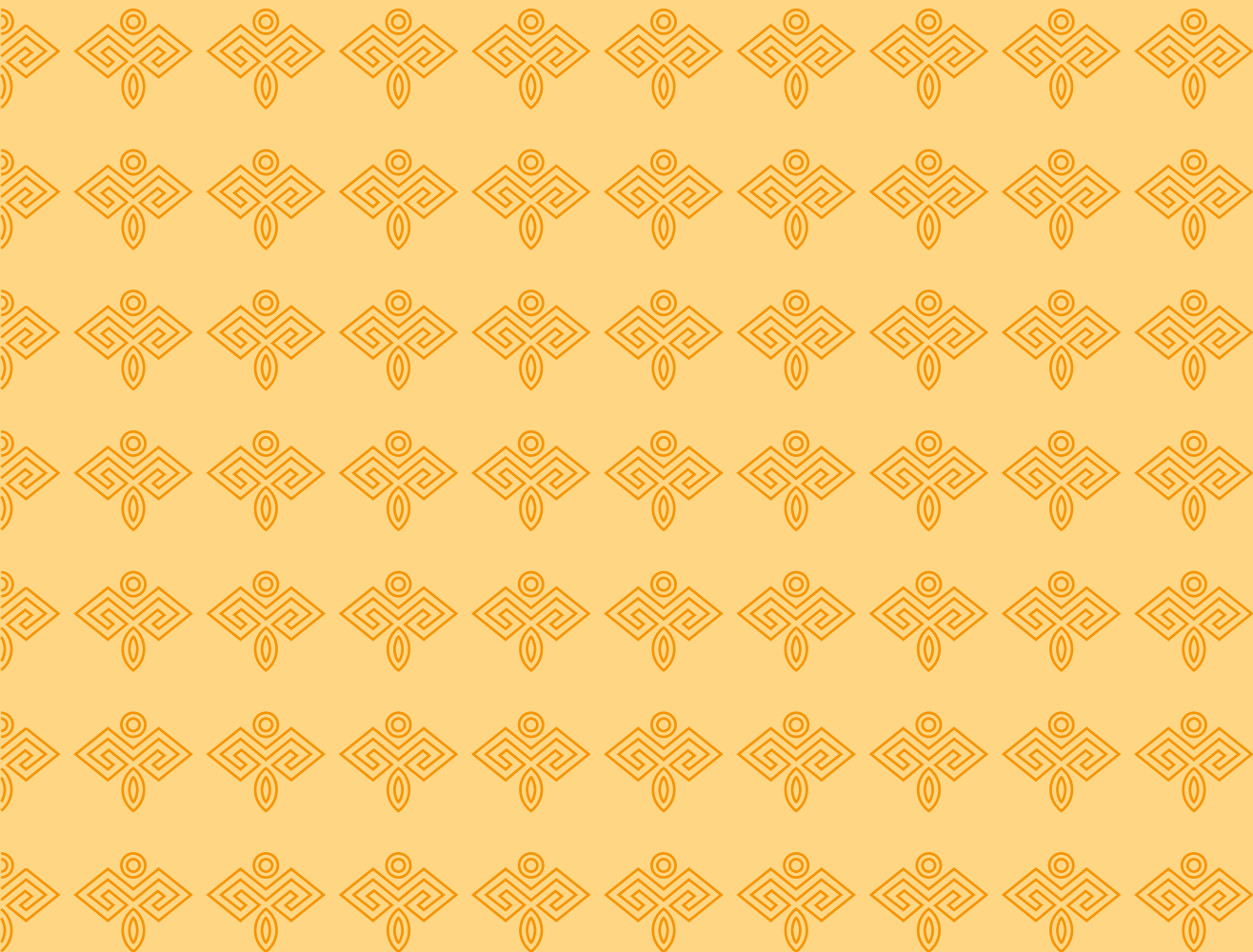


AQUITAS

LABOR & EMPLOYMENT



labor & employment

AEQUITAS's labor law practice is one of the strongest, most recognized and in-demand practices of the firm with long experience in support of complicated projects and disputes in the sphere of labor relations. In 2015, **AEQUITAS** was affiliated on an exclusive basis in Kazakhstan by Ius Laboris, a global Alliance of leading employment, labor and pension law firms.

The firm's lawyers advise companies on their day-to-day matters and help resolve most complex non-standard issues not expressly regulated by the Kazakhstan labor legislation. The practice embraces all aspects of labor law, including support of the process of hiring and dismissing employees, labor relations with foreign personnel, business restructuring, staff reduction, drafting of local regulatory acts, internal investigations, issues of protection of personal data of employees, compliance, and resolution of labor disputes.

AEQUITAS provides labor law services to clients in different sectors of economy, including energy, oil and gas and mining industry, transportation and logistics, pharmaceuticals and healthcare, production, trade, financial sector, information technologies, and electronic commerce. The firm's lawyers are perfectly knowledgeable about the legislative specifics of relations with different categories of employees in particular industries.



AEQUITAS clients are international and local companies, including Chevron, CNPC, Li Auto, H&M, Woosh, Grundfos, Johnson & Johnson, Zentiva, Saipem, Mars, Hewlett-Packard, General Electric, and other companies that implement major projects in Kazakhstan. **AEQUITAS** lawyers regularly advise employers regarding foreign labor engagement issues, cross-border mobility of personnel, organization of remote work, implementation of international corporate policies, and adaptation of internal procedures to requirements of the Kazakhstan legislation.

AEQUITAS possesses significant experience in successful support of labor disputes, internal investigations and dismissals complicated by conflicts, as well as representation of interests of employers in courts and governmental agencies.

In 2015, the firm's lawyers submitted a large package of substantiated proposals to amend the labor legislation for consideration to the governmental working group drafting the Labor Code of the Republic of Kazakhstan. **AEQUITAS** experts continue actively participating in discussion of legislative initiatives and changes in regulation in the labor and employment sphere.

Alexandr Chumachenko, **AEQUITAS** partner supervising the labor law practice and other lawyers, including **AEQUITAS** Senior Partner **Yuliya Chumachenko**, are among Kazakhstan's best lawyers specializing in labor law according to the Legal 500 and Lexology Index international rating publications.

legal services

DRAFTING OF LABOR DOCUMENTATION

Drafting of employment agreements to ensure the maximum protection of employer when hiring different categories of employees and drafting of job descriptions.

Adaptation of global corporate employment agreements, employer's acts and employment policies to meet the requirements of local legislation and the law-application practice.

Drafting of HR documentation and employer's acts intended to mitigate the potential risks of administrative liability imposable on companies and corporate officers.

Development of long-term incentive programs; introduction of international incentive systems subject to local legislation requirements; assessment of legal and tax aspects of program introduction; development of a full package of necessary documentation; assistance in the internal harmonization of staff incentive programs.

Drafting of agreements on establishing grievance committee.

LABOR AUDIT; PREPARATION TO LABOR INSPECTIONS

All-round HR and migration due diligence of companies and development of recommendations to eliminate risks.

Analysis of legal and tax risks pertinent to personnel costs optimization.

Assistance in the preparation for, and how to behave during, inspections.

LABOR DISPUTE RESOLUTION

Representation of interests in labor disputes resolution, including in courts.

Representation of interests in the course of administrative proceedings during labor and migration authority inspections.

LABOR LAW ADVICE

Preparation of legal opinions and drafting of documents on matters involving disciplinary liability of employees.

Advice regarding formalization and termination of labor relations and quest for and development of optimal solutions the least risky for employers.

Advice on occupational safety and labor protection issues, including settlement of on-the-job accidents; advice regarding work place attestation according to labor conditions; drafting of relevant employer's acts.

Advice on personal data protection matters, drafting of consents to personal data processing and their cross-border transfer; check of corporate documentation as to its compliance with personal data protection legislation.

Advice regarding Kazakhstani citizens' employment abroad, including under secondment to foreign companies.

Advice regarding workplace quotas for disabled persons, young specialists, foreign labor and other categories of employees.

Advice on foreign citizens labor activities in Kazakhstan, including tax aspects; document issuance procedures for foreign labor engagement.

Development and legal support of the procedures for staff reduction and mass employee displacement.

Legal support in changing labor conditions and work time regime, including in connection with changes in the company's process or organizational conditions.



most representative projects

Legal assistance to a large international trading company in the process of setting up a conciliation board for the resolution of individual labor disputes. The project was complicated by the large number of employees on staff working both at the office and at a number of stores across the country and absence of detailed statutory regulation of remote voting. AEQUITAS lawyers developed a hybrid version of the meeting of employees, drafted the required documents and set of documents necessary for setting up and functioning of the conciliation board.

Advising **ExxonMobil Kazakhstan Inc.** on fulfillment of legislation requirements to workplace quotas for socially protected categories of citizens. The project covered analysis of legislation and judicial practice, drafting of responses to governmental agencies of the Atyrau Oblast, and drafting of recommendations on compliance with legislation requirements and interaction with the controlling authority.

Comprehensive advice to a major trading company on the labor law issues in Kazakhstan. The project covered analysis of the models of engaging leased personnel and related labor, tax and civil risks; support of dismissals by agreement of the parties and staff reduction, including conflict situations with employees and elimination of defects in HR documents; elaboration of the strategy allowing to protect the employer's interests, participation in negotiations with employees, and drafting of the required documents. AEQUITAS lawyers also advised on the issues of setting up the Conciliation Board, election of the representatives of employees and employer, and drafted documents to organize respective procedures.

Legal support of a major international pharmaceutical company in connection with payment of annual bonuses to the former employees after termination of employment relationships. AEQUITAS lawyers developed a legal mechanism mitigating labor, tax and administrative risks, and drafted the required documents, including the labor incentive and remuneration regulations, thus ensuring legality and correctness of such payments.

Support to a large scooter rental company in connection with a collective complaint filed by 18 contractors regarding recognition of relations as labor relations and violation of the labor legislation. AEQUITAS lawyers developed a position in defense allowing to earnestly refute the applicant's claims and succeed with termination of the inspection by the labor authority without it being actually conducted.

Comprehensive support for a number of foreign companies operating in Kazakhstan within the framework of projects and at the expense of USAID funds, in terms of terminating such activities in Kazakhstan, in particular, dismissal of employees in connection with the cancellation of projects and funding from USAID, including consulting on various issues of termination of employment relationships and preparation of necessary documents.

Advising a large pharmaceutical company regarding urgent change of the CEO at a Kazakhstan subsidiary complicated by a conflict with the current CEO and identified defects in existing HR documentation. AEQUITAS lawyers developed a strategy allowing to protect the foreign shareholder's interests, prepared recommendations on different situation development scenarios, and ensured legal support of the process of changing management, including drafting of the required documentation.

Support of a large international company manufacturing elevators, escalators and travelators in the context of transferring the client's obligations to employees engaged through a recruiting agency to another legal entity from the client's group. AEQUITAS lawyers analyzed the risks of the client's current business model in Kazakhstan, developed the optimum structure of transferring obligations, and drafted the required contractual documents.

Comprehensive support of a major international pharmaceutical company in a labor dispute in connection with illegal dismissal of an employee. The project was complicated by significant financial claims of the employee and legislative gaps in relation to voluntary reinstatement at work. AEQUITAS lawyers conducted successful negotiations, agreed upon mutually acceptable conditions of settling the dispute, minimized the client's risks, and drafted all the necessary documents.

Legal advice to the client (a large international company specializing in the design, construction and management of ski resorts and tourist destinations) on a wide range of issues within the framework of the implementation of a project to build a ski resort in Kazakhstan and attract foreign specialists of the client for these purposes, including investment priority projects, labor, migration and tax issues.

Advising a foreign higher education institution regarding protection of personal data as part of a project to implement the client's information system in Kazakhstan allowing to process the students', teachers' and other persons' data. The project encompassed analysis of requirements of several jurisdictions and the issues of cross-border transfer of personal data.

Comprehensive support of a large international trading and investment company in a labor conflict with the Chief Accountant in connection with systematic absence from the workplace and doubts in justifiability of the stated temporary work incapacity. AEQUITAS lawyers conducted legal analysis of the situation, developed the dispute settlement strategy, drafted the required documents, and ensured a conflict-free termination of labor relations with the employee.

Support of a large international trading company in connection with personal data breach (more than 40,000 consumers). AEQUITAS lawyers promptly evaluated legal consequences of the incident, advised on mandatory response measures, and drafted a notice for the authorized agency and personal data subjects.

Consulting **Remote Equity** on issues of reclassifying a service agreement into an employment contract from the point of view of Kazakhstani legislation within the framework of building two-stage contractual relations for the provision of services with the involvement of subcontractors by the general contractor; assessment of legal risks and development of recommendations on how to reduce them; adjustment of transaction documents.

Advising a major foreign oil and gas corporation on selection of a business model optimum for Kazakhstan, including the issues of engagement of foreign employees. AEQUITAS lawyers conducted comparative analysis of companies registered under the Kazakhstan legislation and in the AIFC, as well as the structure of the AIFC subject to corporate governance, economic activities, labor relations, and migration regulation.

Advising (together with MDDP) **Polpharma** regarding expansion of activities in Kazakhstan and relocation of foreign personnel. The project included analysis of potential models of presence of foreign labor, drafting of a review of the Kazakhstan legislation, evaluation of corporate, tax and labor aspects of each option, as well as elaboration of recommendations on selection of the most effective structure subject to the company's business interests.

Jointly with K&A Legal LLC, consulting the **International Federation of Red Cross and Red Crescent Societies** on labor issues, including bringing international document forms into compliance with Kazakhstan legislation and law enforcement practice, including Staff Regulations and employment contracts.

Advising, together with the ALRUD Law Firm, a large transport and trading company on the issues of personal data protection, including database localization, cross-border transfer of personal data, and legal audit of internal processes. AEQUITAS lawyers developed practical recommendations and drafted a complete set of documents subject to the current legislation, law-application practice, and best market standards to minimize regulatory risks.

Jointly with GOP, advising **ENI SpA**, an Italian oil, gas and energy company, by completing a questionnaire developed by the company, which includes certain legal issues related to health, safety and environment regulations, with a special focus on asbestos.

Advising a local subsidiary of a major electric car manufacturer on the issues of the labor legislation and personal data protection. AEQUITAS lawyers adapted HR documents to requirements of the Kazakhstan legislation, drafted different forms of employment contracts for different categories of employees, set of documents for imposing disciplinary liability, internal labor regulations, and business ethics code subject to the client's corporate standards.

Advising a major pharmaceutical company on the issues of execution of the transfer of exclusive property rights to a computer program created by an employee of an outsourcing company. The project included analysis of potential mechanisms of transferring rights, their sufficiency for registration of an intellectual property item, drafting of the required documents, and judicial practice research with respect to works made for hire.

Successful representation of interests of a pharmaceutical company in a labor dispute with an employee, including as part of inspection by a state labor inspector regarding qualification of an employment contract, engagement of foreign labor, and the compliance with occupational health and safety requirements. Based on the explanations prepared with the participation of AEQUITAS lawyers, no violations were found for most of argument and, as a result, no sanctions were imposed on the company.

Advising, together with the English office of Allen & Overy, a major pharmaceutical company in Kazakhstan and drafting of labor documents as part of restructuring and potential massive staff reduction in the course of a merger with an international pharmaceutical group. The project included development of the mechanisms of termination of labor relations with dismissal deferral, agreement of conditions of early dismissal on the parties' initiative, and ensuring of compliance of documents with requirements of the labor legislation of Kazakhstan and corporate practice of the client.

Advising a company regarding its obligations to compensate for damage to life and health of employees during liquidation of a structural subdivision in Kazakhstan. AEQUITAS lawyers provided recommendations on possible action scenarios, including legal analysis of annuity insurance, necessity to introduce amendments into contracts, and possibility of early performance of obligations in accordance with legislation.

Advising a Kazakhstan subsidiary of a Chinese technological company on the matters of labor legislation, including comprehensive due diligence of HR documents and drafting of answers to a wide range of questions. Bringing the documents into compliance with legislation and law-application practice of Kazakhstan; drafting of different forms of employment contracts for different categories of employees (including foreign, remote and temporary), NDA, documents on full material liability, and non-compete agreements with the mechanisms of their implementation and compensation.

Drafting of a set of labor documents for an international company on relocation of personnel to Kazakhstan subject to requirements of different jurisdictions and geopolitical factors. The project included incorporation of conditions on compensation of relocation costs of employees and their family members into employment contracts, including on transportation of property, dwelling, tax support, and assistance with obtainment of permits to temporary residence, as well as establishing obligations on the minimum term of subsequent work, and special conditions of combined remote work regime.

Advising (together with the London office of Bird & Bird) **Elements Group AG** and **Convexity** on engagement of freelance programmers in Kazakhstan and other jurisdictions based on a global freelance agreement. AEQUITAS team analyzed the risks associated with reclassification as labor relations, formation of a permanent establishment in Kazakhstan, and consequences of relocating consultants, including potential ways to obtain the residency status.

Advising (together with Raczkowski) a Polish employment agency regarding entry to the Kazakhstan labor market to recruit employees for the seasonal work in Poland. The project involved analysis of legal regulation of recruiting services, requirements to notification of regulators and documents, obligations on relocation of candidates, and restrictions on collection, verification and cross-border transfer of personal data. AEQUITAS team considered the issues of interaction with local agencies, allocation of financial obligations and additional services (including visa support).

Advising a Kazakh LLP of a large French company on the intra-corporate transfer of employees based on a permit to employ foreign labor in the context of the tax aspects of the process, in particular, the tax obligations of the parties during such a transfer, taxation of employee income, the documents required for the proper execution of the intra-corporate transfer of employees, and possible risks that the parties may face during the implementation of this process.

Advising a company representing the largest Chinese mobility platform on the issues of personal data protection, including collection, storage, localization and cross-border transfer of data. AEQUITAS team prepared recommendations on obtainment of users' consents to by remote methods, which are not expressly stipulated by the Kazakhstan legislation. AEQUITAS team also drafted internal policies for the local subsidiary governing labor relations, labor remuneration, guarantees and compensations, termination of labor relations, and implementation of the Code of Business Conduct.

Advising American multinational technology company on a wide range of issues of the labor legislation of Kazakhstan in connection with opening of the corporation's data centers in Kazakhstan and hiring of personnel for their operation, including special work time regimes ("on-call" and "on-duty/call-in", involving employees in work in case of a high-severity incident, etc.), determining the key guarantees and benefits to employees and other aspects of mutual relations with employees.

Advising the largest Italian oil company (through Italian and Dutch law firms) on issues of occupational safety and health, including preparation of draft documents for the appointment of responsible persons, as well as issues of vaccination of employees and sanitary rules applicable to the company, including in the conditions of a pandemic.

Advice to a major operator of hemodialysis clinics in Kazakhstan regarding potential options of the labor regime for medical personnel in order to exclude overtime and to bring the work time and rest time regimes existing in the company into compliance with the labor legislation and occupational health and safety requirements. The project included analysis of the necessity to organize attestation of labor conditions, including obtainment of clarifications from the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan on disputable aspects of the company's activities.

Drafting (in collaboration with **Topia**) of a guide on Kazakhstan's migration legislation (including visa support, procedures for foreign workers to work in Kazakhstan, etc.) for posting on a comprehensive global mobility platform, with SaaS solutions for remote work, tax, and immigration, among others.

membership



ratings

"The practice is unique in its combination of deep expertise and a highly client-focused approach. The team is professional, fast, and responsive, always delivering practical solutions under tight deadlines".

The Legal 500 2026

"AEQUITAS provides rigorous and professional advice in a short times".
Chambers 2026



Yuliya Chumachenko Notable practitioner is
"great communicator and a trusted partner."

"Good client relationship management, deep knowledge of specific laws and regulations."



"The firm has a pro-client approach, high-quality services, quick response on offer and conflict of interest. The Quality Committee would like to thank you for participation in Ius Laboris projects."

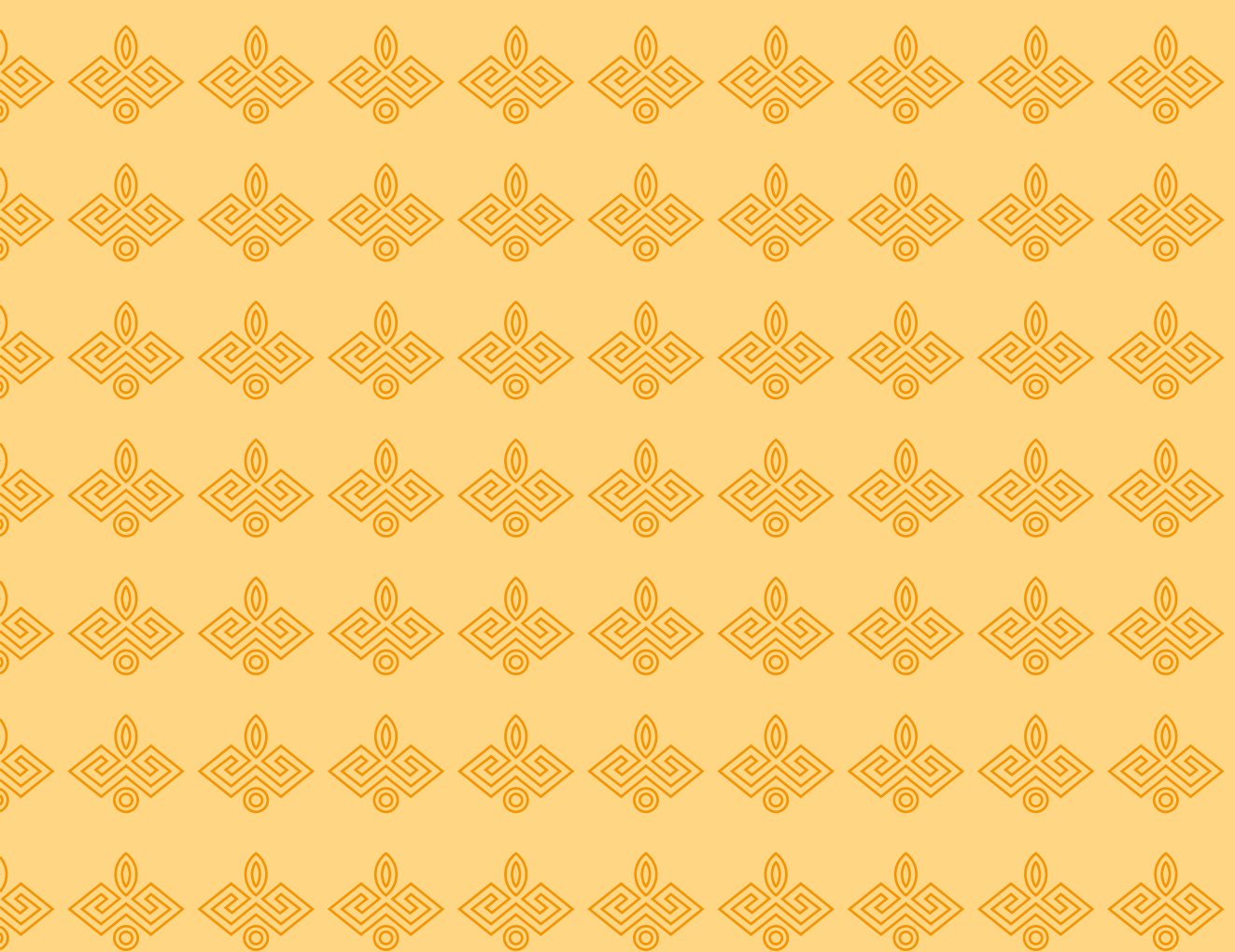


Yuliya Chumachenko Leading Partner
in Tax and Customs

Alexandr Chumachenko Recommended
in Corporate, Commercial and M&A



AEQUITAS Partner **Yuliya Chumachenko** is recommended in Employment&Labour.



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