

The Union of judges of the Republic of Kazakhstan

TRONDHEIM QUESTIONNARY

1. Are there any specific regulation on insolvency proceedings?

The legislation on bankruptcy is based on the Constitution of the Republic of Kazakhstan consists of the Civil code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan "About bankruptcy ", other laws and the normative legal acts establishing features of the application of procedures of bankruptcy concerning separate managing subjects.

2. Which institutions (government agencies, courts, etc.) are in charge of insolvency proceedings generally and which institutions are in charge of the resolution of conflicts related to employment Law.

Committee on work with needy debtors of the Ministry of the public revenues of the Republic of Kazakhstan, courts RK. Courts resolve disputes, connected to bankruptcy and the labour legislation.

3. When a declaration of opening of an insolvency proceeding is issued, are the employment contracts considered automatically terminated or are they still in force?

Labour contracts at procedure of bankruptcy remain in force, before liquidation of the legal person or individual business.

4. When an employment termination automatically occurs due to the opening of the insolvency proceedings, what benefit or severance could the workers be entitled to as a consequence?

Calculations on a payment and payment of the indemnifications are paid to the persons who work according the labour contract.

5. Is there any chance to terminate the employment contract of one or more employees once the opening of the insolvency proceedings already occurred? What reason is considered fair in order to allow the administrator of the insolvency proceedings to terminate the employment contracts? Is the employee entitled to any benefit or severance?

As the termination of the labour contract it can be an inconsistency of the debtor who makes calculations on a payment with the persons who work about the labour contract. The employee has the right to compensation of debts by the employer if it exists.

6. What privileges or preferences, if any, are granted to employment credits?

Are not applied.

7. Is there a guarantee institution that takes charge of the debts unpaid by the insolvent employer and to what extent?

No, there is only a rehabilitation measure (sanction) which is realized by the owner property of the debtor, creditors or other persons to the insolvent debtor appears the financial help, and also other complex of measures on mobilization of reserves of the debtor and improvement his financial and economic position.

8. Is the guarantee institution subrogated in the rights and/or privileges granted to the worker, and may claim for them during the insolvency proceedings?

The Ministry of the Labour and the Ministry of the Social Protection of the population, Trade Unions.

9. What's other effect has the insolvency proceeding on the employment relationship?

As the termination of the labour contract it can be an inconsistency of the debtor who makes calculations on a payment with the persons who work about the labour contract. The employee has the right to be compensated of the debts by the employer if it exists.

10. When the whole or part of the enterprise is transferred during an insolvency proceeding, is there any particularity regarding the employees' rights?

The employee has the right to compensation of debts by the employer if it is exists.

11. Are there specific regulations protecting employees if an enterprise is shut down or if there are mass dismissals? Describe them.

The legislation on labour attitudes is based on the Constitution of the Republic of Kazakhstan, it consists of Labour and Civil codes of the Republic of Kazakhstan, other laws and normative legal acts.