

# Coronavirus:

## Guide for International Employers

*What's next?*

Our specialist employment lawyers from across the world have put together this Guide to help international employers navigate the key issues around keeping your employees safe and your business on the road in the time of coronavirus .



For example, working from home; what happens if an employee falls sick; dealing with national lockdowns in the countries to which this applies; and accessing much-needed government funds to keep businesses going.

**Our list of topics is as follows:**

- **Restrictions on daily life**
- **Resuming activity**
- **Data privacy and the use of apps**
- **Pay and leave**
- **Reduction of activity and restructuring**
- **Travel**
- **Discrimination**
- **Reporting to the authorities**
- **Emergency laws and the implications for businesses**

# Kazakhstan

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## 1 Restrictions on daily life

On 11 May, the state of emergency was officially terminated in Kazakhstan; however, in order to prevent the spread of coronavirus, restrictive quarantine measures have been partially preserved.

Major cities were placed under quarantine and they remain closed. No one can enter or leave them, except for the employees of organisations whose activities have been resumed and individuals leaving and entering cities for health purposes.

Shopping and entertainment centres, cinemas, theatres, exhibitions, religious sites and other mass gathering places are still prohibited. Universities, colleges and schools will keep on distance learning.

It is also forbidden to conduct performances, sporting, family, memorial and other public events.

## 2 Resuming activity

The restrictive quarantine measures were eased throughout the Kazakhstan territory starting 11 May. The main criterion for removing restrictions is the achievement of a coronavirus case rate growth of no more than 7% for seven days in a specific locality or region. Once this figure is achieved, citizens are allowed to:

- freely leave houses;
- visit parks, squares, public gardens and embankment areas without entertainment facilities;
- move among regions (air flights); and
- visit second homes.

The activities of organisations and enterprises beyond those essential services already permitted to open can also resume when these conditions are fulfilled, except for retail and entertainment centres, cinemas, theatres, exhibitions and religious facilities. Public transport, educational and remedial child centres can resume and 'watch groups' (alternating groups of no more than 15 children of the same age) are being organised at kindergartens.

Everyone must strictly comply with robust sanitary and disinfecting regime (wearing masks and gloves, temperature checks, use of disinfectants, etc.) and social distancing requirements.

## 3 Data privacy and the use of apps

To avoid any threat to the life and health of colleagues, an employee must warn you if he or she has symptoms of coronavirus. They must also tell you immediately if their health deteriorates.

Employers can send an employee for a medical check-up.

Information which includes personal data may only be transferred with the owner's consent and is protected by law. You cannot obtain any information about an employee's movements or activities (during off-duty hours) without his/her consent. Any illegal use of personal data attracts administrative and criminal liability.

## 4 Pay and leave

Sick employees, employees who were in contact with a sick employee and those who are in quarantine after arriving from high-risk countries, are provided with a work incapacity certificate with a state-guaranteed payment of up to 15 MCI (in 2020, 1 MCI or monthly calculation index is KZT 2,778 which is equal to approximately USD 6).

Individuals who have lost their income due to the state of emergency will be paid on a monthly basis at a minimum wage rate of KZT 42,500 (including employees who are on unpaid leave).

## 5 Reduction of activity and restructuring

### *Reduction of activity*

Kazakhstan labour legislation provides for the use of reasonable (or less costly)

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alternative working arrangements such as part-time work and remote (home-based) work, as well as temporary transfer to another position. In all workplaces, an additional agenda of measures should be adopted, including providing paid annual leave to employees forced to stay with their children during the forced vacation period and the payment of downtime (if alternative working arrangements prove inapplicable or insufficient) at a minimum wage rate of KZT 42,500 per month (approximately USD 100).

### **Restructuring**

In the event of significant deterioration of the employer's economic circumstances, it is possible to dismiss employees, paying them compensation not lower than one average salary per month.

### **6 Travel**

Kazakhstan renewed two international passenger flights to return Kazakhstan citizens to Kazakhstan and to allow foreign nationals to leave Kazakhstan (Atyrau-Amsterdam, Uralsk-Frankfurt), other directions are still suspended. Railway passenger transportation is also suspended.

Kazakhstan organises charter flights to repatriate its citizens who were abroad and wish to return. On 11 May, a flight was organised from Nur-Sultan and Almaty for foreign citizens wishing to leave Kazakhstan.

Domestic passenger flights which were suspended from the end of March have gradually reopened in key directions starting from 1 May. Flights will be carried out at a lower frequency and with fewer passengers, as well as with enhanced travel safety measures and sanitary standards.

### **7 Discrimination**

Kazakhstan prohibits any employment discrimination towards a worker if he or she contracts or is suspected to have contracted coronavirus.

### **8 Reporting to the authorities**

If you or one of your employees has information about possible or suspected coronavirus infection cases, you or they must notify the sanitary and epidemiological control authority.

### **9 Emergency laws and the implications for businesses**

To support the Kazakhstan economy during the crisis caused by the coronavirus epidemic and the reduction of oil prices, the Kazakhstan Government has adopted the following measures:

- To preserve food reserves, export of first priority goods has been banned.
- The Kazakhstan Government has allocated USD 14 billion for

combatting the coronavirus infection, reducing unemployment and providing support to entrepreneurs, including for other required measures.

- Entrepreneurs and individuals whose activities suffered the most from the introduced restrictions are temporarily exempted from taxes (property tax, land tax, excise tax, VAT, income tax and social payments).
- The list of 'backbone' enterprises that will receive state financial assistance is currently at the approval stage.
- An arrangement has been reached with second-tier banks on deferrals for credit payments by entrepreneurs and individuals (mortgage, consumer credits), and on extension of preferential credit to small-scale and medium-scale businesses.

### **10 Other points**

As of 11 May, Kazakhstan has 5279 confirmed coronavirus cases, 32 fatal, 2108 recovered.

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