Criminal Liability for Violations of Public Employment Laws in the Republic of Kazakhstan

Svetlana Baimoldina¹, Enlik Nurgalieva², Yavuz Guloglu³, Dinara Toleukhanova² and Shynarbek Akchabaiev²

¹Criminal Law Department, L.N. Gumilyov Eurasian National University, Astana, Kazakhstan
²Civil Law Department, L.N. Gumilyov Eurasian National University, Astana, Kazakhstan
³Kastamonu University, Turkey

Abstract

The specifics of the criminal liability for violations of employment rights in the Republic of Kazakhstan have been disclosed, criminal laws and other legal regulations that govern labor relations have been detailed by the authors in this paper. The authors consider the employment law to be a means of implementing the social policy in the Republic of Kazakhstan. Statistical data by the General Prosecutor Office of the Republic of Kazakhstan regarding criminal violations of public employment rights for the last five years in Kazakhstan are analyzed, crime trends associated with violation of employment laws are revealed and social and political aspects of employment guarantees are mentioned. The authors analyze scientific research done by local and foreign scientists in this area. Theoretical provisions and recommendations to improve the Kazakh employment law have been provided.

Keywords: Criminal Liability, Employment Laws, Labor Relations, Punishment, Social Policy

1. Introduction

New national sovereignty in the Republic of Kazakhstan, like many other CIS countries, and the Russian Federation in particular, facilitation formation of a new legal platform, transition to market relations, private business development, incorporation of companies of various types, including joint-stock companies, limited liability companies, cooperatives, and emergence of a vast number of individual entrepreneurs without the formation of a legal entity. Along with positive aspects, which were development of business activity of the public, increased share of self-employed public, these processes also have a number of disadvantages, and violation of employment rights of employees in particular. While striving to increase their income, employers do not always pay sufficient attention to occupational safety, they usually do not have any idea about the sanitary law and fundamental occupational safety regulations, and they are not willing to invest into occupational safety of their employees. A marked aggravation of criminal rates in occupational safety area is observed in the country¹ and overall labor relations are observed in the country. According to statistical data of the General Prosecutor Office of the Republic of Kazakhstan, the number of pending criminal offenses in the covered period regarding the provision Violation of occupational safety and health rules (Article 156 of the Criminal Code of the Republic of Kazakhstan) for 6 months of 2015 is 262 offenses vs. 452 offenses regarding this provision in 2014, 545 offenses in 2013, 212 offenses in 2012, 136 offenses in 2011, and 130 offenses in 2010².

The above figures are indicative of an obvious trouble with providing safe occupational conditions across the country as a whole, and individual regions as well. Moreover, the study of materials of pre-investigation

*Author for correspondence
check-ups, investigation practice of occupational accidents revealed that members of the prosecutor office sometimes evaluate the actions of those responsible for adhering to occupational safety and health regulations incorrectly, thus leading to a vast number of refusals to initiate criminal proceedings⁵.

Compliance with human employment rights is more and more urgent and important in the modern world, and CIS and Middle East in particular, where the legal system has yet a long way to go to meet European standards in all aspects, including a labor relation system. Development of labor relations is stipulated in the Constitution of the Republic of Kazakhstan, with “people, their life, rights and freedoms of the human being the supreme value”⁶.

2. Review of Literature

Urgent problems of protecting employment rights of the public are reflected in scientific research of prominent local and foreign legal experts.

The uniqueness and value of the research by O. Smyk is that she discovered a positive historical experience of criminal legal protection of save occupational conditions of certain categories of employees, in particular minor-aged employees; carried out a differential comparative legal analysis of the national and international criminal law regarding liability for violating occupational health and safety regulations; proposed new approaches to solving the challenge of legal regulation and implementation of the liability for violating occupational health and safety regulations based on consolidation of regional legal precedents; proposals for further improvement of the laws concerning criminal legal protection of safe occupational conditions and law enforcement practice⁷.

Three stages of implementing employment law provisions, such as: an early stage that includes determination of objectives and tasks for law enforcement by a certain party; a stage of determination of material and procedural means used for further implementation of a certain provision of the employment law etc. are distinguished in the research by N. Slabospitskaia⁸.

While discovering the specifics of the US employment law structure, R. Nazmetdinov distinguishes between the following basic principles of the US employment law: employment freedom; employment non-discrimination; equal rights of all employees, despite their gender, race, skin color and other factors that are not connected directly to their job duties; accrual and payment of wages in the amount not less than the government-guaranteed minimum; combination of federal laws and regulations, state laws and regulations in regulating labor relations; ensuring the employment right of the employees to form labor unions; protection of employment rights of the union at specialized governmental authorities and in court⁹.

I. Salomatina studied comprehensively, based on the modern laws, the challenges of theory and practice of providing guarantees and compensations to the employees that work and study at the same time, and developed new provisions for the employment law, where international standards of continuing education are analyzed⁹.

T. Guseva researched theoretical and practical problems of legal regulations of social welfare of the family, mother-hood, and father-hood, and child-hood with view to the latest federal and regional Russian laws, international regulations, international development experiences of various countries and legal precedents for the last few years⁸.

The right to individual labor disputes with the use of ways for resolving such disputes that are established by the federal law is an integral right of the public guaranteed by the Constitution of the Russian Federation and is in need of significant rework⁹.

The issues of legal regulation of vigilance and monitoring of compliance with the employment law as ways of protecting employment rights of the employees from the standpoint of a systemic approach and efficiency of such approach have been studied for the first time in the research by M. Zavialov¹⁰.

A comprehensive analysis of the legal regulation of labor remuneration of employees of non-budgeted organizations has been done for the first time in academic pursuits by S. Kamenskaia¹¹.

3. Materials and Methods

3.1 Methodology of Scientific Research

The following methods were used in the process of this research: a general dialectical cognition method for the system of general laws and development categories of the nature, society and the state; general scientific methods - analysis and synthesis, deduction and induction, historical and logical methods; specific scientific methods - system analysis, logical, comparative, statistical methods etc.

The data collected by the authors in the process of research during their work at the governmental bodies, using an expert evaluation method for the investigated objects; and during study of employment case materials
are the empirical basis for this scientific study. Analysis of official statistical data by the General Prosecutor Office of the Republic of Kazakhstan regarding registered labor relation offenses in 2010 through 2015 in the ratio of total offense categories was done.

Scientific works in criminal law, civil law, employment law, criminology, and general theory of law, philosophy, social studies and other fields of study are the theoretical basis for this research.

4. Results and Discussion

4.1 Criminal Liability for Violations of Labor Relations

Criminal liability for violation of labor relations is imposed, according to the new Criminal Code of the Republic of Kazakhstan pursuant to Article 152 Violation of employment law of the Republic of Kazakhstan, Article 153 Violation of employment law of the Republic of Kazakhstan regarding the minor-aged, Article 154 Obstruction of legal activity of representatives of employees and Article 156 Violation of occupational health and safety regulations.

Let us discuss certain provisions in detail. According to Clause 1 of Article 152 of the Criminal Code of the Republic of Kazakhstan Violation of employment law of the Republic of Kazakhstan, an illegal termination of a labor contract with an employee, failure to comply with a court decision about the reinstatement in work, and equally another labor violation of the Republic of Kazakhstan that resulted in infliction of considerable harm to the rights and legitimate interests of citizens are punished by a community service up to 240 hours, or incarceration for up to 75 days, whether including a deprivation of the right to hold specific posts or to practice a specific activity for a period up to a year, or not.

An unjustified refusal of conclusion of an employment agreement with a woman or unjustified termination of employment agreement with her on the grounds of her pregnancy or unjustified refusal of conclusion of the employment agreement or unjustified termination of the employment agreement with a woman, having children under three years of age, on these grounds, and equally unjustified refusal of conclusion of the employment agreement or unjustified termination of the employment agreement with a disabled person on grounds of disability or a juvenile person on grounds of his/her minority are punished by a fine ranging up to five hundred monthly calculation indices, or correctional labor to the same amount, or community service up to 300 hours, or incarceration for up to 90 days, whether including a deprivation of the right to hold specific posts or to practice a specific activity for a period up to a year, or not.

The third paragraph of this Article stipulates stricter criminal sanctions for violations of the employment law.

Also, criminal liability is envisaged for violation of employment rights of the minor-aged according to Article 153 of the Criminal Code of the Republic of Kazakhstan with regard to assigning jobs to the minor-aged, which does not allow the use of labor of the workers under 18 years old, in which case a fine to the amount of 2,000 monthly calculation indices, or correctional labor to the same amount, or custodial restraint for up to two years, or imprisonment for the same period, including a deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

The second paragraph of this Article stipulates the same offenses, committed by:

- A group of people in collusion;
- Repeatedly;
- With regard to two or more people;
- By means of deceit or abuse of trust;
- With regard to a minor-aged, consciously for a guilty person suffering from a psychological disorder or helpless at the time, it is punished by a fine up to 5,000 monthly calculation indices, or correctional labor to the same amount, or custodial restraint from two to five years, or imprisonment for the same period, including a deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

According to Article 156 of the Criminal Code of the Republic of Kazakhstan, violations of safety, industrial hygiene procedures or other occupational health and safety regulations by a person that was responsible for arranging or ensuring compliance with such regulations, leading to an accidental and moderately severe health injury is punished by a fine up to two hundred monthly calculation indices, or correctional labor to the same amount, or community service up to a hundred and eighty hours, or incarceration up to sixty days.

Stricter punishment, i.e. imprisonment up to 7 years is stipulated further in paragraphs 3 and 4, in case of death of the injured.
4.2 Criminal Legal Statistics of Offenses Covering Violations of Labor Relations

According to the official statistical calculations by the General Prosecutor Office of the Republic of Kazakhstan for 6 months of 2015, total number of industrial offenses was 227,011, with 211,715 registered offenses, 57,232 closed cases, and 28,391 cases referred to court. Among which there are 33 cases regarding Violation of employment law of the Republic of Kazakhstan (Article 152), 0 cases regarding Violation of employment law of the Republic of Kazakhstan regarding the minor-aged (Article 153), and 262 cases regarding Violation of occupational health and safety regulations (Article 156).

In 2014, total number of offenses with criminal cases pending was 377,330, among which there were 341,291 registered cases, 107,304 closed cases, and 59,532 cases referred to court. Where Article 152 is 83, Article 154 - 0, and Article 156 - 452.

In 2013, total number of criminal cases was 377,330, among which there were 341,291 registered cases, 107,304 closed cases, and 59,532 cases referred to court. Where Article 152 is 83, Article 154 - 0, and Article 156 - 452.

The highest number of offenses was committed according to Article 148 in 2013, i.e. 96, and the lowest number was committed in 2012, i.e. 47. According to provisions of Article 153 of the Criminal Code of the Republic of Kazakhstan and Article 154 - 0.

Nevertheless, the statistical data by the General Prosecutor Office of the Republic of Kazakhstan do not have any reference to articles with offenses committed to violate such articles; therefore a deep analysis broken down by offense types is complicated, and many offenses remain latent.

Offenses on behalf of officers of judicial bodies and law enforcement system were registered\textsuperscript{13}. The General Prosecutor Office of the Republic of Kazakhstan found that the number of violations of intellectual property rights in mass media, on the Internet as a part of job duties and in individual cases\textsuperscript{14}, violations of intellectual property rights of Kazakh and foreign citizens, including those according to an employment agreement, leading to millions of losses by the state from the use of such agreements\textsuperscript{14} had increased recently. Moreover, it is difficult to discover the subjective party of such offenses; therefore, many individuals that committed such offenses evade the responsibility and are not punished\textsuperscript{15}.

4.3 Employment Law as a Means of Implementing Social Policy in the Republic of Kazakhstan

Social policy is a state's activity of creating and regulating social and economic living conditions for the society aiming at improving welfare of its members, eliminating any adverse effects of market processes in function, ensuring social justice and social and economic stability in the country\textsuperscript{16}.

According to Article 1 of the current Constitution, “the Republic of Kazakhstan proclaims itself a democratic, secular, legal and social state whose highest values are an individual, his life, rights and freedoms\textsuperscript{14}. And it means that Kazakhstan obliges to mitigate any social disparity by creating conditions for a decent life of its nation and free development of an individual as adequate to the capabilities of the state. It was creation of the adequate measures based on the capabilities of the state that Nursultan Nazarbayev mentioned in his article Social modernization of Kazakhstan: twenty steps to the welfare society of labor, where he proposed principles of a sound social policy. He emphasized especially the necessity of cultivation a public thought of the state not being an infinite donor, but a partner that creates conditions for the improving welfare of the nation. “The strategy of the stage has been built up in the direction from social security to social progress, which means that any parasitism is not acceptable. This is the only way for the Kazakh society to overcome the paternalism inertia\textsuperscript{17}.”

Due to an economic crisis and governmental expenditure optimization, Kazakhstan was forced to suspend temporarily the growth of social allowances, despite the fact of social security of the nation being an overriding priority for the government. Fulfillment of all current social obligations by the state to the fullest extent, excluding any shortages, is the proof. Thus and so, the government is not going to cut down the existing social obligations. Pensions and salaries of civil employees and allowances of various kinds will be fulfilled in full. Moreover, starting from the beginning of 2015, an increase of all social allowances took place: pension allowances were increased by 9%, the amount of a basic pension allowance was 11,182 tenges (ca. 61 US dollars), and average pension amount across the country was 39,429 tenges (over 200 US dollars) in 2015. The amount of governmental social allowances was raised by 7%. Average governmental social allowance was 23,020 tenges.
The real income of the nation has been rising, and no tendency towards reduction of the public income has been observed. Thus and so, an average individual nominal cash income of the public was 62.4 thou. tenges (335 US dollars) in November 2014. An increment vs. November 2013 was 8.7% in nominal terms, or 1.4% in real terms. An average nominal salary, which was accrued for employees in November 2014, was 119.1 thou. tenges (643 US dollars). Starting from January 2015, the minimum salary to the amount of 21,364 tenges (115 US dollars) was established. The cost of living per caput was 19,068 tenges (103 US dollars) for December 2014.

At the same time and due to external factors, there is no way that distresses associated with unpredictable global carbohydrate market conditions could not have affected Kazakhstan as legal expenses for integration of Kazakhstan into the global economic system. Nevertheless, thanks to lessons taken from the 2007–2009 crisis as a result of overheating of the global financial system, the country approached the current crisis prepared and capable of withstanding proudly the strength test. Kazakhstan was able to grasp crisis ‘opportunities’, defend the national economy industrialization program against peak global economy indexes, and implement wide-scale industrial and infrastructural projects, and employ 400 thou. people within the Road Map.

The country resorted to a proven way of coping with the crisis against the existing crisis, while proceeding with implementation of the Bright Way new economic policy, with construction and modernization of motorways, railways, and airways being the heart of the program. It allows for connecting individual areas of enormous Kazakhstan, increasing cargo traffic flow, raising the transit potential of the country, and giving momentum to the construction industry, and provides jobs for 200 thou. Kazakh people. Thus, prompt fulfillment of social obligations is still the greatest priority for the government.

While the economy of many developing and even developed countries undergoes the strongest recession, Kazakhstan devotes enormous funds to its development. Thus, allocation of up to 3 bln. US dollars is scheduled every year until 2017 for the development of roads and transport hubs across the country, industrial infrastructure, housing and utilities modernization, construction of social facilities, which will allow for increasing the number of jobs by hundreds of thousands.

The social policy is a powerful way of speeding the national economic development up, strengthening labor motivation for high performance and the most important factor of political stability of the society. The employment law serves to implement the governmental social policy by the following:

- Facilitating optimum balance of interests of the employer and employees;
- Regulating capital flow between the hired labor and owners (co-owners), with social differences deprived of temporary stability as a result;
- Determining benefits and allowances for certain groups of employees in order to even their social position regardless of their age, gender, health etc.

The provisions are not fully incorporated in the current Labor Code of Kazakhstan. Thus and so, according to paragraph 2 of Article 3 of the Labor Code of Kazakhstan: “the tasks of the labor legislation of the Republic of Kazakhstan consist in creating the requisite legal conditions for achieving a balance of the interests of the parties to the labor relations, economic growth, higher production efficiency and human welfare”. It does not emphasize the social purpose of the employment law, which aims at accommodating interests not only the parties to the labor relations, but the state as well.

Analysis of the provisions of the Labor Code of Kazakhstan revealed that such aspects of the social policy have not been fully reflected in the Code. Thus and so, Chapter 12 Job Placement includes just four declarative articles devoted to state guarantees of job placement; rights of citizens in the sphere of job placement; rights and obligations of the employer with respect to job placement; and labor mediation. There is not also any direct mechanism for implementing such aspects of Law of the Republic of Kazakhstan Concerning employment dated January 23, 2001. As is obvious, the government provides targeted social aid to the under-privileged only, but not to all registered unemployed citizens, as compared to the Russian Federation. Thus and so, according to Article 28 of Federal Law On employment in the Russian Federation
Adoption of a set of measures to prevent the worst kinds of children's labor, including minor-aged trade, their involvement in pornographic photos, or participation in pornographic entertainment events, and labor of children of any age less than the minimum age for employment according to Laws of the Republic of Kazakhstan.

With the assistance of the ILO, a governmental plan on eliminating the worst kinds of children's labor has been developed and is in the process of implementation, including the following priorities:

1. Adoption of a set of measures to prevent the worst kinds of children's labor.
2. Improvement of mechanisms aiming at prevention of exploitation of children, liberation of the worst kinds of children's labor and rehabilitation of children.
3. Improvement of institutional provision for monitoring the worst kinds of children's labor, etc.

These provisions were also actually implemented in the Civil Code of the Republic of Kazakhstan, in particular in obligations arising as a result of impairing the health and life of the public. The fact that according to paragraph 1 of Article 917 of the Civil Code of the Republic of Kazakhstan, any damage (proprietary and/or non-proprietary) that is caused by illegal actions (lack of action) to proprietary or non-proprietary benefits and rights of individuals and legal actions must be indemnified by the guilty party in full is a specific feature of this obligation. And this stems from the Constitution of the Republic of Kazakhstan, proclaiming that and individual, his life, rights and freedoms are the highest values in the Republic of Kazakhstan (Article 1); rights and freedoms are recognized and guaranteed in the Republic of Kazakhstan in accordance with the Constitution. Human rights and freedoms belong to everyone by virtue of birth, be recognized as absolute and inalienable, and define the contents and implementation of laws and other regulatory legal acts (Article 12 of the Constitution); everyone has the right to life (paragraph 1 of Article 15); and citizens of the Republic of Kazakhstan have the right to protection of health (paragraph 1 of Article 29).

According to the analysis of the latest amendments to the laws, deviation from the constitutional principles has been observed. Thus and so, Law of the Republic of Kazakhstan On amending certain laws of the Republic of Kazakhstan regarding insurance and Islamic financing was adopted on April 29, 2015. Paragraph 1 of Article 944 of the Civil Code of the Russian Federation reads as follows in this Law: 1. Compensation for the harm, associated with reduced disability or death of the victim, is paid by monthly
installments. Compensation of the harm with regard to earnings lost by the victim during performance of the job duties is provided for the time for determining the degree of disability, but no later than the retirement age as stipulated by the Kazakh laws on pension benefits.

Before such amendments were introduced, compensation for the harm to the life and health with regard to the earnings lost was provided for the whole time of determining disability, which was completely correct and corresponded to the fact that the harm caused by illegal actions (lack of action) to the proprietary or non-proprietary rights and benefits of individuals and legal entities was compensated by the party, who caused the damage, in full (Article 917 of the Civil Code of the Republic of Kazakhstan).

Restated paragraph 1 of Article 944 of the Civil Code of the Republic of Kazakhstan limits liability of the guilty parties and thus derogates the victims from rights to compensation of the harm to their health and life. This especially limits the rights of individuals of the retirement age or on the verge of such age, which, in its turn, does not comply with the provisions of the Constitution of the Republic of Kazakhstan (paragraph 2 of Article 14).

Rights and freedoms of an individual and citizen may be limited only by laws and only to the extent necessary for protection of the constitutional system, defense of the public order, human rights and freedoms, health and morality of the population (paragraph 1 of Article 39 of the Constitution of the Republic of Kazakhstan).

The retirement age may not be the ground for ceasing payments to compensate the harm with regard to the earnings lost. In this case, the legislator introduced a direct confusion of liability for the harm cased to the health and life of citizens with the measures of governmental support in case of disability. These are different institutions in terms of their origin and subject matters.

The law in discussion introduced amendments to Article 164 of the Civil Code of the Republic of Kazakhstan with regard to determining the amount of expenses born by the harm to the health, as compensated by the employer in each individual case (paragraph 2, paragraph 4).

"Article 164. Material responsibility of the employer for the harm cased to the life and/or health of an employee.

2. The harm that is stipulated in paragraph 1 of this article is compensated in full, provided the employee does not receive any insurance payments, except for the case stipulated by paragraph 4 of this article. In case of social payments, the employer is obliged to compensate the difference between the insurance amount and actual harm amount to the employee.

4. If there is any harm caused to the employee associated with some degree of disability from five up to nine per cents, the employer is obliged to compensate to the employee the earnings lost and expenses born due to the harm to employee's health.

The amount of expenses due to the harm to the health that are compensated by the employer in each individual case may not exceed two hundred and fifty monthly calculated indexes, as established for the current financial year by the law on republican budget at the moment of payment. Payment of compensation of the expenses due to the harm to the health is affected on the basis of evidences of such expenses, which are presented by the employee or any individual that incurred such expenses. Moreover, any expenses that are included in the guaranteed scope of free medical aid in accordance with the Kazakh health law are not to be compensated”.

Introduction of a limited liability to the amount of two hundred and fifty monthly calculation indices to the Labor Code of the Republic of Kazakhstan violates the liability for compensation of harm to the life and health. And this despite the fact that enhanced liability (Article 936 of the Civil Code of the Republic of Kazakhstan) may be envisaged by other laws, in particular the scope and amount of compensation due to the victim may be increased (paragraph 3 of Article 937 of the Civil Code of the Republic of Kazakhstan), but not limited or decreased whatsoever.

For the purpose of eliminating any contradictions between the Civil and Labor Codes, paragraph 1 of Article 937 of the Civil Code of the Republic of Kazakhstan was amended, thus making exceptions for the provisions of the employment law.

"The employer that caused such harm to employee’s health, reimburses any expenses caused by the injury (for treatment, additional food, purchase of drugs, prosthetics, nursing care, spa treatment, purchase of special vehicles, training for another profession, etc.) within the limit stipulated by the Labor Code of the Republic of Kazakhstan”.

These amendments are indicative of the fact that a limitation of rights of the victims to the disability compensation was in the first case, and to compensation of the expenses due to the harm to the life and health was in the second case.
It is important that according to Article 77 of the Constitution of the Republic of Kazakhstan, if after the commitment of offense accountability for it is canceled by law or reduced, the new law shall be applied. Thus and so, such provisions will be retroactive. In this regard, the retired that have already been getting the compensation for the harm to the life and health, may be deprived of this right, which will certainly lead to a social tension in the society.

Thus, one should remember that a position of the hired labor is determined by the nature and contents of the job, while carrying out social policy. Employment law provisions shape a system of labor values of such employees, while affecting them directly, and improving the life style of the labor man as a whole\(^1\). At the same time, objectives of the social policy are achieved by the state, provided it accounts completely for interests and needs of those creating such benefits by their labor.

**Table 1.** Criminal liability for violations of labor relations in the Republic of Kazakhstan for the period from 2010 through 6 months of 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Parameter</th>
<th>Number of offenses with cases pending in the covered period</th>
<th>Number of offenses registered in the covered period</th>
<th>Number of offenses with cases closed in the covered period</th>
<th>Number of offenses with cases referred to court in the covered period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6 months of 2015</td>
<td>among which Violation of employment law of the Republic of Kazakhstan (Article 152)</td>
<td>33</td>
<td>21</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>among which Violation of occupational health and safety regulations (Article 156)</td>
<td>262</td>
<td>175</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Total offenses</td>
<td>227,011</td>
<td>211,715</td>
<td>57,232</td>
<td>28,391</td>
</tr>
<tr>
<td>2014</td>
<td>among which Violation of employment law of the Republic of Kazakhstan (Article 148)</td>
<td>83</td>
<td>56</td>
<td>27</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>among which Violation of occupational health and safety regulations (Article 152)</td>
<td>452</td>
<td>346</td>
<td>239</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>Total offenses</td>
<td>386,710</td>
<td>359,844</td>
<td>107,304</td>
<td>59,532</td>
</tr>
<tr>
<td>2013</td>
<td>among which Violation of employment law of the Republic of Kazakhstan (Article 148)</td>
<td>96</td>
<td>80</td>
<td>26</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>among which Violation of occupational health and safety regulations (Article 152)</td>
<td>545</td>
<td>498</td>
<td>203</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Total offenses</td>
<td>306,898</td>
<td>287,681</td>
<td>84,741</td>
<td>58,607</td>
</tr>
<tr>
<td>2012</td>
<td>among which Violation of employment law of the Republic of Kazakhstan (Article 148)</td>
<td>47</td>
<td>34</td>
<td>22</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>among which Violation of occupational health and safety regulations (Article 152)</td>
<td>212</td>
<td>227</td>
<td>92</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Total offenses</td>
<td>204,212</td>
<td>206,801</td>
<td>73,867</td>
<td>63,893</td>
</tr>
<tr>
<td>2011</td>
<td>among which Violation of employment law (Article 148)</td>
<td>63</td>
<td>38</td>
<td>36</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>among which Violation of occupational health and safety regulations (Article 152)</td>
<td>136</td>
<td>152</td>
<td>55</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Total offenses</td>
<td>132,183</td>
<td>131,896</td>
<td>76,482</td>
<td>69,700</td>
</tr>
<tr>
<td>2010</td>
<td>among which Violation of employment law (Article 148)</td>
<td>62</td>
<td>48</td>
<td>30</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>among which Violation of occupational health and safety regulations (Article 152)</td>
<td>130</td>
<td>183</td>
<td>73</td>
<td>19</td>
</tr>
</tbody>
</table>
5. Conclusion

The analysis of offenses that are committed within the labor relations allows us to conclude that labor relations in Kazakhstan are in need of improvements. Despite the fact that legal criminal sanctions are rather strict with regard to any offenses associated with violations of employment protection laws, the number of such offenses has been rising every year. We believe it is necessary to enforce criminal liability for offenses associated with violation of safety, industrial hygiene procedures or other occupational health and safety regulations by a person that was responsible for arranging or ensuring compliance with such regulations, leading to the accidental death from two people and increase the time of imprisonment up to eight years, and impute the guilty party with collection of material supplies for expenses for the care of minor children of the deceased victims. At the same time such punishments as custodial restraint for the same period, including the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or not should be retained.

6. Acknowledgment

The authors hereby express appreciation to prominent legal experts and scientists of the Russian Federation, such as Yu. M. Antonian, V. S. Komisarov, A. M. Kurennoi, T. F. Miniazeva, V. F. Ponko, E. F. Pobegailo, A. I. Ragor, D. A. Shestakov et al.

7. References

20. 2014 UN Review. Astana: Improving human rights mechanisms in Kazakhstan and implementing the recommendations of the UN universal periodic review effectively. 2014. p.113