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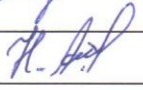
APPROVED  
Rector of Shymkent University  
Doctor of Pedagogical Sciences,  
Professor




N.A. Seitkulov  
2023.


**POSITION  
ON THE PUBLIC COMMISSION ON LABOR DISPUTES**

**SHYMKENT UNIVERSITY QUALITY MANAGEMENT SYSTEM THE  
PROVISIONS of the UNIVERSITY 01 – 08 - 2023**

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## **1. APPLICATION AREA**

1.1 The Labor Dispute Commission (hereinafter referred to as the Commission) Shymkent University (hereinafter - the Company) was established in accordance with Article 159 of the Labor Code of the Republic of Kazakhstan and on the basis of the general meeting of the Company's employees

## **2. REFERENCE DOCUMENTS**

2.1 1 The Law of the Republic of Kazakhstan "On Education" dated October 24, 2011 No. 487- VI (with amendments and additions as of 10.07.2023 No. 19-VIII).

2.2 The Labor Code of the Republic of Kazakhstan dated November 23, 2015 No. 414-V (with amendments and additions as of 04.07.2023 15-VIII of the Law of the Republic of Kazakhstan).

2.3 The Charter of the University;

## **3. NAMES, DEFINITIONS AND ABBREVIATIONS**

SHU- Shymkent University

## **4. DESCRIPTION OF THE PROCEDURE**

### **4.1 General provisions**

Organizational and technical support for the commission's activities is provided by the employer. The commission has its own seal.

### **4.2 Composition and order of formation**

4.2.1 The Commission is formed on the initiative of the employees of the University and (or) the employer (Society) from an equal number of representatives of the employees and the employer.

4.2.2. Representatives of the Society as an employer are appointed to the Commission by the order of the Society.

4.2.3. Representatives of the employees to the Commission are elected by the general meeting of the employees of the Society.

4.2.4. In the event of termination of employment relations with an employee who is a member of the Commission, its composition is replenished in accordance with the procedure established for the formation of the Commission.

4.2.5. The Labor Disputes Commission elects from among its members a chairman, deputy chairman and secretary of the commission.


### **4.3 Competence of the commission**

4.3.1. In accordance with Article 160 of the Labor Code of the Republic of Kazakhstan, the Commission is a body for the consideration of individual labor disputes, with the exception of disputes for which the Labor Code of the Republic of Kazakhstan and other laws establish a different procedure for their consideration.

4.3.2. The Commission considers an individual labor dispute if the employee has not settled the differences independently or with the participation of his representative during direct negotiations with the employer.

4.3.3. Individual labor dispute - unresolved disagreements between an employer and an employee on the application of labor legislation and other regulatory legal acts containing norms of labor law, collective agreement, agreement, local regulatory act, employment contract (including the establishment or modification of individual working conditions), which are reported to the Commission or to another the body for the consideration of individual labor disputes.

An individual labor dispute is a dispute between an employer or a person who previously had an employment relationship with this employer, as well as a person who expressed a desire to conclude an employment contract with the employer, in case the employer refuses to conclude such an agreement.

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#### **4.4 The procedure for contacting the commission**

4.4.1. An employee may apply to the Commission within three months from the day when he learned or should have learned about the violation of his right by submitting a written application.

If the deadline is missed for good reasons, the commission may restore it and resolve the dispute on the merits

4.4.2. A statement drawn up in any form must contain: a description of the violation; the date when the employee learned about the violation of his right, and with which he associates the beginning of the deadline for applying to the commission; evidence confirming his arguments; the employee's requirements; the date of the employee's appeal; the employee's signature; a list of documents attached to the application.

#### **4.5. The procedure for considering an individual labor dispute in the commission**

4.5.1. The Commission considers individual labor disputes in accordance with articles 159,160,161 of the Labor Code of the Republic of Kazakhstan.

4.5.2. An employee's application submitted to the commission is subject to mandatory registration by the specified commission.

4.5.3. The Commission is obliged to consider an individual labor dispute within ten calendar days from the date of submission of the application by the employee.

4.5.4. The dispute is considered in the presence of the employee who submitted the application or his authorized representative

4.5.5. Consideration of the dispute in the absence of the employee or his representative is allowed only upon written application of the employee.

4.5.6. In case of absence of the employee or his representative at the meeting of the specified commission, the consideration of the labor dispute is postponed.

In case of a secondary absence of an employee or his representative without valid reasons, the commission may issue a decision to withdraw the issue from consideration, which does not deprive the employee of the right to file an application for reconsideration of a labor dispute within the time limit established by the Labor Code of the Republic of Kazakhstan.

4.5.7. The Commission has the right to summon witnesses to the meeting and invite specialists. At the request of the commission, the employer (his representatives) is obliged to submit the necessary documents within the time limit set by the commission.


4.5.8. A meeting of the commission is considered competent if at least half of the members representing employees and at least half of the members representing the employer are present.

4.5.9. A protocol is kept at the meeting of the Commission, which is signed by the Chairman of the Commission or his deputy and certified with the seal of the Commission.

#### **4.6 The procedure for making a decision by the commission**

4.6.1. The Commission shall make a decision by secret ballot by a simple majority of the votes of the members of the Commission present at the meeting.

4.6.2. The decision of the Commission shall specify:  
the name of the Company, the name of the structural unit, surname, first name, patronymic, position, profession and specialty of the employee who applied to the Commission;  
dates of application to the Commission and consideration of the dispute, the substance of the dispute;  
surnames, first names, patronymics of the members of the Commission and other persons present at the meeting;  
the essence of the decision and its justification (with reference to the law, other normative legal act);

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voting results.

4.6.3. Copies of the Commission's decision signed by the Chairman of the Commission or his deputy and stamped by the Commission shall be handed over to the employee and the employer or their representatives within three days from the date of the decision.

#### **4.7. Execution and appeal of the Commission's decisions**

4.7.1. The decision of the Commission is subject to execution within three days after the expiration of the ten days provided for appeal.

4.7.2. In case of non-fulfillment of the Commission's decision within the prescribed period, the specified Commission shall issue to the employee a certificate that is an executive document.

An employee may apply for a certificate within one month from the date of the Commission's decision.

If an employee misses the specified period for valid reasons, the Commission may restore this period. The certificate is not issued if the employee or employer has applied within the prescribed period for the transfer of the labor dispute to the court.

4.7.3. On the basis of the certificate issued by the Commission and presented no later than three months from the date of its receipt, the bailiff shall enforce the Commission's decision. If an employee misses the established three-month period, for good reasons, the Commission that issued the certificate may restore this period.

4.7.4. If an individual labor dispute is not considered by the Commission within ten days, the employee has the right to transfer its consideration to the court.

4.7.5. The decision of the Commission may be appealed by an employee or an employer in court within ten days from the date of delivery of a copy of the commission's decision to him.

4.7.6. In case of missing the deadline for valid reasons, the court may restore this period and consider the individual labor dispute on the merits

#### **4.8 Storage of commission materials**

4.8.1. The registration, registration and storage of the Commission's documents is carried out by the Secretary of the Commission.


4.8.2. The materials of the Commission are subject to storage in accordance with the procedure established by regulatory legal acts in the field of document management of the employer and a list of standard administrative archival documents formed in the course of the activities of state bodies, local governments and organizations, indicating the storage periods.

#### **4.9. Liquidation of the Labor Dispute Commission**

4.9.1. The Commission is liquidated in case of liquidation or reorganization of the Company.

4.9.2. The Commission may be liquidated by a joint decision of the Company and the general meeting of the Company's employees.



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**Appendix No. 2**

**Protocol of the meeting of the labor dispute commission  
(name of the educational organization)**

city \_\_\_\_\_ «\_\_\_\_\_» \_\_\_\_\_ 202\_\_\_\_\_ y.

The Commission on Labor Disputes \_\_\_\_\_  
(name of the educational organization)

the Chairman \_\_\_\_\_

members of the Labor Dispute Commission: \_\_\_\_\_

Secretary of the Labor Dispute Commission: \_\_\_\_\_

employee \_\_\_\_\_

representative of the Employer's interests \_\_\_\_\_

The witness \_\_\_\_\_

specialists (experts) \_\_\_\_\_

I considered the case at the meeting at the request of the employee \_\_\_\_\_

k \_\_\_\_\_ (name of the educational organization) \_\_\_\_\_

The meeting of the Commission on Labor Disputes was attended by:

Заявитель (представитель заявителя): \_\_\_\_\_

Representative of the Employer's interests: \_\_\_\_\_

Witness \_\_\_\_\_

Specialist (expert) \_\_\_\_\_

The meeting is called to order at 1:00 a.m.

The chairman of the meeting announced which case is to be considered, the composition of the Labor Dispute Commission announced that the minutes of the meeting are kept by the secretary of the Labor Dispute Commission

\_\_\_\_\_

The persons involved in the case have been explained their right to challenge.

No challenges have been announced to the members of the Labor Dispute Commission.

The applicant stated his claims in accordance with the application. The Applicant's explanations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The representative of the Employer's interests stated his objections, and also submitted a response to the application to the Labor Dispute Commission

and the applicant. Explanations of the representative of the Employer's interests:

\_\_\_\_\_


\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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The witness explained the following:

\_\_\_\_\_

\_\_\_\_\_

Specialist (expert) \_\_\_ explained the following: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Chairman read out the written materials and examined them.

The parties held a debate, the parties exchanged remarks.

The Chairman announced the end of the consideration of the case on the merits. The Labor Dispute Commission has retired to a meeting and vote to make a decision.

Voting results: for against \_\_\_\_\_ against \_\_\_\_\_

According to the results of the voting of the members of the Labor Dispute Commission, the operative part of the decision was announced to the persons participating in the case.

The Chairman informed the persons involved in the case that they have the right to receive a reasoned decision «\_\_\_» \_\_\_\_\_ 202\_\_y. After \_\_\_\_\_ hours.

The procedure for appealing the decision was explained to the representatives of the persons participating in the case.

The meeting ended at \_\_\_\_\_ hours \_\_\_\_\_ minutes.

The protocol has been drawn up «\_\_\_\_\_» \_\_\_\_\_ 202\_\_y

Chairman of the Labor Dispute Commission \_\_\_\_\_


Members of the Labor Dispute Commission \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Secretary of the Labor Dispute Commission \_\_\_\_\_

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**Appendix No. 3**

**SOLUTION**

city \_\_\_\_\_

« \_\_\_\_ » \_\_\_\_\_ 202\_\_y.

Labor Dispute Commission \_\_\_\_\_

*(name of the educational organization) as part of*

name of the educational organization) as part of: \_\_\_\_\_

Members of the Labor Disputes Commission \_\_\_\_\_

in the presence of the secretary

having considered the case on the application \_\_\_\_\_

to (name of educational organization) o \_\_\_\_\_

**Installed:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the above and guided by Articles 159, 160 of the Labor Code of the Republic of Kazakhstan

**Decided:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The decision may be appealed to the court within ten days from the date of receipt of a copy of the decision.

Chairman of the Labor Dispute Commission:

Members of the Labor Dispute Commission:

The copy is correct.

The decision has entered into force: Chairman of the Labor Dispute Commission

Secretary of the Labor Dispute Commission