изменениях

Are there any particular areas of focus for further implementation?

На какие вопросы следует обратить особое внимание при дальнейшей реализации программы?

Do you have any suggestions for improvement of activities or the programme as a whole?

Какие у Вас есть предложения по совершенствованию мероприятий и программы в целом?

Annex 4. LIST OF INTERVIEWED PERSONS

Umirzhanov T.	ILO National Coordinator in the Republic of Kazakhstan
Kadyrov N.H	Executive director of Confederation of Employers (Entrepreneurs) of the Republic of Kazakhstan
Zhumagelgieva G.A.	Vice-Chairman of Federation of Trade Unions of the Republic of Kazakhstan
Ospankulov T.K.	Deputy of Chairman of Committee of Control and Social Protection of MLSPP RK
Efstafiev V.E.	Director of Department of Statistics of Labour and

	Standard of living of Agency on Statistics of the Republic of Kazakhstan
Sarbasov A.A.	Director of Department of Labour and Social partnership of MLSPP RK
Argandykov D.R.	Director of Department of Employment of MLSPP RK
Aitkaliyeva A.M.	Deputy Director of Department of Labour and Social partnership of MLSPP RK
Makanova A.K.	Deputy Director of Department of Social protection and social insurance of MLSPP RK
Karzhaubayev A.Zh.	Deputy Director of Department of Employment of MLSPP RK
Dzhangabilova A.D.	Chief of Social Protection Division of MLSPP RK
Tolegenova B.K.	Chief of Social Partnership Division of MLSPP RK
Buss V.E.	Chief of Employment Policy Division of MLSPP RK
Baisakalov A.B.	Chief Expert of Labour Market of MLSPP RK
Salykbayeva E.	Project Assistant, From the Crisis Towards Decent and Safe Jobs in Southern Caucasus and Central Asia