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### 1. General Provisions

1.1. This Policy defines the competencies, formation procedure, and operations of the Conciliation Commission on individual labor disputes, jointly established between the administration of the “Almaty Management University” and the workforce to settle individual labor disputes between the Employee and Employer.

1.2. This Policy is developed in accordance with the Labor Code of the Republic of Kazakhstan dated November 23, 2015, No. 414-V Z RK.

1.3. The procedure for forming, the competence of the Conciliation Commission, and the procedure for decision-making are determined by this Policy.

1.4. Decisions made by the Conciliation Commission are binding on the parties to the labor dispute.

1.5. Members of the Conciliation Commission are obliged to take all measures to resolve individual labor disputes at the negotiation stage.

### 2. Organization of the Conciliation Commission

2.1. The Conciliation Commission (hereinafter, the Commission) is created on an equal footing with equal representation from both the Employees and Employer, comprising 10 (ten) people.

2.2. Representatives are selected at the general meeting of employees of “Almaty Management University.” Any employee, regardless of position, can be elected.

2.3. The size and term of the Commission, as well as the work and decision-making procedures, are determined by this Policy.

2.4. Members elect a chairperson, deputy, and secretary by a majority vote.

2.5. Technical maintenance (documentation, record-keeping, issuance of meeting extracts, etc.) is handled by the Employer.

2.6. Documentation for the Commission is kept separately in a dedicated section.

2.7. Commission members must undergo annual training on labor legislation and negotiation skills.

### 3. Issues Considered by the Conciliation Commission

3.1. The Conciliation Commission is the primary pre-court body for addressing individual labor disputes between employees and the employer. The Commission is authorized to review any labor disputes related to labor laws, collective agreements, employment agreements, and workplace policies.

3.2. The Conciliation Commission considers employee disputes related to the application of labor legislation, collective agreements, other local regulatory acts, and employment contracts, including disputes on:

payment of wages;

3.2.2. transfer to another job and relocation to a different workplace;

3.2.3. wages, including for dual roles, temporary replacement of an absent employee, part-time work, and work during overtime, night shifts, weekends, and holidays;

3.2.4. entitlement to and amount of remuneration due to the employee under the current wage system;

3.2.5. payment of compensation and provision of guarantees;

3.2.6. return of funds withheld from the employee's wages;

3.2.7. granting of leaves;

3.2.8. provision of special clothing, footwear, personal protective equipment, and therapeutic/prophylactic nutrition;

3.2.9. payment of wages for time of forced absence or the difference in wages for performing lower-paid work due to illegal transfer;

3.2.10. recovery of wages, including allowances provided under the wage system;

3.2.11. application of disciplinary sanctions;

3.2.12. incorrect or inaccurate entries in the employment record concerning the signing or modification of the employment contract if these records do not match orders or other legally prescribed documents;

3.2.13. reinstatement at work, change in the date and wording of the dismissal reason;

3.2.14. compensation for material damage caused;

3.2.15. observance of working time and rest time schedules;

3.2.16. cancellation of decisions of the attestation commission.


Согласительная комиссия является обязательным органом по рассмотрению других индивидуальных трудовых споров, связанных с применением трудового законодательства, коллективного и трудовых договоров, актов работодателя.

3.3. The Conciliation Commission is a mandatory body for reviewing other individual labor disputes related to the application of labor laws, collective and employment agreements, and employer acts.

### 4. Procedure for Considering Individual Disputes

4.1. A labor dispute is reviewed by the commission if the employee did not resolve the disagreement through direct negotiations with the organization's administration.

4.2. The employer is responsible for accepting applications submitted to the commission. All correspondence with individuals and organizations on behalf of the labor dispute commission (summons, responses, etc.) is conducted at the employer's expense and on employer forms. All commission-related expenses are borne by the Employer.

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- 4.3. Applications submitted to the conciliation commission must be registered by the commission on the day they are received.
- 4.4. Employees may apply to the conciliation commission on labor disputes:
- 4.4.1. For disputes regarding reinstatement, within one month from the date of receiving a copy of the employer's act on the termination of the employment contract;
- 4.4.2. For other labor disputes, within one year from the date the employee or employer became aware or should have become aware of their rights violation.
- 4.5. All disputes must be reviewed by the labor dispute conciliation commission in the presence of the applicant. Remote consideration is only allowed with a written request from the employee.
- 4.6. If the employee does not attend the commission meeting, the review of their application is postponed to the next meeting. In the case of a second absence without a valid reason, the commission may decide to remove the application from review, without depriving the employee of the right to re-submit it.
- 4.7. The conciliation commission is obliged to review the dispute within fifteen working days from the date of application registration and to issue copies of the decision to the parties within three working days from the date of decision-making.
- 4.8. In case of non-compliance with the conciliation commission's decision within the set timeframe, either the employee or employer may take the matter to court.
- 4.9. The labor dispute conciliation commission has the right to summon witnesses to meetings, assign individuals to conduct technical and accounting checks, require documents and calculations from the administration, send inquiries, and consult state and higher trade union bodies.
- 4.10. At the beginning of the commission meeting, the concerned employee has the right to challenge any commission member involved in the meeting with justified reasoning. In such cases, the dispute review is rescheduled to a new time set by the commission.
- 4.11. The decision on the challenge is resolved as follows:  
 For the administration representative – by the organization's head;  
 For the trade union representative – by the trade union committee. The head issues an order, and the trade union committee makes a decision to satisfy or deny the challenge. Another representative may be appointed in place of the challenged member, valid only for the given employee's review.
- 4.12. The labor dispute conciliation commission is authorized to make decisions if at least 2/3 of all commission members are present.
- 4.13. Decisions by the labor dispute commission are made by consensus between all trade union committee and administration representatives attending the meeting, are binding, and do not require further approval.
- 4.14. Commission decisions must be justified and based on current legislation, collective and employment agreements, policies, and instructions.
- 4.15. For monetary claims, the exact amount owed to the employee must be specified in the commission's decision.
- 4.16. The conciliation commission's decision is sent to the Employer and the applicant within two working days.
- 4.17. The conciliation commission's decision must be implemented within the period set

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by the commission, except in cases involving reinstatement.

4.18. A protocol must be kept for each labor dispute commission meeting. The protocol is signed by the chairperson and secretary after the meeting concludes. If no consensus is reached, the protocol includes each party's proposals and notes the absence of an agreement.

4.19. Attached to the protocol are inspection materials, written explanations, conclusions, correspondence, and other documents received by the commission during the dispute review.

4.20. The conciliation commission's parties must conduct annual training for commission members on the basics of the labor legislation of the Republic of Kazakhstan, negotiation skills, and achieving consensus in labor disputes.

4.21. The commission does not review disputes that are exclusively within the competence of the court (such as moral damages). If an employee submits a request to the Commission for a matter beyond its competence, the commission may review the request and issue an advisory clarification.

## **5. Timelines for Submitting Individual Labor Disputes**

5.1. The following timelines are established for filing individual labor disputes with the conciliation commission or court:

5.1.1. For disputes regarding reinstatement: one month from the date of receiving the employer's act on termination of the employment contract for the conciliation commission, and two months from the date of receiving the conciliation commission's decision to apply to court if disputes remain unresolved or if the decision is not implemented by one of the parties to the labor agreement;

5.1.2. For other labor disputes: one year from the date the employee or employer became aware or should have been aware of their rights violation.

5.2. The timeline for submitting individual labor disputes is paused during any mediation agreement period for the labor dispute and if the conciliation commission is not yet formed

## **6. Procedure for Implementing Labor Dispute Commission Decisions**


6.1. Decisions by the labor dispute commission must be implemented by the organization's administration within the timeframe specified in the decision. Reinstatement decisions are to be implemented immediately

6.2. An employee reinstated to their previous position shall be paid their average salary for the entire period of forced absence or the difference in pay for lower-paid work if transferred illegally, for up to six months.

6.3. Decisions of the conciliation commission or court on reinstatement are to be implemented immediately. If the employer delays implementation, the conciliation commission or court may decide to pay the employee average wages or the wage difference for the delay period

## **7. Procedure for Issuing Decisions on Specific Disputes**

7.1. In cases of illegal transfer, relocation, change of essential work conditions, or suspension, the employee shall be reinstated in their previous position, at their former

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workplace, with prior essential conditions restored.

7.2. Relocation must be justified by production, organizational, or economic reasons.

7.3. Transfer or relocation, even with employee consent, is deemed illegal if contraindicated for health reasons according to medical opinion or legislative requirements (prohibiting specific categories of work, including for women and minors).

7.4. Refusal to work after being illegally transferred shall not be considered absenteeism.

7.5. Changes in essential work conditions are illegal if not substantiated by production, organizational, or economic reasons.

7.6. Upon deciding on reinstatement, the labor dispute commission simultaneously decides on the payment of average wages for the period of forced absence or wage differences for lower-paid work performed.

7.7. The commission may annul disciplinary penalties if they are deemed illegal or disproportionate to the offense.

7.8. However, the commission cannot replace one penalty with another, as per Article 65 of the Labor Code, where the choice of penalty lies with the Employer.

7.9. Decisions on reinstatement of illegally transferred employees are implemented immediately.

7.10. The commission may decide on reimbursement for unpaid and unlawfully withheld amounts for up to three years prior to the request submission.

7.11. The employer must pay the amounts recovered to the employee at the next payroll date following the decision.

## **8. Guarantees for Members of the Labor Dispute Commission**

8.1. Employees elected to the labor dispute commission retain their average salary during their commission service.

8.2. Employment contracts with commission members may be concluded (or extended) for a period no shorter than the term of their office.