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INSTITUTIONAL FEATURES OF REGULATION OF NON-STANDARD EMPLOYMENT IN KAZAKHSTAN

The employment problem acquires the character of flexibility under the influence of the adaptation of the market economy, transforming into various forms of employment. Non-standard forms of employment have become the total definition of this phenomenon. This term is already consistently entered into the era of post-industrial economy in developed countries in the 1970s. Under the influence of constantly changing conditions, the post-industrial era issues new labor relations. This article is devoted to the nonstandard employment of Kazakhstan. There are legal regulation, legislative aspects: independent, distance, home, temporary employment and work of disabled people (working hours). The issues of productive and unproductive employment are covered. The article examines the peculiarities of the legislation about employment protection, where considers the balance of labor protection rigidity, and the degree of flexibility of labor legislation, thus, the balance of labor laws determines the number of unemployed who, in turn, lead to non-standard forms of employment. Examined utterance of self-employment in Kazakhstan and the different approach of state bodies to this phenomenon. The aspects of social insurance and granting of benefits for loss of work in the Republic of Kazakhstan were studied. Legislative moments of registration of individual entrepreneurship have been studied. The procedure for registering the unemployed in the employment center. Foreign experience It is given mainly in Germany, where questions of employment of elderly people on non-permanent work are covered. The study of non-standard forms of employment is limited to surface assessments, which are largely due to the diversity of forms of employment, therefore it is required to improve the methodological basis for determining the scope of this phenomenon and his dynamics.

Key words: self-employment, temporary employment, unproductive employment, productive employment, part-time employment.

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Қазақстандағы стандартты емес жұмысбастылықты институционалдық реттеудің ерекшеліктері

Жұмыспен қамту мәселесі оның әртүрлі нысандарына трансформациялана отырып, нарық шаруашылығына бейімделген. Жұмыспен қамтудың бейстандартты нысандары бұл құбылыстың жинақы анықтамасына айналған. Бұл анықтама 1970 жылдардың орта тұсында дамыған елдердің постиндустриалдық экономикасы дәуірінде айналысқа енген. Ұдайы өзгеріп отыратын жағдайлардың ықпалымен постиндустриалдық дәуір экономикасы жаңа еңбек қатынастарын пайда етеді.

Мақала Қазақстандағы бейстандартты жұмыспен қамту ерекшеліктеріне арналған: мүгедектерді дербес, қашықта, үйде, уақытша жұмыспен қамту және еңбек етуін (жұмыс уақытының ұзақтығы) құқықтық реттеу, заңи қырлары. Өнімді және өнімсіз жұмыспен қамту мәселесі көтерілген. Мақалада жұмыспен қамтуды қорғау туралы заңнама ерекшеліктері баяндалады, еңбекті қорғаудағы қатандық балансы, еңбек заңнамасының икемділігі қарастырылған. Демек, жұмыссыздар саны, жұмыспен қамтудың бейстандартты нысандарына әкеп соғатын факторлар еңбек заңнамасының тепе-теңдігіне байланысты болады. Қазақстандағы дербес жұмыспен қамту-

дың анықтамасы, сол сияқты осы құбылысқа мемлекеттік органдардың әртүрлі көзқарастары баяндалады. Әлеуметтік сақтандырудың қырлары мен жұмыстан айырылуына байланысты жәрдемақы төлеу мәселесі қарастырылған. Жеке кәсіпкерлікті тіркеудің заңи моменттері де айқындалады. Жұмыссыздарды тіркеу процедуралары сипатталады. Шетелдік тәжірибе де келтірілген, атап айтқанда, Германия тәжірибесі. Мұнда кәрі адамдардың тұрақсыз жұмысқа орналастыру мәселесі баяндалады. Жұмыспен қамтудың бейстандартты нысандарын зерттеу үстіртін баға берумен шектеледі, өйткені мұндай нысандардың көптігі бұл құбылыстың ауқымын анықтау және динамикасын анықтау бойынша әдістемелік негіздерді жетілдіруді талап етеді.

Түйін сөздер: өзін-өзі жұмыспен қамту, уақытша жұмыспен қамту, өнімсіз жұмыспен қамту, өнімді еңбек, толық емес жұмыс уақыты.

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Институциональные особенности регулирования нестандартной занятости в Казахстане

Проблема занятости приобретает характер гибкости под воздействием адаптации рыночного хозяйства, трансформируясь под различные формы занятости. Собираетельным определением данного явления стали нестандартные формы занятости. Данное определение уже прочно вошло в эпоху постиндустриальной экономики в развитых странах в середине 1970 гг. Под воздействием постоянно изменяющихся условий постиндустриальная эпоха выдает новые трудовые отношения. Данная статья посвящена особенностям нестандартной занятости в Казахстане: правовое регулирование, законодательные аспекты: самостоятельной, дистанционной, надомной, временной занятости и труда инвалидов (продолжительность рабочего времени). Освещены вопросы продуктивной и непродуктивной занятости.

В статье исследованы особенности законодательства о защите занятости, где рассмотрен баланс жесткости защиты труда и степень гибкости трудового законодательства. Таким образом, от равновесия законов труда зависит количество безработных, которые в свою очередь, ведут к нестандартным формам занятости. Рассмотрена трактовка самостоятельной занятости в РК и разные подходы государственных органов к данному явлению. Изучены аспекты социального страхования и выдачи пособий по утере работы в РК. Изучены законодательные моменты регистрации индивидуального предпринимательства. Процедура регистрации безработных в центре занятости. Приведен зарубежный опыт, в частности Германии, где освещены вопросы занятости пожилых людей на непостоянной работе. Изучение нестандартных форм занятости ограничивается поверхностными оценками, которые в значительной степени обусловлены многообразием форм занятости, следовательно требуется совершенствовать методические основы определения масштабов этого явления и его динамики.

Ключевые слова: самозанятость, временная занятость, непродуктивная занятость, продуктивная занятость, неполная занятость.

Introduction

The world market is in a phase of post-industrial development. Accordingly, there are global changes in the labor market happening. "The face of employment" began to acquire the flexibility character under the influence of the market economy adaptation, transforming into various forms of employment.

The labor market adapts constantly under the influence of supply and demand, and flexibility is the factor of adaptation. It is flexibility that causes a variety of employment forms. There is a trade-off in the labor market between employers and employees. It is common to combine and treat various flexible forms of employment as a non-standard form of employment (hereinafter referred to as the NSFE).

The labor legislation of different countries adapts the labor code under the influence of the growth of factors affecting non-standard forms of employment (level of scientific and technological progress, migration of labor, increasing competition, etc.). Finding a compromise between hard labor legislation and a "flexible" one is a key factor in finding the interests of both employers and workers in the labor market. It should be noted that the flexibility of labor legislation reduces the level of social protection of workers employed permanently.

Materials and methods. The theoretical and methodological basis for researching non-standard forms of employment is legislative and scientific literature, as well as periodicals containing the main features of non-standard forms of employment.

The information base of the research was domestic and foreign methodological materials, official information of the Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan, and data published in the materials of the periodical press.

Literature review. The era of post-industrial development provoked the activation of the non-standard forms of employment development, and the intensification of this process attracted the attention of the academic world. In the process of research, scientific works of foreign scientists on problems of non-standard employment were analyzed: V. Gimpelson, R. Kapelyushnikov, E.V. Maslova, M. Lushnikova, etc.

At the same time, the study of the NSFE and the development of proposals for regulating this phenomenon in Kazakhstan are characterized by the peculiarities of most countries staying at the stage of formation. Local authors engaged in the study of NSFE and carrying out researchers: T.P. Pritvorova, D.E. Bektleyeva, Zh.A. Kulekeyev, A. Zhusupova, V. Skala, N. Kaygorodova, etc.

Results and discussion. Considering the legislative regulation of the labor market, we cannot fail to note the emergence of non-standard forms of employment. This process is happening due to the fact that the formation of a post-industrial economy inevitably leads to the need to strengthen the flexibility of the legislative labor market.

Changes in the post-industrial economy has led to the growth of information technology, the segmentation of standard employment began to lose its place in the economy, transformational changes required a more flexible approach in the sphere of labor relations. (Piore M.1986: 17).

The difference between standard employment and NSFE is the presence of a full working day, an indefinite labor contract, a social security system, the availability of leave, etc. (Kalleberg A. 2000: 360).

In Europe, standard employment in the post-industrial era for employers is becoming a difficult test. Factors such as employee tax, reduced profitability, social benefits, globalization of markets, a recession of the market economy, etc., forced employers to adapt against the backdrop of growing competition. The above factors forced employers to use flexible employment and transfer production to developing countries, to ease the costs of business. (Maillat D.1999: 14), (Cluster Profiles 2003: 23)

International Labor Organization in the early 2000s conducted a study in England, analyzing the labor relations of small flexible industries.

Analytical data showed that small flexible manufactures began to increasingly use non-standard workers (in particular, engineering and technical staff) for their orders based on market needs (output and product range). (Global Employment Trend 2003: 41)

Developed countries at the beginning of the post-industrial era note the “erasure” of labor standards for permanent employment and an increase in the number of NSFE. (Zijl M. 2004: 240).

The development of the post-industrial economy has caused a variety of forms of flexible employment. The scientific world in the sphere of labor relations began to offer various approaches and definitions. In our opinion, from the set of definitions of the NSFE, the most optimal one is the interpretation by R. Kapelyushnikov and V. Gimpelson, where all forms of employment that deviate from standard employment, including self-employment, can be considered “non-standard”. (Gimpelson V. 2005a: 14).

Let us consider the disclosure of the content of labor relations through the prism of legislative aspects, which will allow us to group the NSFE. In this regard, it is worthwhile to study the legal aspects of regulation of non-standard work in Kazakhstan. Let us highlight the main forms of non-standard work: self-employment, temporary and part-time employment.

In our opinion, the NSFE should be divided according to the following parameters: the legal status of the labor legislation of the Republic of Kazakhstan, the level of social protection, the number of employees engaged in flexible employment, which allows the classification of the NSFE into three groups. (Figure 1).

In this case, we have differentiated and conditionally divided the legal norms on the basis of special forms of the labor process regulated in the Labor Code (hereinafter – the LC) of the RK.

– first group: this group is dedicated to the self-employed, and is fixed in the LC of the RK. In relation to the self-employed, state measures are taken to stimulate them;

– second group: special forms of the labor process regulated by the LC of the RK are applied to this group and accordingly fall into the category of the NSFE;

– third group: the category of citizens who may enter the risk group (loss of employment, informal employment). The risk factors are as follows: the lack of professional experience among young people and other socially vulnerable phenomena, as well as people of retirement age and pre-retirement age.

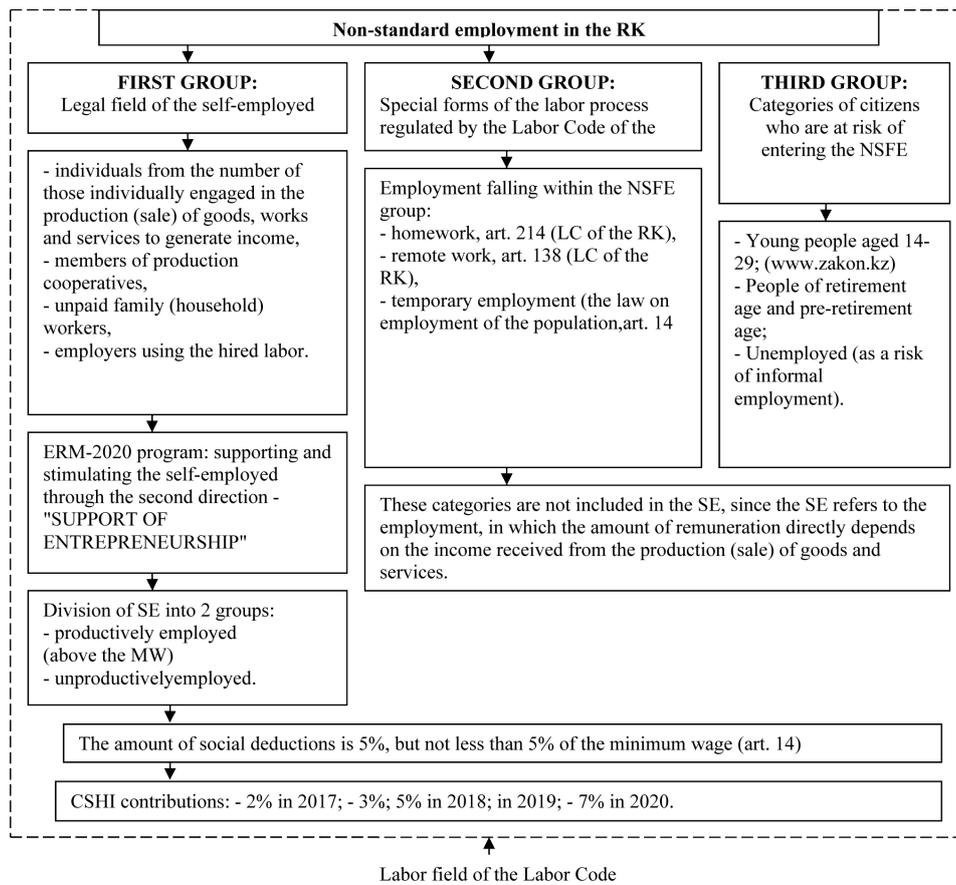


Figure 1 – Features of legal differentiation of legal norms in non-standard employment in the RK
Compiled by the author

We will stop on each group according to the NSFE legal field.

First group (the self-employed). One of the most common forms of non-standard work are the self-employed. Self-employed persons are included in the Law of the Republic of Kazakhstan “On employment”, which includes 8 social groups.

Consider the “interpretation” of self-employment. Nowadays in Kazakhstan, the concept of “the self-employed” is interpreted in different sources ambiguously. For example, in the program for the development of productive employment and mass entrepreneurship introduced in 2015, it is stated that the self-employed are grouped into 4 items: individuals from individually engaged in the production (sale) of goods, works and services for income, members of production cooperatives, unpaid workers of family enterprises (households) and employers using the hired labor. (Program for the development of productive employment and mass entrepreneurship for 2017 – 2021 years. 2017a: 14).

The above classification of the self-employed is in line with international standards of the International Labor Organization (ILO) and was updated in 2003 at the 17th International Conference of Labor Statisticians, where these categories were clarified on the basis of an expanded concept. (The transition from the informal to the formal economy 2014: 32)

Within the framework of the Employment-2020 Program, the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan (Program for the development of productive employment and mass entrepreneurship for 2017 – 2021 years. 2017b: 6). and the Statistics Agency of the Republic of Kazakhstan in the publication “Economic Activity of the Population” of 2014 (Economic activity of the population of Kazakhstan 2009-2013. 2014: 184), suggests the following version of the interpretation of the term “self-employment”, namely: self-employment is employment, in which the amount of remuneration directly depends on the income received from the

production (sale) of goods and services (where own consumption is considered as part of income) “.

The next version of the draft on self-employment is the Law on compulsory social insurance that considers an independent person as an individual entrepreneur (hereinafter – an IE), private notary, private bailiff, lawyer, professional mediator who provides himself with a job that generates income. (Law of the Republic of Kazakhstan On compulsory social health insurance. 2017: 9).

In the law on compulsory social insurance, it is necessary to specify which category of self-employed people is offered to pay insurance, taking into account that this employment is divided into 4 main groups.

Formulation of the self-employed in Kazakhstan is ambiguous and a different approach to the interpretation of the term in the Republic of Kazakhstan suggests that there is no targeted approach to determining self-employment in normative legal documents.

It can be noted that the legislation does not clarify the concept of self-employment through its forms, whereas the generally accepted self-employment definition version is the ILO formulation that considers self-employment through 4 category groups.

Consequently, self-employed persons in the Republic of Kazakhstan (hereinafter referred to as “the RK”) are individuals who create employment on the basis of a patent, while this person creates a workplace as an IE for themselves, as well as in the person of the employer using the hired labor, whereas unpaid workers of family enterprises (households) can be considered as auxiliary assistants.

The “Employment Road Map-2020” in Kazakhstan has initiated productive employment. This innovation will support creating new jobs and is a platform for effective economic and social policy.

According to V.V. Adamchuk, productive employment is the right to freely use the labor for own well-being. (Adamchuk V. 2000: 132).

The Agency for Statistics of the RK in 2013 divided the productively employed into 2 groups: productive and unproductive jobs. The criterion of division is the level of average monthly incomes and is correlated with the subsistence minimum (Belonosova N. 2014: 102), which amounted to 28810 tenge in 2018.

In 2016 according to the Kazakh Statistics, the number of unproductive jobs totaled at 301,2 thousand people in the specific weight of the number of self-employed was 13,6%.

Unlike unproductively employed, the number of people employed was 1,9 million people or 86%. (Kurmanbekov A. 2018a: 49).

These figures show that more than 300 thousand people are on the verge of poverty. This separation is necessary to identify and improve the professional status of the employee. This setting of the division will allow to focus attention for those requiring the greatest attention from the employment services and to apply effective steps for professional growth and to promote the employee directly in the workplace through the development of professional skills.

A distinctive feature of self-employed entrepreneurship is that this contingent works on the basis of a patent (activity under the patent) and interaction with another taxation regime is prohibited. The big advantage is that there is no need to conduct tax reporting, and the absence of a book of income accounting, cash registers is not forbidden.

According to N. Vishnevskaya, there are two factors for increasing self-employment in transition countries: entrepreneurship and low level of social protection, taking into account the decrease in the number of jobs in wage labor. (Vishnevskaya H. 2013: 21).

The focus of the scientific world on the phenomenon of self-employment is explained by the fact that this is the “simplest form of entrepreneurship”, which allows efficient use of available resources, where the main value is the human capital of the entrepreneur. (Hausman R. 2003a: 48), (Blanchflower D. 2000: 17).

As part of the provision of social protection, self-employed individuals deduct social contributions in the amount of 5%. Due to the fact that self-employed people use special tax regime, social payments amount to 5%, but there are restrictions on payments, the size should not be less than 5% of the MW (at the current moment). (Hausman R. 2003b: 49)

Since 2017, self-employed persons (IE, private notaries, private bailiffs, lawyers, professional mediators, individuals who receive income under civil law contracts) pay mandatory medical insurance. (Domestic workers in Russia and Kazakhstan 2014: 7).

The deductions for insurance will gradually increase from 2% in 2017 and stop at 7% in 2020. There is also a link to the amount, the percentage of deductions should not exceed 15 MW. (Kurmanbekov A. 2018b: 18)

Let us consider both positive and negative aspects of “compulsory social health insurance (hereinafter –CSHI). On a positive side of the CSHI is the picture of the visibility of self-employed in statistical bodies, which will gradually lead to self-em-

ployment from the shadow economy. (Zhusupova A. 2013: 27).

The negative side of the CSHI in the sphere of self-employment is the withdrawal to the shadow economy due to the growth of contributions, the departure of IEs from registration on the basis of a patent.

There are factors in the growth of the NSFE, the main reasons for which are that employers are interested in reducing the costs of workers in labor law (payment of taxes, various social obligations). (Non-standard employment in Ukraine: social risks and counter-strategies of trade unions. 2011: 17).

The advantage of self-employed people in front of other NSFE is participation in the funded pension system and compulsory health insurance. This participation allows the self-employed to receive benefits for loss of work, loss of breadwinner and disability under the law of the Republic of Kazakhstan «On compulsory medical insurance». (Law of the Republic of Kazakhstan On compulsory social health insurance. 2017: 9).

In the second group, there are specific forms of the labor process of the LC of the RK, where NSFE groups are displayed, such as:

- home workers, art. 214 of the LC of the RK,
- remotework, art. 221-1 of the LC of the RK,
- work of disabled people, art. 24 of the LC of the RK,
- temporary employment, art. 14,
- borrowed labor (attachment).

Let us stop on each subgroup of the NFSE and identify the features. Traditional forms of NSFE include home and remote work. The specificity of labor relations between the employee and the employer is transformed into atypical employment. (Tomashevsky K. 2012: 149)

These include types of work that deviate from the standard by one or more of the following characteristics:

- term of the employment contract (fixed-term employment contracts);
- duration of working time (part time);
- place of work (traditional homework to modern remote work);
- daily work, work on a call;
- work on the basis of an employment contract concluded with the participation of intermediaries, etc.

Home-based work, like the work of remote workers, is characterized by the flexibility of working time, and therefore can be attributed to the low-employment. (Maslova E. 2017: 67)

In Article 2 of the Law of the Republic of Kazakhstan “On employment of population”, the term

“employed population” includes 8 social groups of people, including “the self-employed”. However, remote and home-based employment, as well as the work of disabled people, are not included in this group, since self-employment is understood as employment in which the amount of remuneration directly depends on the income received from the production (sale) of goods and services. Home workers are recognized as employees who perform work (services) in the households owned by employers – individuals. (Domestic workers in Russia and Kazakhstan)

Homework is often forced and takes on a survival strategy. This kind of employment causes the working conditions, such as: long working hours, low pay, limited access to social protection systems and also bears the isolation character of employment. (Report VI. Gender equality – the foundation of decent work. 2009)

With respect to most other aspects of the employment relationship, general labor law rules apply to domestic workers. (Skala V.2012a: 56)

The next type of employment noted in the LC of the RK, is remote employment (art. 138 of the LC of the RK dated 2015). (Labor code of the Republic of Kazakhstan 2016: 67)

Its feature is the remoteness of the employee from the employer and in the process of performing the work, the employee uses information and communication technologies.

There are following problems in remote employment:

- absence of pension deductions on the part of the employer, since the work is of a contract nature;
- lack of social privileges (insurance against accidents, absence of leave and social benefits, etc.);
- absence of a payment guarantee to the employee for the executed order (in a judicial procedure);
- absence on the part of the employer of confidence in the quality of the order and performance on time. (Skala V.2012b: 57).

Nowadays there are no precise norms regulating labor relations of such kind in a remote employment that in turn acts as a powerful deterrent of development.

Temporary employment. Out of the majority of NSFE, temporary employment in the world tends to grow due to a large number of fixed-term contracts, one-time employees, call-on workers, seasonal workers. There is an increase in countries with stable employment. (Carre F.2005: 7)

In the RK, employment centers organize public works for the population to provide temporary jobs for the unemployed. According to Kazakhstan

statistics, the total number of temporary workers in Kazakhstan is (4%) in 2005 and (3.64%) in 2015 with a growth rate (-25.4%). When foreign statistics are compiled for OECD countries, the average for the period of 2005—2015 is 11,3%.

Temporary employment in the Republic of Kazakhstan is, for the most part, the nature of a state order, since temporary employment is organized by local executive bodies. This type of activity does not require professional training. This employment type has received coverage in periodicals and Internet resources somewhat recently.

Let us denote the features of temporary employment in the Labor Code of the RK, the contract can be made both for a certain period (within one year) and for an indefinite period.

The stimulation of temporary employment in Kazakhstan occurs through the development of the first direction of the Employment Road Map 2020 – the “Development of housing and communal services infrastructure”, since most construction and repair of facilities is seasonal.

The characteristic features of a certain period are as follows:

- time frame of a particular job;
- replacement of a temporarily absent employee;
- seasonal nature of work.

Small and medium businesses can conclude contracts for a certain period and without the above conditions. Usually contracts are concluded only once, if the contract is extended, then this agreement is considered indefinitely. It should be clarified that if the contract is concluded for an indefinite period, the employer has no right to renew the agreement with the employee for a certain period.

The advantage of a certain period is the absence of additional costs for the dissolution and conclusion of the contract, in other cases contracts for a certain and indefinite period are of an equal nature.

The role of private agencies in the labor market should be noted, which to date has not received distribution.

Incomplete or part-time employment is common in the formal sector. This form of employment presupposes a relationship between the employee and the employer, under which a mutual agreement may be established on a part-time basis, with wages paid proportionally to the hours worked or depending on the amount of work performed. (Gimpelson V. 2005b: 14).

In Kazakhstan, part-time employment occurs in the following circumstances:

- according to the doctor’s certificate for disabled workers (art. 223);

- training, further training, retraining, etc .;
- family circumstances: decree, adoption up to 3 years, care for a sick family member (art. 189);
- change in the organization of production or reorganization, reduction in production volumes. (art. 48).

The Labor Code of the RK conditionally fixes the number of hours worked per week and part-time work is less than the normal duration, according to the LC of the RK (art. 79). It is worth noting that OECD experts refer to less than full-time employees with a typical working time of less than 30 working hours per week. (Kapelyushnikov R. 2004: 41)

For example, let us give the hourly interval of the working week in developed countries. For example, in the USA, Japan, Austria, Sweden it is less than 35 hours per week, Finland, Canada, New Zealand – up to 30 hours, Hungary, Turkey – up to 36 hours, Norway – up to 37 hours, Kazakhstan – up to 40 hours. (art.68 of the LC of the RK) (Bonvicini R. 2005: 12).

Foreign experience of Germany in the labor legislation shows a gradual transition to flexibility in the world of work, while weakening the rigid legislation.

The law “On debt labor” (1972), the law “On flexibility” (2003) have been adopted, the labor reform (2004) has been carried out, which promotes the increase of the flexibility of labor relations:

- the maximum period for the application of loan work was canceled (could not be more than three months);
- the ban on synchronization is lifted (the norm according to which the labor contract with the borrowed employee must be concluded for a shorter period than the contract with the main employee);
- the ban on the transfer of permanent workers to the category of loans was lifted.

Although the reform of the labor market liberalization in Germany creates a legal framework for resolving new, atypical forms of employment, it also reduces the level of social protection of wage workers and encourages the growth of atypical employment to 37% of all labor relations. At the same time, the number of working people with low wages and extremely low incomes has increased. The wages of every fifth employee in Germany fell to a minimum level (Gerasimova E. 2012: 75)

In the third group, we include the risk group of working people. These are young people and people of retirement and pre-retirement age.

Youth age. In the statistics agency of the RK, there is no category of youth aged 14 to 29. According to the law on youth of the RK dated

2013, the age interval of 14-29 years is officially fixed considering the international classification. In this regard, it is not possible to assess the full picture of self-employment among young people in Kazakhstan, the statistics agency of the Republic of Kazakhstan reflects data on the age of 16-24 years.

In Kazakhstan, the contingent of the self-employed aged 16-24 amounted to 556,8 thousand people in 2006 and 275,9 thousand people in 2016 with an increase (-50,4%) over 10 years.

The numerical trend shows a decrease in the number of self-employed youth (conditional) in half, it can be noted that the category of youth aged 16-24 belongs to a group “that does not study and does not work” (Recommendations on the application in the statistical practice of the countries of the Commonwealth of Independent States of decent work indicators).

Pre-retirement age and retirement age. The next category covers the age interval 55-64 years, according to the statistics of Kazakhstan this contingent increases by 48.1%, since 2006 with the number 184.0 and 272.6 thousand people in 2016.

This trend allows us to conclude that people of pre-retirement and retirement age understand that in the event of job loss, this age contingent will find it harder to find employment than representatives of other age groups and that the period of unemployment for them is longer. This can be explained by the following reasons: job search, acquisition of new professional skills, restrictions on the availability of health, adaptation to the organizational structure, etc.

In this connection, one can make an example of Germany’s experience with respect to employees who have reached the age of 55 and who have been employed for at least three years in the labor relations that are subject to compulsory social insurance for the previous 5 years and are entitled to double their full working time. Germany finances the issue of subsidizing older people to employers, with the reduction of the working day. (Cohen-Solal M. 1999: 37)

This approach makes it possible to soften the transition of workers of pre-retirement age to a complete cessation of their work activity and to receive an old-age pension. This is the prerequisite for providing financial support to employers who transfer their elderly workers to a stimulated underemployment regime.

The unemployed citizens can be attributed to the category of citizens belonging to the risk group for entering informal employment.

Conclusion

The statement of facts proves that the post-industrial era causes adaptation of small-medium business to market relations, causing a revision of labor relations to maintain profitability of business, new relationships are being built through flexible forms of employment.

Kazakhstan is building its own policy towards non-standard forms of employment.

Self-employment in Kazakhstan develops its own scenario typical for most countries in transition.

The review of the problem allows us to conclude that of all forms of the NSFE, the largest in terms of the number of people is self-employment, which requires a proper normative-legal approach.

Formation and development of labor relations depends on the interaction of public authorities with small and medium-sized businesses. Developing the organizational and legal field, through legislative acts, solving problems with the help of targeted programs.

For the development of self-employment, the first direction of the Employment Road Map 2020 is used, namely “Supporting entrepreneurship”.

It should be noted that unproductive employment is still at a high level and requires a solution, and approaches to solving this problem should be revised.

Having studied the norms of the current legislation for determining the concept of “self-employment”, one can note the vague regulated legal status of this category of citizens. In relation to the self-employed, the state creates conditions for the development of self-employment, the gradual withdrawal of the self-employed in the legal sphere (patent-based activity) is the primary task of the state.

In the second group, we have reviewed the following forms of the NSFE:

Remote employment. In the Republic of Kazakhstan, the norms regulating labor relations are not fully formed, which indicates the deterrent factors of development and requires close attention.

Temporary employment in the RK has a number of limitations: the contract cannot be renewed, the extension option in this case is a contract based on permanent employment. (art. 29). When compared to permanent employment, contracts based on temporary employment do not have distinctions on payments (social obligations, minimal wage).

The main distinction between temporary employment and permanent employment is a period of one year, so for temporary employment it is at least one year. (art. 29).

The advantage for employers in a temporary contract is that in the event of termination of the contract, there are no additional costs (art. 53). In all other cases, the employer has equal responsibilities to the employee, both under a temporary contract and on a permanent basis.

The “risk group” includes the working population. These are young people and people of retirement and pre-retirement age. This group includes self-employed youth contingent. The Agency of the RK does not reflect the data of the youth contingent aged 14 to 29, which complicates the assessment of young people. Pre-retirement and retirement age. People of pre-retirement and retirement age are in a

difficult situation (the risk of losing their jobs, long skill learning, adapting, health reduction), which makes this contingent socially vulnerable. The self-employed for the period of 2006–2016 with an age interval of 55–64 years has doubled, in this case the experience of Germany in supporting age-related workers is interesting.

In domestic programs aimed at the development of self-employment, there is no separate support for people of “pre-retirement” age and young people to a sufficient extent, although for European programs these categories are especially important for the appropriate provision of all possible development tools.

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