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COMPARATIVE LEGAL ANALYSIS OF COLLECTIVE AGREEMENTS IN THE SYSTEM OF SOCIAL PARTNERSHIP

Abstract

This research investigates recent changes in labor relations and social partnership in Kazakhstan, with a focus on legislative updates and their effects on collective bargaining. The purpose of the article is to examine labor relations in comparison with the experience of European countries from the perspective of the social partnership system. The analysis covers amendments to Kazakhstan's Labor Code in 2020 and 2023, which broadened the concept of social partnership, clarified labor dispute resolution mechanisms, and introduced new employment models. Key changes include the establishment of a centralized system for tracking employment contracts, provisions for shared employment and hourly pay, and modifications to workweek structures and overtime rules.

The study contextualizes these developments within the broader framework of social partnership in the Eurasian Economic Union (EAEU), contrasting Kazakhstan's approach with that of other member states like Russia, Belarus, Armenia, and Kyrgyzstan. It emphasizes the diverse legal traditions and regulatory frameworks across these nations, noting variations in labor law codification, union roles, and government involvement in labor relations.

The research also considers the European social model as a comparative reference, highlighting its emphasis on transparent dialogue and cooperation among social partners. The study concludes by exploring the challenges and opportunities in aligning labor regulations across the EAEU, particularly in enhancing worker rights protections and improving the effectiveness of collective agreements. It stresses the importance of a balanced approach that acknowledges the varied legal systems within the union while striving for a more cohesive framework for labor relations.

Key words: collective agreements, labor relations, social partnership, employment contracts, labor code, collective bargaining

Introduction

Kazakhstan has shown a growing dedication to establishing and legally governing social partnership as a key mechanism for overseeing labor relations and enhancing work conditions in recent years. This commitment is evident in the yearly presidential addresses, which outline major initiatives to promote the interests of both employers and employees within the national context. Such governmental concern for the enhancement of working conditions could be attributed to internal socio-economic factors and also trade union movement all over the world. Several speeches: In particular, messages of President of the Republic of Kazakhstan Tokayev for 2024, 2023, and 2021 underscore: A dynamic social agenda is another issue affecting economic imbalances and social justice.

Collective agreements are considered as keystone in this partnership since they give legal framework to regulate labor conditions and protect the workers' rights. These agreements are associated with the legislative base of Kazakhstan as a state even more actively through the regulation of social partnership in the framework of the Labor Code, in the development of which the activity of the state increased in 2020. These amendments brought new concepts into labor relations, including the definition of labor disputes, employment contracts registration system, and the definition of social partnership beyond the workforce relations but as a mere co-operation in the social and economic context.

In addition, the proclaimed and realized changes encompass the major concerns of employment relations, including joint employment, wages for hours, and flexibility concerning working hours, which makes labor relations more responsive to the demands of both the employees and employers. These

principles were further developed in the Labor Code in the Adoption of the 2023 amendments by enabling measures like the four day work week, improvement of the rights in the defense of the workers on the weekends and special holidays and others that spoke of time management and production demand [1].

The function of collective agreements goes further than codifying working conditions; they also act as an essential weapon for safeguarding employees during an economic crisis. Through addressing issues such employment preservation clauses, retraining or redundancy protection clauses, such agreements assist in softening the fall out of recessions on the employees and their dependents. By social partnership, Kazakhstan is preparing for the more effective regulation of relations between all subjects in the labor market, taking into account both the economic development of the country, and a focus on the solution of social issues.

The aim of this paper is to compare and contrast the collective agreements in the framework of the social partnership system in Kazakhstan with the legal legislation of the Eurasian Economic Union countries, as well as observe practical experience, the state's participation in mastering the labor relations. It will identify the major reforms undertaken in Kazakhstan, evaluate their effects on labor relations, and outline the features of foreign experience taken into account in the development of the further potential of the Kazakhstani model of social partnership.

Materials and methods of research

This research utilizes a comparative legal approach to investigate collective agreements, focusing on social partnership in Kazakhstan and other Eurasian Economic Union (EAEU) nations. The study employs a mixed-methods design, allowing for a comprehensive analysis from various angles.

The primary data source for this case study is an examination of the Labor Codes of Kazakhstan, Russian Federation, Belarus, Armenia, and Kyrgyzstan. This legislative analysis enables a substantial comparison of the legal frameworks governing collective agreements in these countries, underscoring both commonalities and distinctions. Beyond EAEU legislation, the study explores examples from recently enacted collective agreements and labor disputes in EAEU member states. Data gathered from reports, articles, and documents provide practical insights to complement the theoretical foundation. The research compares outcomes across different countries to identify strengths and weaknesses within the nations under study. This analysis includes an assessment of how social partnership systems have impacted working conditions and workers' interests.

The study utilizes a thorough approach to offer a detailed evaluation of how collective agreements contribute to nurturing social partnership and improving labor relations within the EAEU.

Results and its discussion

In Kazakhstan's social and economic progress, the enhancement of labor relations, working conditions, and the establishment of social partnerships have become crucial. The government consistently emphasizes the importance of collaboration between the state, employers, and workers in the President's yearly addresses when seeking solutions to major economic challenges. These addresses not only outline the government's agenda but also guide legislative efforts aimed at improving citizens' lives. In this context, the implementation of effective collective bargaining agreements emerges as a vital instrument for safeguarding labor rights and promoting social equity.

The way the development of social partnership and the improvement of working conditions of its citizens is stipulated continues in Kazakhstan. The annual messages delivered by the President of the Republic of Kazakhstan clearly document this commitment. In his message of 2024, President Tokayev points to both the pressing need to boost citizens' income levels and to configure the appropriate economic environment. Addressing economic imbalances is key to a positive impact on social partners, he notes. If income growth remains stable and social inequality decreased, it creates better for labour relations and collective agreements conditions, which leads to overall societal welfare [2].

President of the Republic of Kazakhstan Kassym-Jomart Tokayev notes in his message for 2023 the need to reinforce mechanisms strengthening relations between the state, business and the public as he focuses on the themes of social justice and economic growth in his message for 2023. This serve to reinforce the importance of a social partnership, which must be institutionalized, through legislations. And by establishing such frameworks collective agreements of the rights and interests of all stakeholders can emerge in a stable form [3].

The presidential address of 2021 specifically emphasizes various social programs that greatly benefit ordinary citizens, such as the "Economy of Simple Things." These initiatives are designed to both stimulate economic activity and improve working conditions, potentially making them crucial elements of collective agreements aimed at supporting workers during difficult times [4].

Collective agreements in Kazakhstan are determined by the Labor Code, adopted in 2015. Finally, these agreements are almost invariably concluded at this enterprise level and are an integral part of the framework of the social partnership. Of particular note about this system involves the strong state role in limiting the power of employers to dictate their workers' rights or duties [5 . – 89].

The 2020 modifications to Kazakhstan's Labor Code have played a crucial role in improving working conditions and protecting workers' rights. These changes facilitate the creation of a more robust, fair social partnership, resulting in an enhanced quality of life for citizens and a stronger national economy.

1. Developing Social Partnership: Recent amendments have expanded the definition of social partnership to include economic relations beyond labor issues. This broader view suggests that cooperation should be based on equal standing among all participants in collaborative relationships – between employers and employees, as well as between employers and government bodies [6]. To achieve lasting social partnerships that ultimately enhance working and employment conditions, it is essential to focus on aligning the interests of all involved parties [1].

2. Definition of a Labor Dispute: The revised definition of a 'labor dispute' now included disagreements between employees and employers where such employees and employers had previously maintained an employment relationship with each other. This expanded definition of the dispute resolution considers the situation in which the employment contracts have been terminated, allowing for dispute resolution after employment contracts termination and also strengthens the protection of workers' rights and extends their ways to seek recourse through judicial or administrative means.

3. Introduction of a System for Accounting Employment Contracts: The integration of Labor Code into a unified system for recording employment contracts is aimed at automation of such activities as the monitoring of labor activities and employee counts. This innovation will serve as an aid to better compliance to the terms of labor and the collective contract. The new accounting system also makes it easier for employers to monitor their payment of employees' rights and the fulfilment of their obligations under collective agreements. This represents a large step towards transparency in labor relations and business social responsibility.

In 2023, one of the most important sets of amendments to Kazakhstan's Labor Code addressed the resolution of social partnership conditions and the regulation of labor relations. The seven primary amendments concerning labor relations, which became effective on July 1, 2023, include:

1. Joint Employment: A new employment model has come into being where a single position can get multiple employees. By the very nature of this, the working hours can be allotted much more flexibly and employment may be expanded [7].

2. Hourly Wages: Based on this, they define the regulations concerning hourly wages for joint employment for the purpose of equalizing employee remuneration in accordance with the conditions of today.

3. Four-Day Work Week: At present, a four day work is being discussed as a way to increase productivity and improve work life balance.

4. Summary Accounting of Working Hours: Cumulative accounting of working hours has been adjusted to the regulations, and changes have been introduced in the regulations changing the organization of labor processes allowing for a more flexible organization of labor processes in accordance with the requirements of the business needs.

5. Changing Work Standards on Weekends and Holidays: Introducing amendments to define the exceptional cases for employment at weekends and holidays without employees consent may affect workers' rights protection.

6. Payment for Downtime: More changes to the rules for paying employees during down time are crucial to ensuring social protection for workers at times which are economically unstable.

7. Production Necessity and Downtime: New definitions of "downtime" and "production necessity" have been proposed in order to more precisely regulate labor relations within emergency situations [1].

All these changes pertaining to the system of social partnership are targeted at the reform of the system and the preservation of the employees' interests in the changes to the contents and conditions of regulations.

Collective agreements are legally sanctioned contracts between employers (or their associations) and employees (or their representatives, typically labor unions). These self-organized entities are responsible for establishing standards related to employment conditions, wages, and compensation in employee relations [8]. Furthermore, collective agreements not only shape individual employment relationship regulations but also exert a normative influence, potentially superseding conflicting provisions in individual contracts.

In the sphere of labor relations collective agreements are valuable legal instruments, which not only regulate employees' situation at the workplace but may also serve as a legal basis for future amendments of working conditions. They are exculpated to strike a balance between the employer and the employees so as to encourage stability in the labor market.

In the realm of labor relations, collective agreements serve as crucial legal tools that define workplace rules for employees, which can be referenced if working conditions change in the future. They aim to strike a balance between employer and employee choices, promoting labor market stability. The durability of collective agreements is particularly vital during economic fluctuations, as they provide a stable framework that can adapt to changes while safeguarding workers' rights.

Various factors can impact the content of these agreements, including demographic shifts in the workforce. For instance, a rise in older workers or a significant increase in self-employment could lead to modifications in collective agreement terms to better address the needs and protections required by these groups. In addition, collective agreements specify working conditions but also strive to provide financial protection in time of economic instability. Provisions that place priority on job preservation are one way that such agreements can help to soften the heavy hand of layoffs or reduced working hours during an economic slump to support the workforce's ability to weather such a blow.

Management of its human resources and contextual structure of labor resources and social conditions play a determining role in shaping the content of collective agreements in Kazakhstan. For example, if the number of older workers or the proportion of self employed rises substantially, working conditions, social benefits, and protections set out in these agreements might be different [9].

Also, collective agreements regulate labor relations and they have a multiplicity of impact in the regulation of employment. And these agreements usually include terms aimed at protecting jobs, particularly in bad economic times. In a context of elevated unemployment, collective agreements might provide workers with a means to protect them from mass layoffs, either by taking the view that terms additional to the contract should be included or by creating an automatic lockout mechanism at the point that employment requirements are no longer met. As an example, regulations designed to minimize layoffs may require employers to explore alternative solutions, such as temporarily reducing work hours instead of terminating employees, or attempting to restrict the use of temporary contracts and flexible employment arrangements. Such measures not only shield the good will of permanent employees against termination, but they may also involve programs of retraining and skills enhancement. Such initiatives facilitate employees in maintaining competitiveness in the labor market in case of possibility of getting fired at due to economic fluctuations or events such as automation [10. – 239].

To summarize, the social partnership and labor market are a key sphere for ensuring the labor rights protection and citizens' well-being, and further development of Kazakhstani government's commitment to that has to be realized. In cases where legislative changes are occurring continuously and collective agreements are under consideration as well, we seek to take a pro-active approach to dealing with the changing needs of workers and their employers.

Collective agreements are an important means of social partnership, in particular in difficult economic times when they can signal important supplementary social protection mechanisms. The measures include various kinds of support, such as financial support to employees dismissed and payments in compensation for those that have lost their job. Such provisions serve the critical purpose of mitigating the more adverse effects of economic downturns on employees and their families, so they can function in some respect that is at least financially normal in bad times. Social security measures designed for employees that lost their jobs can, in turn, be facilitated especially for such employees by targeted programs like temporary employment opportunities or payments to the affected workers such that they do not sink into poverty and have a re-employment programme.

Thus, social partnership is not conceived as merely a theoretical concept but as an essential instrument for regulating and maximizing the functioning of social and labour relations in the society. It has an important and a role in maintaining the balance between the interest of employers and employees. Nevertheless, the concept of social partnership has not been well understood and clarified in the scientific literature, and hence has been variously implemented and regarded as effective. Social partnership is seen as one of the most common corporatism and neocorporativistic relations between three major subjects: business organisations, trade unions and the state. This fits into several systems of 'tripartism,' 'bipartism,' and even micro- and mesocorporativism [11].

However, in turn, social partnership can be considered as a means of and mechanism for controlling social and labor relations, by achieving the most suitable and constructive way to the exclusion of the conflicting situation and its solutions between employee and employer [12].

Besides those regulatory functions, social partnership is also a stabilizing force on the political and economic development and is a necessary instrument for the overall development and transformation of society [13]. In the current institutional legal context of the socioeconomic system, such a framework also fostered a particular, though special type of social relationship where specific social groups, i.e. the employers, the employees, and the state representatives, had to become particularly relevant in terms of coordination of interests.

In addition, collective agreement and social dialogue are closely interlinked, both being essential elements of the labour relations framework and the basic notion of social partnership. Social dialogue itself is a process of interaction between an employer, an employee's collectively represented through trade unions, and the state. Social dialogue's primary goal is to find agreement on a number of issues concerning occupational conditions, pay, terms of employment and social guarantees.

Social dialogue may be interpreted as a structured process of negotiations, consultations and exchanges of information among the various stakeholders, including workers representatives, employers and state authorities. The main aim of this process is to handle economic and social as well as social and industrial stability, promoting good governance. Social dialogue serves as a crucial mechanism for achieving consensus among involved parties, fostering democratic engagement, and contributing to the development of shared labor and social policies [14].

In addition, social dialogue that is effective, is capable of building consensus, settling disputes and building cooperative ties with stakeholders. Depending on the forms, this can cover different things in the form either bilateral negotiations between trade unions and employers or about tripartite agreements with government agencies. Governments assume key roles to create legal and institutional frameworks to ensure that social dialogue is made possible for all: that parties can take part effectively and equally in decision-making processes.

In other words, a collective agreement is the final expression of this social dialogue. It pries open the undefined agreements that employers and their employees reach on important matters, including wages, overtime, leave entitlements, workplace safety, and social benefits. A result of this, these agreements are often finalized as a result of a lengthy and sometimes intense social dialogue and negotiation amongst the parties involved.

Where labour conflicts arise, social dialogue is used by the parties as a means of settling and of resolving disputes. It can also result in changes or improvements on the terms spelled out in the collective agreement, or in other words, this engagement is dynamic. In fact, the state actively contributes to the development of social dialogue by creating a legal basis for negotiations between employees and employers (of course, to the draft and concluded collective agreements themselves).

The concluding collective agreement also gives a push to the social partnership framework due to the need for a regular contact and dialogue between the parties to the process. Because this ongoing interaction allows for a more agile and more responsive approach to the changes in the economic landscape and the working conditions, they keep their collective agreements credible.

Various measures can be introduced through collective agreements, arising from the solid process of social dialogue, to meet several challenges. They can be in form of training and advanced skill development programs designed with specific skill development frameworks geared towards specific industries or companies. Moreover, professional growth, and opportunities for advancement greatly boosts employees' motivation for self-growth, and skills enhancement among other things that make a workforce good.

The creation of new job opportunities can be further supported by encouraging training programs that result from collaborative efforts between educational institutions and government entities [10. – 243]. This joint approach benefits employees by aligning workforce skills with market demands, ultimately leading to a more dynamic economy.

At its core, collective bargaining represents an individualized form of social dialogue. The ILO Convention on Collective Bargaining of 1981 (154) defines collective bargaining as negotiations involving an employer, multiple employers, or employer organizations, and one or more workers' organizations. This process addresses several key areas, including:

- a) establishing work conditions and employment terms.
- b) managing employer-employee relations.
- c) regulating interactions between employers or their organizations and employee representative groups.

The Collective Bargaining Convention outlines collective bargaining as a bilateral process, excluding the state as a negotiating party. However, other official ILO documents acknowledge and support the state's

role in influencing tripartism and social dialogue in general, as well as [15] the practice of tripartite collective bargaining specifically.

Fundamentally based in partnership and open social dialogue, the European social model is the core means of fostering sustainable labor relations. The key concept of this model is that of social partnership, which claims that employees and employers should be social partners seeking mutual respect and collaboration in order to compromise with each other. In this principle, the European model is legislated at the legislative level and the evidence of it in practice took place in the social dialogues.

Moreover an equally important principle of the European model is the rule of open social dialogue. It suggests this necessarily continuous, constructive contact between social partners on all levels – local, national and even international. This cooperation should be based on trust, transparency and real commitment to compromise. These are basic parts that are necessary for the work of the social partnership as a whole to be effective and the labour harmony be lasting.

Social pacts and collective agreements are another defining feature of the European social model, to set up social justice and insuring the sustainability of relations of labor. Agreements of this type often comprise a number of measures meant to work to improve working conditions, increase wages and to protect workers from exploitation. Such agreements can look many ways, from multi later al agreements between elected state officials and representatives of trade unions and employers to sector specific agreements that reflect the unique conditions and unique needs of particular industries. The agreements that enter into these foster a collaborative environment in which all these voices are heard and considered.

It also supports the European social model, which attaches as much importance to sustainable development and the protection of social rights as it does to economic growth, that is it should not cost us social equity. Interestingly, determining the elements of this social model depends on the role played by the state in their upholding and implementation [16. – 71]. This entity serves as a mediator between employers and workers, while also creating suitable conditions for productive export discussions. This approach fosters trust among collaborating parties and enhances the credibility and effectiveness of the social partnership framework.

The diverse legal systems significantly influence the negotiation and implementation of collective agreements across the Eurasian Economic Union (EAEU) member states. These variations greatly impact labor relations and the protection of workers' rights in each country. For instance, Russia's legal system also rests upon the codification of labour legislation. According to the Russian Labor Code, detailed norms of the collective agreements regulate most important questions of employment, protection of workers' rights, working conditions and social protection. Active role of the trade unions as a mechanism of protection of the enforcement of workers' rights through collective agreements remains an important feature of the Russian system. In addition, every contract must include mandatory conditions (such as working conditions, wages and social guarantees [17]. Therefore, the Russian legal framework is more detailed and many conflicts from legal norms are mitigated.

Second, Belarus also has well codified labor legislation that provides support for collective bargaining process. Collective agreements are concluded in accordance with the Labor Code of the Republic of Belarus, while trade union rights are less often regulated compared with Russia or Kazakhstan. Additionally, the state has a dominant role in playing a leash on how labor relations are regulated, which often put tight limitations into the legislative framework of collective agreements. It can allow conflicts between presidential decrees or other regulations and collective agreements to crop up, which complicates the enshrinement of workers' rights.

The big change has meant lots of questions and problems in law enforcement practice. Consequently, labor relations have increasingly been discriminatory in a way that breaches the rights of non union workers. In particular, such restrictions may violate employees' rights to get workers' social and labor guarantees to which they are ordinarily entitled in accordance with bilateral agreements [18].

Similarly to Armenia, collective agreements play a crucial role in establishing and defining relationships through which workers exercise their entitled rights and improve their working conditions. Just as in other EAEU countries, the agreements have an important role in the social partnership system, shaping a socially more stable and constructive relationship between the representatives of employers and employees.

In Armenia, collective agreements are regulated by the Labor Code, and there exist three levels of collective agreements: local, sectoral, and republican. These national collective agreements, which involve government agencies, employers, and trade unions, encompass general working conditions and social guarantees. In addition to individual collective agreements, industry-specific collective agreements between employers' associations and sector-specific trade unions provide more detailed regulation of

working conditions in particular industries. Finally, there are typically local collective agreements signed at the level of individual organizations that contain special conditions regarding employees of that organization [19].

Collective agreements in Kyrgyzstan are, technically speaking, concluded on a voluntary basis, while, quite often, they are highly recommended as a condition for stability of labor relations. That's why trade unions play a central role in this, as they represent workers and are active in negotiations. Despite active development of the Kyrgyz system of social partnership, the activity of trade unions and their impact on the negotiation process may significantly differ. Despite some recent improvements, little has changed in raising workers' awareness of the rights they are entitled to and the many opportunities that collective agreements offer [20].

Noteworthy is that in both Armenia and Kyrgyzstan, there is less detail in the regulation of collective agreements in labor codes. In particular, in Armenia, the labor relations, including collective agreements are inadequately regulated. Consider the situation in Kyrgyzstan as an example, where ongoing challenges persist, such as the necessity to align labor laws. This results in discrepancies between collective bargaining practices in Kyrgyzstan and other nations.

Legal traditions differ as the practice for terminating and concluding collective agreements vary. Collective agreements are particularly important in Russia and Belarus, where the legal system is more codified, to ensure workers have basic rights. On the other hand, according to the labor codes in Kazakhstan and Kyrgyzstan, legal conflicts and priorities of different regulations might occur and may even weaken the labour protection. In addition, the level of protection of workers' rights in Armenia with its comparatively small regulatory framework of collective agreements comes into question.

On this basis, international cooperation between these countries requires one common approach in the regulation of collective agreements. This analysis demonstrates that successful harmonization must balance experiences of countries with more sophisticated legal systems, such as Russia and Belarus, and apply best practice to countries with weaker legal systems, like Armenia and Kyrgyzstan. This comprehensive approach does not only strengthen social partnership between the Member States of the Union, but also strengthen protection of workers' rights throughout the Union.

The legal frameworks of the EAEU member states do indeed vary. Consequently, it is crucial to carefully reconcile these differences to establish a unified legal system. Such harmonization would enable the effective implementation of collective agreements across the union [5 . – 89].

For example, the Republic of Kazakhstan recognizes the right for workers to strike as a way to resolve labor dispute between employer and employee. All of these disputes are concerned with socio-economic issues and their resolution centres around changes to working conditions, wages and how these unions may or may not influence the regulation of labour conditions. Several recent instances of strikes in the republic — of which there are numerous — confirm the practice, and show workers were quite actively being involved in lobbying for their rights and interests.

It is also a collective right and does not include individual labor relation. Representations have the particular importance to guard the legitimate interests of employees: this distinction. Right to organize a strike is vested in trade unions generally. But in some states it is believed that strike is a trade union right alone because other employee's representatives cannot initiate a strike. For example, most industrialized nations have granted this right to any representative bodies of workers, extending the means through which workers can complain.

In addition, it is essential to recognize that of the right to lockout is conceptually the same as the right to strike. The right of both employees and employers to strike is generally acknowledged in various European states, but employers have also obtained the right to lockout in some of them. This right of respondents' rights permits employers to fire the employees who participated in a strike. The reaching of this trend indicates an overall drive towards the balance of power between two parties: employers and employees [21]. A strike 'as a device for settling a collective labor dispute' is thus so manifestly an institution of legality that it merits further refinement and sustenance in law

Conclusion

Therefore, social partnership development in Kazakhstan and number of priorities, especially through collective agreement, indicates concern in regard to the changes observed in the world economy and their impact on the workers and employers of the country. The annual presidential messages reiterate the government's aim of raising citizens' standard of living, stability in the economic front and social justice that would serve as the foundation for coordination between all the actors in the labor market.

The changes pursued within the framework of the labor legislation affecting the Kazakhstan's labor relations in general and worked out in the framework of Labor Code amendments including those of 2020

and 2023 can be considered as a significant shift. These changes not only bring more clarity to the concept of social partnership but also introduce measures to enhance workers' rights and encourage employers to take an active role in improving workplace conditions. The introduction of progressive elements such as job sharing, higher hourly wages, or more flexible work arrangements can be seen as positive developments in addressing contemporary labor relation needs, potentially resulting in improved overall efficiency and employee satisfaction.

In addition, analysis of the additional protections that collective agreements offer, particularly during economic challenges, has also not been very exhaustive. These agreements provide safety nets to the employees assuring them of some sort of financial income and link them up to jobs in case of lay-offs; this reduces the impact of unemployment and forth right economic downturn. This focus on training programs and skill acquisition also complements well the effort of putting forward a competitive set of employees and learners in the ever improving and demanding job market.

But, there are issues as of today, for example with the different legislation harmonization in the countries of the Eurasian Economic Union (EAEU). To create a coherent system that can minimise, protect and promote the concept of collective bargaining and labour rights, such disparities must be resolved. Thus, having analysed the practices of countries with well-developed legislation, such as Russia and Belarus, Kazakhstan could improve its experience in the regulation of collective agreements and social partnership.

Therefore, the continuation of the social partnership in Kazakhstan represents the way towards the successful combination of the objective of development with the objective of providing all people with the opportunities for the development in the country. The concerns raised about labor market inequalities are far from being addressed and the improvements are small yet the goal towards an economically happy labor market continues and promises to be demanding and sensitive to the demand and supply side forces and factors in order to make the dream future possible for all stakeholders.

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ӘЛЕУМЕТТІК ӘРІПТЕСТІК ЖҮЙЕСІНДЕГІ ҰЖЫМДЫҚ ШАРТТАРДЫ САЛЫСТЫРМАЛЫ-ҚҰҚЫҚТЫҚ ТАЛДАУ

Андатпа

Зерттеу заңнамалық өзгерістерге және олардың ұжымдық келіссөздер жүргізуге ықпалына баса назар аударып, Қазақстандағы еңбек қатынастары мен әлеуметтік әріптестіктегі соңғы өзгерістерді қарастырады. Мақаланың мақсаты – еңбек қатынастарын еуропалық елдердің тәжірибесімен салыстыра отырып, әлеуметтік серіктестік жүйесі тұрғысынан қарастыру. Талдау әлеуметтік әріптестік тұжырымдамасының аясын кеңейтіп, еңбек дауларын шешу тетіктерін жақсартқан және жұмысқа орналастырудың жаңа үлгілерін енгізген 2020 және 2023 жылдары енгізілген Қазақстанның Еңбек кодексіндегі түзетулерді қамтиды. Негізгі өзгерістерге орталықтандырылған еңбек шартын қадағалау жүйесін құру, бірлесіп жұмыс істеу және сағаттық жалақы туралы ережелер, сондай-ақ жұмыс аптасының құрылымы мен үстеме жұмыс ережелеріндегі өзгерістер кіреді.

Зерттеу Ресей, Беларусь, Армения және Қырғызстан сияқты Еуразиялық экономикалық одаққа (ЕАЭО) мүше басқа мемлекеттердің тәжірибесімен салыстыра отырып, Қазақстанның әлеуметтік әріптестікке деген көзқарасын қарастырады. Жұмыста басқа елдердегі құқықтық дәстүрлер мен нормативтік-құқықтық базаның әртүрлілігі атап өтіледі, еңбек заңнамасын кодификациялаудағы айырмашылықтар, кәсіподақтардың рөлі және Үкіметтің еңбек қатынастарына қатысуы атап өтіледі.

Зерттеу сонымен қатар Еуропалық әлеуметтік модельді салыстырмалы мысал ретінде қарастырады, оның әлеуметтік серіктестер арасындағы ашық диалог пен ынтымақтастыққа баса назар аударады. Зерттеу қорытындысында ЕАЭО елдеріндегі, атап айтқанда, жұмыскерлердің құқықтарын қорғауды күшейту және ұжымдық шарттардың тиімділігін арттыру саласындағы еңбек заңнамасын келісудің мәселелері мен мүмкіндіктері қаралады. Сондай-ақ, кәсіподақ ішіндегі құқықтық жүйелердегі айырмашылықтарды ескеретін және сонымен бірге еңбек қатынастарының біртұтас жүйесін құруға ұмтылатын тендестірілген тәсілдің маңыздылығы атап өтіледі.

Негізгі сөздер: ұжымдық шарт, еңбек қатынастары, әлеуметтік серіктестік, еңбек шарттары, еңбек кодексі, ұжымдық келіссөздер

СРАВНИТЕЛЬНО-ПРАВОВОЙ АНАЛИЗ КОЛЛЕКТИВНЫХ ДОГОВОРОВ В СИСТЕМЕ СОЦИАЛЬНОГО ПАРТНЕРСТВА

Аннотация

В исследовании рассматриваются последние изменения в трудовых отношениях и социальном партнерстве в Казахстане с акцентом на законодательные изменения и их влияние на ведение коллективных переговоров. Цель статьи: рассмотрение трудовых отношений в сравнении с опытом Европейских стран с позиции системы социального партнерства. Анализ охватывает поправки к Трудовому кодексу Казахстана, внесенные в 2020 и в 2023 годах, которые расширили концепцию социального партнерства, улучшили механизмы разрешения трудовых споров и внедрили новые модели трудоустройства. Ключевые изменения включают создание централизованной системы отслеживания трудовых договоров, положения о совместном

трудоустройстве и почасовой оплате, а также изменения в структуре рабочей недели и правилах сверхурочных.

В исследовании рассматривается подход Казахстана к социальному партнерству, при сопоставлении с опытом других государств - членов Евразийского экономического союза (ЕАЭС), таких как Россия, Беларусь, Армения и Кыргызстан. В работе подчеркивается разнообразие правовых традиций и нормативно-правовой базы в других странах, отмечаются различия в кодификации трудового законодательства, роли профсоюзов и участия правительства в трудовых отношениях.

В исследовании также рассматривается европейская социальная модель в качестве сравнительного примера, подчеркивается ее акцент на открытом диалоге и сотрудничестве между социальными партнерами. В заключение исследования рассматриваются проблемы и возможности согласования трудового законодательства в странах ЕАЭС, в частности, в области усиления защиты прав работников и повышения эффективности коллективных договоров. Также подчеркивается важность сбалансированного подхода, который учитывает различия в правовых системах внутри профсоюза и в то же время стремится к созданию более целостной системы трудовых отношений.

Ключевые слова: коллективный договор, трудовые отношения, социальное партнерство, трудовые договоры, трудовой кодекс, коллективные переговоры

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