

# Kazakhstan’s Accession to the OECD as an Opportunity to Improve the Quality of Legal Regulation of Guarantees of Labor Rights of the Individual in the Period of Digitalization of the Economy

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## ABSTRACT

The purpose of the manuscript: to theoretically substantiate the concept and content of the legal framework for ensuring human labor rights in the OECD member States; to generalize and develop ideas for improving the quality of legal regulation of the social and labor sphere of Kazakhstan; to explore the problems and propose ways to transform the standards of wage labor recognized in the OECD countries into the Kazakh system of law. Research methods: analysis, synthesis, comparison, analogy, deduction, induction, abstraction, as well as comparative legal, formal legal, political and legal modeling method. The following results are obtained: the importance of legal standards in the field of hired labor of the OECD countries for improving Kazakhstan's domestic mechanisms of legal regulation of labor relations is studied. Legal recommendations and proposals for the implementation of standards for the implementation of labor relations in the OECD countries in the legislation of Kazakhstan were formed. The main generally recognized standards of labor rights guarantees recognized in the OECD countries are highlighted, their content and essence are investigated. Scope of the research results: recommendations and conclusions made in the work can be applied in the process of determining and implementing further domestic policy of Kazakhstan in the field of development of the system of labor relations, employment, employment, social partnership; in the legislative process in order to improve the quality of legal regulation of social and labor relations.

**Keywords:** *OECD, employment, labor relations, labor rights*

## 1. INTRODUCTION

Despite the natural mistakes made during the construction of the modern system of labor and directly related relations, we can state with confidence the unconditional progress in the process of improving the legal regulation of wage labor in our country, the dynamic accumulation of legal experience. The post-socialist development of Kazakhstan's labor legislation is described in scientific research as follows. "Kazakhstan is an example of another trend in the development of labor legislation in the post-Soviet space. The Labor Code of Kazakhstan (LC2007), adopted in 2007, was the most neoliberal Labor Code in the EEU region, and therefore employers enjoyed greater flexibility in labor relations than in other EEU countries. For example, an employer in Kazakhstan had the right to enter into a temporary employment contract without any restrictions, while the labor codes of other EEU countries contain exhaustive lists of grounds justifying the conclusion of such temporary contracts. In 2015, a new Labor Code (LC2015) was adopted, which came into force

on 1 January 2016. It gives employers even more flexibility compared to the LC2007. The most notable are

flexible rules for unilateral changes in employment contracts with the employer. initiative for economic reasons and the introduction of part-time work, as well as additional grounds for dismissal and some others" [1].

Despite the high degree of liberalization and the improvement of the quality of legal support for human labor rights, regulation in this area is not without a number of drawbacks: the percentage of labor disputes is still high, there are no real mechanisms for preventing collective conflicts that generate dangerous social confrontations; there is a significant number of self-employed people. One of the most pressing problems is the use of workers' labor without concluding labor contracts or concluding civil contracts. At the same time, shadow labor relations, as a rule, are the result of employers' withdrawal from tax and other mandatory payments in order to save money. In December 2018, the Federation of trade unions of the Republic of Kazakhstan was excluded from the

international trade Union Confederation. The official reason is the complete loss of independence of trade unions in Kazakhstan from state authorities. State measures to promote employment have systematic errors in the approach to combating unemployment, despite the stable percentage of the unemployed population (no more than five percent, plus or minus tenths of a percent), both in terms of adequate determination of the actual number of unemployed, and in the sphere of effective social protection against unemployment.

Each party in labor public relations pursues its own interests. The employer is most often interested in getting the maximum results of work at the minimum cost of its organization. The employee seeks to increase pay, improve conditions, reduce their own labor costs. These contradictions are natural, since they correspond to the laws of the market and business activity. But it is also obvious that their neutralization provides an opportunity for effective implementation of labor activity and getting results from it. Achieving these goals, mostly directed norms of labor law, which as part of the legal system, are inextricably linked to government and therefore the function of labor law is much the same as state power. We proceed from the fact that all the main activities of the state in the sphere of regulation of citizens' labor are carried out in legal forms, on the basis of legislative acts that determine the nature and content of this activity.

To solve the current problems of the labor market requires a comprehensive approach on the part of government agencies, civil society, as well as a recognized international expert community. Such a qualified expert platform is the OECD. OECD bodies periodically prepare country reviews of various areas of management, economy, etc. as part of the process of state accession to the OECD. The social and labor system of each candidate country is reviewed, including the market and regulatory structure, to assess whether the system is market-oriented and sufficiently open, effective and reliable, based on high standards of transparency, trust and integrity. Given the development of Kazakhstan in line with the upcoming inclusion in the OECD member countries, it is vital to study social trends and policies in the labor market in individual OECD countries, assess the overall indicators for employment and develop policy recommendations.

## **2. RESULTS AND DISCUSSION**

The most important source of formation of the national labor law of Kazakhstan in modern conditions and in the future are the recommendations prepared by the OECD bodies. From this position, our country, as a future member of the OECD, is recommended to: develop labor legislation in accordance with the recommendations of the OECD, based on the generalization of best practices of member States; use the indicators proposed by the OECD to assess the level of guarantees of social and labor rights, labor protection, social protection against unemployment, employment promotion;

implement the OECD recommendations on the creation of an inclusive labor market in practice and legislation.

When choosing the direction of research, we proceeded from the selected and systematized recommendations of the OECD in the field of improving labor market institutions that allow creating opportunities for decent employment. For example, in the recommendations of the OECD highlighted the key problem for Kazakhstan the weak labor force participation among older people. Older people are more likely to be either unemployed or economically inactive and less likely to be employed when compared with other OECD countries (the average employment rate for people in the 55-64 age group in the OECD countries is 61.4% of the total number of people in the same age group [2]. Participation in the labor market ceases immediately at the time of reaching retirement age, and sometimes earlier; some older workers who continue to work often perform low-skilled work in the informal economy. Given the relatively rare use of older workers, encouraging and enabling older workers to continue working should be a policy priority in Kazakhstan. It is necessary to eliminate the existing legal and organizational barriers to hiring and retaining older workers in the workplace, older workers rarely enjoy the right to improve their skills, and reaching retirement age is an insurmountable obstacle to obtaining the services of State employment centers for employment, professional development, retraining. In Kazakhstan, the role of employment services in providing assistance to employees of retirement age in the labor market is virtually zero.

There is a strong incentive for employers to encourage employees to retire early as part of the legal barriers to employment and continuing employment of persons of retirement age. When citizens reach retirement age, they abruptly stop participating in labor relations. Employment of persons of retirement age is usually an exception, and their remuneration is low. According to the recommendation of the OECD Council on ageing and employment policy (14.12.2015), States should strive to increase incentives for working at pre-retirement and retirement age, including by ensuring that a balanced approach to employment protection is taken, ensuring that age is not a criterion for determining the level of employment protection; ensure effective employment assistance for job seekers, regardless of their age, while ensuring that older job seekers have the same rights as younger job seekers.

As a result, it was found that one of the factors preventing Kazakhstan from achieving the OECD indicators in terms of ensuring employment for persons of retirement age is the existence of a legal basis for terminating an employment contract with such employees on the initiative of the employer. So, according to paragraphs. 24) Clause 1, Article 52 of the Labor Code, the employer has the right to unilaterally terminate the employment contract with the employee reaching the retirement age established by paragraph 1 of Article 11 of the Law "On Pension Provision in the Republic of Kazakhstan", with the right to annually extend the term of the employment contract by mutual agreement of the parties. By virtue of paragraph 5 of Art. 30 of the Labor Code, with an employee who has reached retirement age in accordance with paragraph 1 of Article 11 of the Law "On Pension Provision in the Republic of Kazakhstan" and has a high professional and qualification level, taking into account its working capacity, the labor contract can be renewed

annually without the restriction provided for in part four of subparagraph 2) clause 1 of article 30 shopping mall. The exclusion of the grounds for terminating the employment contract at the initiative of the employer was justified — the employee reached retirement age, as well as the exclusion of a reservation in the Labor Code regarding the “high professional and qualification level of the employee, his ability to work,” as an evaluation category that affects the extension of labor relations.

Following example. Reviews of OECD bodies summarize that in Kazakhstan only about one-third of the quota jobs are filled by workers with disabilities. Regulatory regulation of quotas is too strict, does not take into account the characteristic wide differences in the structure of labor markets in different regions and industries, this requires the provision of local authorities (akimats) a certain freedom of action in terms of influencing local quotas instead of having a single national quota [3]. Having chosen this direction of research, the following thesis was justified. In order to better reflect the specific circumstances of the provision of jobs to the disabled, it is necessary to introduce in the legislation the rules that guarantee that local quotas of jobs for the disabled will be the result of a coordinated process with the participation of akimats, representatives of employees, employers. The necessity of making amendments To the law "on employment of the population", in art. 9, 27 in terms of securing the rule that the quota of jobs for disabled people in the administrative-territorial unit is determined on the basis of regional agreements on the oblast level (city of Republican status, capital) for employees working in the territory concerned; with the exception of employees of organizations financed from the Republican budget, for which the quota is determined from two to four per cent of the number of jobs excluding the jobs in heavy works, works with harmful, dangerous working conditions. Thus, the manuscript examines the set of OECD recommendations contained in two sources: the universal acts of the OECD-Recommendations on Gender equality in education, employment and entrepreneurship 2013, Recommendations on Gender equality in public life 2015, Recommendations of the Council on aging and employment policy 2015, Recommendations of the Council on integrated mental health, skills and work policy 2015; specialized reports, reviews prepared by the OECD; and an analysis of law enforcement practices in the field of hired labor; in addition, this review is based on the study of the implementation in the legislation of Kazakhstan of the requirements of the ratified acts of the ILO, the ILO Convention No. 100 on equal remuneration of men and women for work of equal value (Geneva, June 6, 1951) [4], as well as the ILO Convention No. 111 on discrimination in employment and occupation (Geneva, June 25, 1958) [5].

In the process of implementing the strategy for joining the Organization for economic cooperation and development in Kazakhstan, for the first time in many years, the question of reforming the system of labor relations, creating its rational model that allows meeting the interests of the individual and the state has become acute. Developed countries of the OECD, especially European ones, have centuries-old experience of forming and reforming the employment system, the practice of using it as a regulator of macro-and micro-economic and social processes. In Kazakhstan, it is expedient to use the

experience of the global civilizational process in carrying out legal reforms, which reduces the period of searching for a rational system of legislation that fully meets the interests of citizens, legal entities and society as a whole.

On January 22, 2015, a Memorandum of understanding was signed between the government of the Republic of Kazakhstan and the OECD on the Country program aimed at assisting Kazakhstan in implementing national reforms. The recommendations presented are aimed at implementing individual conclusions, conclusions and proposals contained in: reports, reviews prepared within the framework of the Country program (2015-2017) "Reforms in Kazakhstan: successes, challenges and prospects", "implementation of gender policy in Kazakhstan", "Review of policies aimed at three groups: youth, older workers and protection of vulnerable groups" [6, 7, 8, 3], as well as the conclusions and conclusions presented in the OECD Review on the implementation of gender policy in Kazakhstan [9].

The prospects for future activities in the field of ensuring the prohibition of discrimination include: the formation, development and sharing of a knowledge base on measuring, fixing and eliminating discrimination in the field of work and occupation; the development of the institutional capacity of constituents in social partnership with regard to the more effective implementation of the fundamental right to non-discrimination in the world of work; Strengthening research and international partnerships with key stakeholders for equality.

The elimination of discriminatory laws, social norms and practices should be a common concern and obligation. Every citizen and all institutions have a role to play, including governments, development cooperation stakeholders, local civil society, community and religious leaders, teachers, health workers, justice and police officials, the media, foundations, the private sector and others. Legal reforms can contribute to social transformation, but they also require changes on the ground. Solutions developed at the local level, combined with adequate legislation, are necessary for social change [10].

The implementation of the universal legal standards in the field of wage labor of the OECD countries in the domestic law of Kazakhstan will ensure the following legal and socio-economic consequences:

- progressive development of Kazakhstan's national labor law in the direction of its compliance with the best examples of the system of labor relations inherent in the leading States;
- creation of legal conditions for active employment, participation in labor relations for persons of retirement age, elimination of existing legal and organizational obstacles to hiring and retaining older workers;
- strengthening mechanisms to combat gender and other types of discrimination; strengthening legislation on non-discrimination on any grounds in employment, promotion and training;
- solving the problem of low level of practical implementation of labor legislation requirements,

elimination of low-quality fixing of legal responsibility for misconduct in the sphere of employment;

- securing additional guarantees of employees' participation in life-long professional development measures;
- introduction of more opportunities for part-time employment, as well as part-time work;
- raising the minimum wage and setting its value in relation to the average wage in the country, the introduction of its differentiation, which will solve the problem of poverty of working people and can also encourage workers to formalize official employment.

The OECD bodies note that an urgent issue for Kazakhstan is the need to strengthen the fight against gender discrimination, as well as discrimination against older workers, with any inequalities in labor relations. According to the OECD recommendations, Kazakhstan should consider more specific measures to apply legal provisions and prevent unjustified discrimination against older workers in the search and employment of workers, as well as age-based discrimination in terms of working conditions. While anti-discrimination provisions are already an integral part of Kazakhstan's legislation, as in most OECD countries, ensuring proper enforcement remains problematic [3].

This conclusion is made, despite the relative well-being with the legislative provision of equality, non-discrimination in Kazakhstan. Law No. 223-IV of December 8, 2009 "On state guarantees of equal rights and equal opportunities for men and women" was adopted, and the fundamental ILO conventions No. 100 and No. 111 were ratified in the last century. In our view, the obvious problem for Kazakhstan's legislation is to ignore two important issues: legislation on equality and non-discrimination does not cover a significant group of signs of discrimination; and they provide more complete protection in the field of work and occupation. These two trends imply a broad recognition at the national level of the importance of a more effective response through legislative measures.

It should be noted that in Kazakhstan there is virtually no judicial practice of considering claims for recognition of discrimination in labor relations. In General, the handling of discrimination cases in court is very difficult or even impossible due to inadequate complaint procedures. Particularly detrimental to the successful lawsuits against discrimination is the continued existence of unrealistic demands in terms of providing credible evidence. We believe that such claims should shift the burden of proof to the employer.

In 2008, the ILO published a step-by-step guide to gender-neutral job evaluation, describing the stages of objective and fair job evaluation, non-discrimination based on gender, including the following sequence of operations: development of a measurement grid, non-discrimination based on gender; assignment of elements in works based on sub-factor levels and determination of works of equal value; calculation of the total number of elements assigned in each work; grouping of works in intervals of elements

[11]. However, Kazakhstan lacks awareness and enforcement of such methods.

However, the inadequacy of the definition of "discrimination" in labor relations is of paramount importance. In law, the relevant definition of inequality is extremely limited and does not cover all possible forms of discrimination.

Of course, female discrimination remains the most common form of inequality. Women continue to suffer discrimination in almost all aspects of employment, including the jobs they can get, their pay, benefits and working conditions, and access to leadership positions. Data from official documents [12] show that gender-differentiated wage differences, occupational and vertical segregation, difficulties in combining work and family responsibilities, the disproportionate prevalence of women in part-time, informal temporary employment, and discrimination based on maternity or marital status continue to persist, despite legislative and policy initiatives.

In our opinion, cases of discrimination based on nationality and position of labor migrants, on political grounds, on the basis of HIV status, on age, on the basis of sexual orientation, on the basis of lifestyle, remain outside the legislative discretion and without enforcement. The listed forms of discrimination are, in principle, not reflected in national legislation, or the rule of law contains direct discriminatory rules on the listed grounds. Thus, age discrimination in the Labor Code is paradoxically elevated to the standard of labor relations. In addition to the stereotype of older workers existing in society, legislatively enshrined the possibility of realizing the reluctance of employers to retain and hire older workers.

In our opinion, strengthening of legislation on non-discrimination on any grounds in hiring, promotion, training, and advanced training is in demand. In order to ensure strong implementation mechanisms for the application of legal provisions, administrative responsibility should be increased, and civil liability compensation options should be established.

To assist in the development of effective legislation, we consider it necessary to introduce, as one of the parameters for the examination of draft regulatory legal acts submitted to Parliament, a study of the project for discriminatory norms and gender inequality. Such expert opinions, technical comments on the proposed draft labor legislation will contribute not only to the main goal - to achieve genuine equality in employment, but also to promote the dissemination of best practices of the ILO and OECD countries.

The development of training materials for labor inspection, on ensuring gender equality and non-discrimination in the workplace is in demand. The following problems can be identified as typical for Kazakhstan: low level of law enforcement; insufficient sanctions; and lack of resources for labor inspection bodies; limited awareness of rights among workers; low potential of social partners in ensuring equality, prohibition of discrimination; limited legislative set of grounds for discrimination; limited

private-sector employer awareness of anti-discrimination obligations.

The problem that significantly affects the stability of labor relations and ensuring productive employment is the low level of practical implementation of labor law requirements. In practice, the phenomena of non-conclusion of employment contracts, illegal substitution of fixed-term contracts, concealment of actual wages, evasion of social obligations by employers are still common.

In this aspect, a review of existing legal liability for non-compliance with labor laws is required. In the Labor Code, a system of guarantees has been enshrined for female workers, persons with family responsibilities, which are backed up by real mechanisms for their legal support, namely responsibility for their violations. In a number of cases, the LC proclaims the existence of liability for violation of the norms of the code, but in fact there is no corresponding legal liability. So, paragraph 4 of Article 6 of the Labor Code secured the right of persons who consider that they have been discriminated against in the workplace to apply to a court or other instances in the manner established by laws. However, the legislation does not define the procedure for applying for judicial protection on the basis of discrimination in the workplace, the procedure for limiting from discriminatory actions (inaction) is not legally defined, moreover, acts of a discriminatory nature, as a rule, cause both material and moral damage to a person. The above indicates a defect in the procedures for judicial protection of violated rights, which is in the nature of a factor of corruption, as a defect in administrative procedures.

In addition, since 2020, the employer's expenses have been increasing due to the introduction of compulsory health insurance (maintaining additional pension contributions from the employer's funds has been postponed until 2023). An increase in employers' expenses will inevitably lead not only to a slowdown in wage growth, to a reduction in workers, but also to a concealment of both the actual number of workers and their real wages. In this direction, increased responsibility of employers is in demand. It is necessary to introduce the general composition of an administrative offense, which defines liability for any violation of labor law requirements.

In article 90 of the Code of July 5, 2014 No. 235-V of the Law "On Administrative Offenses", a limited concept of discrimination in the world of work is established, which has the signs of an administrative offense. Two types of misconduct include: employer discrimination in employment, expressed in violation of the employee's right to equal pay for equal work. Placement by the employment center, a private employment agency providing labor mediation, and also the employer of information on job vacancies containing discriminatory requirements in the field of labor. All other possible manifestations of discrimination are not covered by legal liability measures.

It is necessary to eliminate low-quality consolidation of legal liability for misconduct in the sphere of wage labor. To make additions to the Code of Administrative Offenses,

establishing new compositions and supplementing the existing ones with a view to realizing the fulfillment by the parties of the labor contract of labor standards, guarantees of social and labor rights.

Reviews of OECD bodies note that part-time work in Kazakhstan is not widespread, only 2.7% of employees work less than 30 hours a week, which puts our country at the end of the list of OECD countries, but this figure is similar to the corresponding indicators observed in countries in the former Soviet Union. By comparison, in the OECD, part-time work is defined as the employment of less than 30 hours per week of an employee in their main workplace. This figure represents an average of 16.55% of the total number of employees in OECD countries. The highest percentage of people with part-time employment is recorded in the Netherlands, Japan, Switzerland, Austria, Great Britain, the lowest-in Hungary, Slovakia, Poland, Lithuania [13].

The low prevalence of part-time work in Kazakhstan is observed among groups of the population that in other countries tend to work in this mode, such as young people and older workers. Although it is possible to combine work and retirement, only a few older workers are able to work part-time or have access to other flexible working arrangements. In fact, less than 5% of working pensioners work part-time.

To solve the identified problem that affects the employment rate, it is necessary to expand the grounds for the introduction of part-time work for groups of workers for whom this mode of working time is most in demand: young people during training, persons with family responsibilities, as well as employees of retirement age.

In the labor legislation of Kazakhstan there are legal obstacles to the employment of workers in several workplaces, including those with part-time work. It is necessary to eliminate unjustified restrictions on part-time work. Such restrictions are more of a "relic" of Soviet labor law and have a discriminatory nature. The emergence of this category has historically been associated with the need to maintain strict control over the individual by the state authorities, covering all spheres of human life, including the most important from the point of view of life support the sphere of employment. Maintaining restrictions when working part-time does not comply with the principle of freedom of labor, controls the employment and income level of employees. It is necessary to liberalize the possibility of using the labor of an employee under several labor contracts.

A common trend in OECD countries is the widespread use of flexible, part-time, distance employment. These types of employment solve to some extent the problems of combining family life and work, participation in the labor market of older persons, including retirement age, as well as young people who want to combine education and employment. At the same time, as a rule, incomplete, flexible, remote forms of employment lead to an increase in the overall level of employment in the state.

The introduction of amendments and additions to the Labor Code regarding the liberalization of the conditions

for the implementation of atypical employment, the elimination of unjustified legal obstacles to employment, as well as the unsuccessful legal structures of the existing Labor Code. In particular, they require clarification of the conditions of employment for remote hired labor regarding the establishment and use of working time and rest time, termination of the contract. Greater liberalization of working conditions with flexible accounting time is required.

According to the results of the OECD project "Review of policies focused on three groups: youth, older workers and the protection of vulnerable groups of the population" [3] as conclusions, it is noted that the legislation on employment protection in Kazakhstan is too strict with respect to permanent contracts and very flexible in regarding fixed-term (temporary) contracts, which in principle indicates a "duality" of the labor market.

In particular, the OECD's indicator of the strictness of employment protection legislation in relation to permanent contracts (for certain types of dismissal) shows that on a scale from 0 (less strict) to 6 (most strict), Kazakhstan scores 3.2 points, which is much higher than the OECD average of 2.04 points, which indicates a higher level of strictness than in any OECD member country and in many emerging economies (for example, Brazil, Russia and South Africa). On the other hand, the employment protection legislation for fixed-term contracts is very incomplete. Kazakhstan received 1.5 points on the corresponding OECD indicator of the strictness of employment protection legislation with respect to fixed-term contracts, compared with the OECD average of 2.08 points, while more than two-thirds of the OECD member countries have stricter employment protection legislation with respect to fixed-term contracts than in Kazakhstan. The striking difference between the regulation of fixed-term contracts and permanent contracts may, in principle, indicate that there is a significant "duality" in the labor market, that is, a situation where insiders with fixed-term contracts receive more protection than outsiders with permanent contracts. However, in fact, only a small proportion of young people in Kazakhstan are employed on fixed-term contracts – less than 9% of employed youth aged 15-24 are employed on fixed-term contracts, compared to the OECD average of 24.1%, confirming that in fact the duality of the labor market is not a big problem.

In order to eliminate a separate lack of development of the norms of the Labor Code on the conditions for concluding, terminating and extending labor contracts with a certain validity period, a study of the national legislations of the OECD countries in this area was conducted, which allows us to formulate the following conclusions.

Most countries have a minimum term for a fixed-term employment contract, with the exception of Australia, Canada, Mexico, Switzerland, Turkey, and the United States. National legislation of the states establishes the grounds for concluding an employment contract for a certain period of time (Denmark, Estonia, Finland, France, Germany, Greece, Luxembourg, Mexico, Portugal, Slovenia, Spain).

As a rule, the minimum term of a fixed-term contract is defined in the wording: "before any time period" (the number of months or years is specified), taking into account possible extensions of the contract (Belgium, Chile, Estonia, France, Germany, Greece, Hungary, Luxembourg, the Netherlands, Portugal, Spain, Sweden, Great Britain).

The maximum number of consecutive extensions of an employment contract concluded for a certain period is not set in Australia, Austria, Belgium, Denmark, Finland, Mexico, Sweden, Switzerland, Turkey, Great Britain, USA.

However, this parameter is regulated in the national legislation of Belgium (4), Chile (2), Estonia (2), France (2), Germany (4), Greece (3), Luxembourg (3), the Netherlands (3), Portugal (4), Spain (2), or a time period for the validity and extension of a fixed-term contract (Czech Republic, Hungary, Italy, Slovenia, Great Britain).

Taking into account the experience and recommendations of the OECD, the introduction of an amendment to the Labor Code in terms of determining the maximum duration of a fixed-term contract, clarifying the concept of extending the agreement, as well as approving guarantees of equal rights and obligations of workers and employers arising from their fixed-term and permanent contracts, is in demand.

OECD surveys note that many workers in Kazakhstan work in low-paid jobs. About 28% of the total employed population receives low wages (corresponding to pay below two-thirds of average earnings), which is very high by international standards. This is certainly higher than in any OECD country – the highest rate of lowest pay is 25% in the US – but it is also higher than in many emerging economies (such as Brazil and China, for example).

According to international standards, the minimum wage in Kazakhstan is low. At about 18% of average earnings, the minimum wage is lower than in any OECD member country and in many emerging economies. Such a low level does not solve the problem of working people's poverty and may also have a negative impact on the incentive of workers to (official) employment and efficiency. Another key institutional problem is that the minimum wage in Kazakhstan is rigid and does not reflect differences between regions and workers. In those countries with developing economies where the minimum wage is set at the same minimum level (for example, in the Russian Federation and South Africa), a differentiated minimum wage is allowed depending on the region and/or categories of workers, while in Kazakhstan the minimum wage applies equally to all regions and categories of workers (except for workers engaged in heavy work).

We found that the generally recognized standard in the OECD countries for determining the minimum wage is a value from 40 to 60% of the average wage in the state, annually indexed by a special formula. We believe that in this direction there is a demand for the introduction of a provision in the legislation that the minimum wage should not be lower than fifty percent of the average monthly nominal salary of one employee, established in the

Republic of Kazakhstan for the second quarter of the previous year.

### 3. CONCLUSION

Implementation of the OECD standards in domestic labor law is a necessary condition for Kazakhstan's accession to this organization and participation in integration processes. Legal recommendations and proposals for the implementation of standards for the implementation of labor relations in the OECD countries in the legislation of Kazakhstan were formed.

The manuscript summarized specific proposals and recommendations for the implementation of standards of wage labor, employment and employment of the OECD countries in the legislation of Kazakhstan. The study of directions, opportunities and needs of unification of the Kazakhstan labor legislation with the generally recognized standards of implementation of labor relations in the States of the Organization was carried out. As a result of the study, conclusions and proposals were formulated aimed at the process of progressive approximation of the level of legal regulation of human rights in Kazakhstan to the recommendations and standards of the OECD.

The following results of scientific analysis were obtained: the main generally recognized standards of labor rights guarantees recognized in the OECD countries were identified, their content and essence were investigated. Specific proposals and recommendations were made on the implementation of the standards of wage labor, employment and employment of the OECD countries in the legislation of Kazakhstan.

The material of this study provides the basis for future research. In our opinion, the analysis made it possible to prepare a theoretical basis and make specific proposals aimed at improving the legal support of the labor market and employment in the Republic of Kazakhstan, taking into account the progressive foreign experience, which allows us to successfully conduct research in this sphere.

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