

LAW OF THE KYRGYZ REPUBLIC

of October 16, 1998, No. 130

On Trade Unions

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(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Chapter I

General Provisions

Article 1. Trade Unions in the Kyrgyz Republic

Trade unions (professional unions) in the Kyrgyz Republic are voluntary public associations of citizens based on common interests related to their type of activity, both in the production and non-production sectors. They are established to protect the labor and socio-economic rights and interests of their members.

Article 2. Right to Join Trade Unions

Every citizen who has reached the age of fourteen and is engaged in labor

activities or studying at an educational institution, as well as pensioners, has the right to voluntarily establish trade unions and join trade unions at their discretion, provided they comply with the unions' statutes.

Trade unions may be established at enterprises, institutions, and organizations, regardless of the form of ownership, if they have three or more employees. Their representative bodies are committees or trade union organizers, elected at trade union meetings (conferences).

Article 3. Registration of Trade Unions, Their Associations, and Primary Trade Union Organizations as Legal Entities

The legal capacity of trade unions and their associations as legal entities arises from the moment of their state registration in accordance with the legislation of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 4. Independence of Trade Unions

Trade unions are independent in their activities and are subject only to the legislation of the Kyrgyz Republic. They are not accountable to or controlled by state authorities, employers, political parties, or other public associations. Any interference that may restrict the rights of trade unions or hinder the implementation of their statutory activities is prohibited unless otherwise provided by law.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 5. Prohibition of Discrimination Based on Trade Union Membership

Membership or non-membership in a trade union does not entail any restriction of labor, socio-economic, political, or personal rights and freedoms guaranteed by the Constitution of the Kyrgyz Republic. It is prohibited to make employment, promotion, or dismissal conditional on a worker's membership or non-membership in a trade union, or their decision to join or leave it.

Article 6. Reorganization, Termination of Activities, Suspension, Prohibition, and Liquidation of a Trade Union or Primary Trade Union Organization

The reorganization or termination of a trade union or primary trade union organization is carried out by decision of its members in accordance with the trade union's charter and the regulations of the primary trade union organization. The liquidation of a trade union or primary trade union organization as a legal entity is conducted in accordance with the legislation on the registration of legal entities.

If the activities of republican trade union associations contradict the [Constitution](#) and laws of the Kyrgyz Republic, they may be suspended for up to six months or prohibited by a decision of the Supreme Court of the Kyrgyz Republic based on a request from the Prosecutor General of the Kyrgyz Republic.

If the activities of territorial trade unions, their associations, or primary trade union organizations contradict the [Constitution](#) and laws of the Kyrgyz Republic, they may be suspended for up to six months or prohibited by a decision of the relevant local court based on a request from the prosecutor of the respective region, city, or district.

Article 7. Legislation on Trade Unions, Their Rights, and Guarantees of Their Activities

The legislation on trade unions, their rights, and guarantees of their activities consists of this Law, other laws, and other regulatory legal acts of the Kyrgyz Republic adopted in accordance with them.

The specifics of applying this Law in the Armed Forces, internal affairs bodies, national security bodies, and internal troops are determined by the relevant laws of the Kyrgyz Republic.

Article 8. Powers of Primary Trade Union Organizations

The powers of primary trade union organizations are determined by the legislation of the Kyrgyz Republic, trade union charters, collective agreements, and agreements concluded between trade unions and employers.

Primary trade union organizations and their representative bodies operate under the charter of republican, inter-union, territorial, or sectoral trade union associations.

Chapter II

Fundamental Rights of Trade Unions

Article 9. Rights of Trade Unions in Protecting Workers' Labor Rights

Trade unions protect their members' rights to labor, participate in the development of state employment policy, exercise public control over employment conditions, and monitor compliance with labor and employment legislation in the Kyrgyz Republic. They also propose measures for the social protection of employees laid off from enterprises, as determined by collective agreements and agreements based on legislation.

Changes in ownership, liquidation, reorganization of an enterprise or its structural subdivisions, full or partial suspension of production initiated by the employer, owner, or authorized management body, leading to job reductions or worsening working conditions, can only be implemented with at least three months' prior notice to the relevant trade unions and after negotiations with them to ensure workers' rights and interests.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 10. Termination of Employment Contracts at the Request of a Trade Union Body

At the request of a trade union body, an employer must terminate the employment contract of an official of a state enterprise or remove them from their position if they violate labor laws or fail to fulfill obligations under a collective agreement.

If labor law violations or infringement of workers' labor rights are committed by an employer or an official of an enterprise of non-state ownership, they may be suspended from their position for up to six months at the request of the trade union body.

A trade union body's demand for termination of an employment contract or suspension from a position can be appealed by the official or employer to a higher trade union body within ten days, whose decision is final.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 11. Trade Union Rights in Negotiations and Collective Agreements

Trade unions serve as a social partner in labor and socio-economic relations with state authorities, local self-government bodies, employer associations, and employers (or their representatives).

Trade unions and their bodies have the right to negotiate with the employer's administration, owner, or authorized management body and conclude collective agreements on behalf of employees at the national, sectoral, and territorial levels, as well as monitor their implementation.

Trade unions protect labor, socio-economic rights, and the legal interests of their members by concluding:

- General agreements between the Federation of Trade Unions of Kyrgyzstan, the Government of the Kyrgyz Republic, and employer associations.
- Agreements between republican sectoral trade unions and ministries, agencies.
- Agreements between territorial trade union associations, employers, and local executive authorities.
- Collective agreements with employers.

Agreements and collective agreements have binding legal force for enterprises, organizations, and institutions, regardless of ownership, within the relevant territory or sector, as well as for financial-industrial groups, transnational corporations, and enterprises with foreign capital.

Trade unions have the right to negotiate with other representative bodies of workers at enterprises and to distribute their informational materials.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 12. Trade Union Rights in Social Protection of Citizens

Trade unions' rights in protecting citizens' rights in the fields of labor conditions and wages, occupational safety, housing conditions, social insurance, health care, and cultural interests of workers, as well as pension provisions, are regulated by the relevant legislation of the Kyrgyz Republic.

Republican and territorial trade union associations, as well as primary trade union organizations, within their competence, participate in developing social and economic protection measures, determining key living standard criteria, and setting compensation levels based on price index changes. They also monitor compliance with the legally established minimum living wage, pensions, scholarships, and benefits, and have the right to file lawsuits against violators of social rights.

Article 13. Trade Union Rights in Social Insurance, Social Security, and Health Protection

Trade unions participate in managing funds allocated for workers' and their families' social insurance on principles of equality and exercise public oversight over the activities of social security, social insurance, and health care bodies in the Kyrgyz Republic.

Article 14. Trade Union Rights in Monitoring Compliance with Labor Legislation

Trade unions have the right to monitor employer compliance with labor and employment legislation, enforce collective agreements, and demand the elimination of identified violations. The employer must consider the trade union's proposals for correcting violations or canceling illegal decisions and report the results within one month.

To oversee compliance with labor laws and occupational safety, trade unions establish legal and technical labor inspection services, which have equal rights with the state labor inspection and operate under regulations approved by the Federation of Trade Unions of Kyrgyzstan.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 15. Trade Union Rights in Privatization and Corporatization of State Property

Trade unions and their bodies have the right to appoint representatives to commissions on privatization of state property, including social infrastructure, established within the government structures and their representative bodies.

Trade unions can demand that business partnerships and company boards comply with the legal rights and social guarantees of labor collective members. They also have the right to file lawsuits against employers who violate workers' rights.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 16. Trade Union Rights in Labor Dispute Resolution and Protecting Members' Interests

Trade union representatives participate on an equal basis in labor dispute resolution bodies and take part in resolving labor disputes in accordance with labor legislation.

To protect the socio-economic, labor, housing, and other rights of their members, trade unions establish legal services and provide consultations.

Article 17. Trade Union Rights in Managing State and Industrial Affairs in Social and Labor Issues

Trade unions participate in developing state socio-economic policies and drafting labor and social legislation as equal social partners in the tripartite system.

Trade unions have the right to propose the adoption, amendment, or repeal of legislative and regulatory acts on labor and socio-economic issues.

Trade unions may nominate their representatives for election to other representative bodies and participate in the management of enterprises.

They also have the right to engage in intergovernmental agreements on migration, employment, labor, pricing, and social security.

Article 18. Trade Union Rights to Information

To carry out their statutory activities, trade unions have the right to receive, free of

charge and without obstacles, information from employers and state authorities on labor and socio-economic development issues.

Trade unions have the right to publicize their activities in the media, establish their own media outlets, conduct sociological research, and create informational, educational, and research centers.

Trade union representatives may freely visit enterprises and workplaces where their members work to fulfill statutory tasks and exercise their rights.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 19. Trade Union Rights to Organize and Conduct Meetings, Rallies, Demonstrations, and Strikes

Trade unions have the right to organize and conduct meetings, rallies, demonstrations, strikes, and other collective actions to protect their members' interests, in accordance with the legislation of the Kyrgyz Republic and trade union charters.

Article 20. Representation of Workers' Interests in Court

Trade unions have the right to represent their members' legal rights and interests in court at any stage of legal proceedings.

Chapter III

Guarantees of Trade Union Rights

Article 21. Guarantees of Trade Union Property Rights

Trade unions own, use, and dispose of property and financial resources belonging to them as their property, necessary for carrying out their statutory activities. Trade union property is not subject to privatization.

Trade unions, in accordance with their statutory goals and objectives, have the right to establish trade union banks, insurance, cultural, and educational funds, as well as conduct foreign economic, sanatorium, tourism, and sports activities, in the manner prescribed by law.

Trade unions are not liable for the obligations of state, economic, cooperative, and other public organizations, which, in turn, are not liable for the obligations of trade unions.

The sources, procedure for forming, and use of trade union budget funds are determined by trade union charters and collective agreements.

Trade union financial activities are carried out in accordance with their charters.

Article 22. Guarantees for Elected Trade Union Officials

The dismissal of elected trade union committee chairpersons, committee members, and trade union organizers who are not exempt from their regular production work by the employer's initiative is allowed only with the consent of the higher trade union body, in addition to the general procedure for termination of an employment contract established by the Labor Code of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Article 23. Judicial Protection of Trade Union Rights

Judicial protection of trade union rights and their elected representative bodies is guaranteed.

Cases involving violations of trade union rights are reviewed by the court based on the submission of the prosecutor or on a claim or complaint filed by the relevant trade union body or primary trade union organization.

Article 24. Liability for Violating Trade Union Rights

Officials of state authorities and employers are subject to disciplinary, administrative, or criminal liability for violations of trade union legislation and their charters, in accordance with the legislation of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated [August 4, 2004, No. 105](#))

Chapter IV

Liability of Trade Unions

Article 25. Liability of Trade Unions

Trade unions and individuals in their governing bodies are liable under the legislation of the Kyrgyz Republic for violations of their obligations under collective agreements, agreements, or for organizing and conducting strikes that have been declared illegal by a court.

Chapter V

Final Provisions

Article 26. Entry into Force of This Law

1. This Law shall enter into force upon its publication.
2. The Government of the Kyrgyz Republic is instructed to bring its regulatory legal acts into compliance with this Law.

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

A.Akaev
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