

## Article: Brief Notes on Employment Disputes in Kazakhstan

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### **Brief Notes on Employment Disputes in Kazakhstan**

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#### **Labour disputes in Kazakhstan**

Our partner Mr. Nurzhan Stamkulov leads litigation and employment practice in Kazakhstan. Nurzhan gave answers to the most popular questions of foreign employees in Kazakhstan.

#### **What is the difference between foreign employee and local employee in terms of employment rights?**

There is no difference in volume of rights between local and foreign employees in Kazakhstan, except there are requirements to have work permit for foreign citizens working in Kazakhstan. Any other limitations in rights for foreign citizens will be discrimination.

#### **Could foreign citizen protect his rights in Kazakhstan courts and to be a plaintiff against Kazakhstan employer?**

Yes, foreign citizen have a right to submit a claim to Kazakhstan courts against Kazakhstan employer to pursue litigation, so he could be a plaintiff in a court and could vest his interests by submitting a claim to court and litigate with the employer.

#### **Can foreign citizen receive salary in foreign currency?**

Yes, foreign citizen may receive salary in foreign currency in Kazakhstan, i.e. in Euro or in US dollars.

**Kazakhstan employer or Kazakhstan company wants to terminate an employment agreement with foreign employee, what should the employee do?**

Firstly, foreign citizen should find out and check whether such proposed termination complies with Kazakhstan laws. If the termination is illegal, then foreign citizen may be awarded three month salary compensation by the court.

**Is it right that overtime hours should not be paid for me even I agreed and signed employment agreement?**

Your employer should pay you overtime hours. The employment agreement should not contradict to Kazakhstan employment law and regulations. The employment law and regulations in Kazakhstan are the rules that cannot be overwritten by employment contract, i.e. any employment agreement should not contradict to Kazakhstan employment laws and regulations. An employer or a company should have to keep timesheet on regularly basis and make records about overtime hours of his employees. However, a timesheet in any case should be checked with factual spent hours. Although there is signed employment agreement, a company should pay you overtime hours if lawyers find out any breaches of employment rules and laws. This is typical mistake in employment practice to consider only signed employment agreement, while ignorance of employments law and rules could cause litigation cases against companies.

**Should I get vacation or receive money compensation for being without vacation? My company offered me salary compensation instead of using a vacation.**

A company during one year should provide you a vacation with total 24 calendar days not more. If not, a company should pay you money compensation.

**How should I pay taxes from a salary in Kazakhstan and my salary in my country for the job outside Kazakhstan?**

The salary as source of income that should be taxed only once and in one state if there is a convention on avoiding double taxation between host country and home country, the salary should not be taxed twice in Kazakhstan and also taxed in your country. Our lawyers could advise you how to cope with double taxation and save your money.

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