

THE LAW OF THE KYRGYZ REPUBLIC

dated July 25, 2003, No. 154

On Social Partnership in the Field of Labor Relations in the Kyrgyz Republic

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

This Law establishes the legal basis for the organization, functioning, strengthening, and development of the system and mechanism of social partnership in the field of labor relations in the Kyrgyz Republic in order to regulate social, labor, and related economic relations and achieve social harmony.

Article 1. The basic concepts used in this Law

Acts of Social Partnership are collective agreements and agreements regulating social and labor relations.

(Part 2 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 3 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Organization is any legal entity, regardless of the form of ownership, established in accordance with the civil legislation of the Kyrgyz Republic.

(Part 5 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Employer Representatives are employers and employers' associations authorized to represent employers in social partnership and collective bargaining in accordance with this Law and labor legislation.

Employee Representatives are bodies of trade unions and their associations authorized to represent them in accordance with their charters, as well as other persons and organizations authorized by employees established in accordance with the legislation of the Kyrgyz Republic. Employees who are not members of trade unions may authorize trade unions to represent their interests.

It is not allowed to represent the interests of employees by bodies created or funded by employers, executive state authorities and local governments, or political parties.

Social Partnership System is a set of organizational, legal, and economic measures in the field of social and labor relations and resolution of social and labor conflicts; bodies formed by social partners, and the order of interaction and functioning of these bodies.

Social Partnership is the interaction of public authorities, employers' associations and trade unions in defining and implementing a coordinated socio-economic policy, labor relations policy, as well as bilateral relations between employers and trade unions, in which the state determines the parameters of interaction between the parties.

Parties to the Social Partnership are employees (their representatives), employers (their representatives), public authorities of all structures of the Kyrgyz Republic (based on the principles of tripartism - the Cabinet of Ministers of the Kyrgyz Republic - trade unions - employers, starting from the aiyl okmotu to the Cabinet of Ministers of the Kyrgyz Republic, in all structures of economic bodies, regardless of the form of ownership). Social dialogue at the national level is carried out within the framework of the Republican Trilateral Commission for the Regulation of Social and Labor Relations.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 2. Legal basis of social partnership in the field of labor relations

The legal basis of social partnership in the field of labor relations (hereinafter referred to as social partnership) is the [Constitution](#) of the Kyrgyz Republic, the [Labor Code](#) of the Kyrgyz Republic, the laws of the Kyrgyz Republic "[On Trade Unions](#)", "[On Non-profit Organizations](#)", "[On Employers' Associations](#)", this Law and other regulatory legal acts that cannot worsen the situation of the parties to the social partnerships and their representatives in comparison with international standards, as well as the general agreement, sectoral and territorial agreements, collective agreements concluded in accordance with the labor legislation of the Kyrgyz Republic.

If international treaties that have entered into force in accordance with the procedure established by law, including conventions of the International Labour Organization to which the Kyrgyz Republic is a party, provide for other rules that establish more favorable conditions for employees than those provided for by this Law, the rules of international treaties shall be adopted.";

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 3. Scope of this Law

This Law applies to employers, their associations, regardless of the form of ownership, all employees of organizations, regardless of membership in trade unions, and their representative bodies, relevant executive state authorities and local self-government bodies of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 4. Additional principles of social partnership

Social partnership lines up on the main principles stipulated by the labor legislation of the Kyrgyz Republic.

Additional principles of social partnership are:

- 1) Tripartism (mandatory participation of public authorities in the social dialogue between trade unions and employers at the national, industry and professional levels);
- 2) the direction of social partnership towards the introduction and implementation of international labor standards, enshrined in conventions and recommendations of the International Labor Organization, into the legislation of the Kyrgyz Republic;
- 3) the autonomy of social partners, including in the choice of forms and procedures of self-organization, the election of authorized representatives, as well as the inadmissibility of interference by public authorities in these procedures;
- 4) equality of social partners and the voluntary nature of agreements;
- 5) good faith of the social partners, including the inadmissibility of undermining and discrediting each other's negotiating position, full mutual informing of the parties to the social dialogue, publicity in matters of importance to society or all employees, compliance of the actions of the social partners with their stated goals, the inadmissibility of evasion, ignoring and/or refusal to start, continue negotiations or conclude an agreement on the conditions on which consensus has been reached, the inadmissibility of limiting the legitimate labor rights and guarantees of employees when concluding agreements between social partners;
- 6) the publicity of the activities of social partners at all levels of social partnership, the obligation to publish the texts of decisions taken and signed agreements at the national, sectoral and territorial levels, data on the coverage of employees by the signed agreements;
- 7) the priority of maintaining or raising social and labor standards in comparison with the current labor legislation when concluding agreements at all levels of social partnership;
- 8) the obligation to fulfill agreements and the inadmissibility of unilateral renunciation of obligations assumed, the proportionality and adequacy of measures taken by social partners in relation to violators of agreements;
- 9) inadmissibility of discrimination and violence against persons representing the interests of employees in social partnership at all levels;

10) social responsibility of employers;

11) the responsibility of the State to create real opportunities for social partnership and social dialogue in the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 5. Objectives of the social partnership

The objectives of the social partnership are:

- assistance to the economic and social development of the republic, regions and economic sectors;
- creation of an effective mechanism for regulating social, labor and related economic relations;
- conducting collective negotiations, mutual consultations, development and conclusion of agreements, collective agreements between the parties to the social partnership in accordance with the labor legislation of the Kyrgyz Republic and this Law;
- prevention of collective labor disputes and assistance in resolving social and labor conflicts;
- improving the legislative framework governing social and labor relations;
- further development of employers' associations and trade unions, strengthening their role as social partners.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 6. The mechanism of functioning of the social partnership system

The social partnership operates on the basis of:

- mutual consultations and negotiations between the participants of the social partnership;
- concluding collective agreements and agreements, making joint decisions on the regulation of social and labor relations.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 7. Levels of the social partnership system

The social partnership system includes the following levels:

- the republican level, which establishes the basis for regulating social and labor relations in the Kyrgyz Republic;
- the industry level, which establishes the basis for regulating social and labor relations in the field of labor in the industry;
- the territorial (regional, city, district) level, which establishes the basis for regulating social and labor relations in the field of labor at the level of administrative-territorial units;
- the level of organization that establishes specific mutual obligations in the field of work between employees and the employer.

Article 8. Organization of social partnership at the national level

At the national level, social partnership is carried out by the Republican Trilateral Commission for the Regulation of Social and Labor Relations (hereinafter - the Republican Trilateral Commission), which is a permanent body and consists of representatives of the Cabinet of Ministers of the Kyrgyz Republic, representatives of trade union associations, as well as representatives of employers, uniting the majority of workers and employers in the Kyrgyz Republic, respectively.

The regulations on the activities of the Republican Trilateral Commission are approved by the Cabinet of Ministers of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 9. Powers of the Republican Trilateral Commission

The functions of the Republican Trilateral Commission are:

- conducting negotiations between the parties and concluding a general agreement, monitoring the implementation of this agreement;
- regulation of social, labor and related economic relations, participation in the development and implementation of a socially oriented policy of economic transformation in the Kyrgyz Republic;
- assistance in concluding collective agreements, territorial, sectoral (intersectoral) agreements, participation in their development through established local working bodies and groups;
- resolution of disagreements arising during the development, conclusion and implementation of territorial, sectoral (intersectoral) agreements;
- implementation of measures to prevent collective labor disputes (conflicts) and promote their regulation in the Kyrgyz Republic;
- participation in the development and discussion of draft regulatory legal acts on social, labor and related economic relations;
- development of social partnership at the national level.

The competence of the Republican Trilateral Commission includes:

- decision-making on issues related to its functions, which are mandatory for consideration by public authorities, trade unions and their associations, employers and their associations;
- monitoring the fulfillment by the parties of obligations stipulated by the general and other agreements, collective agreements (regional, district and local);
- making proposals on bringing to disciplinary responsibility at the request of the representative body of employees of the head of the organization, his deputies who do not comply with acts of social partnership in accordance with the labor legislation of the Kyrgyz Republic;

- studying international experience, participating in events held by relevant foreign organizations in the field of social partnership and social and labor relations, holding consultations within the framework of the Republican Trilateral Commission related to the ratification and application of international labor standards.

Disagreements between the parties arising during the work of the Republican Trilateral Commission are resolved on the basis of mutual consultations in accordance with the procedure provided for in the regulations on the Commission.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 10. Organization of social partnership at the sectoral level

Social partnership at the sectoral level is carried out by sectoral commissions for the regulation of social and labor relations.

The sectoral Commission at both the national and territorial levels is the body responsible for ensuring the coordination of the interests of social partners through consultations, negotiations, preparation of drafts of sectoral agreements and their conclusion.

The composition of the sectoral commission, which includes the relevant executive state authorities and local governments, trade unions and representatives of employers, is determined by the parties.

The activity of sectoral commissions is regulated by the regulations on these commissions approved by the commissions.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 11. Organization of social partnership at the territorial level

Social partnership at the territorial level is carried out by regional, city and district commissions for the regulation of social and labor relations.

The subject of regulation of relations between the parties at the territorial level are social and labor relations, living conditions, guarantees and benefits related to the specifics of each region.

Territorial commissions are formed on the recommendation of the following parties to the social partnership: the local government body(s) or the executive governmental body, trade unions and employers' associations or their coordinating body on a parity basis and operate on the basis of regulations approved by the commissions.

Article 12. Powers of sectoral and territorial commissions

The powers of the sectoral and territorial commissions include:

- regulation of social and labor relations and coordination of interests of the parties at the sectoral and territorial levels;

- coordination of the parties' positions on the main directions of social and economic policy;
- consideration at its meetings of the problems of conducting a coordinated policy in the field of social and labor relations;
- coordination of interests of executive state authorities, associations of employers and employees in the development of projects of sectoral and territorial agreements, the implementation of these agreements, as well as in the implementation of commission decisions;
- requesting information from executive authorities, local governments, employers and (or) employee representatives about agreements being concluded and concluded;
- creation of working groups with the involvement of scientists and specialists;
- inviting employees of central and local executive authorities, local governments, public associations, as well as independent experts to meetings of sectoral and territorial commissions, respectively.;
- making joint decisions that are mandatory for consideration and execution by executive state authorities and local governments, representatives of employers and employees within the time limits set by sectoral and territorial commissions, and monitoring the implementation of their decisions;
- participation in international, national, and interregional meetings, conferences, congresses, and seminars on social and labor relations and social partnership.

Article 13. Organization of social partnership in conditions of functioning of interstate financial and industrial groups, multinational corporations, enterprises with a foreign share of capital

(Repealed in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Article 14. Financial support of the social partnership system

The development of the social partnership system is financed from the funds of the relevant parties to the social partnership on the basis of their joint decisions and approved plans.

Organizational, informational, methodological, and logistical support for the social partnership system is provided by the relevant parties to the social partnership within the budget funding.

Article 15. The procedure for decision-making by the Republican Trilateral, Sectoral, and Territorial Commissions

(Repealed in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Article 16. Types of agreements

Depending on the scope of regulated social and labor relations, general, sectoral (intersectoral), territorial and other agreements may be concluded in accordance with labor legislation.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 17. The right to negotiate on the development and conclusion of agreements

Any of the parties to the social partnership may initiate negotiations on the development, content, conclusion, amendment, and addition of the agreement.

If there are several representatives authorized by employees and employers at the national, sectoral and territorial levels, each of them is given the right to negotiate on behalf of employees and employers.

Article 18. The procedure for conducting negotiations, drafting and concluding agreements

The following relationship is established between agreements of different levels on the subject of the contract and the timing of their conclusion: the general agreement should be the leading one in terms of the timing of the conclusion, as it defines general principles and approaches to solving socio-economic problems; other agreements at the appropriate levels can be concluded with an interval of no more than two months.

The content and structure of the agreement are determined by mutual agreement of the representatives of the parties.

The procedure for conducting negotiations, the deadlines for the development and conclusion of agreements, the procedure for making amendments and additions to them, and joining them are approved by the commissions and formalized by their decisions. Amendments and additions to the agreements are made by mutual agreement of the parties.

(Part 4 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 5 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 6 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 7 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 8 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 9 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 10 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(Part 11 became invalid in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 19. Procedure for joining the agreements

(Repealed in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Article 20. The procedure for changing the agreement and making additions to it. Early termination of the agreement

(Repealed in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Article 21. Ensuring the implementation of the agreement

The implementation of the agreement and the preparation of a new agreement are provided by the parties to the social partnership and their respective commissions for the regulation of social and labor relations.

The parties to the social partnership shall develop a plan of practical measures for the implementation of the agreement within the period stipulated by the agreement.

The issue of the implementation of the agreement is considered by the parties to the social partnership based on the results of the half-year or by decision of the commission. The results of the implementation of the agreement are published (as outlined) in the mass media, determined by the parties to the agreement.

The conditions contained in the agreements are taken into account when adopting laws and other regulatory legal acts of the Kyrgyz Republic and local authorities related to the subject of regulation of these agreements.

Agreements that require budgetary financing should be concluded, amended, and supplemented by the parties when preparing a draft budget for the relevant fiscal year related to the term of the agreement. Otherwise, the territorial executive state bodies and local self-government bodies will initiate the adoption of amendments to the budget of the appropriate level to ensure financing the implementation of the agreement. The decision agreed by the parties to adopt the appropriate budget for the financial year is formalized in a special annex to the agreement.

If the relevant terms of the agreement are not fully funded by the budget in the current financial year, employee representatives who are parties to the agreement have the right to request that the agreement be amended for the current financial year.

Article 22. Control over the execution of agreements

Control over the implementation of the agreements is carried out by the relevant commissions at the national, sectoral and territorial levels.

Article 23. The procedure for conducting negotiations on the conclusion of a collective agreement

(Repealed in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Article 24. Content of collective agreements

(Repealed in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Article 25. Trilateral cooperation in the field of employment promotion

(Repealed in accordance with the Law of the Kyrgyz Republic dated [March 17, 2023, No. 60](#))

Article 26. Participation of the parties to the social partnership in the settlement of collective labor disputes

The parties to the social partnership contribute to the settlement of collective labor disputes, organize and participate in conciliation procedures, as well as take measures to prevent and resolve them.

The claims of employees and their representatives to other parties to the social partnership regarding their participation in negotiations on the conclusion of an agreement, as well as on the accession or non-affiliation of an employer or an association of employers to the agreement may be the subject of a collective labor dispute.

Article 27. Responsibility of the parties to agreements and collective agreements

The parties to agreements and collective agreements that violate or fail to fulfill their obligations are liable in accordance with the labor legislation of the Kyrgyz Republic, agreements and collective agreements.

Officials of executive state authorities, local self-government bodies, persons representing the employer (employers), employees of the governing bodies of trade unions, whose labor duties include ensuring the fulfillment of the concluded agreement, collective agreement, are subject to disciplinary liability for violation or non-fulfillment of obligations under the agreement, collective agreement.

The parties, as well as the relevant body of the social partnership system, have the right to send a request to bring these persons to disciplinary responsibility to the bodies (persons) whose competence includes making the relevant decision.

The request is subject to consideration within thirty calendar days from the date of its receipt - within the time limit that the party(s), the relevant body of the social partnership system must be informed about the measures taken or the grounds for refusal to satisfy it.

The parties to the agreement or collective agreement have the right, by mutual agreement, to establish responsibility for violation or non-fulfillment of obligations under the agreement or collective agreement, if this responsibility does not contradict the legislation of the Kyrgyz Republic. The terms and procedure for applying such liability measures to the parties are provided for in the collective agreement

or other document accepted in fulfillment of an agreement, a collective agreement.

Within the framework of contractual responsibility, the parties to an agreement or collective agreement have the right to empower the body of the social partnership system to apply agreed liability measures (sanctions), including monetary payments for non-fulfillment or late fulfillment of agreements or collective agreements.

The decision on bringing to responsibility is made by the relevant body of the social partnership system in accordance with the procedure established by the regulations on this body, and is formalized in a protocol.

If the property obligations of the party(s) are included in the agreement or collective agreement, then liability for non-fulfillment or improper fulfillment of these obligations may occur in accordance with the civil legislation of the Kyrgyz Republic. The other party(s) to the collective agreement have the right to demand the compulsory fulfillment of property obligations in court, unless the legislation of the Kyrgyz Republic provides for a different procedure for considering the dispute.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 28. Responsibility of the employer representatives

At the request of employee representatives, the employer (owner) is obliged to take measures provided for by the labor legislation of the Kyrgyz Republic to the head, through whose fault the terms of the agreement or collective agreement are not fulfilled.

(As amended by the Law of the Kyrgyz Republic dated [March 17, 2023 No. 60](#))

Article 29. Fulfillment of obligations under the agreement, collective agreement

Bringing to responsibility does not release the parties from fulfilling their obligations under the agreement or collective agreement.

Article 30. Entry into force of this Law

This Law comes into force from the moment of its official publication.

Published in the newspaper "Erkin-Too" dated August 1, 2003, No. 57

The Government of the Kyrgyz Republic should bring its regulatory legal acts into line with this Law.

President of the Kyrgyz Republic

A.Akaev

**Adopted
by the Legislative Assembly of the Jogorku
Kenesh of the Kyrgyz Republic**

June 5, 2003

The Law of the Kyrgyz Republic dated July 25, 2003, No. 154 "On social partnership in the field of labor relations in the Kyrgyz Republic"