



SAYAT ZHOLSHY
& PARTNERS
Lawyers and attorneys at law



LABOUR LAW

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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.



- *THE BEST ATTORNEYS' OFFICE by the Kazakhstan Union of Attorneys*

LABOUR LAW

SZP Labour Law practice is one of the most advanced and developed. 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 practice leaders Dmitriy Chumakov and Aydos Kussayinov 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.

OUR 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
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- Advising on routine labour-related matters on a subscription basis

EXPERIENCE

- Drafted 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
- Appealed against labour authorities' ordinance issued after an employer's audit concerning labour and migration compliance
- Represented 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
- Provided legal support and arranged for replacement of the management of a major CIS logistics company due to the loss of the founders' confidence
- Represented a major UK service company in connection with collective negotiations with trade unions and execution of collective agreements
- Represented 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
- Represented a major EU construction company in a lawsuit against a former employee; achieved a settlement agreement ensuring the substantial reduction of the employer's costs
- Arranged 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; performed ongoing monitoring of the issued work permits validity through timely reporting and other mandatory procedures
- Defended a major Cyprus oil service company in the West-Kazakhstan Oblast Court in connection with a former employee's appeal against his dismissal
- Represented a leading German skin care manufacturer in connection with the collection of debt from an employee and the recovery of damages caused by the employee's wilful misconduct
- Represented a mining company in connection with civil litigation over damages

caused by an employee

- Reinstated an unfairly dismissed employee of a major manufacturer; recovered average salary for a period of forced unemployment and compensation for moral harm
- Represented a Polish oil and gas producer in connection with litigation over claims from former executives for severance payments
- Represented a major US engineering company in negotiations with a former employee claiming unreasonable compensation through blackmail
- Represented a chief executive officer in connection with his forced dismissal by the employer; assisted with the execution of all documents related to the employment termination ensuring substantial payments and benefits in favour of the employee (golden parachute)
- Issued a legal opinion on setting up an HR service in a major Chinese construction company; drafted all related internal documents of the company
- Advised a leading US chewing gum manufacturer in connection with a job-related accident and related legal arrangements

TEAM



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