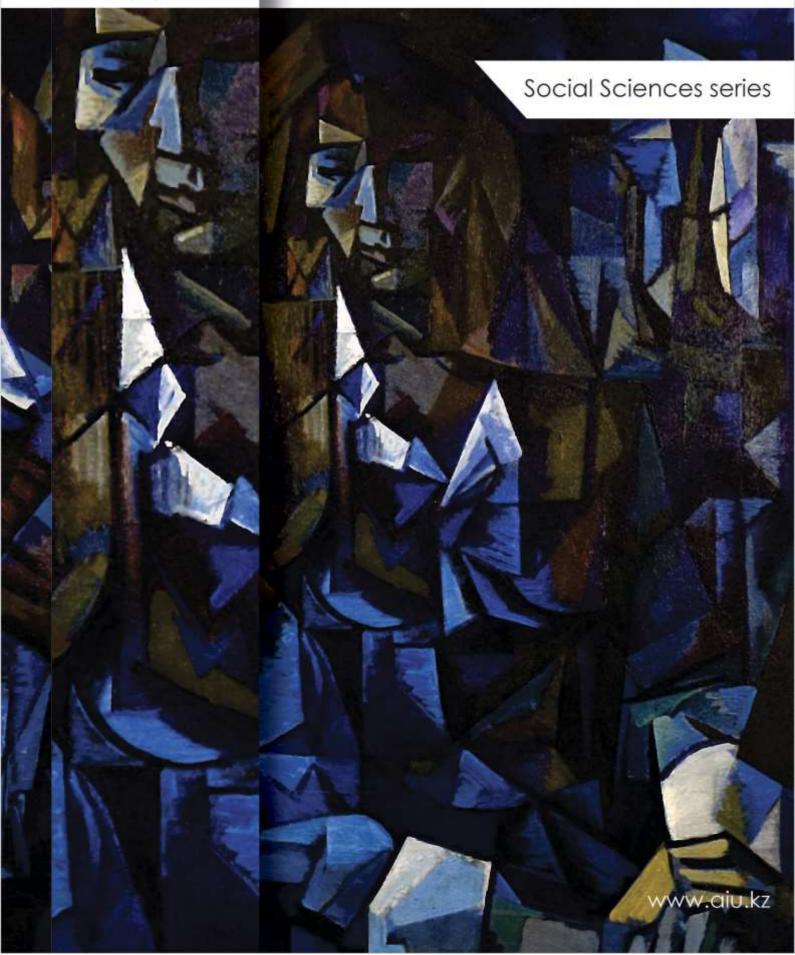


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INTERNATIONAL STANDARDS IN THE FIELD OF YOUTH EMPLOYMENT PROTECTION AND THEIR IMPLEMENTATION IN KAZAKHSTAN'S LABOR LEGISLATION

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Abstract The article deals with theoretical studies of international standards in the field of youth employment protection. International standards in the field of youth employment protection were studied and analyzed, also looked into practical problems on this topic were looked into. Foreign experience for more successful development of youth labor protection in the Republic of Kazakhstan is also considered.

Keywords: Labor law, labor legislation, youth labor rights, youth labor protection, ILO, discrimination, implementation, international labor standards, labor relations, labor code, youth labor protection.

INTRODUCTION

The first President, Elbasy N. A. Nazarbayev, initiated five institutional reforms, including the reform of Kazakhstan's labor legislation based on a new model of legal regulation of labor relations that meets the modern requirements of the country's economic development and international standards in the field of labor.

Thus, the ideas and proposals set out in The President's Address to the people of Kazakhstan "Nurly Zhol – the Way to the future" [1], as well as in the national plan "100 concrete steps" for the implementation of five institutional reforms, clearly indicate the main directions of labor relations liberalization that meet the modern requirements of law enforcement practice during the economic crisis [2].

In his Address "Kazakhstan in a new global reality: growth, reform, development", noted that: "in the XXI century, the main factor of development is the continuous modernization of all spheres of society. We are working on a large-scale transformation of all state, public and private institutions based on the principles of a society of Universal Labor, high social responsibility, and targeted assistance to the most vulnerable segments of the population" (November 30, 2015) [3].

In his speech, the Head of State K. Tokayev also outlined 10 priority tasks, including creating conditions for youth development. "Youth is the engine of progress. We are implementing a program to develop business initiatives for young people, support youth startups, and implement a youth employment program. My task is to create all the opportunities for you to realize your dream and create your personal success story" [4], the Head of State noted, so the results of the research can be useful in the run-up to the year of Youth, as young people are the future in the development of our independent State.

DISCUSSION

Issues of labor protection of minors in labor law have always been given attention. Thus, the scientific works of Kazakh and Russian labor scientists were devoted to the consideration of certain aspects of labor protection and labor of minors.

If we make a historical approach to the degree of research of this topic, then in the Soviet period it was the works of scientists such as N. G. Alexandrov, A. A. Abramov, S. A. Goloshchapov, V. I. Semenkov, B. Yu. Tikhonov and others. Fundamental research of representatives of the Soviet period became the basis of all labor law and significantly enriched it. The contribution made by Soviet scientists to the development of control and supervision of labor protection is the basis of modern research.

At the present stage, scientists have studied certain aspects of theoretical and practical problems of labor protection, including the control and supervision of compliance with labor legislation. This is the work of such scientists as: K. J. Ananiev, A. M. class, S. P. Mavrina, E. B. Khokhlov, A. M. Lushnikov, M. V. Lushnikova, T. Y. Baryshnikov and others.

Among the domestic scientists who have devoted their works to certain theoretical and practical problems of labor protection, we can note, N. A. Abuzyarov, E. N. Nurgaliev, a.m. Nurmagambetov, A. K. Nadirovf, etc.

In the Republic of Kazakhstan, research on youth labor protection in legal science is not yet sufficiently developed. Some dissertation research can be noted. Narikbaeva M. S. on the topic "Criminal and legal protection of children in the Republic of Kazakhstan" (1997) [5], Nadirova A. K. "Legal regulation of labor relations with minors in the Republic of Kazakhstan" (2002) [6], Yessirkepova M. M. "International labor standards in the Republic of Kazakhstan: problems of implementation and protection" (2015) [7]. The project Manager also has a monograph on this topic "international labor standards in the Republic of Kazakhstan: problems of implementation and protection" (2019) [8].

Russian scientists also studied dissertations on the topic "Peculiarities of legal regulation of labor of minors" by A.V. Buyanova, PhD.

At the present stage, scientists have studied certain aspects of theoretical and practical problems of labor protection, including the control and supervision of compliance with labor legislation. This is the work of such scientists as: K. J. Ananiev, A. M. class, S. P. Mavrina, E. B. Khokhlov, A. M. Lushnikov, M. V. Lushnikova, T. Y. Baryshnikov and others.

Safetyof young workers, youth and labor, protection of the youth labor market. Works of foreign scientists: R. Blanpain, G. S. Becker, D. Kimphove, A. Mengel, S. Tylor, A. Walker, W. Schmeisser, etc. Research is conducted on hotel countries, statistical studies and ways to solve them.

Despite a large number of works by scientists of the Commonwealth of Independent States devoted to the problems of international legal regulation of labor relations in the sphere of minors, issues related to the development and adoption of standards and norms of international labor law and their subsequent implementation in national legislation have not received comprehensive coverage in the Kazakh science of labor law.

It is important to mention that one of the most fundamental principles of the Labor code of the Republic of Kazakhstan is the principle of prohibiting the worst forms of child labor. In addition, the Labour code has a number of provisions that are aimed at protecting the work of young people, including minors.

Labor protection as a legal institution of labor legislation cannot exist separately from other institutes of legal science. Based on this, responsibility for violation of labor protection rules is not considered only within the framework of only labor law, in this case, we also have a relationship with other branches of law, for example, criminal law, administrative law, international labor law, civil law.

The state, as one of the subjects of social relations, carries out activities on labor protection through its bodies, which in turn set certain norms and standards, monitoring their quality and timely implementation.

In the organization of labor protection, the role of the state is great. The state is the regulator of labor issues. Since all the nuances of labor law are provided for in regulatory legal acts.

When regulating labor relations, the state provides a scientific organization for improving labor conditions and safety. This is facilitated by the development of technological and technical processes. Also, the introduction of complex automation and mechanization of heavy physical labor and labor in harmful and dangerous conditions. This provision is particularly relevant, since today the law "on state youth policy in the Republic of Kazakhstan", adopted on February 9, 2015, is one of the normative legal acts that to some extent relate to the issue of legal regulation of labor relations with young people.

CONCLUSION

For this urgent problem, I offer the following suggestions:

More actively involve trade Union organizations in the mechanism for protecting the labor rights of young people. So, to create a certain group in a trade Union organization, the goals and actions of which were aimed specifically at regulating the labor protection of young people. The group should work directly with minor's employees: conduct consultations on controversial issues; to assist in the resolution of labor disputes, etc.;

In order for the norms of labor legislation that enshrine the special legal status of youth as a subject of labor relations to be reflected not only "de jure", but also "de facto", more active work should be carried out by the state labor inspection bodies. Thus, it is necessary to provide for the legal responsibility of state inspectors for failure to take appropriate measures to detect violations related to the protection of youth labor; creation of labor courts. The lack of clarity of the rules governing the protection of youth labor can be eliminated in the process of practical legal proceedings. The topic of creating labor courts in our country is quite relevant, so we need to more actively advocate for the creation of labor courts.

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ЖАСТАРДЫҢ ЕҢБЕКТІ ҚОРҒАУ САЛАСЫНДАҒЫ ХАЛЫҚАРАЛЫҚ ЕҢБЕК СТАНДАРТТАРЫ: ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ ҰЛТТЫҚ ЗАҢНАМАСЫНА ЕНГІЗУ ЖӘНЕ ҚОРҒАУ

Аннотация. Мақалада жастардың жұмыспен қамтылуын қорғау саласындағы халықаралық стандарттардың теориялық зерттеулері қарастырылған. Жастардың жұмыспен қамтылуын қорғау саласындағы халықаралық стандарттар зерттелді және талданды, сонымен қатар осы тақырыптағы практикалық мәселелер қарастырылды. Сондай-ақ, Қазақстан Республикасында жастардың еңбекті қорғауды сәтті дамытудың шетелдік тәжірибесі қарастырылады.

Кілт сөздер: Еңбек құқығы, заңнама, еңбек, жастардың еңбек құқықтары, жастардың еңбегін қорғау, ХЕҰ, дискриминация, енгізу, халықаралық еңбек стандарттары, еңбек қатынастары, еңбек кодексі, жастардың еңбегін қорғау.

МЕЖДУНАРОДНЫЕ СТАНДАРТЫ ТРУДА В ОБЛАСТИ ОХРАНЫ ТРУДА МОЛОДЕЖИ: ИМПЛЕМЕНТАЦИЯ В НАЦИОНАЛЬНОЕ ЗАКОНОДАТЕЛЬСТВО РЕСПУБЛИКИ КАЗАХСТАН И ЗАЩИТА

Аннотация. В статье исследованы теоретические аспекты внедрения международных стандартов в области защиты занятости молодежи. Были изучены и проанализированы международные стандарты в области защиты занятости молодежи, а также рассмотрены практические проблемы по имплементации международных норм в национальное законодательство Республики Казахстан. Также проведен анализ зарубежного опыта для более успешного развития охраны труда молодежи в Республике Казахстан.

Ключевые слова: трудовое право, трудовое законодательство, трудовые права молодежи, охрана труда молодежи, МОТ, дискриминация, имплементация, международные трудовые стандарты, трудовые отношения, трудовой кодекс.