

Hundreds of won cases and completed billion-dollar transactions. Selection of top national and international companies



**20 YEARS  
OF SUCCESS**

## LABOUR LAW

- We participated in the Kazakhstan Labour Code drafting. We have advised and successfully represented hundreds of major companies in courts, prosecution agencies and labour inspectorates in connection with labour disputes.

## LABOUR LAW

Labour matters and relations, per se, represent the blood circulatory system of an enterprise as living organism. Malfunction or misconstruction of employment relations system, misunderstanding or misinterpretation of labour laws and regulations, as well as ignorance of law enforcement practices can have grave effects on business's internal controls or interaction with labour-related and other government authorities.

On 1 January 2016, Kazakhstan introduced the new Labour Code which substantially modified legal approaches to the resolution of numerous labour issues, thus seriously affecting litigation and business practices which our lawyers have excellent command of.

Our team has enormous experience in providing labour law related services and keeps abreast of the latest trends and developments in this area of law. Our partner Dmitriy Chumakov actively participated in the working group established by the Kazakhstan Government to draft the new Labour Code. We continuously act as sponsors and participants of various workshops, webinars and training courses devoted to labour law issues. Both the practice leader and team members frequently moderate and address legal forums, publish articles and conduct related research. Labour Law supervising partner Dmitriy Chumakov and practice leader Yerzhan Toktarov have been recognised by the legal professional community as competent labour law experts whose opinions are regarded as authoritative and worthy of attention.

Given the dynamic nature, complicity and uncertainty of labour law, we never stop receiving assignments from our Clients in this area of practice.

## SERVICES

- Elaborating legitimate schemes for termination of employment contracts and providing related legal support
- Representing and defending employers and/or employees in connection with individual or collective labour disputes
- Performing legal due diligence review of employers' internal HR documentation
- Developing internal documentation (employment contracts, internal regulations, job descriptions, orders, notices, etc.) for implementation of a comprehensive human resource management system in a company
- Providing advice, guidance and legal opinions on any labour law related issues
- Identifying employer's weaknesses and conducting highly skilled internal investigations
- Representing Clients in connection with occupational accidents
- Providing training for Client's personnel in the area of labour law compliance
- Drafting template documents (employment contracts, confidentiality agreements, financial liability agreements, training agreements, etc.)
- Providing comprehensive legal support in connection with the replacement of management by a company's owner/founder, as well as the transfer and acceptance of documentation/keys/seals/functions by the newly appointed management
- Identifying potential risks and prospects of an employer-employee relationship
- Getting prepared to a labour inspection; evaluating planned and performed procedures for compliance with labour law
- Preparing a set of required documents; obtaining and maintaining foreign employment permits and intragroup secondment permits; preparing documents required for self-employment of foreigners in Kazakhstan
- Representing Clients in labour inspectorates, prosecution agencies, employment authorities, migration police and enforcement authorities

- Challenging, through administrative and court proceedings, labour inspection findings and actions of labour officers, employment authorities, migration police and enforcement authorities; defending Clients in connection with labour-related administrative and court actions
- Engaging mass media and dealing with public opinion in the best interests of Clients
- Providing workshops and training courses for Client's personnel in the area of labour law, migration, employment of Kazakhstan residents and non-residents, and preparedness to government audits
- Representing Clients before local labour inspectorates in connection with employer mandatory reporting
- Initiating and supporting the procedure for amendment of labour laws and regulations in the best interests of our Clients
- Advising on routine labour-related matters on a subscription basis

## EXPERIENCE

- Drafting employment contracts for a major Kazakhstan service company operating in Mangistau and Atyrau Oblasts in line with up-to-date legislation for a five-day working week, for rotation employees and for expatriates
- Appeal against labour authorities' ordinance issued after an employer's audit concerning labour and migration compliance
- Representation of a major Kazakhstan oil and gas service company in connection with a dispute with dismissed employees (due to the employer's withdrawal from a major field development project in Mangistau Oblast) involving the Oblast Administration
- Legal support and arrangement for replacement of the management of a major CIS logistics company due to the loss of the founders' confidence
- Representation of a major UK service company in connection with collective negotiations with trade unions and execution of collective agreements

- Representation of a major Kazakhstan company specializing in oil and gas facilities construction in connection with negotiation of cost minimization after a road traffic accident caused by an employee
- Representation of a major Serbian construction company in a lawsuit against a former employee; achievement of a settlement agreement ensuring the substantial reduction of the employer's costs
- Arrangement for the issuance of work permits for expatriates of a major East European consulting company operating in Almaty City, West-Kazakhstan Oblast, Atyrau Oblast, Kyzylorda Oblast and Mangistau Oblast; Ongoing monitoring of the issued work permits validity through timely reporting and other mandatory procedures
- Defending a major Cyprus oil service company in the West-Kazakhstan Oblast Court in connection with a former employee's appeal against his dismissal
- Representation of a leading German skin care manufacturer in connection with the collection of debt from an employee and the recovery of damage caused by the employee's wilful misconduct
- Representation of a mining company in connection with civil litigation over damages caused by an employee
- Reinstatement of an unfairly dismissed employee of a major manufacturer; recovery of average salary for a period of forced unemployment and compensation for moral harm
- Representation of a Polish oil and gas producer in connection with litigation over claims from former executives for severance payments
- Representation of a major US engineering company in negotiations with a former employee claiming unreasonable compensation through blackmail
- Representation of a chief executive officer in connection with his forced dismissal by the employer; assistance with the execution of all documents related to the employment termination ensuring substantial payments and benefits in favour of the employee (golden parachute)
- Issuance of a legal opinion on set up of HR service of a major Chinese construction company; drafting all related internal documents of the company
- Advising a leading US chewing gum manufacturer in connection with a job-related accident; related legal arrangements

## TEAM



**Dmitry Chumakov**

- Partner

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Tel: +7 (727) 2222 711  
E-mail: [chumakov@szp.kz](mailto:chumakov@szp.kz)



**Aydos Kussainov**

- Counsel

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Tel.: +7 (727) 2222 711  
E-mail: [kaydos@szp.kz](mailto:kaydos@szp.kz)



**Yerzhan Toktarov**

- Senior Associate

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Tel.: +7 (727) 2222 711  
E-mail: [ytoktarov@szp.kz](mailto:ytoktarov@szp.kz)