

# Integrating Global Norms for Gender Equity: Examining the Impact of International Social and Labour Standards on Kazakhstan's Workplace and Social Security Legislation

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## Abstract

The purpose of the study is to determine the place and role of international legal instruments in the formation of national methods of gender equality and processes related to the improvement of mechanisms of protection against discrimination. Research question: What is the role of the International Labour Organization (ILO) Conventions in stimulating the genuine provision of equality in the social and labour sphere of Kazakhstan at the present stage? The study is based on the assumption that international labour agreements have the necessary leverage to influence national legal systems, and that their effective implementation and enforcement is in the public interest. The study is based on the example of the Kazakhstani legal system in a comparative perspective. The research results develop the hypothesis that international agreements can influence national policy only if states are willing and able to include international obligations in their national legislation (implement), as well as ensure their application and implementation. The results show the problems that accompany the reforms of the national social policy in the field of employment, promoted by international agreements in Kazakhstan.

**Keywords:** international law, human rights, International Labour Organization, employment standards, gender equality, discrimination.

## 1. Introduction

This manuscript centers on the selection of research focus and hypotheses, drawing on numerous esteemed studies. A key finding by Simmons (2009) is the beneficial impact of international human rights law on global human rights advancements. Despite some governments ratifying human rights treaties with minimal intention to comply, Simmons' research combining statistical data and case studies indicates that treaty ratification generally leads to improved rights practices.

This improvement is particularly noticeable in diverse countries that are neither stable autocracies nor democracies. Enhanced rights include civil, political, women's, and children's rights, and the prevention of torture in government custody. The influence of international law on national legal systems is further supported by Beitz (2012), Abbott and colleagues (2015), and Hill (2010).

Elkins and co-researchers (2013) found that international human rights documents, starting with the Universal Declaration of Human Rights, have substantially shaped national constitutions' rights offerings. These documents guide the actions of national constitution drafters, with or without full commitment to the laws of these agreements, although adherence does amplify the impact. Ratifying the International Covenant on Civil and Political Rights appears to encourage countries to adopt rights they might not otherwise consider, highlighting the synergistic relationship between treaty ratification and domestic constitutional norms, and underscoring the role of a national constitution in treaty efficacy.

The positive role of international human rights law in advancing human rights in various countries is supported by multiple studies (Beitz, 2012; Goodman and Jinks, 2013; Boyle and Kim, 2009; Nielsen and Simmons, 2015). However, the influence of international law on national human rights standards lacks practical significance without a clear understanding of the conditions that facilitate this impact, identifying obstacles, and proposing solutions to overcome them. As Shaffer and Ginsburg (2012) argue, the theoretical debate over the importance of international law is outdated; instead, the focus should be on the conditions under which international law is formed and its effects. The manuscript proposes a hypothesis based on the assessment of domestic law's alignment with international standards, exploring the potential for ILO Conventions to significantly influence and ultimately implement wage labor standards in Kazakhstan.

This analysis builds upon prior research indicating that ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) correlates with improved conditions for women (Gray et al., 2006). Countries that are democratic or have strong connections to international organizations focused on women's issues showed notable enhancements post-CEDAW ratification (Cole, 2013). The ratification of CEDAW positively influences adherence to women's rights (Hill, 2010). CEDAW offers a comprehensive, inclusive framework for considering women's interests, adaptable enough to accommodate evolving societal changes (Baldez, 2011). International human rights law plays a modest yet meaningful role in the success of the women's movement, primarily by fostering the movement's growth and cohesion rather than its direct legal impacts. Documents like CEDAW are valuable, not just legally, but in helping individuals build international networks, develop unified objectives and language, and foster a collective sense of progress, all crucial for a global movement and particularly for those who feel isolated or relatively powerless (Nussbaum, 2016).

Ratification of fundamental conventions set by the International Labour Organization (ILO) imposes legal duties to enhance domestic labor standards, particularly regarding union rights, minimum working age, non-discrimination in employment, and eradicating forced labor (Baccini and Koenig-Archibugi, 2014). The ILO is committed to fostering decent and productive employment for both women and men in an environment of freedom, equality, social security,

and human dignity. Gender equality is a central component of the ILO's vision for decent work. The organization aids its constituents - governments, trade unions, and employers' organizations - in implementing gender equality principles in practical terms. This includes promoting and executing ILO standards in gender equality, particularly the Equal Remuneration Convention, 1951 (No. 100), the Non-Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183). The ILO also supports social dialogue addressing both women's and men's needs, encouraging gender integration in policies and practices among governments, trade unions, and employers. Other key areas of focus include supporting women's entrepreneurship, implementing the ILO's participatory gender audit methodology to monitor and evaluate gender mainstreaming progress, and expanding strategic partnerships for gender equality with diverse actors like the media, national youth organizations, and educational institutions (ILO, 2013).

In June 2022, the International Labour Conference adopted a resolution to incorporate a safe and healthy working environment into the ILO's core principles and rights at work. This led to significant updates in the ILO Declaration on Fundamental Principles and Rights at Work and modifications to the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotion of Occupational Safety and Health Convention, 2006 (No. 187). These conventions are now recognized as fundamental within the context of the 1998 Declaration, revised in 2022. Consequently, workplace health and safety is now a topic encompassed by these fundamental conventions.

Beyond these standards, the ILO also counts the Part-Time Work Convention (No. 175) and the Decent Work for Domestic Workers Convention (No. 189) among its key agreements for ensuring gender equality.

Despite Kazakhstan ratifying the majority of ILO's acts regarding equal opportunities and treatment 10-20 years ago, compliance with these universal standards has not substantially advanced the development of an inclusive labor and employment market. The study investigates the hypothesis that Kazakhstan's nominal compliance with ILO act requirements, the lack of genuine implementation mechanisms, and inadequate incorporation in both legislation and practice represent significant obstacles to promoting non-discrimination minimum standards.

Furthermore, the study includes observations on the role of international treaties within Kazakhstan's national law system. The Constitution of Kazakhstan follows the legal tradition common in many states, where national systems tend to grant treaties direct effect and hierarchical superiority over domestic laws. This approach is coupled with a growing trend of requiring prior legislative approval for the ratification of certain treaty categories (Verdier and Versteeg, 2015).

## **2. Literature review**

Research (Cuberes & Teignier-Baqué, 2012; Sudha & Reshi, 2023; Koengkan et al., 2022; Bertay et al., 2020; Santos Silva & Klasen, 2021) consistently indicates that gender

discrimination in the labor market impedes economic growth. This discrimination is linked to the unequal sharing of familial responsibilities, leading to disparities in economic and public life, thus curtailing women's economic opportunities (Ferrant & Thim, 2019).

In Kazakhstan, gender studies often focus on national and cultural influences on women's societal roles, their contributions to economic development, and challenges like limited political participation and underrepresentation in high-level positions (Onyusheva & Meyer, 2020; Khairullayeva et al., 2022; Kulbekova et al., 2019; Nezhina & Ibrayeva, 2013; Kakabadse et al., 2018; Buribayev & Khamzina, 2019; Kuzhabekova et al., 2018; Satymbekova, 2016). Social sciences and legal studies show significant interest in gender equality. An analysis of relevant literature (Shakirova, 2015; Kamp, 2009; Ryskaliyev et al., 2019; Khairullayeva et al., 2022; Mekebaeva, 2018; Abildina & Eskazinova, 2013; Karabalina et al., 2017) reveals that research on gender equality peaked from the late 1990s to the early 2000s, then declined post-2001. This trend is attributed to legislative changes, the implementation of state programs for gender balance, and Kazakhstan's early successes in international gender equality rankings, although these assessments have fluctuated over the past fifteen years.

State initiatives in Kazakhstan include efforts to implement gender parity across public life. On June 9, 2021, President K. Tokayev signed a decree (No. 597) endorsing a human rights plan that emphasizes eliminating discrimination against women.

The Constitution of Kazakhstan (Article 14) prohibits discrimination based on various grounds, including gender. Criminal Code Article 145 penalizes direct or indirect restrictions on rights based on these criteria.

The Concept of Family and Gender Policy until 2030 (Presidential Decree, December 6, 2016, No. 384) aims to strengthen gender equality in social and labor spheres, aligning legislation with international standards and UN, SDGs, and OECD recommendations. This concept includes conducting comprehensive gender policy studies to guide future development.

Recent studies (Nyussupova et al., 2023; Khairullayeva et al., 2022) show that increased job access for women in Kazakhstan has not significantly narrowed the gender wage gap, partly due to vocational education segregation and the "glass ceiling" effect. Additionally, the undervaluation of unpaid domestic work, predominantly undertaken by women, persists.

Gender discrimination in the labor market manifests in hiring, promotion, career advancement, and remuneration practices. It particularly affects pregnant women and those with young children, and extends to social measures for poverty prevention and the pension system. Strategic actions are necessary to address systemic discrimination and gender inequality (Khamzina et al., 2020). The country's ongoing gender disparity is rooted in neoliberal welfare approaches, conservative social norms, and limited civil society influence on politics (Dugarova, 2019).

### 3. Method

In the initial phase of our study, we classified the International Labour Organization (ILO) conventions on equality based on whether Kazakhstan had ratified them or not. The analysis was

then bifurcated into two segments: Firstly, we conducted a comparative assessment between the content of ratified conventions and the actual provisions of Kazakhstan's labor legislation. Secondly, we explored the feasibility and implications of ratifying those conventions that Kazakhstan has yet to endorse.

For the first segment, despite some criticisms over the past decade, we adopted a comparative analysis methodology. Recent conceptual and empirical research in international legal science has increasingly focused on compliance. Studies by Howse and Teitel (2010), Simmons (1998), and Raustiala (2000) suggest that analyzing international law solely through the lens of rule compliance can lead to a superficial understanding of its multifaceted goals and the complex interaction between international law and politics. A key limitation of compliance-focused studies is their oversight of the interpretative aspect, which significantly influences how legal norms function in practice.

Our examination specifically identified areas where Kazakhstan's domestic labor legislation diverges from international standards. We analyzed the five principal gender equality conventions ratified by Kazakhstan, covering aspects beyond just prohibiting gender discrimination in labor. This included the burden of proof in discrimination cases, indirect discrimination, victimization prohibition, remedies against inequality, and discrimination against individuals with family responsibilities. Our primary sources encompassed both international and national laws, government reports on convention implementation, and comments from the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR).

In the second segment, we assessed the alignment of Kazakhstan's current labor legislation with the unratified ILO acts, exploring whether their ratification could enhance labor market conditions and identifying necessary legal amendments.

Traditional legal research methods were employed, including formal legal (dogmatic) analysis, legal modeling, and critical legal studies. The legal modeling method enabled us to evaluate proposed legislative improvements, forecast socio-economic and legal impacts, and simulate the realization of specific objectives.

The critical legal approach was instrumental in advocating for necessary changes in substantive legislation. This was particularly pertinent in the context of Kazakhstan's unstable labor standards, the presence of gaps and contradictions in legislation, and the challenges following the liberalization of employment law with the introduction of the new Labor Code in 2016. This liberalization was not paralleled by an increase in legal culture or strengthened principles of stability and legality in the contractual regulation of labor relations.

#### **4. Discussion**

##### **Broadening the Scope: Integrating Gender Equality Across All Spheres of Life**

Achieving gender equality in the workplace necessitates an understanding that this principle cannot function in isolation. The effort to establish gender parity in the workforce should be part

of an all-encompassing strategy that addresses societal aspects as a whole. The implementation of legal and other measures to fulfill the obligations of international agreements, such as those set by the ILO, must be strategically integrated into a wider plan aimed at cultivating a society devoid of discrimination.

Incorporating gender equality into societal norms and practices involves a variety of approaches, including:

1. The success of gender equality in the workplace is closely linked to societal norms and policies in education, health, and other governmental areas. Therefore, it is vital to foster a culture where gender equality is an accepted standard across all sectors, not just an isolated policy within the labor market.
2. Beyond labor law, it is crucial to assess other legal domains like family law, property rights, and educational policy to ensure their alignment with gender equality principles. This broader legal harmonization is essential to ensure that workplace efforts are not counteracted by discriminatory practices in other life spheres.
3. The role of the ILO's oversight in monitoring the enactment of its conventions, including those concerning gender equality, is significant. Grasping the complexity of this mechanism is essential.
4. The ILO mainly applies political rather than legal leverage to encourage member states to adhere to its conventions. This underscores the significance of political determination and international collaboration in advancing gender equality norms.
5. While the ILO can issue recommendations, actual adherence is contingent upon the member states' readiness and capability to implement necessary modifications. Consequently, the effectiveness of these guidelines in effecting legal and societal changes is variable.
6. The ILO's systematic reporting structure tracks progress in convention implementation. The influence of these reports often depends on each member state's wider political and social milieu.

Realizing workplace gender equality is a complex challenge extending beyond labor law boundaries. It requires a unified effort across various sectors and government levels. Recognizing the interplay between social norms, legal frameworks, and international mechanisms is crucial in adopting an integrated approach to eradicating gender discrimination. This comprehensive strategy also acknowledges the strengths and limitations of the ILO's supervisory mechanism in ensuring compliance with its conventions, underscoring the importance of a widespread commitment to gender equality in every aspect of life.

Implementation of gender equality standards into national legislation

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has raised significant concerns regarding Kazakhstan's implementation of the 1951 Equal Remuneration Convention (No. 100). These concerns include the lack of government-established objective methods for assessing gender equality in remuneration, absence of concrete actions in collaboration with employers' and workers' organizations to enforce equal pay principles, and a lack of statistics on violations related to equal remuneration, as identified or reported by labor

inspectors. Additionally, there is a shortfall in information regarding remedies and penalties imposed, as well as judicial or administrative decisions pertaining to the Convention's principles.

Furthermore, an examination of open official judicial statistics from the Supreme Court (2023) for the period 2015–2023 revealed no judicial precedents in cases of restoring equality in access to social protection measures or prosecuting discriminatory actions. This suggests that, despite legal provisions, the justice system in Kazakhstan is not effectively addressing these issues. The absence of legal claims may not indicate a lack of discrimination but rather a deficiency in legal, civic, and public mechanisms for ensuring and restoring rights.

According to first-instance court reports from the Committee of Legal Statistics and Special Accounting of the General Prosecutor's Office of the Republic of Kazakhstan (2024), between 2019 and 2023, there were no recorded instances of prosecution for violating equality rights (Article 145 of the Criminal Code), nor for discriminatory practices in employment contracts related to pregnancy, childcare, disability, or age (Part 2 of Article 152 of the Criminal Code). This lack of legal action could imply either an absence of discrimination in society or an ineffectiveness in mechanisms to counter inequality.

Kazakhstan's fluctuating position in the Global Gender Gap Index reflects ongoing challenges in addressing gender inequality. The country's ranking shifted from 32nd in 2006 to 80th in 2021, then improved to 65th in 2022 and 62nd in 2023 (World Economic Forum reports from respective years). These changes suggest a recognition of gender inequality issues and efforts to address them.

Despite ratifying Convention No. 100, Kazakhstan continues to face a gender pay gap. Effective implementation of the Convention requires comprehensive reforms in regulatory frameworks and wage-setting institutions, along with sustained efforts from state authorities and social partners. The current inefficiency of national labor and gender parity legislation in promoting equitable pay, coupled with entrenched traditional gender roles, indicates that gender wage disparity may persist in Kazakhstan for the foreseeable future.

The lack of judicial and administrative practices to enforce labor market equality requirements is noted by the CEACR as a significant shortcoming in applying the 1958 Convention on Discrimination in Employment and Occupation (No. 111).

Our analysis reveals discriminatory elements in Kazakhstan's social and labor legislation across various domains:

1. Discriminatory practices are evident in the criteria for accessing social security systems, which are based on total work experience and child-rearing status.
2. There are limitations on the ability of employers to terminate employment contracts, as outlined in Article 54, paragraph 2, of the Labor Code, which do not sufficiently protect against discriminatory practices.
3. The Labor Code, in Article 76, paragraph 4, permits employees with a child under seven years of age to refuse night work, adopting an unreasonable gender-based approach.

4. The legislation lacks a prohibition on publishing job vacancies that contain direct or indirect restrictions or benefits based on race, skin color, political or religious beliefs, gender, gender identity, sexual orientation, ethnic or social origin, age, health, disability, HIV/AIDS status, marital or property status, family responsibilities, or residence. This is except in cases where such restrictions or benefits are legally justified.

5. The legislation does not penalize various forms of discrimination in hiring, promotion, training, allocation of specific types of social security, or the application of social protection norms, as per Article 90 of the Code of Administrative Offenses.

6. The Criminal Code's Article 152 on the violation of labor legislation lacks gender-neutral language in defining the objective and subjective aspects of the crime. Additionally, it fails to provide equal guarantees in labor relations for men with children under three years of age.

These findings highlight the need for comprehensive reforms in Kazakhstan's social and labor legislation to eliminate discriminatory practices and ensure equality in the workplace.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) raised concerns about the ineffective legal and practical measures in place to assist men and women with family responsibilities in balancing work and family life without facing discrimination. This pertains to the Workers with Family Responsibilities Convention (156).

In relation to the Maternity Protection Convention (No. 183), the CEACR highlighted specific shortcomings:

1. There is a lack of legal provisions stipulating that employers bear the burden of proof to demonstrate that dismissals are not related to pregnancy, childbirth and their consequences, or nursing, as per article 8(1) of the convention.

2. The absence of legal measures ensuring a woman's right to return to an equivalent position with the same pay following maternity leave, as required by article 8(2) of the convention.

Our analysis confirms the validity of these issues identified by the CEACR. It also highlights a mismatch between national legislation and the provisions of international instruments regarding the obligation to implement laws and promote educational programs. These programs are essential to foster and adhere to policies of equal opportunity and treatment in employment and occupation, aimed at eliminating discrimination.

Our research reveals several problems in the implementation of Convention 156 in the legislation of Kazakhstan:

1. There is no prohibition against dismissing employees due to family responsibilities or marital status, as required by Convention No. 156.

2. The term “worker with family responsibilities” is not clearly defined in the legislation.

3. There is a lack of robust regulations addressing the needs of workers with family responsibilities, particularly in employment conditions and social security. This includes inadequate levels of unconditional social support and the absence of compensation for childcare



during work hours, creating disparities between workers with and without family responsibilities.

Regarding the Maternity Protection Convention (No. 183), ratified by Kazakhstan in 2012, significant gaps include:

1. **Burden of Proof in Dismissal Cases.** The absence of legal stipulations that the employer must prove that reasons for dismissal are not related to pregnancy, childbirth, and nursing (article 8(1)).
2. **Right to Return to Equivalent Position.** A lack of legal provisions ensuring a woman's right to return to an equivalent position at the same pay rate after maternity leave (article 8(2)).

These issues demonstrate a significant deviation from the requirements of these conventions. Additionally, our analysis reveals a discrepancy between national legislation and international standards regarding the implementation of laws and educational programs aimed at promoting equal opportunity and treatment in employment to eliminate discrimination.

Furthermore, Convention No. 183 stipulates high-level social protection for women during pregnancy and childbirth, which is not fully realized in Kazakhstani legislation. Our recommendations are:

1. Remove the employer's obligation to top up social payments for pregnancy and childbirth from the State Social Insurance Fund (SSIF) to average wage levels, as this is effectively a declarative norm.
2. Establish guarantees for providing social benefits for pregnancy and childbirth from the SSIF at least equal to previous average earnings.
3. Develop measures to provide financial support to women ineligible for SSIF benefits during pregnancy and childbirth.

Additionally, the Convention and Kazakhstan's social legislation do not cover women who were unemployed prior to pregnancy and childbirth, leaving a significant portion without social protection during these periods.

In considering broader labor market discrimination in Kazakhstan, which disproportionately affects women, older workers, disabled individuals, and national minorities (Tleubayev, 2020; Kireyeva, 2019; Kazakhstan, 2021a), we analyzed the implementation of the Part-time Working Time Convention No. 175. This Convention offers extensive protections for part-time work, often availed by women with family responsibilities.

The Convention mandates measures ensuring equivalent conditions for part-time workers compared to full-time counterparts. While Kazakhstani labor law does not restrict part-time workers' rights under international agreements, it falls short in several areas:

1. National legislation lacks guarantees for voluntary transitions between full- and part-time employment.
2. There are no measures in place to facilitate access to productive, freely chosen part-time work.

3. The legislation does not explicitly prohibit discrimination based on underemployment or in employment and occupation.

#### Assessing Kazakhstan's Legislation for Ratification Potential and Compliance with ILO Conventions

Our analysis focuses on Convention No. 189, "On Decent Work for Domestic Workers," for potential ratification by Kazakhstan, given that a significant proportion of domestic workers locally are women from marginalized groups. Integrating ILO standards for domestic workers is crucial not only for these individuals but also for the broader pursuit of decent work. Moreover, ratifying this Convention would significantly impact migration and gender equality.

However, we believe Kazakhstan is not prepared to ratify Convention No. 189 at present. This is due to the predominance of informal economy relationships between domestic workers and their employers. Kazakhstan lacks effective monitoring mechanisms for these relationships, hindering the establishment of conditions necessary for domestic workers to exercise their rights to association, decent working conditions, and the robust protection of their labor rights. Ratification of ILO Convention No. 189 by Kazakhstan should only occur after establishing the requisite social, economic, and legal frameworks that encourage the formalization of employment relationships between private individuals as employers and their domestic employees, including those providing personal services and household assistance.

A key precondition for ratification is the creation of state mechanisms to effectively shield domestic workers from exploitative practices, particularly those engaged or recruited by private employment agencies. While Kazakhstani legislation has laid the groundwork for domestic workers to seek redress through courts and the state labor inspectorate, such disputes rarely reach the courts due to a lack of filed claims. Furthermore, complaints to the State Labour Inspectorate are minimal, as only a small fraction of employers formalize their employment relationships with domestic workers (Florinskaya et al., 2014).

For Kazakhstan to ratify Convention No. 189, the following preliminary legislative actions are suggested:

1. Introduce guarantees that affirm the right of domestic workers to freedom of association and the effective recognition of their right to collective bargaining. This involves ensuring that both domestic workers and their employers have the right to form and join organizations, federations, and confederations of their choosing, adhering to the rules and procedures of these entities.
2. Implement legal measures to ensure that domestic work performed by individuals under 18 does not hinder their compulsory education or interfere with further education or vocational training.
3. Establish effective protections for domestic workers against all forms of abuse, harassment, and violence. Guarantee that domestic workers have access to fair employment and decent working conditions, including respectable living conditions and privacy for those residing in their employers' households. Currently, these aspects are formally recognized but lack effective supervision and control over employers.

4. Improve the regulatory framework governing the entry and exit of domestic workers, both immigrants and emigrants, as per the requirements of Convention No. 189. This includes assigning responsibilities to entities supporting the labor migration of domestic workers.

5. Introduce state measures to oversee and ensure compliance with the working conditions of domestic workers, ensuring their rights and well-being are safeguarded.

These steps are crucial for Kazakhstan to align with the international standards set by Convention No. 189, particularly in enhancing the rights and protections of domestic workers within its jurisdiction.

The International Labour Organization's Convention on Violence and Harassment, 2019 (No. 190), came into effect on June 25, 2021, alongside Recommendation No. 206. As the first international standard targeting the eradication of violence and harassment in the workplace, Convention No. 190 acknowledges the universal right to a work environment free from violence and harassment. This Convention plays a crucial role in addressing the shortcomings of national laws and enforcement practices. In Kazakhstan, workplace violence and harassment, including gender-based violence, are pressing issues. Ratifying this agreement will necessitate comprehensive legislative updates, including:

1. Incorporating definitions for "violence and harassment in the world of work" and "gender-based violence and harassment".
2. Extending the Convention's protections to cover employment relationships, apprenticeships, mentoring, internships, professional training, and internal organizational management.
3. Enumerating scenarios of violence and harassment that occur during work, are work-related, or arise in connection with work.
4. Adopting an inclusive, gender-sensitive approach for preventing and eliminating workplace violence and harassment, including systematic measures.
5. Enacting laws and regulations to prohibit violence and harassment, establish policies, strategies for prevention and response, and strengthen enforcement and monitoring mechanisms. This also involves providing victims with access to remedies and support, punishing offenders, and developing tools, guidelines, and educational and awareness initiatives.

For Kazakhstan, implementing the measures mandated by Convention No. 190 will be an extensive undertaking, requiring collaboration with social partners. Ratification is both necessary and timely, as it will elevate protection standards against workplace harassment and violence. However, it's equally important to ensure thorough preparatory work so that the norms become effective labor standards within the national context.

Currently, Kazakhstani legislation does not recognize violence against women as a distinct form of gender-based discrimination. Therefore, it is imperative to draft legislation that explicitly identifies violence against women as both discrimination and a human rights violation. Labor laws must evolve in harmony with other sectoral legislation, emphasizing the need to develop Kazakhstani laws focused on preventing violence against women, facilitating investigations, prosecuting and penalizing offenders, and providing protection and support to victims/survivors.

Consultation with relevant stakeholders is crucial in drafting this legislation. This process should reflect the experiences of violence survivors and provide suitable legislative responses, enhancing the enforceability of the laws. Stakeholders to consult include survivors, NGOs addressing violence against women, groups representing special categories such as migrant workers or persons with disabilities, national human rights institutions, law enforcement officials, social workers, educators, and media personnel.

Reassessing gender dynamics: the significant contribution of men to ensuring gender equality in the labour market in Kazakhstan

While discussions on gender equality in the workplace frequently emphasize the empowerment of women, a vital aspect, this focus can sometimes inadvertently reduce the complexity of the broader concept of gender equality. We aim to highlight the crucial role of men in achieving more comprehensive gender equality in Kazakhstan's labor market. The current labor laws, with their justified emphasis on women's empowerment, do not completely address the distinct challenges and needs that men encounter in the workplace. Recognizing and considering these aspects is essential for a more balanced approach to gender equality.

There's a prevailing misconception that balancing professional and family responsibilities is solely a woman's concern. This perspective neglects the increasingly significant role men play in family life and their need for support in managing these dual responsibilities. Additionally, the notion that male workers do not require special protection in the workplace is a stereotype that should be reconsidered. Men, just like women, experience specific challenges and vulnerabilities in their professional lives that need recognition and appropriate response.

In Kazakhstan's labor market, there is a trend of men occupying low-paid positions, leading to instability in their employment conditions. This issue impacts not only their economic security but also family dynamics and societal roles. Interestingly, the decline in men's employment conditions has contributed to reducing the gender pay gap. However, this should not be mistaken for genuine gender equality; it is more about equalizing opportunities for both genders. True gender equality in work and occupation requires improving working conditions for all genders. It is not about elevating one gender at the expense of another but enhancing working conditions and rights universally.

In summary, acknowledging and incorporating the role of men in promoting gender equality is crucial for developing a holistic and effective approach to tackling gender discrimination in the workplace. Addressing the specific needs and challenges of both men and women in the labor market is a vital step towards creating a more equal and inclusive society. By embracing such measures, Kazakhstan can progress towards a more balanced and comprehensive implementation of gender equality principles in the workplace.

## 5. Results and conclusion

Our analysis underscores that the ratification and implementation of International Labour Organization (ILO) conventions in the social and labor domains should be elevated in priority on the national agenda. Embracing and applying ILO conventions is a tangible step towards

fulfilling international human rights treaty obligations. Establishing robust systems for gender equality and anti-discrimination not only solidifies the social contract but also bolsters economic and social stability, especially during crises.

The international community has formulated and solidified fundamental social and labor human rights standards, which are now integral to international norms. Moreover, international legal instruments that define a core set of social and labor rights, along with their implementation mechanisms, are crucial components of national legal systems. The international legal framework for social and labor human rights presents multiple avenues for legal influence: establishing international standards for social and labor rights, shaping and enhancing national social and labor law, and ensuring compliance with international obligations in domestic social and labor legislation. The integration of international law into national law involves domestic mechanisms that apply international norms to specific social contexts, incorporate provisions of international acts into domestic legislation, recognize international law sources as integral to national law, and prioritize international norms over state internal laws.

The importance of international social and labor standards is manifold. They guide the evolution of national law to align with globally recognized norms. These standards serve as catalysts for unifying and consolidating domestic legislation, setting the benchmark for social and labor guarantees, and fostering the development of national lawmaking. They become pivotal parameters for the advancement of domestic social policy, shaping its direction and scope.

To advance gender equality in the workplace within the national context, the following initiatives are essential:

1. Develop a comprehensive state system for promoting, analyzing, and monitoring equal treatment and opportunities in job access and employment, applicable to all worker groups.
2. Clearly define direct and indirect discrimination in legislation, specifying their characteristics and manifestations.
3. Alongside prohibiting gender-based discrimination, legislation should mandate employer accountability for creating a workplace environment that is free from inequality, discrimination, and sexual harassment.
4. In discrimination claims, the responsibility should be on the employer to prove that any differential treatment is based on objective circumstances.
5. Introduce explicit definitions and prohibitions of sexual harassment in the workplace, encompassing both hostile work environments and quid pro quo scenarios. Additionally, implement awareness-raising measures for employers, workers, and their representatives about sexual harassment issues. There should be a consideration to categorize workplace sexual harassment as a distinct offense in the Criminal Code of Kazakhstan.
6. Implement mechanisms to ensure equality and protection for workers with family responsibilities.
7. Enforce international act guarantees regarding social protection for working women during pregnancy, childbirth, and childcare.

To enhance the quality of national legislation and align with the best modern standards against inequality, we propose that the national Government of Kazakhstan ratifies the ILO Convention "On Violence and Harassment" (No. 190). Ratifying this international agreement would initiate legislative processes aimed at meeting universal standards and combating workplace violence and harassment, including gender-based forms.

The Government should lead these efforts through measures promoting socio-economic growth. However, researchers also play a crucial role by identifying discrimination, advocating for legal changes, and promoting the implementation of international standards. This study contributes significantly to the evolving theory of gender equality as a contemporary scientific field. It comprehensively analyzes the normative consolidation of gender equality rights and their protection in both international and domestic Kazakh law. The findings can serve as a foundation for future research in this humanitarian area, thereby enhancing efforts to address gender rights implementation challenges. These results should inform the development of Kazakhstan's legal and public policy on gender equality and anti-discrimination and be considered in law-making processes to refine national legislation.

### Acknowledgments

We would like to thank two anonymous reviewers whose recommendations helped us significantly improve this manuscript. This research was funded by the Science Committee of the Ministry of Science and Higher Education of the Republic of Kazakhstan (Grant No. AP14972849).

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