



YULIYA CHUMACHENKO

Senior Partner, Head of Labor & Employment

AEQUITAS Law Firm

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Practice Areas

[Labor & Employment](#)
[Healthcare, Medicine
& Pharmaceuticals](#)
[Industry & Trade](#)
[Transport & Merchant
Shipping](#)

Languages Spoken

English, Russian

Professional Qualifications

Lawyer, Kazakhstan

Yuliya Chumachenko specializes in civil, contract, labor, antitrust, pharmaceutical and investment law. Before joining AEQUITAS in 1997, she worked as a civil law counselor to a number of companies.

According to the Legal 500 and Who's Who Legal, she is among Kazakhstan's best lawyers in the sphere of labor law.

Ms. Chumachenko possesses extensive expertise in the field of corporate and contractual relations, healthcare, securing of obligations, and personal data protection.

She is currently focusing on contract and labor law issues, deal structuring, and various matters related to the legal support of business in Kazakhstan.

Ms. Chumachenko is a respondent for the World Bank's Doing Business and Women, Business and the Law legislation monitoring programs.

Memberships

Kazakhstan Bar Association
Ius Laboris
TerraLex
International Arbitration Court (IAC)
International Arbitration "IUS"
Atameken Arbitration Center

Experience

1997-present AEQUITAS Law Firm – Senior Partner
1991-1997 Number of private companies – Civil law counselor

Education

1991 Kazakh State University, LLB, Kazakhstan

Awards / Recognition



[Leading Individual](#) in Tax and Customs (The Legal 500 2024); [Recommended Lawyer](#) in Commercial, Corporate and M&A; Tax and Customs (The Legal 500 2024);

[Recommended Lawyer](#) in Labor & Employment (WWL 2023);

[Notable practitioner](#) in Labor & Employment (AsiaLaw Profiles 2023/24)

"Yulia Chumachenko is a great lawyer. I hope there will be some new projects with her and the team in the field of pharmaceutical/corporate law".

The Legal 500 2023

"Yulia Chumachenko proved to be extremely responsible performer, she was always in touch and explained all the ways to solve our issue as clearly as possible".

The Legal 500 2023

"Great communicator and a trusted partner."

AsiaLaw Profiles 2020

Representative Projects

Labor & Employment

- Advice to and representation of a large Russian company in a labor dispute against the head of its structural subdivision in Kazakhstan.
- Advice to a number of major companies regarding migration law issues and foreign labor engagement procedure in Kazakhstan.
- All-round labor-relevant legal support to a world's top 10 pharmaceutical company, which involved comprehensive legal assistance in the complex process of changing the local subsidiary management, including settlement of disputable relationships with former executive officers; drafting of customized HR documentation; preparation of a package of documents to conduct a closed auction for the company employees to purchase the corporate cars; legal support in the temporary appointment of the company's chief executive officer; notifications to governmental agencies; advice regarding different benefits, bonus plans, employee repatriation, housing, etc.
- Advice to service and pharmaceutical companies and international organizations on a wide range of staff-related and production issues in connection with the introduction in Kazakhstan of the state of emergency and the self-isolation regime in light of the COVID-19 spread, including drafting of the required documents legalizing the transition of employees to remote work under the conditions of a complicated legal and production situation emerging in the country for the first time.
- Advice to a major pharmaceutical company concerning the legitimacy of applying the telemetry means by the employer to track location of the company car transferred to an employee for use; elaboration of recommendations on how to mitigate the risks associated with qualification of such employer's actions as the collection of information about the employee's personal life and violation of his/her constitutional right to privacy, and as a method to collect and process the employee's personal data.

- Conducted a seminar for major refining companies concerning the introduction of a new accounting system for employment contracts on the website of the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan, elaboration of practical recommendations (step-by-step instructions) on introduction of data on labor relations with each employee into the unified system, and conclusion of employment contracts in the electronic form.
- Conducted a seminar dedicated to complex matters associated with substitution of employees and resolution of different related issues for a Kazakh subdivision of a large US company, which involved drafting of model custom-made documents on a range of labor issues, review of significant problems and risks and the ways to settle issues related to the local labor law application.
- Regular advice to a leading US food products trading company on employment agreements execution and adoption of different employer's acts; advised and represented the company in litigation over a labor dispute against its sales manager.
- Advice to a number of large foreign companies regarding management change procedure at local subsidiaries and structural subdivisions (branches/representative offices) complicated by conflicts with the executives whose powers were being terminated; comprehensive legal support in the management change process, including drafting and customization of the required (corporate, employment, etc.) documents, notification to the authorized state agencies and organizations of the Republic of Kazakhstan regarding the change of management; negotiations, on client's behalf and instructions, with the former executives regarding the terms and conditions of their labor relations termination, failing to reach agreement on which advising on other possible options to terminate the former executives' labor relations; employer representation in court where the former executives challenged the justifiability of their labor relations termination.
- Advising major pharmaceutical companies regarding employment relations regulation in Kazakhstan, including issues of appointment and competence of employee representatives; additional payments to employees residing in environmental disaster areas; hiring of a foreign employee; employment of disabled persons; limitations on ex-government officials employment at commercial organizations; specifics of labor relations termination for special categories of employees, including employees bringing up children without a mother and employees forfeiting the Republic of Kazakhstan citizenship; application to employers of the regional agreements among trade unions, the executive authority and the National Chamber of Entrepreneurs; employee occupational safety and other training; adaptation of the standard employment agreements and various employer's acts globally used by the corporate clients' subdivisions to meet the local peremptory legislative requirements; and drafting of a set of mandatory documents required to comply with the personal data protection requirements.
- Advice to a number of major companies located in Almaty on the matters involving social partnership at a regional level, including via signing the memorandum of understanding among the Akim's office, the employer and the association of trade unions concerning cooperation to stabilize manufacturing processes and ensure employees' labor rights and employment.
- Advice to a service company on diverse labor law issues, including cumulative work time accounting, work on rotation, participation of employee representatives in labor relations, procedure for making withholdings from employee salaries in connection with alimony payments subject to the existing contradictions in the regulatory legal acts of different levels and the current law-application practice, drafting of employment

agreements for different categories of employees and analysis of the company's HR documents.

- All-round jobs displacement-related legal support to the local representative office of a major UK company providing independent expert review and certification services, including company representation in court to settle labor disputes.
- Advice on a range of matters and legal support in the process of staff reduction and termination of labor relations with employees by agreement of the parties for a local representative office of a large transnational pharmaceutical company.
- Preparation of a special corporate pension plan for the employees of the local representative office of a major foreign company.
- Legal support in the process of setting up at a number of companies a standing body for pre-trial review of labor disputes (conciliation commission), including drafting of the documents required for the conciliation commission to be set up and function properly.
- Advising foreign law firms and a large service company on labor matters relating to global reorganization of its business affecting subdivisions in Kazakhstan, including legal implications and possible risks arising in connection with the labor relations due to change of the employer company name, reissue of the powers of attorney confirming the employee official powers and amendment of labor documents, transfer of employees to another employer, coordination of the reorganization process with the trade union organization and other representative bodies of the labor collective, and other matters.
- Conducting seminars dedicated to the complex issues of legal regulation over labor and labor-related relations in connection with the adoption of the 2015 Labor Code of the Republic of Kazakhstan and the 2017 revisions to the legislation on foreign labor engagement and migration legislation, including: review of the Kazakh labor legislation and the law-application practice (including judicial practice) relevant to problem issues; analysis of client-simulated disputable situations; review of material problems and risks and the methods to resolve the problems associated with the application of the revised Kazakh labor legislation.
- Advising Ius Laboris, an alliance of world's leading HR law firms, on various local law matters, including issues of introduction of incentivizing programs at local subdivisions of foreign companies and partner company's employee training programs (X-Sell Partner Programme) and adaptation of such programs to the Kazakh legislation accompanied by pertinent risks evaluation; issues of corporate officer liability in cases of advertising information dissemination at a private event in violation of the relevant statutory requirements; different aspects of applying flexible work time regime introduced by an electronic payment systems company, taking into account the peculiarities of Kazakhstan legislation; issues of personal data protection in the context of a UK company's joint project with the Ministry of Finance and Ministry of Education to establish in Kazakhstan an educational center for auditor professional skills improvement, and ormalization of labor relations with the company representatives; various aspects of labor relations in connection with the appointment of a company employee to the position of a member of the management body in accordance with the Kazakh legislation; issues of office vehicles provision to employees and compensation for costs to employees using personal vehicles for official purposes.

Healthcare, Medicine & Pharmaceuticals

- Advice to a large pharmaceutical company on the issues of pharmaceutical activities regulation in Kazakhstan, including advertising, marking (labeling), certification and

registration of medicines, medical products and medical equipment; permitted methods and scenarios for healthcare and pharmaceutical professionals to participate in the promotion and different marketing events; lawfulness of supporting the users of medical products in the territory of the Republic of Kazakhstan via a foreign call-center ("telephone hotline"); forming the conditions of access to a pharmaceutical company's website and its use by the website visitors subject to the requirements of the Republic of Kazakhstan's legislation governing informatization, intellectual property protection, personal data protection and healthcare; issues of building contractual relations with pharmacy chains (on a merchandising-like basis); criminal and administrative liability and the current practice of sanctions against statutory violations; destruction of medicines, pharmacovigilance, and local compliance review of standard operating procedures.

- Advising a large pharmaceutical company on the protection of intellectual property rights (patent rights) to medicines in the Republic of Kazakhstan; integrated analysis of the issues of conducting clinical trials in Kazakhstan with a focus on the specifics of such trials under the national legislation of the Republic of Kazakhstan, supranational legislation of the EAEU and applicable international rules of appropriate pharmaceutical practices, including comparative analysis of clinical trials against observational studies; legal platform for the charitable-and-trial use of medicines intended for the prevention and treatment of the socially significant and orphan diseases; procedure for collecting and exporting genetic samples; procedure for the collection and storage of personal and other data during clinical trials; peculiarities of agreement between the parties to clinical trials (clinical base, investigator, sponsor, subject and customer) existent in practice in Kazakhstan.

Legal Support of Business

- Comprehensive audit (inventory-taking) of all contracts of a major pharmaceutical company, including preparation of the contracts spreadsheet and their classification; work with current contracts; drafting of distributor agreements and model agreement drafting recommendations, namely, review and adjustment of agreements with a view to execute and/or extend them; preparation of letters to counterparties and drafting of supplementary agreements to contracts in connection with their termination, renegotiation or withdrawal therefrom; legal support in the process of contracts and supplementary agreements approval and signing; meetings, telephone conversations and correspondence with counterparties.
- Ongoing advice to a leading US oil company on contract execution matters.
- General overview of Kazakhstan's legislative regulation broken down by the possible forms of business organization and doing business (including hire of employees without forming a structural subdivision or subsidiary, execution of agency agreements with individuals, personnel lease contracts with recruiting agencies, etc.) at the initial preparatory stage (marketing studies, meetings with potential clients, negotiations, etc.) for the purposes of promoting the company's equipment in the territory of the Republic of Kazakhstan, identifying the appropriate measures to mitigate the legal risks.
- Advice to a major Russian company on the issues of movable and immovable property transfer in the framework of the company's business restructuring project in Kazakhstan.

Due Diligence

- Due diligence of a number of Kazakh companies (subsoil users and "resource-related" companies providing oil transportation by sea, a large pharmaceutical company, a large transportation company, and companies active in the restaurant business) in

connection with alienation of participation interests/shares in favor of foreign companies.

- Due diligence of a large pharmaceutical company for the purposes of obtaining a loan from an international financial organization.

Publications

- Chumachenko Yu. Global HR Law Guide – Kazakhstan chapter // Ius Laboris. – September 2023
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – September 2023
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – February 2023
- Chumachenko Yu. ‘Satellite employees’ – a checklist for hiring employees globally – Kazakhstan chapter // Ius Laboris. – October 2022
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – September 2022
- Chumachenko Yu. Equal pay day 2022: what’s happening with the gender pay gap? – Kazakhstan chapter // Ius Laboris. – September 2022
- Chumachenko Yu. Making pension scheme governance more diverse and inclusive – Kazakhstan chapter // Ius Laboris. – July 2022
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – July 2022
- Chumachenko Yu. Top 11 employment provisions in M&A agreements – Kazakhstan chapter // Ius Laboris. – May 2022
- Chumachenko Yu. How ‘ESG’ is your HR practice? – Kazakhstan chapter // Ius Laboris. – April 2022
- Chumachenko Yu., Chumachenko A. Key ESG questions answered – Kazakhstan chapter // Ius Laboris. – April 2022
- Chumachenko Yu. Help for Ukrainians outside the EU – Kazakhstan chapter // Ius Laboris. – March 2022
- Chumachenko Yu. Fall ‘commuting’ to home office an occupational accident in Germany – Kazakhstan chapter // Ius Laboris. – March 2022
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – February 2022
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – December 2021
- Chumachenko Yu. On-site work in Kazakhstan: what are the current rules? // Ius Laboris. – October 2021
- Chumachenko Yu. Introducing ‘trust-based leave’ in Germany – plus views from other countries – Kazakhstan chapter // Ius Laboris. – October 2021
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – October 2021

- Chumachenko Yu., Chumachenko A., Alexeyev A. Kazakhstan Chapter: Employment 2021 Global Practice Guide // Chambers and Partners – September 2021
- Chumachenko Yu. Trade union responses to the COVID pandemic – Kazakhstan chapter // Ius Laboris. – August 2021
- Chumachenko Yu., Alexeyev A. The COVID Guide for International Employers–Kazakhstan chapter // Ius Laboris. – August 2021
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – June 2021
- Chumachenko Yu. Can employers in Belgium and beyond ban the wearing of a headscarf? – Kazakhstan chapter // Ius Laboris. – May 2021
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – February 2021
- Chumachenko Yu., Reduced pension and social insurance contributions for IT companies in Russia: who qualifies? – Kazakhstan chapter // Ius Laboris – January 2021
- Chumachenko Yu., Khamidullina Y., Alexeyev A. COVID-19: How and where to work Guide for International Employers– Kazakhstan chapter // Ius Laboris. – February 2021
- Chumachenko Yu., Chumachenko A. Global HR Law Guide – Kazakhstan chapter // Ius Laboris. – January 2021
- Chumachenko Yu. Workplace harassment: a legal perspective from Russia and beyond // Ius Laboris. – December 2020
- Chumachenko Yu., Alexeyev A. Data Protection Compliance in the CIS and neighboring countries: Top 10 Frequently Asked Questions // ALRUD. – November 2020.
- Chumachenko Yu., Alexeyev A. COVID-19: Guide for International Employers–Kazakhstan chapter // Ius Laboris. – November 2020
- Chumachenko Yu. Immigration and Global Mobility Update – Kazakhstan chapter // Ius Laboris. – October 2020
- Chumachenko Yu., Alexeyev A. COVID-19: back to work – guide for international employers in Kazakhstan // Ius Laboris. – September 2020
- Chumachenko Yu., Alexeyev A. Coronavirus: guide for international employers in Kazakhstan // Ius Laboris. – May 2020
- Chumachenko Yu. New travel, quarantine and state support measures introduced in response to coronavirus in Kazakhstan // Ius Laboris. – March 2020
- Chumachenko Yu. Coronavirus: travel restrictions and precautions for employers in Kazakhstan // Ius Laboris. – February 2020
- Chumachenko Yu. Severance Pay: Kazakhstan chapter // Ius Laboris. – December 2019
- Chumachenko Yu. An international view on video surveillance of employees. Kazakhstan chapter // Ius Laboris. – November 2019
- Chumachenko Yu. Kazakhstan – What's new in employment law in 2019 // Ius Laboris. – January 2019

- Chumachenko Yu. Kazakhstan's code to reform its healthcare system // PharmaBoardroom. – October 2018
- Chumachenko Yu. Revised State Control and Supervision Procedure: a Guide on Inspections for Businesses // Petroleum. – 2018. – No. 5.
- Chumachenko Yu. Secondment in Kazakhstan: Has the New Labor Code Legalized It? // Petroleum. – 2016. – No. 4.
- Chumachenko Y. Leased Labor in Kazakhstan: Has the New Labor Code Legalized It? // Legal 500. – 2016.
- Chumachenko Y., Yemelyanova L. The New Labor Code: Notes on the Margins // Investors Voice. – 2015. – No. 66.
- Chumachenko Yu., Badenko Yu. Increased Penalties and Fines for Labor Violations under New Criminal Code of the Republic of Kazakhstan // ABA Section of Labor and Employment Law / International Labor & Employment Law Committee Newsletter. – 2015. – March.
- Chumachenko Yu., Chumachenko A. New Kazakhstan's Law on Trade Unions: What Is of Importance for Employers. // Oil & Gas of Kazakhstan. – 2014. № 5. – c. 155–161.
- Chumachenko Yu., Chumachenko A. Specifics of Medical Goods and Services Advertising in the Light of Kazakhstan's Latest Legislative Changes. – 2014. – June.
- Chumachenko Yu., Chumachenko A. Specifics of Medical Goods and Services Advertising in the Light of Kazakhstan's Latest Legislative Changes. – 2014. – June.
- Chumachenko Yu. New Rules Implemented under Personal Data Legislation. // ABA Section of Labor and Employment Law / International Labor & Employment Law Committee Newsletter. – 2014. – April.
- Chumachenko Yu., Labor Immigration in Kazakhstan. // European Regional Forum News. Newsletter of the International Bar Association Legal Practice Division. – 2013. № 13. – p. 32–34.
- Chumachenko Yu., Chumachenko A. Recent Amendments to the Migration Legislation of the Republic of Kazakhstan. // Petroleum. – 2013. – №5.
- Chumachenko Yu., Sholanov N. Amendments in the Legislation of the Republic of Kazakhstan on the Issues of Social Security and Pension Support. // Entrepreneur and Law. – 1999. – № 10–11. p. 16–18.
- Chumachenko Yu. Legal Problems of the System of State Security. // Entrepreneur and Law. – 1999. – № 7. p. 15.
- Chumachenko Yu. Kazakhstan Law on Normative Legal Acts. // Entrepreneur and Law. – 1998. – № 7–8. p. 8–9.

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