



Labor unions and institutional corruption: The case of Kazakhstan

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Abstract

In this study, we used the institutional corruption framework to analyze the evolution of labor unions in Kazakhstan. As a research method, we conducted a case study by combining document analysis with survey data covering (n)1,200 respondents across all 14 regions of the country. Our findings suggest that external and internal influences weakened labor unions and diverted from fulfilling their primary purpose of promoting interests of their members. External influences, represented by restrictive regulatory framework and state intervention, create conditions of limited independence of labor unions leaving them extremely narrow scope to operate in. Internal influences are represented by disagreements and conflicts between national-level labor unions. This article stipulates that dysfunctional and institutionally corrupt labor unions in Kazakhstan serve as an indicator of state fragility. The findings confirmed that institutional corruption of labor unions has an adverse impact on public trust, while a frequent occurrence of labor conflicts might impact political risk factors, contributing to increased state fragility.

Keywords

Labor unions, institutional corruption, labor rights, public trust, state fragility

Introduction

Kazakhstan is seen as fragile and institutionally weak by international human rights organizations, particularly when it comes to protections of workers' rights (Human Rights Watch, 2020). A trend toward an increase in labor conflict occurrences in Kazakhstan is alarming and points toward unresolved socio-economic issues. Domestic labor unions are often criticized for the lack of independence and weak performance in protecting employee rights (Human Rights Watch, 2020). For instance, the Federation of Labour Unions of Kazakhstan (FLUK) was excluded from the International Confederation of Labor Unions because it is considered to be heavily influenced by the local government (Beissembayev, 2018). A number of labor activists who promoted demands of employees in Kazakhstan were prosecuted under the special article in the criminal code for "inciting social discord."

Due to significant state presence in the economy, the state and institution of business enterprise are closely associated in Kazakhstan. In particular, the majority of companies in the extractive sector are controlled by Samruk-Kazyna

National Welfare Fund. The government regularly initiates roadmaps to stimulate employment levels. For instance, in 2020, it implemented infrastructure projects that accounted for about 1 trillion tenge, which created additional 250,000 workplaces (Sevostyanova, 2020). As a result, extensive government intervention in the economy facilitates a close relationship between the state and the institution of business enterprise. Considering the extent of state intervention in the economy, labor conflicts, besides other things, reflect a societal discontent with the government's social and economic policies.

Globally, the rise of neoliberalism since the 1970s has led to a decline in the number of unionized workers globally (McCarthy, 2019). This has led to a weaker protection of employee rights and growing income inequality across

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countries. In addition, the share of labor in total workforce compensation globally has declined significantly in the past four decades (Giovannoni, 2014). The declining share of unionized workers is also generally associated with falling labor share, which is part of national income allocated to wages. Such a trend has been recorded globally including in high-income countries such as Germany, Japan, and the United States (Karabarbounis & Neiman, 2014). In particular, the union coverage rate in the United States, for example, declined from 26.7% to 13.6% between 1973 and 2009 (Hirsch & Macpherson, 2010). The decline of unionization has been associated with the fall in middle-class income in the past five decades, which reportedly enabled Donald Trump to appeal to American voters in the 2016 presidential elections (Fukuyama, 2016b). Francis Fukuyama (2016a) went as far as calling the United States a “failed state” suggesting that as a result of political rot, the country’s collapse could be as big as the one associated with the Soviet Union.

Within the context, if a process of overcoming state fragility was identified as “a process for connecting citizens’ voices to government” (Ghani & Lockhart, 2009, p. 21), labor unions serve as an institution for delivering its members’ preferences to the government. To a certain degree, they are also capable of holding the government accountable by means of electoral politics. In that respect, the institution of labor unions is one of the instruments for government to obtain feedback from employees regarding labor policies as well as enterprises’ employment policies. Labor unions are designed to represent views of workers over working conditions, salaries, and other collective interests. If governments weaken the institution of labor unions, they diminish the opportunity of benefiting from this feedback mechanism. A weak role of labor unions in promoting rights and interests of employees damages public trust toward this institution. Paradoxically, a state’s desire to control labor relations through restrictive labor union legislation only makes the situation worse.

In general, fragility and political risks are key factors investors consider when making investment decisions. In the absence of mechanisms to regulate labor conflicts (labor unions being the main actors in this process), such conflicts significantly worsen political risk levels. The inability of labor unions to resolve labor disputes at early stages lead to occurrences of strikes and protests. For example, in the last decade, labor protests in Kazakhstan took place on a regular basis, contributing to increased state fragility and increasing the likelihood of negative outlook of investors in their evaluation of potential political risks associated with the country. Hence, labor conflicts are a key factor that contributes to an overall weakening of the state’s capacity to develop. In this regard, this study contributes to research fields of development studies, institutional corruption as well as labor relations in the post-Soviet space.

In this study, we aimed to identify critical factors that determine the effective functioning of labor unions in Kazakhstan. In doing so, our primary research question was the following: *what factors prevent labor unions in Kazakhstan from fulfilling their mission?* Here, the general mission of the institution of labour union is assumed to be the protection of rights and interests of employees. For the purposes of such analysis, we adopted a holistic approach by reviewing government policies and regulatory framework under which labor unions operate, as well as internal structure and dynamics within a hierarchy of labor unions. Such an approach enabled us to identify the external and internal factors that contribute to the weakening of the institution of labor union and its failure to deliver on its objectives.

In the following sections, we start by introducing the conceptual framework of institutional corruption as an indicator of fragile states and providing contextual information about the history of labor union development in Kazakhstan. After outlining methods used for data collection, we discuss the state of labor relations in Kazakhstan by reviewing the evolution of the regulatory framework governing the institution. This will be followed by a discussion of the survey results where an attempt was made to focus on social perception of labor unions. Next, the hierarchy and structure of labor unions in the country will be analyzed. The final section concludes with general implications of the study and the discussion on the application of the institutional corruption framework in the analysis of labor unions.

Conceptual framework and background research

Institutional corruption and state fragility

For the purposes of this study, we adopt an institutional corruption theoretical framework, which is used for analyzing the evolution and practices of political, social, and other institutions. Institutional corruption is unlike traditional corruption in that it is not illegal, and it does not involve “use of public office for private gain” which is the most common definition of traditional corruption. Institutional corruption is distinct because it is impersonal and different from individual-level corruption such as bribery or other types of quid pro quo corruption (Rose-Ackerman & Palifka, 2016). In broader terms, institutional corruption affects organizations and/or formal institutionalized processes such as democratic elections, research procedures, financial regulations, and other formal norms and regulations.

Although institutional corruption is an emerging and relatively new research field, one of the pioneers in research on institutional corruption, Dennis Thompson, argued that it has profoundly more serious damaging effects on societies compared to individual corruption due to its systematic and sustained character. For example, it

was reported that as a result of how a campaign financing system has evolved for the elections of the US Congress preferences of voters have almost no impact on legislation. As Gilens and Page (2014) put it in their article: “When the preferences of economic elites and the stands of organized interest groups are controlled for, the preferences of the average American appear to have only a minuscule, near-zero, statistically non-significant impact upon public policy.”

Another prominent theorist of institutional corruption, Lawrence Lessig (2011), defined institutional corruption as,

... a systemic and strategic influence which is legal, or even currently ethical, that undermines the institution’s effectiveness by diverting it from its purpose or weakening its ability to achieve its purpose, including, to the extent relevant to its purpose, weakening either the public’s trust in that institution or the institution’s inherent trustworthiness.

While we adopt Lessig’s definition of institutional corruption, some of the key components of this definition deserve a closer examination. For example, in order to diagnose institutional corruption, it is important to understand that in institutional corruption, the influence is “systemic and strategic” in contrast to a randomly occurring chain of events (Lessig, 2013). Another important criterion is that institutional corruption diverts an organization from its purpose. However, it is not always the case that an influence prevents an institution from fulfilling its purpose altogether, but it is also possible that it weakens “its ability to achieve its purpose.” The next important criterion for recognizing institutional corruption is that there is a decline of public trust toward that institution as a consequence of its inability to deliver on its purpose. For some institutions such as labor unions measuring public trust is not something that is done regularly, while for others such as US Congress, for example, it is performed regularly and figures report declining public trust in this institution, which scholars relate to the influence of campaign funding (Lessig, 2020).

Although institutional corruption is a relatively new topic, research with its applications in various areas is growing rapidly. These include studies exploring the phenomenon in relation to legislative bodies (Callen & Long, 2015; Thompson, 1995), pharmaceutical companies (Light et al., 2013; Rodwin, 2012), health care service providers (Whitaker & Cosgrove, 2015), financial organizations (Youngdahl, 2013), education (Milanovich, 2014), and others. There are also studies exploring the effect of institutional corruption on the functioning of liberal democracy in general (English, 2013), political systems (Draca, 2014), electoral processes, and political parties (Lessig, 2014; Thompson, 1995). Fewer studies analyze the phenomenon in the context of private sector development (Salter, 2010). To our knowledge, there are no studies that explore the concept of institutional corruption in relation to labor unions.

This highlights the significance and novelty of our study as well as the need to further explore institutional corruption in a variety of contexts, especially in terms of fragile states.

Institutional corruption can also indicate state fragility in developing countries as recognized by the former President of the World Bank, Robert Zoellick (2008) as “the toughest development challenge of our era.” The concept of state fragility generally incorporates such categories of the states as those lacking the capacity to develop due to various constraints that include weak institutions, corruption, armed conflicts, political violence, and the inability of governments to provide basic services (Besley & Persson, 2011; Osaghae, 2007). Countries diagnosed with “state fragility” could suffer serious repercussions such as worsening investment climate and even policy or military interventions from other countries (Grimm et al., 2014). Similarly, labor conflicts are one of the most important factors investors consider making investment decisions as such conflicts significantly impact political risk levels. The existing ambiguous categorization of state fragility enables us to argue that unresolved labor conflicts could contribute to the weakening of the state’s capacity to develop.

The Soviet legacy of labor unions

Since labor relations in Kazakhstan are built upon the Soviet labor system (Maidyrova & Mamedova, 2013), it is important to consider labor unions in the Soviet period. In the Soviet Union, labor unions played an important role in the political and social spheres of the state as illustrated by the fact that by 1985 labor unions integrated almost the entire adult population of the Union of Soviet Socialist Republics (USSR). The largest labor union of the agro-industrial complex comprised about 35 million members at that time (Ashwin, 1999). Furthermore, labor unions were embedded into the framework of the Communist Party and served as an arm of the state machinery responsible for the deliberation of an ideology and boosting the commitment of workers to the communist party (Kubicek, 2002).

In the Soviet labor relations context, the primary goal of the Communist party was to ensure the achievement of the target plans at each enterprise. In this regard, labor unions served as “eyes and ears” of the communist party. Labor unions monitored the productivity performance of the enterprises and checked whether employers in the pursuit of the target plans did not over-exploit the workers. In the vision of the communist party, such cases would pose a threat to the health of employees, provoke social tensions or conflicts (Ashwin & Clarke, 2003). Other activities of labor unions were associated with the administration of social facilities of the enterprises as well as the distribution of social benefits (Clarke et al., 1993). With the help of labor unions, employees received vacations, allocated children to kindergartens, and gained access to other social provisions. Such benefits were financed on a mutual basis, partly by employers and partly by the employees’ social contributions.

The perestroika process in the late Soviet period threatened the existence of labor unions as they lost the support of the Communist party. In the pursuit of the democratization process, Gorbachev introduced Labor Collective Councils, which would represent the interests of employees (Gritsenko et al., 1999). At the same time, the transition to a market economy led to the abolition of the planning system. This meant that labor unions that previously performed the role of watchdogs over the planning system now had limited powers. Besides, the process of mass privatization led to the loss of the social infrastructure of labor unions. The introduction of the “shock therapy” economic reform agenda injected fragility in the entire system. Reforms brought considerable damage, in the beginning, especially considering the absence of adequate institutional frameworks. As a result, labor unions faced the challenge of adapting to new realities in the transitional post-Soviet period. The next section considers the regulatory framework of labor unions in modern Kazakhstan.

Regulation of labor unions in Kazakhstan: a review of the regulatory framework

The right of labor to organize and negotiate terms of employment with employers has been recognized as a fundamental right by the United Nations and has been stipulated in the Universal Declaration of Human Rights (United Nations, 1948). The acknowledgment and implementation of these rights differentiate liberal democracies from countries with authoritarian rule. With the collapse of the USSR, Kazakhstan developed a new legal system to regulate labor relations, which promised to grant greater opportunities for employees in exercising their rights and freedoms. This was evident in the early stages of the independence period when the country had a competitive political system, which was in turn reflected in labor relations. Workers could demonstrate their ability to organize and determine collective proposals as shown by a series of protests that took place in the 1990s (Croucher, 2015). A period of liberalization was followed by the centralization of powers of the government and tightening of regulations, including in labor relations. Subsequently, authorities imposed stricter control on labor unions.

Systemic problems in the activities of labor unions were evident during the Zhanaozen events in 2011 (Beissenova et al., 2013). Workers of Uzenmunaigas oil company in the western part of the country organized a strike demanding timely payment of wages, an increase in salaries, and improvement of the working conditions. Negative sentiments among workers led to several protests of oilmen, which resulted in violent clashes between workers and the local police ending with 14 casualties. Satpayev and Umbetaliyeva (2015) suggest the primary cause for the violent strikes in Zhanaozen was the absence of the institutionalized mechanisms to negotiate such conflicts. Zhanaozen events prompted authorities to reconsider labor relations. In

particular, the authorities introduced substantially revised legislative acts regulating labor relations—the new Law on Labour Unions (2014) and the new Labour Code (2015).

Although the new Law on labor unions kept some important norms such as non-interference in the process of the formation of labor unions and non-discrimination of labor unions, according to Human Rights Watch (2016, p. 5), the law does not comply with the recognized international standards on the protection of labor rights. The new Law on labor unions introduced restrictions on freedom of association as well as the right to organize for employees (Law on Labour Unions, 2014). The law also introduced a two-stage registration process, which complicated a re-registration process for local labor unions. The two-stage registration process required that in order to register the labor union a group of more than 10 people shall initiate a congress with identification of the structure of the union and charter (Law on Labour Unions, 2014: article 8). Following this, during the next sixth months, a labor union shall confirm its status by providing information about the number of the members as well as confirmation about the accession to a higher tier union. Failure to do so would result in refusal in the registration of the labor union.

It is worth considering in more detail how the labor unions system is designed in Kazakhstan. Currently, there is a four-tier system of labor unions (Figure 1). At the grassroots level, there is an initiative group of no less than three people within a single organization. Next, there is a local labor union created by employees of one or several organizations operating in the same industry. The next level includes industry and territorial labor unions. Industry labor unions combine at least half of the employees in a particular industry and should operate in more than half of the regions. The territorial labor unions combine labor unions that operate in a particular region (*oblast*). National labor union associations constitute the top tier of the system, which combines industry and territorial labor unions. Currently, there are only three National-level labor unions, namely, FLUK, the Commonwealth of labor unions “Amanat,” and the Kazakhstani Federation of labor (KFL).

One of the major impediments to the functioning of labor unions is the obligation to join higher tier labor union organizations. In other words, a local labor union must join industry or territorial labor unions. Both industry and territorial labor unions should obtain membership in one of the national-level labor union associations. On top of that, the law requires that for industry and national labor unions to be registered they must have branches in more than half of the regions of Kazakhstan. Such requirements undermine the autonomy of labor unions to regulate their structures.

It follows that the Law on labor unions contradicts the principle of the freedom of associations of the International Labour Organization (ILO, 1948) indicated in the convention. According to the observation of the ILO, the requirement for industry labor unions to combine at least half of the employees in a particular industry as well as an

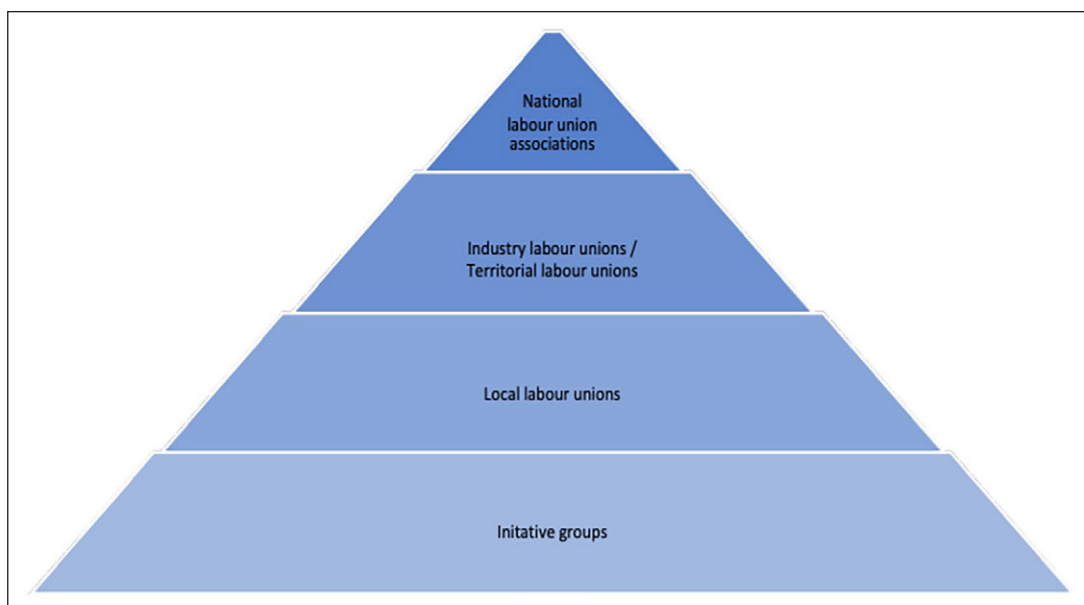


Figure 1. Kazakhstan's labor union hierarchy.

obligation for unions to join the higher tier labor unions results in a monopoly of some labor unions at the industry level (ILO, 2015). Consequently, employees are obliged to join the only labor union that operates in the industry.

In 2017, Kazakhstan liquidated one of the major national-level unions—the Confederation of independent labor unions of Kazakhstan (CILU), after its continuous failed attempts to confirm a labor union status. Despite the presence of regional branches, the CILU has been denied registration by the Ministry of Justice. The head of this labor union Larisa Kharkova was found guilty of abuse of power and imprisoned for 4 years (Human Rights Watch, 2018). The consequent hunger strike of 400 oilmen in 2017 against the disbandment of the CILU has been found illegal by the court's decision. About 50 employees were penalized and had to pay compensation to employers. Two active participants of the hunger strike were sentenced to 2.5 and 2 years of imprisonment with a further ban on any engagement with labor union activities (Human Rights Watch, 2019).

As a response to critics, the government introduced amendments to the Law on labor unions and excluded the requirement to join the higher tier unions as well as the two-stage registration process (Kazinform, 2020). However, in practice, independent labor unions still struggle to obtain registration. For instance, the Ministry of Justice repeatedly rejected registration applications of the Congress of Free Labour Unions (CFLU) which is the successor of the Confederation of independent labor unions (PANA Defenders, 2018). Currently, the organization is experiencing financial struggles as its accounts are held under arrest (Grishin, 2019). In addition, it cannot receive financial support from international partners such as the International Labour Organization, as the existing legislation prohibits

the receipt of financial support by labor unions from international bodies.

The adoption of the new Labour Code (2015) has led to a weakening of the position of labor unions in negotiations with employers in general. In particular, the Labor Code violates employees' rights for collective bargaining as well as to strike, which are recognized internationally. The right for collective bargaining is complicated by the requirement to go through the mediation processes with the employer. Workers are unable to exercise their right to strike, which is guaranteed by the constitution and international norms unless they go through a mediation process with company management (Labour Code, 2015, chapter 15). Another limitation of the new Labour Code is associated with greater discretion for employers to dismiss workers without a prior warning or reasonable explanation (Labour Code, 2015, article 51–52). Consequently, it leads to fear of losing jobs, in case of non-compliance with the employers' instructions (Human Rights Watch, 2016).

Apart from the Law on labor unions and the Labour Code, the limitations on the activities of labor unions are further promoted by the Criminal Code. The authorities use articles from the Criminal Code to prosecute labor union leaders and activists. In 2014, a new article was introduced to the Criminal Code, which implies the punishment of up to 3 years of imprisonment for "actions provoking continued participation in a strike that has been declared illegal by a court" (Criminal Code, 2014, article 402). Another article from the Criminal Code that has been used against the labor union activists is "inciting social strife" (Criminal Code, 2014, article 174). For instance, a former lawyer at "Karazhambasmunaigas" oil company Natalya Sokolova, who was reportedly helping participants of a massive labor strike in 2011 in Zhanaozen with filling out the complaints, was sentenced to sixth years of

imprisonment for inciting social strife. Local human rights activists criticized such application of the law against labor union activists (Tsoy, 2017).

The abovementioned legislative reforms have had a profound impact on the role and influence of labor unions in the country. The labor unionization level immediately declined from 33.5% to 29.2% within a short period between 2014 and 2015 (Bureau of National Statistics, 2021). This is consistent with the previous argument about the difficulties with the labor union registration process that appeared due to the adoption of the Law on labor unions in 2014. The decline in labor unionization points toward the low popularity of the institution of labor unions among the employees of Kazakhstan. This trend will be further explored in the following sections, where social survey results on the population's perception toward labor unions will be discussed.

Methodology

In this study, we attempted to analyze the evolution of labor unions in Kazakhstan not only by examining the domestic regulatory framework but also by using social research methods. To answer our research questions, we employed both causal and descriptive inferences. The causal inference enabled us to determine that the restrictive legislative measures, which are initiated by the government, contribute to the weak state of the labor unions. The descriptive inference provided the opportunity to capture societal perceptions toward labor unions. The case study research design was applied to encompass both causal and descriptive inferences. In this regard, we investigated labor unions within the context of Kazakhstan. To strengthen the reliability and validity of the qualitative study, it is recommended to triangulate data sources (King et al., 1994). Thus, we have broadened our data sources by using survey data as well as content analysis of the legislature, reports and media outlets on labor unions.

For the purposes of this study, we used survey data collected by the Kazakhstani Institute for Strategic Studies (KazISS). KazISS is a think tank, which conducts research related to the socio-political dynamics and economic situation as well as the foreign affairs in Kazakhstan. The survey was conducted in March 2019 and consisted of seven parts aimed to evaluate the different dimensions of labor relations in Kazakhstan. The targeted dimensions included employees' satisfaction level with working conditions; the availability of job places on the market; the barriers for the employment process; identification of the salary levels; the level of protection of labor rights and interests, labor union membership level, and assessment of labor union activities; and determining of the core reasons for the occurrence of labor conflicts.

Since our goal was to capture the social perception of labor unions in Kazakhstan, we used survey data

considering that surveying is one of the most efficient instruments to capture information about human behavior and preferences (Singleton and Straits, 2009). The survey was constructed from the list of multiple choice closed-ended questions. The survey was conducted across all 14 regions of the country and the cities of Nur-Sultan, Almaty, and Shymkent. The sample size was constructed according to the quantitative composition of the country and constituted 1,200 respondents above 18 years old. The populous regions were represented by the higher number of respondents, while less populous regions were represented by the fewer number of respondents.

A systematic sampling method was employed to conduct the survey. Face-to-face interviews were conducted in the regional centers as well as several district centers in each region (except for the cities of Nur-Sultan, Almaty, and Shymkent). Individuals were selected at regular intervals from the sampling route. The sampling route included the list of random streets in the local settlements. After the collection of the survey data, the responses of the participants have been validated through the telephone through call back methods. The respondents were asked whether they participated in the survey and what type of questions they were asked. The validation of the respondents' answers enabled a fair degree of reliability in the quality of the survey research.

As Table 1 indicates, the background of respondents was diverse. The differences among respondents in terms of occupation, sex, age, education to a greater extent reflected the general socio-demographic patterns of the Kazakhstani population. Consequently, the diverse backgrounds of the respondents provided the opportunity to measure opinions and perceptions of ordinary citizens regarding the role of labor unions in Kazakhstan.

In broader terms, the survey data confirm a weakened position of labor unions in protecting the rights and interests of employees. According to the evaluations of the respondents, labor unions have a minor impact on the interactions between employees and employers. What is more important, labor unions are not considered by the public as the body to which employees refer to solve their disagreements or conflicts with an employer. The survey results, to some extent, reflect the situation with the government pressure on labor unions as well as internal disagreements among the labor union bodies.

Survey results: low public trust in labor unions

Problems associated with the functioning of labor unions contribute to a relatively low level of involvement of employees in activities of labor unions. Collectively, only about a third of those surveyed were or had ever been members of a labor union. This is consistent with the official

Table 1. Background of respondents.

Occupation	Education level
An employee of a private sector (22.2%) ^a	Secondary education or uncompleted education (24.9%)
An employee of a public sector entity (19.2%)	Technical and vocational education (27.2%)
Housewife (11.0%)	Uncompleted higher education (12.7%)
Pensioner who is currently not working (8.8%)	Higher education (33.5%)
Unemployed (8.4%)	Master's degree, PhD (1.7%)
Self-employed (engaged in private entrepreneurship without the use of hired workers) (7.9%)	Age
Civil servant (6.3%)	18–29 (22.8%)
Student who is currently not working (5.7%)	30–39 (31.7%)
Self-employed (engaged in private entrepreneurship, business and have subordinate employees) (3.5%)	40–49 (20.7%)
Unemployed, not studying, but looking for a job (2.7%)	50–59 (14.8%)
Pensioner who is currently working (1.6%)	60+ (10.0%)
Unemployed due to disability (1.2%)	Sex
Student who is currently working (1.2%)	Male (43.9%)
Unemployed, not studying, not looking for a job (0.3%)	Female (56.1%)

^aPercentage of respondents in brackets (%).

Table 2. How would you characterize the impact of a labor union organization on your working life?.

The impact of your labor union	Proportion of respondents	Among the members of a labor union (N= 162)
Affects positively, many issues of employees are resolved	19.6%	67.9%
Affects negatively, all issues are resolved only in favor of the employer	4.5%	4.3%
There is no influence at all, the labor union organization works only formally	12.8%	16.0%
There is no labor union organization	42.8%	–
I find it difficult to answer	20.3%	11.8%

data on labor unions in Kazakhstan; according to the Bureau of National Statistics (2020), the total number of employees in the economy of Kazakhstan during the years 2012–2019 has fluctuated around 8.5 million people. The number of labor union members during the same period has fluctuated around 2.5–3 million people (Bureau of National Statistics, 2020). There is a correlation between the age of respondents and their membership; the older is the age of an individual the higher is the probability that he or she is a member of a labor union.

A decorative role of labor unions is confirmed by the survey results (Table 2). About 43% of the respondents pointed toward the absence of any labor union organizations in their workplace. Meanwhile, about 13% of the respondents indicate that labor unions do not impact the working life of employees, while the number is slightly higher (16%) among the members of labor unions. Nevertheless, the indicators of a positive assessment of the influence of labor union organization on working life were higher among those who were members of the labor union—3.5 times higher than the average result for the whole sample of respondents.

The survey results demonstrate the low popularity of membership in labor unions as a means to solve labor disputes (Table 3). According to the respondents, the most popular method to protect labor rights and interests was a direct appeal to the management (34.7%). Among other popular methods of protecting labor rights, respondents outlined—legal advice (24.7%) and seeking help from colleagues (16.2%). The remaining methods of promoting rights, including an appeal to the labor union, were less popular among respondents. Such responses indicate that employees are not used to solving labor disputes at the workplace through collaboration with the labor union. In other words, the social perception is that labor unions have a limited role in advocating the rights and interests of workers in front of employers.

Every fifth person interviewed pointed to the lack of opportunities to protect their labor rights and interests (19.6%). Inevitably, a weakened role of labor unions in the promotion of the rights of employees resulted in declining trust of people toward this institution. A representative of the FLUK, Gulnara Zhumageldiyeva, indicated in an interview that in the eyes of many Kazakhstani people, labor

Table 3. What opportunities do you have to protect labor rights and interests?.

	% of respondents
Appeal to the management	34.7
Legal advice	24.7
Seeking help from colleagues	16.2
Contacting a labor union	13.1
I will try to resolve the issue by using the existing connections	12
Contact the Akimat/Labor Department	11.6
Suspension of work	8.9
Participation in strikes	3.5

unions are mostly responsible for the distribution of social benefits such as tours to health resorts and organization of other social events (Bodrova, 2020).

The weakening of the role of labor unions, coupled with low public trust in the institution itself has led to a deterioration of labor relations, which has resulted in labor conflicts, strikes, and mass protests often of a violent nature. In many instances, due to the impotence of local labor union organizations, local executive bodies take the role of mediators and representatives of workers' interests. It has been reported (Yessenova, 2012) that oftentimes, akims (district leaders) of the regions more often than labor inspectors, are personally engaged in the mitigation of labor conflicts. Officially, these functions should be fulfilled by respective labor inspectors, which are the local agencies of the Ministry of Labor responsible for monitoring labor relations.

Government interference into labor relations is not limited to the imposing of restrictive legislation. The largest labor union association in the country—the FLUK is to a great extent controlled by the state authorities. Specifically, the leadership of the FLUK is closely associated with the Kazakhstani authorities. The ex-chairman of FLUK, Yeraly Tugzhanov, who headed the organization between 2019 and 2020 was a governor of the Mangistau region and Karagandy region (Smaiy, 2020). The current chairman of FLUK, Satybaldy Dauletalin, worked in the central apparatus of the ruling party, “Nur Otan” (FLUK, 2020). At the same time, Article 5 of the country's Constitution directly indicates that government interference in the affairs of public associations is prohibited. The next section highlights the internal influences that weaken the performance of labor unions.

Dysfunctional labor unions at the national level

The other factor that weakens the institution of labor unions is disagreements and conflicts between the three major national-level labor unions. It should be noted that labor union activity in Kazakhstan is at an evolutionary stage of development and labor union organizations are poorly

involved in the system of regulating social and labor relations. Consequently, a low involvement of labor unions in solving social and labor issues of employees is associated with the lack of consolidation among labor union organizations.

In the years after the fall of the Soviet Union, labor unions in Kazakhstan were based on territorial branches, while later this was replaced by the confederation system. In other words, this indicates that higher labor union bodies had limited control over the lower level union bodies. It follows that each level of labor union organization had greater autonomy in identifying its objectives. Also, it is worth noting that the fall in the employees' financial contributions accompanied by the loss of obligation to provide social insurance at the workplace has led to downsizing of the labor unions apparatuses as well as limited resources to perform their functions (Ashwin & Clarke, 2003).

Currently, there are three main Republican labor unions in the country, namely, the FLUK, the Commonwealth of Labor Unions called “Amanat,” and the Kazakhstani Confederation of Labor (KCL). The FLUK is the successor of the Federation of labor unions of the Kazakh Soviet Socialist Republic. The Commonwealth of Labor Unions or Amanat was created in the aftermath of the abolition of the Confederation of independent labor unions in 2017 (Danilvesky, 2018). The KCL was established at the founding Congress in 2004 (Kazakhstani Confederation of Labour, 2020). As has been mentioned earlier, the FLUK is considered by many as the pro-governmental organization, while Amanat and KCL are considered as more autonomous.

Not only is there a lack of coordination between labor unions, but there is also competition between Amanat and the FLUK. The conflict between the two bodies is growing due to differences in property issues and monetary funds of the primary labor unions. Representatives of Amanat are in favor of simplifying the registration procedure and ensuring transparency of the financial activities of labor union organizations, including activities of the FLUK (Mazorenko, 2017). It should be noted that the new provisional criteria for labor union leaders (age restrictions), the absence of election procedures for key positions within the FLUK, as

well as the administrative pressure on labor union organizations are the main reasons for criticism of the activities of the FLUK (Assautai, 2018).

Meanwhile, there is a tendency for the gradual movement of labor union organizations from the FLUK to Amanat. For example, “Local labour union of employees of the state, banking institutions and public services of East Kazakhstan region” non-governmental organization (NGO) and the branch of the “Kazakhstani labour union of health workers” NGO in 2018 became part of Amanat. Later, according to the representatives of Amanat, the FLUK forced the leaders of the labour union Association of medical workers with the support of the local akimat to join the FLUK (Kaprelyan, 2018). Consequently, a new branch Association of medical workers SENIM was created.

The main contributing factor for differences between the FLUK and Amanat was the inconsistency of the domestic labor legislation, namely the 87th Convention of the ILO on the freedom of Association. According to the ILO’s evaluations, the country’s Law “On labour unions” contradicts the Convention (Human Rights Watch, 2021). In particular, the law limits the freedom of the creation of public associations. Paragraph 1 of article 8 of the Law “On Labour Unions” indicates that a labour union can be created upon the initiative of not less than 10 persons whereas article 2 of the Convention does not have such quantitative restrictions (ILO, 1948). It should be noted that Amanat’s attempts to make the Kazakhstani law “On Labour Unions” correspondent with international standards is supported by the KCL (Mukhametrakhimova, 2013).

Moreover, the International Labour Union Confederation excluded the FLUK from its membership due to “complete loss of independence” from the state and confirmed its intention to support independent labor unions. The exclusion of the Federation was preceded by criminal prosecution of several leaders of labor unions who advocated the removal of restrictions on collective bargaining with an employer and against the abolition of the CILU. This was the reason for including Kazakhstan among the 10 worst countries for protecting workers’ rights, along with countries such as Algeria, Saudi Arabia, Turkey, and Cambodia (Ishekenova, 2018).

In the light of existing differences, the focus of the activities of labor unions in Kazakhstan has shifted toward addressing their current problems. Consequently, it prevents labor unions from performing their primary duties such as protecting the interests of employees, explaining the law enforcement practice of labor legislation, and endorsing requests on raising wages. The connection between institutional corruption and labor unions highlights the problems that have contributed in large part to the perception of labor unions in Kazakhstan as increasingly ineffective.

Institutional corruption and labor unions

With the decline of the role of labor unions in Kazakhstan, the institution has become largely unsuccessful in

performing its function of protecting the rights and interests of employees. This is explained by restrictions imposed on labor union activities through legislative norms and prosecution of labor union activists in the country to a great extent. Another reason that explains the weakness of the institution of labor unions is the lack of coherence and cooperation between the three major national-level labor unions.

It is worth considering how the criteria of institutional corruption are present in the system of labor unions. In this regard, we will apply Lawrence Lessig’s (2011) framework of analyzing institutional corruption. Lessig identifies that in institutional corruption the influence is “systemic and strategic” as opposed to a randomly occurring chain of events. Here, the “systemic” part of influence is represented by the government’s repetitive attempts to limit the power of labor unions. As previously discussed, after the Zhanaozen events in 2011, Kazakhstani authorities introduced restrictive legislative measures on the activities of labor unions through the Law on labor unions that was adopted in 2014. Until recently, the hierarchical structure of the Kazakhstani labor union system, where lower tier labor unions are required to join higher tier labor unions, violated the international labor norms on freedom of associations.

The “strategic” part of influence from Lessig’s (2011) definition of institutional corruption can be attributed to the hidden motivation of Kazakhstani authorities. In particular, pressure on labor unions is explained by the desire to reduce their bargaining power as state authorities are not interested in strengthening the position of labor unions. Strong labor unions can consolidate the demands of employees and promote their interests locally and nationwide. In this regard, strong labor unions may represent a political force, which poses a threat to the central authorities. Thus, starting from 2010, the authorities have attempted to limit political expression in labor relations and such limitations have prevented the further emergence of autonomous labor unions.

Going further, Lessig (2011) emphasizes that institutional corruption diverts an organization from its purpose or weakens its capacity to achieve targeted goals. In this regard, the government pressure on labor unions leads to the weakening capacity of labor unions to achieve their goals. Here, it should be indicated that the main purposes of all the three national-level labor unions according to their charters are primarily associated with the protection of labor rights and promotion of interests of the employees. In reality, the capacity of labor unions to achieve these purposes is significantly weakened. Restrictive labor regulations, prosecution from authorities, and internal disagreements between the national-level labor unions reduce the capacity of labor unions to protect their rights and promote the interests of employees.

Lessig (2011) indicates the decline in public trust as one of the indicators of institutional corruption. As we have previously discussed, the survey results demonstrate that the institution of labor unions in Kazakhstan is not considered

by the public as capable of solving labor disputes. In practice, workers prefer to protect their rights through a direct appeal to the management of the company and seeking legal advice or help from colleagues. It follows that the inherent trustworthiness of the institution of labor union is undermined due to its inability to deliver on its purposes.

Finally, it is important to distinguish what makes institutional corruption of labor unions in Kazakhstan distinct from other occurrences of institutional corruption studied elsewhere. As our analysis demonstrated, both external and internal influences can divert labor unions from performing their functions independently. Such categories have not been distinguished in previous studies of institutional corruption. In terms of state intervention, authorities use both formal and informal methods in order to weaken the role of labor unions in Kazakhstan. Formal mechanisms include the introduction of restrictive labor union law, while informal pressure is associated with the prosecution of labor union activists.

Conclusion

Institutional corruption of labor unions in Kazakhstan has significantly weakened their capacity to achieve the core objectives of the protection of labor rights and promotion of employees' interests. Consequently, weak labor unions fail to effectively protect the rights of employees and act on their behalf. This article argued that institutional corruption of labor unions in Kazakhstan is associated with external and internal influences. On one hand, legislative barriers and administrative pressure imposed by the authorities on the unions undermine their capacity to protect the interests of employees. As a result, independent labor unions are not able to register while the leadership and active members of registered labor unions are prosecuted for the advocacy of the rights of employees. On the other hand, the weakness of the institution of labor unions is explained by internal disagreements and conflicts between national-level labor unions rather than overall weakening of role of these organizations.

Labor unions affected by institutional corruption fail to establish communication channels between workers and employers and cannot negotiate effectively on behalf of workers making them redundant. As a result, the proposals and demands of employees might lead to decisive actions such as refusal to work or hunger strikes. What should be more concerning for policymakers is that such systemic problems involving labor disputes could escalate into more violent actions such as widespread labor protests, which increases political risk levels and determines state fragility. Our data also confirmed that, in the eyes of the public, labor unions affected by institutional corruption are considered ineffective in promoting labor agenda or solving labor disputes. Furthermore, the survey also demonstrated low

public trust toward labor unions in Kazakhstan, which, as we speculate, could be part of a global trend.

Neoliberal reforms in Kazakhstan have created the conditions in which labor unions have been substantially weakened. The nature of the economy (Orazgaliyev, 2018) and the associated weakness of independent bodies that protect workers' rights are breeding grounds for introducing fragility in the system. Since studies show that income and wealth inequalities strongly correlate with unionization levels in most of the capitalist economies, the trend is alarming for developing economies such as Kazakhstan. Future studies could explore the nexus between the state of labor unions and social stratification in developing and transitional economies in the post-Soviet space. From a policy implications perspective, as it was discussed in the findings section, our survey data suggest that the younger population in Kazakhstan is less likely to have membership in labor unions. Taking this into consideration, the level of unionization in Kazakhstan is likely to decline in the future and lead to developing conditions that will make civil protests more likely as a result of workers' not having traditional avenues for having their grievances addressed.

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