



**AIFC EMPLOYMENT
AMENDMENT REGULATIONS 2019**

AIFC REGULATIONS No. 30 of 2019

**July 9, 2019
Nur-Sultan, Kazakhstan**



CONTENTS

PART 1: GENERAL

- 1. Name**
- 2. Commencement**
- 3. Legislative authority**
- 4. Interpretation**

PART 2: AMENDMENTS OF AIFC EMPLOYMENT REGULATIONS 2017



PART 1: GENERAL

1. Name

These Regulations are the *AIFC Employment Amendment Regulations 2019*.

2. Commencement

These Regulations commence on 10 July 2019.

3. Legislative authority

These Regulations are adopted by the Governor under paragraph 3 of article 4 of the Constitutional Statute and subparagraph 3) of paragraph 9 of the Management Council Resolution on AIFC Bodies.

4. Interpretation

Terms used in these Regulations have the same meanings as they have, from time to time, in the AIFC Employment Regulations, or the relevant provisions of those Regulations, unless the contrary intention appears.



PART 2: AMENDMENTS OF AIFC EMPLOYMENT REGULATIONS 2017

5. This Part amends the *AIFC Employment Regulations 2017*.
6. In section 18 (Pay days) –
 - (a) omit subsection (2), substitute:

“(2) The Basic Pay during a year must be calculated taking into account the total number of Business Days in the year.”;
 - (b) omit subsection (4), substitute:

“(4) The Employee’s Basic Pay for a Pay Period (other than any pay for vacation leave) must be paid within 5 Business Days after the end of the Pay Period.”;
 - (c) after subsection (4) insert:

“(4A) The Employee must be paid vacation leave pay for any vacation leave no later than 5 Business Days before the day the vacation leave starts.”;
 - (d) omit subsection (5), substitute:

“(5) For these Regulations, an Employee’s Daily Wage during a year must be calculated taking into account the total number of Business Days in the year.”.
7. In section 27 (Vacation leave) –
 - a) omit subsection (1), substitute:

“(1) Subject to section 30, an Employee is entitled to paid vacation leave for a minimum period of 20 Business Days per year or, if the Employee is entitled to vacation leave for a longer period under the Employee’s Contract of Employment, for that longer period.”;
 - b) omit subsection (4), substitute:

“(4) An Employer must allow an Employee who is entitled to vacation leave to take it in periods of 3 Business Days or more.”.
8. In section 29 (Taking vacation leave) –
 - (a) omit subsection (1), substitute:

“(1) If an Employee wishes to take vacation leave, the Employee must give the Employer at least 5 Business Days prior written notice, specifying the days on which leave is to be taken. The Employee’s entitlement to take vacation leave on those days is subject to any requirement imposed by the Employer under subsection (2).”;
 - (b) omit subsection (2), substitute:

“(2) An Employer may require an Employee to take vacation leave on specified days by giving at least 15 Business Days prior written notice to the Employee.”.



9. In section 32 (Entitlement to leave on National Holidays) –
- (a) omit subsection (1), substitute:

“(1) An Employee is entitled to leave on National Holidays that fall on the days of the week normally regarded as Business Days.”
 - (b) omit subsection (2);
 - (c) renumber subsection (3) as subsection (2).
10. Omit section 37(1) (Maternity leave), substitute:
- “(1) An Employee is entitled to maternity leave for a minimum period of 12 months. The Employee’s Contract of Employment may provide for the minimum period of maternity leave to be extended.”.
11. In section 40 (Right to return to work) –
- (a) omit the section heading, substitute:

“40. Right to return to work and feeding breaks”;
 - (b) omit subsection (2), substitute:

“(2) An Employee on maternity leave is entitled to return to work:

 - (a) at the end of the maternity leave; or
 - (b) earlier, with prior written notice of at least 1 month to the Employer (or any shorter period of notice that the Employer agrees to accept).

The Employee is entitled to return to the same role, or a suitable alternative role, on the same terms and conditions, and with same seniority rights, that she would have had if she not taken the maternity leave.”.
 - (c) after subsection (3), insert:

“(4) If a female Employee is caring for a child (or children) younger than 18 months old, the Employee is entitled to feeding breaks of 30 minutes in every 3 working hours. The Employee is entitled to be paid at 100% of the Employee’s Basic Pay for the feeding breaks.”.
12. Omit section 63 (Pension for Kazakhstan nationals), substitute:
- “If an Employee is a Kazakhstan National, the Employer must enrol the Employee in the Employer’s Kazakhstan pension scheme in accordance with the legislation of Kazakhstan.”.
13. Omit section 64(3) (End-of-service gratuity), substitute:
- “(3) The daily rate for the Employee’s Basic Pay is calculated by reference to the Basic Pay payable to the Employee by the Employer as at the date of termination of the Employee’s employment.”.



AIFC EMPLOYMENT AMENDMENT REGULATIONS 2019

14. In section 1 (Definitions) of SCHEDULE 1: INTERPRETATION, omit definition of “Business Day”, substitute:

“Business Day, for an Employee of an Employer, means a normal business day for the Employer other than National Holidays as defined in the Employee’s Contract of Employment”.
15. In section 1 (Definitions) of SCHEDULE 1: INTERPRETATION, after definition of “Processing” insert:

“Vacation pay means the daily wage payable during the vacation leave.”.