



Al-Farabi University



# Legal aspects of HRM

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01 | Legal support  
for HRM

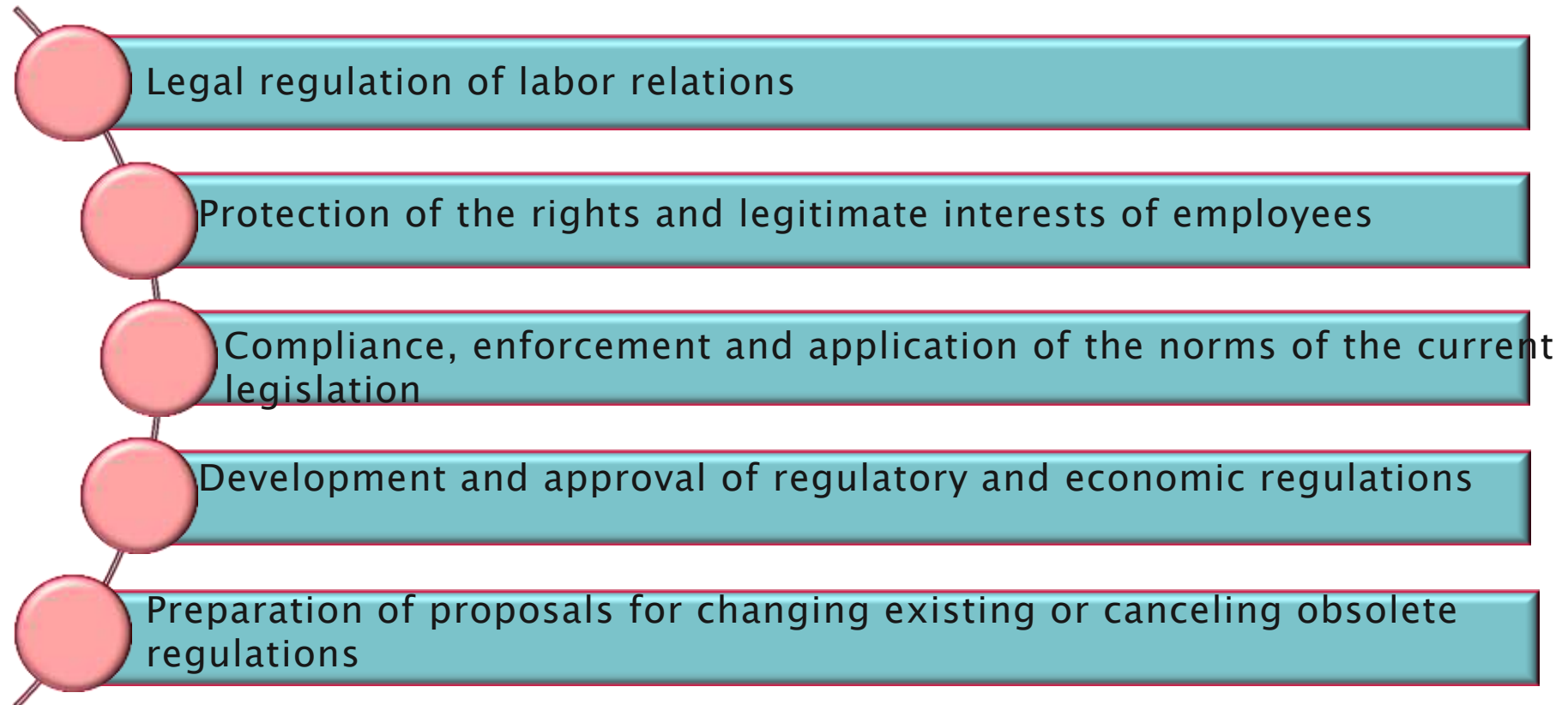
02 | Legal support functions

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## Legal aspects of HRM

**The legal support of the personnel management system** consists in the development and use of means of legal influence on employers and employees in order to achieve the effective operation of the organization, as well as to comply with the rights and obligations of the parties provided by law.

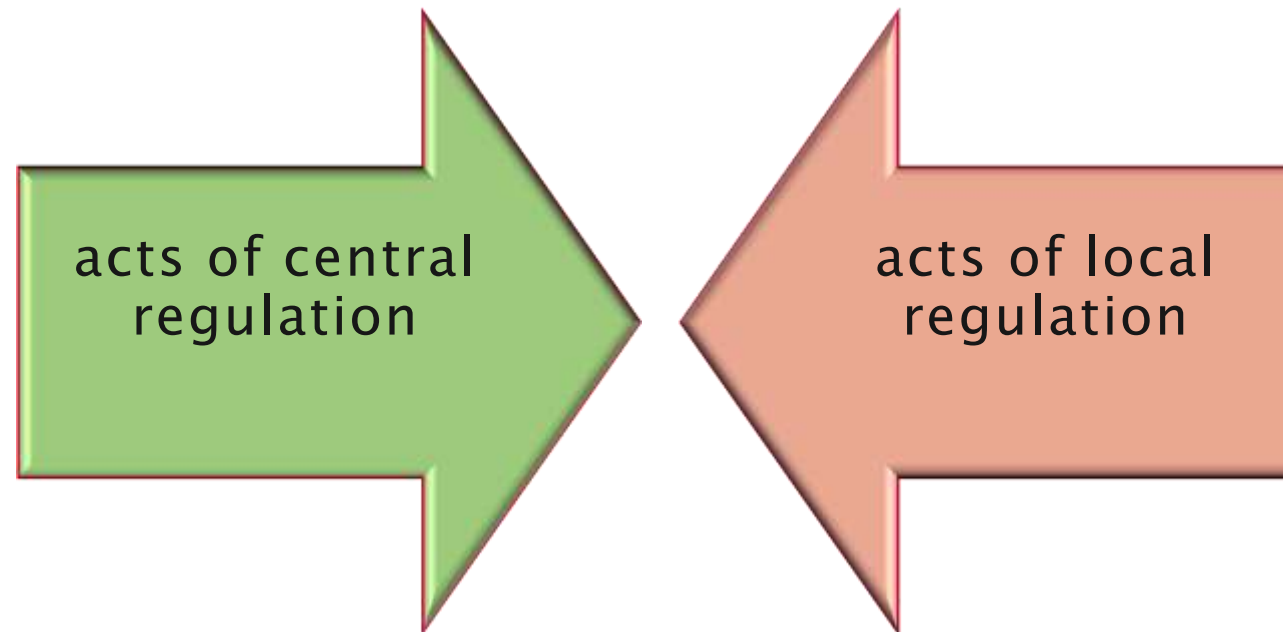
The main tasks of the legal support of the personnel management system are:



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The legal support of the HRM system, first of all, includes labor legislation, as well as normative acts of related areas, for example, pension legislation, normative acts on the protection of social and labor rights of certain categories of citizens, etc.

If we talk about the legal support of the personnel management system, it should be noted that it is carried out at two levels:



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The functions of legal support of the personnel management system at the organization level are performed by:

- the head of the organization;
- the head and employees of the personnel service;
- legal service.

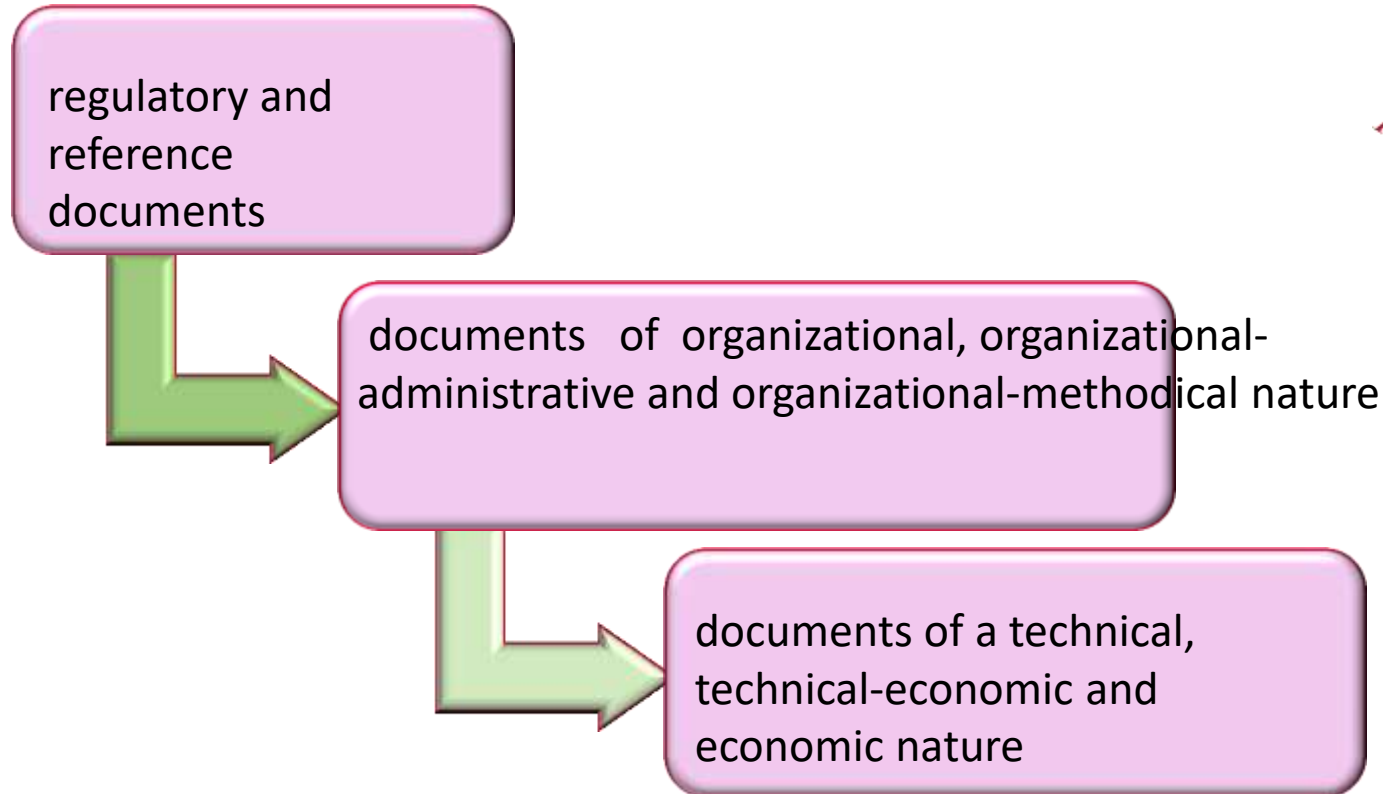
*Трудовой кодекс РК (с изменениями и дополнениями по состоянию на 01.01.2020 г.)*

*Закон Республики Казахстан "О безопасности и охране труда"  
Постановление Правительства Республики Казахстан от 6 ноября 2002 года № 1174*

*Закон РК «О занятости населения» (с изменениями и дополнениями по состоянию на 01.01.2020 г.)*

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**An employment contract** is an agreement between an employee and an employer, according to which the employee undertakes to perform work in a certain specialty, qualification or position subject to internal labor regulations, and the employer undertakes to pay the employee wages and ensure working conditions provided for by labor legislation, the collective agreement and the agreement of the parties .



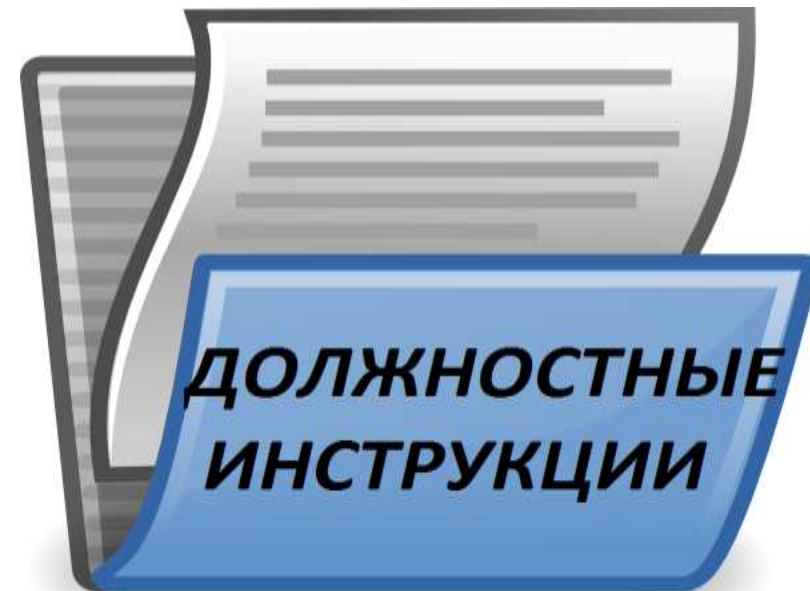
*Нормативно-методические материалы  
группируются по их содержанию.  
Различают 3 группы документов:*

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Documents of organizational, organizational–administrative and organizational–methodical nature. The documents of this group regulate the tasks, functions, rights, duties of departments and individual employees of the personnel management system; contain methods and rules for performing work on personnel management.

**Job description** is a document regulating the activities of each position and containing requirements for the employee holding this position.

**The regulation on a subdivision** is a document regulating the activities of a structural subdivision of an organization: tasks, functions, rights, responsibilities



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Internal labor regulations – an organizational and administrative document regulating the procedure for the admission, transfer and dismissal of workers and employees, the main duties of workers and employees, the main duties of the administration, working hours and its use, incentives for success in work, penalties for violations of labor discipline, intra-object mode and organization of work

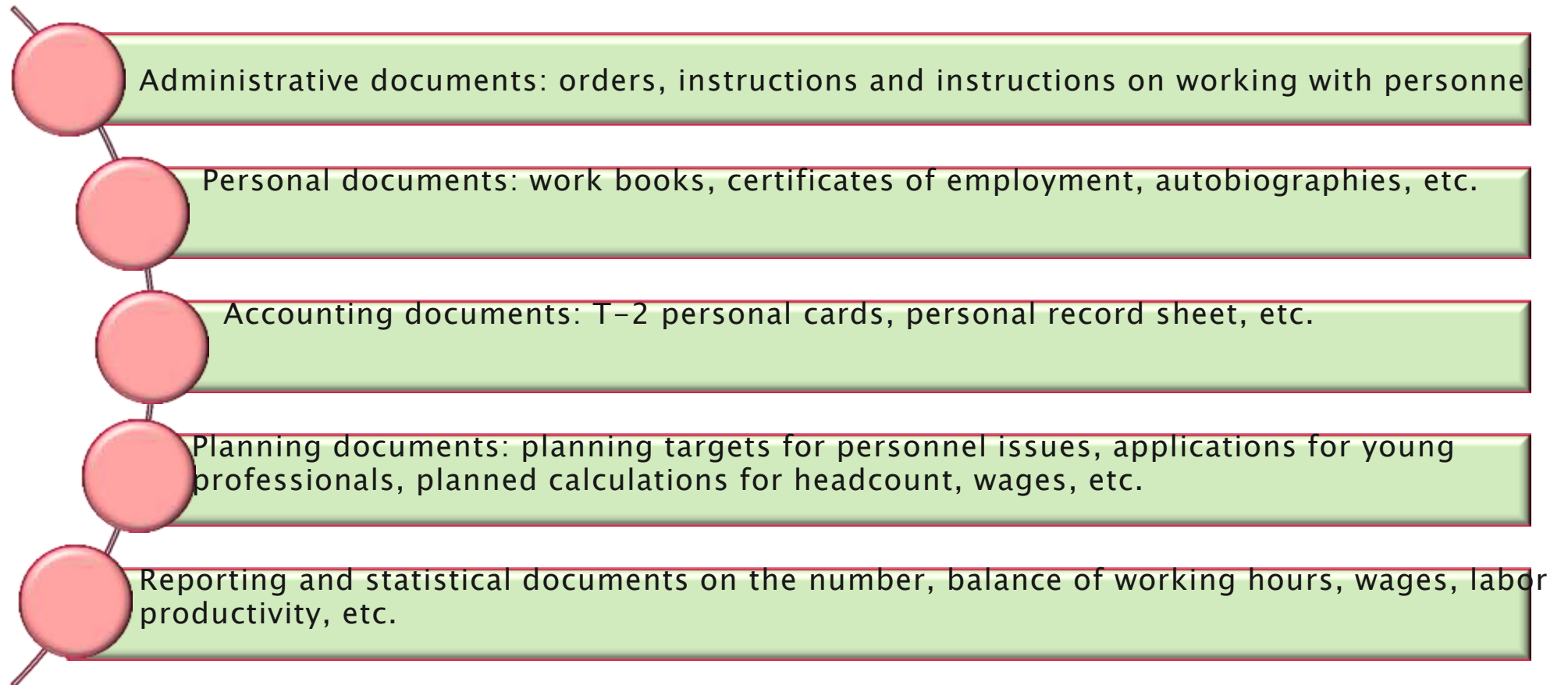
**The staffing table** is an organizational and administrative document containing a list of job titles for permanent employees, indicating the number of positions of the same name and the size of official salaries.





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Record-keeping support of the personnel management system allows the personnel service of the organization to perform the function of documenting labor relations. Types of personnel management documentation – the division of all personnel documentation into groups depending on its functional purpose.



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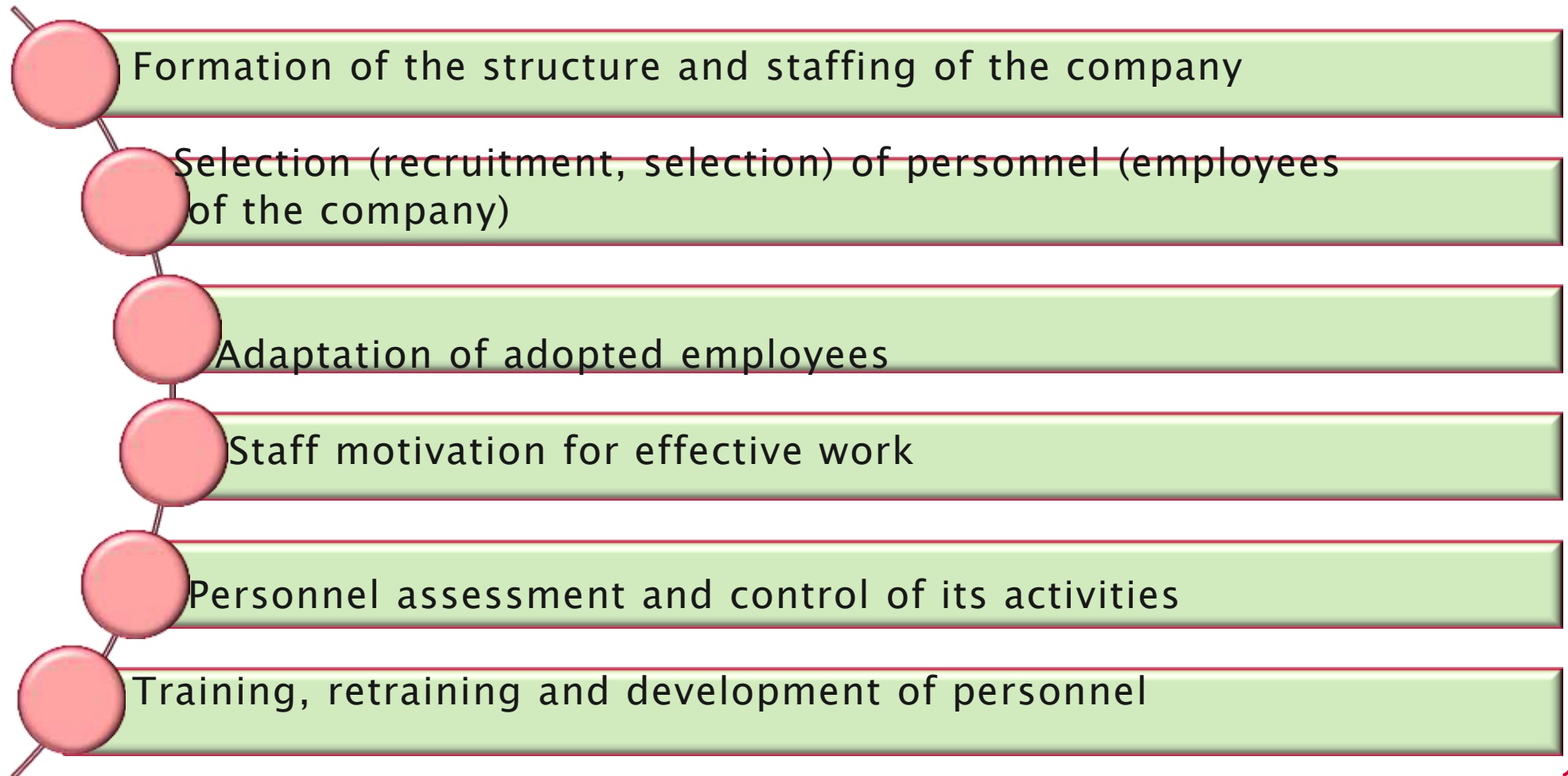
**The labor activity of an employee** is regulated by orders on business trips, on vacations, on transfers, on dismissal, on incentives, etc. The draft order on personnel is signed by the head of the organization, dated and registered. On the order, the employee with respect to whom it was issued must put his visa ("I am familiar with the order"), date and signature.

**Журнал регистрации приказов по основной деятельности**

Дата приказа	Регистрационный номер приказа	Краткое содержание приказа	Кем подписан приказ	Исполнитель	Куда передан приказ	Расписка в получении (подпись, дата)	Отметка об исполнении и направлении в дело
1	2	3	4	5	6	7	8
19.01.2009	37	О введении с 01.04.2009 для работников консультационного отдела сменного режима работы с сдвигами учетов рабочего времени	Директор	Начальник отдела кадров Свиридова М.Ю.	Канцелярия	Блохина 19.01.2009	В дело № 01-02 19.01.2009

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Experts of HR – management (human resource management) almost unanimously divided the entire personnel (personnel) management system of any company (enterprises, organizations, firms, corporations) into several blocks:



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The staffing or staff of the company is a list and the number of all positions of employees of the company in the context of its structural divisions (organizational structure) indicating official salaries (tariff rates), the amount of allowances and additional payments (percentage or in the form of a fixed amount) or other remuneration systems , as well as the monthly wage fund.



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The names of the positions (staff units) included in the staff list must correspond to the names specified in the Unified Tariff and Qualification Reference Book of Works and Professions of Workers, the Qualification Reference Book for the Positions of Managers, Specialists and Other Employees, approved by order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated November 22, 2002 No. 273–p, and in other regulatory legal acts.



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Each company has its own strategy for the selection (search) of candidates for vacant positions, which consists of two parts: internal and external.

*The internal strategy provides for the search for candidates among the employees already working in the company and is implemented by their transfer (reassignment) to vacant positions in the order of operational necessity or in the order of promotion. .*

*The methods used in the implementation of the external strategy are almost the same in all companies (advertisements in newspapers, magazines, special bulletins or on stands; appeals to various employment agencies; interviewing relatives and acquaintances; searching through publications in specialized publications, inviting employees in other companies specialists or graduates of educational institutions)*


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Adaptation in the workforce is one of the main tasks of an HR manager after accepting a new employee (adapter) to the company, since both labor efficiency and cost reduction for finding another candidate will depend on the result and time of his adaptation.



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Methods of labor motivation in the company are combined into four relatively independent groups:

- 
- material incentives
  - improvement of labor organization
  - involvement of personnel in the management process and moral stimulation
  - providing autonomy in decision making



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Assessment of personnel and control of its activities..

- This block of the personnel management system is given special legal attention, since it touches on the thinnest strings of human pride (the question arises: why was my colleague promoted, and not me?).
- As a model for the development of the Regulations on the certification procedure, you can use the "Rules for certification of personnel of the operating organization", approved by the Decree of the Government of the Republic of Kazakhstan dated November 2, 2006 No. 1043 and other similar regulatory legal acts.



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The fierce competition of modern business forces the leaders of all companies to take care that their employees are highly qualified and constantly improve their professional skills. Practice has shown that this task is solved by paying for the cost of training (retraining, advanced training) both at the expense of the company (in whole or in part) and at the expense of the employees themselves. This must be documented in one of the following types of civil law contracts:

1. an agreement between a company and an educational organization for the training of a certain number of specialists for the company (hereinafter – Agreement No. 1) or a specific employee already working in the company (hereinafter – Agreement No. 2);
2. contract of a working employee with an educational organization (hereinafter – Contract No. 3);
3. an agreement on financing the training of a company with a working employee (hereinafter referred to as the Agreement No. 4);
4. an agreement for the financing of training, concluded between a company operating it an employee and an educational organization (hereinafter – Agreement No. 5).
5. an agreement between a company and a working employee to finance his retraining or advanced training at courses (seminars, trainings) (hereinafter – Agreement No. 6) As a rule, it is concluded immediately upon hiring an employee

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**An individual labor dispute is** an unresolved disagreement between an employer and an employee on the application of laws and other regulatory legal acts containing labor law norms, a collective agreement, an agreement, an employment contract, which are declared to the body for consideration of individual labor disputes.

- ✓ Currently, **the bodies for consideration of individual labor disputes** are: commissions on labor disputes and courts of general jurisdiction.
- ✓ **Labor Dispute Commissions (LDCs)** are formed on the initiative of employees or the employer on a parity basis from an equal number of representatives of employees and the employer.
- ✓ In accordance with **the Labor Code of the Republic of Kazakhstan, the following types of individual labor disputes** are considered in the courts: on statements of an employee, employer or trade union body that does not agree with the decision of the LDC, protecting the interests of the employee; when an employee goes to court, bypassing the LDC; at the request of the prosecutor, if the decision of the LDC does not comply with laws or other regulatory legal acts.

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The release of personnel is a type of activity that provides for a set of measures to comply with legal norms and organizational and psychological support from the administration during the dismissal of employees.

Dismissal at the initiative of the employee  
(at his own request)

Dismissal at the initiative of the employer  
(at the initiative of the administration)

Retirement

Thank you for your attention