

Labour Code http://www.sti.gov.kg/doc/zakon_2.htm

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LABOUR CODE OF THE KYRGYZ REPUBLIC

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SECTION III

EMPLOYMENT CONTRACT

Chapter 7

General provisions on the employment contract. Conclusion of an employment contract

Article 53. The concept of an employment contract

The employment contract - an agreement between the employee and the employer, for which the employer is obliged to provide an employee work on a given employment function, provide the working conditions provided by this Code, laws, other normative legal acts, collective agreements, contracts, local normative acts containing norms labor law, on time and in full pay the employee wages and the employee undertakes to personally perform work in a certain profession (specialty), qualification or position with the subordination of internal labor routine.

Cm.:

Resolution of the Government of the Kyrgyz Republic on March 12, 1999 N 145 "On approval of the exemplary forms of employment contract and the note on vacation "

Article 54. The content of the employment contract

The content of the employment contract is determined by agreement of the parties in compliance with the requirements of this Code.

The employment contract must contain as mandatory the following information:

- 1) the date and place of employment contract;
- 2) details of the parties:
 - The full name of the employer - a legal entity, its location, number and date of state registration

constituent documents;

- Surname, name, patronymic (if indicated in the identity document) and the position of the employer (his representative), and in case where the employer - a natural person, the address of his place of residence, name, number, date of issue identity document;

- Surname, name, patronymic (if specified in the document certifying the identity of an employee identification number

identification of social protection);

3) a workplace where work must be done;

4) the name of the position, specialty, profession, indicating the qualification in accordance with the staffing organization or specific labor function;

5) the date of commencement of work;

6) the term of the employment contract;

7) operation;

8) The rights and obligations of the employee and the employer;

9) conditions of payment (including the amount of the tariff rate or official employee salaries, bonuses, allowances and incentive payments, compensation for heavy, dangerous and harmful working conditions);

10) significant characteristics of working conditions, compensation and benefits to employees for work in heavy, harmful or dangerous conditions;

11) signatures of the parties.

The employment contract may provide for the establishment of conditions of probation, not to disclose state, official, commercial and other secrets protected by law, an employee's obligation to work after training at least fixed contract term or for reimbursement of costs if the training was carried out by the employer and labor the contract is terminated by the employee before the deadline, as well as other conditions not worsening the situation employee with respect to this Code, laws and other normative legal acts, the collective agreement and agreements.

Terms and conditions of the employment contract can be changed only by mutual agreement and in writing.

In case of concluding fixed-term employment contract it states its validity and circumstance (the reason), served as the the basis for the conclusion of fixed-term employment contract.

At the conclusion of the employment contract with the head of the organization, his deputies and the chief accountant upon agreement the parties may establish additional, other than those provided by this Code, the grounds of termination of employment agreement.

Article 55. The term of the employment contract

Contracts of employment are:

1) for an indefinite period;

2) for a specified period not exceeding 5 years (fixed-term contract), unless otherwise provided by this Code and other laws.

Fixed-term employment contract is concluded in cases when it is stipulated by the laws, as well as when

the employment relationship can not

be established for an indefinite period depending on the nature and conditions of the work, including:

- With the heads, deputy heads and chief accountants of organizations irrespective of their organizational and legal forms and forms of ownership;
- To replace a temporarily absent employee, which was in accordance with the laws of the place of work is maintained;
- On the implementation of the temporary period (up to 2 months), as well as seasonal work, when due to natural conditions the work can produced only for a certain period of time (season);
- To carry out urgent work to prevent accidents, accidents and elimination of their consequences, and other emergency;
- For work beyond the normal activities of the organization (reconstruction, installation and commissioning work audit), as well as for work related to the known time (up to 1 year) expansion of production or volume services rendered;
- Persons coming to work in organizations - small and medium-sized businesses with up to 15 employees within 1 year from the date of establishment of the organization, as well as for employers - individuals;
- Persons assigned to work abroad;
- Persons coming to work in the organization, by a known specific period of time or to perform obviously a particular job;
- With persons known to be taken to perform certain work in cases where its implementation (completion) cannot It is determined by a specific date;
- For work directly related to work experience and professional training of employees;
- Persons who study full-time education;
- Persons working in the organization in combination;
- Scientific, pedagogical and other employees have concluded employment contracts, providing job certain period of time as a result of the competition held in the manner prescribed by law or other normative legal act public authority or local government;
- If elected for a fixed term of the elective body or public office, paid employment, as well as admission to work related to the direct provision of activity of members of elected bodies or officials in public administration and local government, as well as in political parties and other public bodies associations;
- With pensioners by age, as well as persons who, for health reasons, in accordance with a medical report authorized to work only of a temporary nature;
- To carry out public works.

If the labor agreement stipulates in writing its term, the contract is concluded for an indefinite period.

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If neither party has demanded termination of fixed-term employment contract due to expiry of its term, and the employee continues to work after the expiration of the employment contract, the employment contract is concluded for an indefinite period.

An employment contract concluded for an indefinite period can not be renegotiated for a specified period without the consent of worker.

It is prohibited to unduly enter into fixed-term labor agreements to evade granting an employee rights and guarantees provided by this Code.

Article 56. Prohibition of work, not due to labor contract

An employer may not require an employee to perform work, not due to labor contract, unless otherwise established by this Code and other laws.

Article 57 of the labor contract Entry into force

The employment contract shall enter into force upon signature by the employee and the employer, unless otherwise stipulated in the contract.

The employee is obliged to proceed with the execution of job duties from the date specified by the contract. If the employment contract is not stipulated day of work, the employee must start work on the next working day after the treaty's entry into force.

If the employee has not started working within the prescribed period without a good reason, the employment contract is canceled.

If an employee without a written employment contract is actually set to work with the consent or at the request of the employer or his representative, the employment contract shall be considered concluded from the date of start of work. The actual assumption employee to work does not relieve the employer from the obligation to issue him a written employment contract.

Article 58. Conclusion of an employment contract and registration of recruitment

The employment contract shall be in writing, made in two copies and signed by the parties. One copy is transferred to the employee, the other is kept by the employer.

On the basis of a labor contract acceptance employee to work within three days, issued an order (Resolution, instruction) of the employer. The order (order, judgment), the employer declares an employee under receipt within three days from the date of signing.

Conclusion of an employment contract can be carried out under certain conditions, in accordance with Article 14 of this Code.

The employee may enter into employment contracts with several employers on moonlighting conditions, unless prohibited Law of the Kyrgyz Republic.

When hiring the employer must inform the employee in the organization with the applicable rules of the internal labor regulations, other local regulatory acts relevant to the employee's job description, a collective contracts, agreements, instruct employees on labor protection, in accordance with the established procedure to start (Fill) to the employee work record.

Article 59. The prohibition of unjustified refusal to individual citizens in the employment contract

Prohibited unjustified refusal to conclude an employment contract with the citizens:

- 1) directed to work in the public employment service through job quotas;
- 2) a written invitation to work in order of transfer from another organization by agreement between employers;
- 3) who came to work in accordance with the employer's application or the contract concluded with him after graduation institutions.

In the cases provided for in the first part of this article, at the request of a citizen, the employer is obliged to notify it motives of the refusal in writing no later than 3 days after the treatment.

Unreasonable refusal may be appealed in court order.

Article 60. Invalidity of the employment contract

The employment contract shall be deemed invalid by a court, if it is concluded:

- 1) under the influence of fraud, threats, and on extremely unfavorable conditions for the worker due to a confluence of heavy circumstances;
- 2) for the species, without the intention to create legal consequences (imaginary employment contract);
- 3) a person who is not able to understand the significance of his actions;
- 4) a citizen recognized incapable due to mental illness or dementia.

Recognition of the contract null and void shall not entail loss of the employee of the right to annual leave compensation

for unused vacation days at dismissal, including time spent in insurance and other benefits.

Article 61. Invalidity of individual conditions of the employment contract

Specific conditions of the employment contract shall be deemed invalid if they:

- 1) worsen the situation of workers in comparison to the conditions provided by this Code and other regulatory

legal acts containing norms of labor law, collective agreement, agreement or local standard acts containing norms of labor law;

- 2) discriminatory.

The invalidity of individual provisions of the employment contract does not entail the invalidity of the employment contract as a whole.

Article 62. Test for employment

At the conclusion of the labor contract agreement between the parties may be due to the test in order to verify compliance

employee entrusted him with the work. The condition of the test must be provided in the employment contract.

The absence of an employment contract conditions of the test means that the employee accepted without testing.

In the test period, the employee subject to the provisions of this Code, laws and other normative legal acts,

containing norms of labor law, local regulations, collective bargaining agreements.

This period may not exceed three months, and for heads of organizations and their deputies, chief accountants and their

deputies, heads of branches, representative offices and other structural units of the organization - 6 months,

unless otherwise provided by law.

In the trial period does not include the period of temporary incapacity and other periods when the employee actually absent from work.

The test is not set for employment of persons under 18 years of age, disabled, in recruitment by competition, persons graduates of educational institutions of primary, secondary and higher education, and for the first time entering the work in their specialty, the results of the elections, for seasonal work, work for up to 2 months in the translation work to another location or to another organization, and in other cases stipulated by other normative legal acts.

At negative result of the test shall be entitled to the employer before the expiry of the test period to terminate the contract of employment with the employee, warning him in writing not later than 3 days. In this case the employer is obliged to specify in writing the causes giving rise to the recognition of the employee does not pass the test.

If before the expiration of the trial period the employer has not taken a decision to terminate the employment contract, the employee deemed satisfactory and the subsequent termination of employment may be on a common basis.

If an employee comes to the conclusion that the work proposed it is not suitable for him in the test period, it is right to terminate the employment contract at his own request, notifying the employer in writing at least 3 days.

Article 63. Medical examination at the conclusion of the employment contract

Obligatory preliminary medical examination at the conclusion of the employment contract shall be persons who are not 18 years old, as well as other persons in the cases provided by this Code and other regulations acts.

Article 64. The documents presented at the conclusion of the employment contract

At the conclusion of the employment contract a person who goes to work, the employer presents a passport or other document,

identity; work book; Certificate of social protection; documents of military registration (for military service and persons subject to military conscription), and a job that requires specialized knowledge (training), the worker makes certificate of education (profession, qualification).

Persons coming to work for the first time, employment history and identity of social protection drawn up by the employer.

In some cases, taking into account the specifics of the work performed by the present Code, other laws may provide for Additional documents to be met when applying for a job.

When applying for a job may not demand from the workers documents, other than those provided by this Code and other laws.

It is forbidden to collect information about the employee's membership of political parties, movements and religious organizations, and also information about the private life of the employee.

Article 65. Work book

Work-book standard pattern is the basic document of employment and seniority of the employee.

Form, conduct labor books and storage, as well as the procedure for the manufacture of forms of labor books and ensure they Employers established by the Government of the Kyrgyz Republic.

Cm.:

Government Resolution of 24 July 2003 N 462 "On Approval of the work book, in the form of liner work record and the conduct labor books "

The employer (except for employers - physical persons) is required to maintain employment records on all employees who have worked organization over 5 days, when work for this organization is the main worker.

The work record entered information on hiring, transfer to another permanent work and dismissal of the employee, as well as grounds for terminating the employment contract.

Employment records of the reasons for termination of employment contracts made in strict accordance with the wording of this Code or any other law and with reference to the relevant article, para.

Upon termination of the employment contract work book issued to the employee in the dismissal of the day (last day). When if the work-book has not been issued on the last day of work for reasons beyond the control of the employer (the absence of the employee or his refusal to obtain employment record), the employer sends an employee post a notice to appear for labor card or give consent to sending the mail. The employer is exempted from responsibility for the delay in the issuance of employment record of the date of notification.

Article 66. Issue of documents on the work and wage

The employer (except for employers - natural persons) shall issue, no later than five days upon written request of the employee, including the former duly certified copies of documents related to work (orders for admission to work, transfer to another job, dismissal, discharge from employment record, certificate of salary and period of work the organization, etc.).

The refusal of the employer to grant specified in part one of this article documents or delay beyond the deadline entails administrative responsibility in accordance with the Kyrgyz legislation.

Article 67. Procedure for employment in the civil service

Employment in the civil service shall be effected by appointment, election or approval.

The procedure for employment in the civil service - the conclusion, modification and termination of employment carried out in accordance with this Code and legislation of the Kyrgyz Republic.

Cm.:

KR Law of August 11, 2004 N 114 "On civil service"

Article 68. Limitation of joint work of relatives in government organizations

It is forbidden to work together in the same state organization persons consisting among themselves or close relatives property (parents, spouses, brothers, sisters, sons, daughters, and brothers, sisters, parents and children of spouses), if their work associated with direct subordination or controllability of one of them to another, with the exceptions determined by Government of the Kyrgyz Republic.

Cm.:

Resolution of the KR Government of August 16, 2005 N 372 "On the list of state institutions, which allowed Collaboration relatives "

Chapter 8

Changing labor contract

Article 69. Transfer to another job

Transfer to a permanent job in the same organization by the employer, ie change of employment or functions significant changes in the conditions of the employment contract, as well as transfer to a permanent job in another organization or to another area together with the organization shall be allowed only with the written consent of the employee.

It is forbidden to transfer the employee to work, it contraindicated for health reasons.

Article 70. Move

Move the recognized order the employer to the employee at the previous work another job in a different structural division of the organization in the same locality, commission work at another mechanism or unit, if it does not entail changes in work function and change the essential terms of the employment contract.

Moving is made without the employee's consent. Moving production to be justified, organizational or economic reasons.

Article 71. Change of essential working conditions

For reasons related to changes in technology, organization of production and labor, the reduction of the volume of work (production, services) may be significant changes in working conditions while continuing to work without a worker changes job description (Profession, specialty, qualification, position).

To change the essential working conditions (system and wage, working mode, combining jobs, benefits and other advantages) the employee must be notified in writing no later than 1 month. When it changes material working conditions are made appropriate changes and additions to the contract of employment.

In case of disagreement the employee to continue working in the new conditions, the employer shall in writing offer him other available in the organization of work, corresponding to his qualifications and state of health.

In the absence of this work, the employee of the refusal of the proposed operation, and in case of refusal to work under new conditions the employment contract is terminated in accordance with paragraph 8 of Article 79 of this Code.

If the circumstances mentioned in the first part of this article may lead to mass dismissal of employees, the employer in order to maintain jobs may, in consultation with the representative body of the workers' organizations, and his absence from the written consent of the employee to enter the part-time mode for up to 6 months without compliance with the notice period provided for by part one of this article. In this case the duration of the working time cannot be less than half of the monthly norm of working hours and wages - less than 1/2 of the tariff rate (salary).

If the employee refuses to continue working under the terms of the relevant modes of working hours, the employment contract terminated in accordance with paragraph 2 of Article 83 of this Code, with the provision of appropriate safeguards and worker compensation.

Article 72. Temporary transfer to another job due to industrial necessity

In the case of production necessity the employer has the right to transfer employees for up to 1 month on a non due to the employment contract work in the same company or in another organization, but in the same area, with wage on the work carried out, but not lower than average earnings on previous work.

Such transfer may be to prevent the disaster, industrial accident or to eliminate the consequences of the disaster, an accident or a natural disaster; to prevent accidents, destruction of or damage to property and other exceptional cases. In this case the worker can not be transferred to work, it contraindicated for health reasons.

Temporary transfer issued order (decree, decision) that the employer declares an employee under receipt.

Article 73. Temporary transfer due to downtime

Recognizes the temporary downtime (for a period of not more than 3 months), the suspension of work for reasons of organizational, economic, natural character, or the suspension of work on the fault of the employee, as well as the replacement of an absent employee.

Temporary transfer due to idle time is made taking into account the profession, specialty, office, employee qualifications.

Temporary transfer to another employer made without the employee's consent - for up to 1 month, and with the employee's consent – by all downtime.

Not allowed the temporary transfer of an employee due to downtime at another location, and work is also contraindicated employee for health reasons.

When temporary transfer due to the downtime to a lower paid job for workers who perform work norms, saved the average wage for the same work and for workers, does not fulfill the norms or translated into paid work by the hour, retained their tariff rate (salary).

Article 74. Temporary Commercial representation

By way of operational needs may be laying the duties for the position temporarily absent employee to another employee who is not a full-time deputy.

Commercial representation of the length of time can not exceed 3 months.

Assigning an employee acting for vacant posts are not allowed.

Article 75. Transfer to another job for health reasons

Employee in need, in accordance with a medical report in the provision of other work, the employer is obliged to his consent to transfer to another job available, it is not contraindicated for health reasons, temporarily or without limit period.

When transferring the state of health to a lower paid job for transferred, the previous average payment size labor for a period not less than one month from the date of transfer.

At refusal of the employee to transfer or absence in the organization of the work contract of employment is terminated Pursuant to paragraph 7 of Article 79 of this Code.

Employees who are temporarily transferred to a lower paid job due to injury, occupational disease or other health damage related to work, the employer is responsible for damage to health, pays the

difference between the same salary and wages for the new job. This difference shall be paid to the rehabilitation or the establishment of permanent disability or disability.

Before a decision on the transfer of an employee in connection with the injury, occupational disease or other damage to health, associated with the work to another job according to the medical report, he shall be released from work with preservation the average wage for all missed work days due to this.

Article 76. Suspension from work

The employer must remove the employee from work (do not allow to work) on the relevant day (shift) in the following cases:

- 1) At the request of the authorized state bodies and officials in the cases provided for by laws and other normative legal acts;
- 2) appearance at work in a state of alcoholic, narcotic or toxic substances;
- 3) no exams on the rules of occupational health and safety;
- 4) Do not use the employer provided the required personal protective equipment;
- 5) Do not undergo a medical examination, if it is required, in accordance with this Code and other normative legal acts;
- 6) in the cases provided for in paragraphs 9 and 10 of Article 83 of this Code, from the moment of detection of the corresponding violations to address the issue of the termination of this employee in the prescribed manner of the employment contract;
- 7) detention at the time of the theft in the workplace, before the entry into force of the court judgment or ruling Authority, which is responsible for the imposition of an administrative penalty.

The employer dismisses the employee for the entire period of time to eliminate the circumstances giving rise to the suspension.

For the period of the suspension the employee from work wages are not credited, except for cases stipulated by law.

In the case of establishing the circumstances of rehabilitating the employee on the grounds specified in paragraph 6 of this Article, the employer must pay the employee wages for the entire period of suspension from work.

Article 77. Labor relations at the change of ownership and organization restructuring

When a change of ownership the new owner of the organization no later than 3 months from the date of his property rights the right to terminate or renew the labor contract with the head of the organization, his deputies and the chief accountant organization.

Change the owner of the company (its privatization, carried out in any form), as well as the transfer of the organization in rent and equal to its reorganization (merger, accession, division, separation, transformation), or the change of command names are not grounds for termination of the employment contract with other employees of the organization.

In case of failure of the employee to continue work in connection with the change of ownership of the organization in the employment contract is terminated Pursuant to paragraph 9 of Article 79 of this Code.

When a change of ownership of the property company downsizing or state employees shall be allowed

only after the state registration of transfer of ownership.

Article 78. Duties of the employer to prevent mass layoffs

With the threat of mass layoffs employer shall in consultation with the trade union or other representative body of workers' organizations and the relevant government authority to take special measures to provide:

- 1) restriction or suspension of admission of new employees, dismissal of part-time;
- 2) the abolition of the use of overtime;
- 3) significant changes in working conditions in accordance with the first and fifth paragraph of Article 71 of this Code;
- 4) the gradual release of workers;
- 5) other activities if they are provided by collective agreement.

Mass layoffs is to reduce at least 25 percent of workers in organizations of up to 50 people and less than 15 per cent of more than 50 organizations, for 2 consecutive months.

Chapter 9

Termination of employment contract

Article 79. Grounds for termination of employment contract

The grounds for termination of the employment contract are:

- 1) agreement of the parties (Article 80);
- 2) expiration of the term of the employment contract (Article 81);
- 3) the employee initiative (Article 82);
- 4) employer's initiative (Article 83);
- 5) transfer of an employee at his request or with his consent to work for another employer or transfer to an elected (work) position;
- 6) circumstances beyond the control of the parties (Article 88);
- 7) refusal of the employee to transfer to another job due to health status in accordance with the medical report (Part three of Article 75);
- 8) refusal of the employee to continue work due to changes in material conditions (part four of Article 71);
- 9) refusal of the employee to continue working in the organization in connection with the change of ownership, change of its subordination (Jurisdiction) and its reorganization (Article 77);
- 10) employee refusal to be transferred in connection with the employer's moving to another place (Article 69).

The employment contract may be terminated on other grounds provided by this Code and other laws.

In all cases, the day of dismissal is the last day of work.

Termination of employment contract issued order (decree, decision) of the employer.

Article 80. Termination of employment contract by mutual agreement

An employment contract concluded for an indefinite period and fixed-term employment contract may be terminated at any time by agreement in writing. Date of termination of employment on this ground is determined by the mutual agreement between the employee and the employer.

A labor agreement party wishing to terminate an employment contract on the ground, send a written offer the other party to the contract. The Party receiving the proposal shall, within 3 days in writing inform the other side of the decision.

Cancellation of the agreement to terminate the employment contract is permitted only by agreement of the parties to the employment contract.

Article 81. Termination of temporary employment contract

Fixed-term employment contract is terminated with the expiration of his term.

The employment contract entered into for the execution of a particular job is terminated upon completion of this work.

The employment contract entered into for the execution of the duties of the absent employee is terminated from the date of release of this employee to work.

An employment contract concluded for the period of seasonal work, is terminated after a certain season.

Article 82. Termination of employment contract by the employee (on their own)

The employee has the right to terminate the employment contract concluded for an indefinite period or a fixed-term contract, notice to the employer a written statement of 2 weeks (14 calendar days). At the end of the notice period the employee has the right to stop work, and the employer is obliged to give him a work book and make payment due to him amounts.

By agreement of the parties an employment contract may be terminated before the expiration of the notice period.

During the notice period the employee shall be entitled to withdraw his application if his workplace is not invited in writing

form another employee, who, in accordance with this Code and other laws may not be denied in custody employment contract.

In cases where the employee's letter of resignation on his own initiative due to the inability to continue its work (Enrollment in an educational organization, retirement and other justifiable reasons), as well as in cases of violation employer laws and other normative legal acts containing norms of labor law, collective agreement, agreement or an employment contract, the employer is obliged to terminate the employment contract within the period specified in the statement of the employee. Fact violation of labor legislation, collective agreement or employment contract is established by state supervision over the observance of labor legislation, trade union body or the court.

In case of refusal of the employer to terminate the fixed-term contract at the request of the employee the latter has the right to seek resolution of the dispute in court.

Upon the termination of fixed-term employment contract without valid reason specified in part four of this article, the employer may require the employee compensation in the amount stipulated by the

labor contract, but not exceeding the average monthly wage.

Article 83. Termination of an employment contract by the employer

An employment contract concluded for an indefinite period and fixed-term employment contract before its expiry may be terminated by the employer in the following cases:

- 1) liquidation of the organization (legal entity), termination of the activity of the employer (natural person);
 - 2) reduction of number or staff of workers, including those in connection with the reorganization of the organization;
 - 3) non-compliance employee's position or work performed:
 - a) due to the state of health in accordance with the medical certificate;
 - b) insufficient qualifications, confirmed the results of appraisal, a certificate of non-compliance with labor standards, and regulations on issue of marriage and other data;
 - 4) a change of ownership of the property organization (against the head of the organization, his deputies and the chief accountant);
 - 5) repeated failure to an employee without good reason, job duties, if he has a disciplinary recovery;
 - 6) single gross violation of worker job duties:
 - a) truancy (absence from work for more than 3 hours during the working day without good reason);
 - b) appearance at work in a state of alcoholic, narcotic or toxic substances. This state is confirmed medical report, witness statements or act, drawn up jointly with the employer representative Authority employees;
 - c) commit the workplace vandalism or theft of property of the organization;
 - d) violation of employee labor protection requirements, which resulted in serious consequences, including injuries and accidents;
 - d) disclosure of state, service, commercial or other secrets protected by law, which became known to the employee in connection with the performance of job duties and if the condition of its preservation is provided in the employment contract.
- The other may be provided and certain categories of workers by laws and statutes, regulations on discipline types of single gross violation of job duties;
- 7) fulfillment of employee misconduct, directly serving monetary or commodity values if these actions give rise to loss of credibility on the part of the employer;
 - 8) the commission of an employee performing educational functions, immoral act which is not compatible with the continuation of this work;
 - 9) adoption of unjustified decision by the head of organization (branch, representative office), his deputies and the chief accountant, resulted in a violation of the safety, misuse or other damage to the property of the organization;
 - 10) submission of the employee to the employer of forged documents or false information when entering into employment contract, if such documents or information may be grounds for denial of an employment contract;
 - 11) single gross violation head of the organization (branch, representative office), his deputies of their labor obligations;

12) in other cases established by this Code and other laws.

Article 84. Termination of an employment contract by the employer, with the prior consent of the representative body workers

Dismissal of employees who are members of the representative body, under paragraph 2, subparagraph "b" of paragraph 3, paragraph 5, subparagraph

"G" of Article 83, paragraph 6 of the present Code is not allowed without the prior consent of the relevant representative body employees of the organization. Collective agreement may provide for the dismissal and other grounds on which it requires the prior consent of the representative body on termination of the employment contract by the employer.

Consent of the employees on termination of employment is not required in the following cases:

- Dismissal from the organization where there is no body representing the employees;
- Dismissal of the head of the organization, his assistants, executives, elected, appointed or approved by the for the position of public authority or authorities, as well as non-governmental organizations and other associations citizens and in other cases provided by the Kyrgyz legislation.

The application of the employer to dismiss the employee shall be considered a representative body within seven days.

The employer may terminate an employment contract not later than 1 month from the date of receipt of the consent of representative body.

Article 85. The procedure for termination of an employment contract by the employer

When reducing the number of employees of the organization or state-emptive right to the abandonment of the work provided workers with higher productivity and skills. When equally qualified for the benefit of the worker are taken into account experience in the organization, the presence of dependents, pre-retirement age (over 3 years), as well as employee participation in liquidation the consequences of the Chernobyl disaster.

Termination of an employment contract with an employee on the grounds specified in paragraph 8 of Article 79 and paragraphs 2 and 3 of Article 83 of this Code, it shall be allowed if the employee cannot be with his consent to transfer to another job in the same organization.

Upon termination of the employment contract under paragraphs 1 and 2 of Article 83 of this Code, an employer is obliged to not less than 1 month before dismissal personally against a receipt in writing notify the employee, to conduct coordination with the representative body workers and notify the public employment service of the impending release of the employee indicating the profession, specialty, qualification and wage.

During the notice period the employee performs their duties, subject to the rules of the internal labor regulations, he guaranteed the conditions and wages on a par with other workers, and provided with one free day a week to search for work with preservation of the average wage.

If the dismissal in connection with the discrepancy of the employee position or job due to the state of health or lack of qualifications, preventing the continuation of this work, the employer must notify the employee not less than 2 weeks.

When dismissing an employee in connection with the downsizing or staff employees of the organization or in connection with the liquidation organization by agreement employment contract may be

terminated before the expiration of the notice period with payment compensation in the amount not lower than the average wage for each day remaining before the expiry of the period specified in subsection three of this article.

Not allowed dismissal of an employee during the period of temporary disability and the period an employee is on vacation, for the exception of paragraph 1 of Article 83 of this Code (liquidation of the organization, the cessation of activities of the employer).

Article 86 Severance Pay

Upon termination of the employment contract on the grounds specified in paragraphs 1, 2 and 4 of Article 83 of this Code, shall be paid severance pay in the amount of not less than two average monthly salaries.

Upon termination of the employment contract under paragraph 10 of Article 79, sub-paragraph "a" of paragraph 3 of Article 83, paragraphs 1 and 2 of Article 88 of this Code shall be paid an allowance equal to the average monthly wage.

Employment contract or collective agreement may provide for other cases of severance payments, as well as set a higher rate of severance benefits.

When the recovery of average earnings in the employee's favor, restored to previous work in the case of recognition of his dismissal illegally paid by him severance pay shall be credited.

Article 87. Privileges and released workers compensation

For workers dismissed upon termination of the employment contract in connection with the liquidation of the organization, reorganization or implementation of measures to reduce the number or state workers' organizations, saved Jobseeker, but not more than 3 months, the average monthly wage, taking into account severance and uninterrupted service provided if they are within 10 calendar days after discharge register with the state employment service as individuals, job seekers. In any case, releasable on these reasons, workers are paid an indemnity of not less than two average monthly salaries.

If, after a period of three months will not be redundant workers provided suitable employment and in if he refused during the period of the two sentences of this work, he acquires the status of unemployed.

Article 88. Termination of employment contract due to circumstances beyond the control of the parties
The employment contract shall be terminated in the following circumstances beyond control of the parties:

- 1) call an employee on military or alternative service, as well as in connection with the transfer of a spouse (wife) to service in another locality;
- 2) restoration of the employee, who had previously performed this work, by the decision of the State Labour Inspection or the court;
- 3) violation of the rules of admission to employment;
- 4) condemnation of the employee to the punishment, which excludes the continuation of previous work, according to the court verdict, which came into force;
- 5) non-election for public office;
- 6) the death of the employee or employer - individual as well as the recognition by the court of the

employee or the employer – physical persons dead or missing;

7) offensive extraordinary circumstances that prevent the continuation of the employment relationship (war, catastrophe, natural disasters and other emergencies), if this fact is recognized by governmental decision The Kyrgyz Republic.

Termination of employment contract on the grounds specified in paragraph 2 of this article is permitted if it is impossible to translate employee with his consent, to another job.

Chapter 15

Guarantees and compensation

Article 181. The concept of guarantees and compensations

Guarantees - the means, methods and conditions through which ensured the implementation of the rights granted to employees the field of social and labor relations.

Payments - cash payments, established for the purpose of reimbursement to employees related to the performance of their work or other legal obligations.

Article 182. attracted to the execution of public or social guarantees and workers' compensation duties

The employer is obliged to release the employee from work to preserve his place of work (position) on the discharge of the state or public duties in cases where these duties in accordance with the law must be carried out in work time.

The state body or public association that attracted employees to perform public or social responsibilities, in the cases provided for by part one of this article shall pay the employee for the time fulfillment of these obligations in the amount of compensation determined by law or other normative legal act or decision of the relevant public association.

When performing employee actions in the public interest (elimination of consequences of accidents, natural disasters, rescue a person's life, participation in the work of election commissions and others) he retains to this period place of work (position) and average earnings.

(As amended by the Law of October 8, 2004 N 181)

Article 183. Guarantees for employees, the employer sent for medical examination

At the time of the medical examination of the employees is required in accordance with this Code held such examinations are stored job (position) and the average monthly salary.

Article 184. Guarantees and compensation to employees in the case of blood donation and its components

On the day of delivery of blood and blood components, as well as on the day of the related medical examinations employee is exempt from operation.

In case went to work on an agreement with the employer, the worker on the date of blood and blood components (except heavy work and work with harmful and (or) dangerous working conditions, when the output of the employee to work on that day is not possible), he granted at his request another day

of rest.

In the case of delivery of blood and its components in the period of paid annual leave, holiday or non-working holiday employee at his request given another day of rest.

After each day of giving blood and its components is available to the employee an extra day of rest. This day of rest at the request of an employee can be attached to annual paid leave, or used in any other time during the calendar year after the date of delivery of blood and its components.

Article 185. Guarantees for employees sent to training

At the direction of the employee by the employer for training with a separation from his job for him saved job (Position) and average salary at their main job.

Employees who are sent for training with a separation from work in another locality, the payment is made travel expenses in the manner and amount established for persons sent on business trips.

Article 186. Guarantees of the head of the organization, his deputies and the chief accountant at the termination of the employment contract due to the change of the owner company

In the event of termination of the employment contract with the head of the organization, his deputies and the chief accountant in connection with change of ownership of the organization the new owner is obliged to pay the specified employee compensation, established by agreement of the parties to the employment contract, but not less than the monthly average size of an employee's salary.

Article 187. Guarantees to employees dismissed in connection with the call for compulsory military or alternative service

The employee, who was fired in connection with the call to military or alternative service, at maturity service has priority in hiring to the organization from which he was called.

Article 188. The concept of a business trip

Business trip - a trip on the orders of the employer the employee for a specified period to perform the service instruction is their permanent work. which it is carried out in the way or is Official travel of employees, permanent job traveling character, official business are not recognized.

Article 189. Guarantees in the direction of employees on business trips

When sending an employee on a business trip he guaranteed the preservation of the place of work (position) and average earnings, as well as reimbursement of expenses related to official business.

Article 190. Reimbursement of expenses related to official business

In the case of a business trip in the direction of the employer must compensate the employee:

travel expenses;

the cost of hiring premises;

additional costs associated with living outside the place of permanent residence (per diem);

other expenses incurred by the employee with the permission or knowledge of the employer.

The order and the size of the reimbursement related to official business, are determined by collective agreement or

local regulation of the organization. When this amount of compensation can not be below the level set Government of the Kyrgyz Republic for the organizations financed from the state budget.

Cm.:

Resolution of the Government of the Kyrgyz Republic on October 12, 2001 N 635 "On establishing the rules of travel expenses and the procedure for their reimbursement "

Article 191. Reimbursement of expenses when moving to work in another country

When you move an employee by prior arrangement with the employer to work in another locality the employer must

reimburse the employee:

the cost of moving the employee, his family members and transportation of property (except in cases where the employer provides

employee related vehicles);

the costs of the arrangement at the new place of residence.

Specific reimbursement sizes are determined by agreement of the employment contract, but can not be less than the size, established by the Government of the Kyrgyz Republic for the organizations financed from the state budget.

Article 192. Guarantees in the performance of duties in the interests of workers' organizations

Terms release the employee from work for the performance of duties in the interests of workers' organizations, as well as the size of guarantee payments during this period established by this Code, a collective agreement or by the employer on agreement a representative body of workers.

Article 193. Reimbursement of expenses for the use of personal property of the employee

When used with the consent of the employee or employer's knowledge and his personal property interests of the employee is paid compensation for the use, wear and tear (depreciation) tools, personal transport equipment and other technical means and materials belonging to the employee, as well as reimbursed expenses associated with their use. The size of reimbursement determined by a written agreement between the parties, but may not be below the level determined by the Government of the Kyrgyz Republic for the organizations financed from the state budget.

Cm.:

Resolution of the Government of the Kyrgyz Republic on September 18, 2006 N 672 "On the

compensation rules for the use of personal cars for business trips "

Article 194. Guarantees to the employee with a temporary disability

At temporary disability the employer shall pay the employee benefits for temporary disability accordance with the law and other regulations.

Dimensions of temporary disability benefits and their payment shall be established by the Government of the Kyrgyz Republic.

Cm.:

Regulations on the Procedure