

## Article: Limitation period on the labor law relations

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### Limitation period on the labor law relations

**Nurzhan Stamkulov, Partner**

**Synergy Partners Law Firm, LLC**

The limitation period can be distinguished into two types: *the material period* and *the procedural period*. The material period is fixed in the rules of substantive law.

In labor relations, *the material limitation period* is not limited to the time frames. First of all debts on wages are repaid in case of liquidation or bankruptcy of a legal entity. Therefore, the delinquency of wages since 2001 may take place until 2017, since the labor law relations are permanent, and the duty to pay wages arises from the law, and such an imagination of the employer can only be terminated by a court decision or by paying off salary obligations.

*The procedural term* for labor law relations, according to Art. 160.2 of the Labor Code, is one year from the date when the person learned or should have learned about the violated right. For disputes about illegal dismissal special periods are provided. The employee is given two months to apply to the court, and the period is calculated from the date when the employee received a copy of the response from the conciliation commission.

In practice, there are cases when the courts incorrectly apply material and procedural terms. For example, the employee appealed to the court in 2016 to pay compensation for overtime work from 2012 to 2016. According to the labor law, the employee learned about the violated right, when the conciliation commission did not resolve this dispute, that is, he learned about the violated right from the date of receipt of the reply from the conciliation commission.

For example, the employee received an answer to the conciliation commission in August 2016. However, the court ruled that for the period from 2012 to 2015, the limitation period for recourse to the court has expired. Such conclusions of the courts are contrary to the norms of the labor law, both in the material and in the procedural part.

Summarizing the following conclusions:

- the period for applying to the court is one year from the date when the employee found out or should have learned about the violated right;
- since the pre-trial procedure for considering the dispute through a conciliation commission has been established for labor disputes, the conciliation commission's response is the moment when the employee learned of his violated rights;
- in a number of cases, there is a negative practice of considering labor disputes, where procedural and material terms are mixed for applying to the court for the protection of violated rights.

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