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Anti-union laws have punished Kazakhstan's workers. But the fight isn't over

Friday 12 August 2022, by [KAISAR Almas](#), [SORBELLO Paolo](#) (Date first published: 10 August 2022).

Workers in Kazakhstan have faced pressure for years but continue to fight for their rights and social justice, new reporting by openDemocracy and Kazakhstani independent media Vlast.kz shows

Nationwide protests rocked Kazakhstan earlier this year, starting with an anti-inflation demo in the western town of Zhanaozen on 2 January. The wave of action spread across the country, including in the country's urban centres in the east and south - and their effects, for the elite and regular people, are still being felt today.

Strikes at large private and national enterprises were key components of the grassroots initial protest in January, as workers demanded improved conditions and higher salaries. Ten years prior, another worker strike in Zhanaozen had culminated in security forces [opening fire against protesters](#), leaving at least 16 dead.

The January protests were also met by the army and special forces' bullets. With at least [240 killed across the country](#), the events became known as 'Qandy Qantar', Kazakh for 'Bloody January'.

The rallies held in the 'home' of the protests, Zhanaozen and Aktau, the capital of the Mangistau region on the shore of the Caspian sea, were mostly peaceful.

"The protests were organised by worker collectives, who kept discipline among participants," said Mukhtar Umbetov, an Aktau-based activist of the trade union organisation Amanat, which has no relation to the recently-renamed ruling party.

Unlike unions, workplace collectives are enterprise-based and ruled through improvised structures.

Alexander Mukha, chair of the Aktau branch of the Committee of the International Bureau for Human Rights, agreed. In January 2022, he said, about 70% of protesters in Aktau were from local labour collectives.

These collectives stirred action across Kazakhstan. In the central [Zhezkazgan area](#), strikes broke out in January among the employees of the massive Kazakhmys mining group, which employs a total of 37,000 workers. Employees at the [Balkhash copper smelter](#) in the east and oil workers at [Tengiz](#) in the west joined the protests in solidarity. One activist, Yerman Abdulov, told openDemocracy the first wave of protests had been kicked off by worker collectives in the copper mines themselves.

But tensions have increased between Kazakhstani labour collectives since January - especially between people employed by large enterprises, and workers contracted by smaller service companies, which usually deal with logistics, catering, and security services.

As one driver from a utility company which provides services for the Kazakhmys group in

Zhezkazgan put it: “Workers at Kazakhmys enjoy good conditions. The rest of us survive as best we can. Only a small portion of the residents live well.”

Zhanaozen resident Aslan, who joined a daily [protest of unemployed people](#) in the city after the January protests, added that the unemployed protesters “do not see any support from the workers”.

The protest demanded immediate employment in Kazakhstan’s oil and gas industry, which has its home in the west of the country. But participants believed no one supported them.

“They only care about their own problems,” Aslan said.

Absence of solidarity

Kazakhstani workers have increasingly taken a leading role in making social and political demands in the Central Asian state. Strikes and protests have regularly punctuated the country’s recent history, culminating with organised demands for social justice and workers’ rights in January.

Kazakhstan’s government, however, has suppressed the trade union movement for at least a decade through legislative measures and informal pressure.

“Informal collectives have become the drivers of most labour protest action over the past few years”

This strategy has translated into weaker trade unions in Kazakhstan. In response, scattered worker collectives – loose groups of employees organised via workplaces rather than branches of trade unions backed up by legal procedures – have emerged across the country. And it is these informal collectives that have become the drivers of most labour protest action over the past few years.

The situation in Kazakhstan today has its roots in the crises after independence in 1991. Massive cuts and wage arrears caused by the economic shocks of the 1990s and the consequent sharp fall in GDP were at the root of worker dissatisfaction in the first years of independence. By 1999, unemployment in the country had reached 13.4%.

Yevgeny Zhovtis, a human rights defender who worked at the Independent Trade Union Center of Kazakhstan in the 1990s, points out that the state used to be more willing to negotiate with striking workers, and independent trade unions enjoyed wide support.

But then, Zhovtis says, “the strikes became unorganised, because independent trade unions were squeezed out, and state-affiliated ones did not participate in the struggle.”

The Kazakhstani authorities had “changed tack” by the turn of the millennium, with “layoffs, fines, and pressure becoming the routine methods of dealing with the strikers”.

Over time, more stringent legislation hindered the existence of trade unions.

In 1999, the Kazakhstani government changed the country’s labour code, which undermined the bargaining power of workers by making ‘collective agreements’ optional.

“It is very difficult for trade unions to work today. You form a trade union and they immediately threaten it”

These agreements had guaranteed general conditions and minimum wage levels for all categories of workers in enterprises. With the transition to individual contracts, employers were able to offer

lower wages and worse working conditions to those who needed work, while raising salaries for specialists in demand. This created inequality and tension within the Kazakhstani workplace.

Later, in 2007, in preparation for joining the World Trade Organization (WTO), Kazakhstan adopted a new labour code, which tightened the rights of workers to organise strikes.

Most strike actions became illegal and strikers became a target of harassment and suppression. During major strikes in the oil-producing regions of Kazakhstan in the period 2009 to 2011, Human Rights Watch (HRW) recorded repeated cases of pressure and attacks on union activists. The chair of the Zhondeu trade union in Mangistau was shot at, for instance, and activists Tagam Koshanov and Sabit Tokenov were beaten inside a police car.

Forceful and administrative defeat of trade unions

Trade union activist Mukhtar Umbetov, from Aktau, recalled how his colleague Zhaksylyk Turbayev had invited him to a meeting in 2011. Two hours before the meeting, Umbetov remembers, he discovered Turbayev had been [murdered](#) at the oilfield service company where he worked.

Umbetov himself has also been attacked several times – in connection, he believes, with his trade union activities. He suffered a head injury in 2009 after being beaten outside his home.

The 2011 events in Zhanaozen [showed](#) just how bad relations between the Kazakhstani state and the workers had become. Eight months of strikes in the main square culminated in a mass riot on 16 December, during which special security forces opened fire against the unarmed strikers to disperse them. According to official figures, 16 people were killed. Later, 34 striking oil workers were convicted of charges relating to violent incidents with police.

By 2015, all Kazakhstani trade unions had to be affiliated with a nationwide association and be represented in at least half the country's regions, which made it impossible for smaller ones to register. Under [new rules](#), organising or calling for an illegal strike was punishable with up to three years in prison.

One of the first victims of the [new legislation](#) was the Confederation of Independent Trade Unions of Kazakhstan (KNPK), created in 2016. Its founders tried to register the union under the new rules, but a local court ruled to liquidate it in January 2017 as it did not have enough regional branches.

Workers at the oilfield services company Oil Construction Company (OCC), whose union was part of the KNPK, went on hunger strike in Aktau in response. On 21 January 2017, the [hunger strike](#) was terminated at the request of local authorities, but three of the union's leaders were handed hefty prison sentences, 15 other participants were fined, and a civil suit launched by OCC found 250 people responsible for tens of thousands of dollars' worth of 'damage' to the firm.

“Labour collectives, however, continue to go on strike. In 2021, labour collectives held 31 protests, and in the first four months of 2022 had already carried out around 40”

Since then, union activists have tried to re-register the OCC trade union 14 times, but each time the regional department of justice refused them, citing registration errors. The union eventually shut down.

By contrast, the largest trade union organisation remaining in the country is the state-sponsored Federation of Trade Unions of Kazakhstan (FPRK), the successor to the Soviet trade union network in Kazakhstan. Today, FPRK enlists a large number of state employees and employees of national companies. After independence, the FPRK had 7.5 million members. By 2022, that number had

shrunk to 1.6 million.

The heads of the FPRK are closely linked to the authorities and the ruling Amanat party (previously known as the Nur-Otan party). Its previous chair was deputy prime minister Yeraly Tugzhanov; Satybaldy Dauletalin, who replaced him at the helm of the federation in 2020, had once served as director of the political work department of the Nur-Otan party.

At the same time, the FPRK had virtually no members among employees of private companies. Instead, these firms encouraged workers to form 'yellow' unions, under the control of the companies themselves. (Such 'unions' are not recognised by the International Labour Organization.)

The fight goes on

Labour collectives, however, continue to go on strike. In 2021, labour collectives held 31 protests, and in the first four months of 2022 had already carried out [around 40](#).

Some 400 employees of the KEZBI oilfield service company went on strike in April, demanding fair wages and better working conditions on the same level as employees of the national company Ozenmunaigas.

"We are on strike outside the union. We stand up for ourselves. The trade union is doing its own thing," said Nursultan Nurymuly, one of the protesters.

Despite its peaceful nature, 21 workers were sued for participating in an illegal strike, and 12 were fired. In mid-June, these workers in turn decided to stage a protest in the centre of Zhanaozen, and later protested outside the regional administration in Aktau to claim their rights.

In Aktau, participants called for an end to the torture and arbitrary detention of people who participated in the protests during the January uprising - and asked the government to speed up the hiring process into Zhanaozen's main employer, Ozenmunaigas, rather than its smaller service companies.

"The ultimate beneficiaries of the privatisation were the elite in power. They created the conditions for the state to control political parties and unions so that they could not organise resistance"

An employee of a private security company which is contracted by Ozenmunaigas - and who would like to be employed by the bigger company - told the authors that there is a trade union at his company, but "management itself appoints the trade union leadership, no one asks us."

As he told us, his colleagues would like to "organise our own trade union, but the company does not allow it".

The situation is different in the oilfield service company Burgylau, located steps away from the headquarters of the private security company. Burgylau employees are still trying to set up an independent trade union. During a strike in February, they demanded that Saken Bekkaliyev be removed from the post of trade union chairman.

As one of the Burgylau workers explained: "We now have two trade unions in Burgylau. We are dissatisfied with the work of one of them, we are seeking the resignation of its chairman. This trade union is part of the FPRK. Now we want to organise our own trade union, a local one."

Unnoticed unions

According to Yevgeny Zhovtis, the suppression of Kazakhstan's independent trade unions stems from the transformation of Kazakhstan's economy from a planned to a market economy, as well as the subsequent privatisation process.

"The ultimate beneficiaries of the privatisation were the elite in power, red directors, and nomenklatura at various levels," Zhovtis said. "They created the conditions for the state to control parties and unions so that they could not organise resistance."

Kirill Buketov, member of the Board of the Monitoring Mission for Labour Rights in Central Asia and an expert at the Global Labour Institute, says the suppression of trade unions proceeded in parallel in many post-Soviet countries. The post-Soviet elites became localised, and political regimes eventually turned out to be increasingly authoritarian. "Trade unions cannot live in the absence of democracy," said Buketov. "They are part of a democratic system. They are a democratic institution at the enterprise level."

According to Buketov, the transition was towards state capitalism, with companies being integrated into the state management system, headed by the president: "The elite demanded that companies not raise wages for employees in order to appropriate added value and redistribute it at the top level. Foreign investors were also interested in this. Fewer worker rights were a great advantage."

Despite pledges of political reform in Kazakhstan, Buketov sees no progress on the part of Kazakhstan's current president Tokayev in relation to trade unions. The International Labour Organization still has Kazakhstan on a list of countries that refuse to recognise the fundamental right of workers to form trade unions.

Kospan Koshygulov, a former board member of the OCC trade union, is convinced that Kazakhstan's legislation is discriminatory towards trade unions.

"It is very difficult for trade unions to work today," he said. "You form a trade union and they immediately threaten it. In 99.9% of cases, due to the representation requirement, it is impossible to create a trade union. And the justice system won't register you anyway."

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