

# KAZAKHSTAN'S EXPERIENCE AND LAW OF EMPLOYMENT AGENCY WORK DURING THE CORONAVIRUS CRISIS

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## ABSTRACT

*The aim of this study is to know experience and attitudes of both employers and employees to online employability during the coronavirus crisis and related problems to legislative regulations of such format of working. The study conducted a survey among 115 Kazakhstani employees and employers and the results show that employees have more negative experience and attitudes of online employability. Such situation is mainly due to the presence of organizational problems of online employability, as well as a number of negative psychological factors (most of which were the result of the forced isolation regime). As for employers, the main problems associated with the business processes that allow maintaining the quality of communications and labor efficiency, ensuring the information security and issues of legal regulation of this type of employability. However, the introduction of an online format of work allowed many organizations to survive in the market, both due to the ability not to completely stop their work during the quarantine period, and by reducing a certain share of costs. In addition to interview, this study grouped of respondents (both employers and employees) into four categories including the generations of Y or Millennials (born between 1985 and 2002), X (born between 1964 and 1984), BB or Baby Boomers (born between 1944 and 1963), and the Silent generation (older than 1943). The result of such groping revealed that both employers and employees of generations of Y and X had the sufficiency of their digital skills and ability to work online, while the generations BB and Silent experienced some difficulties in working online. In terms of legislative regulations, as practice has shown, at present, the Labor Code does not sufficiently reflect the real issues of regulation of online labor relations. In particular, the concepts of online employability, as well as the possible forms of its organization and conflicts of interests require clarification.*

**Keywords:** COVID-19, Economic Crisis, Employment, Online, Kazakhstan.

**JEL Classification:** M10, L10, L50

## INTRODUCTION

Online employability is a form of organization of the working process, in which the organization's employees perform their duties outside the workspace, and the main communications in the working process are carried out using digital online technologies (Silva et al., 2013; Lancaster, 2016). However, online employability is not possible in all types of

economic activities and working processes. First of all, its feasibility is considered for the so-called transaction industries, which are associated, with information, communications, services industries, for example, for the areas of IT, finance, consulting, education services, procurement, sales, etc. (Hairault et al., 2010; Berkelaar & Buzzanell, 2015). Despite the obvious prospects in the context of the digitalization of the economy, as well as the presence of a number of certain advantages, this format of working organization has raised many questions from both employers and employees, both in socio-economic and organizational aspects, and with the point of view of its legal support (Denkenberger et al., 2015; Absalyamova & Absalyamov, 2015; Kot 2021). Under these conditions, the preference was retained for the traditional methods of organizing the work process, and the development of distance employment took place at a rather low pace (Fowkes & Li, 2018). However, the outbreak of the COVID-19 pandemic has made its own adjustments to the situation on the working process (Gallacher & Hossain, 2020; Khamis et al., 2021; Sato et al., 2021). In the spring of 2020, Kazakhstan has implemented a unique experience of mass implementation of the online working format in the different economic sectors of country due to unprecedented circumstances that required the urgent application of quarantine measures. The need to comply with the isolation regime forced employers to urgently withdraw employees to online work (totally or partly) in almost all industries and organizations where this could be done. Such a solution was often the only possible to function in the context of the spread of the coronavirus. Thus, according to expert estimates, by the end of April, the number of online workers in Kazakhstan increased six times. In this regard, the assessment of the mass practice of online working or employability is very relevant today, which is the purpose of this article. The aim of this study is to know experience and attitudes of both employers and employees to online employability during the coronavirus crisis and related problems to legislative regulations of such format of working. The study conducted a survey among 115 Kazakhstani employees and employers and analyzed a number of published studies conducted during the period of restrictive measures related to online labor relations, as well as expert opinions on relevant issues. Additionally, the article explores the complexities and benefits of the online format that have emerged from the acquired practice. Finally, the article examines the trends in the labor market, and assesses the possibilities for the further development and spread of online employment.

## LITERATURE REVIEW

The number of publications on the topic of online employability has increased significantly in the past few years (Hardill & Green, 2003; Felstead & Henseke, 2017; Fowkes & Li, 2018; Fana et al., 2020; Staines, 2020; Hodder, 2020). This increase of publication is at least associated with processes of digitalization of the economy (Petrovich et al., 2020; Youssef et al., 2021). That is why a number of publications consider such labor relations specifically from the perspective of digital economic transformation (Jumambayev, 2016; Lovergine & Pelleri, 2018; Kolokytha et al., 2018). Scholars pay a lot of attention to studying the features of online employability, discussing existing practices and prospects for further development of the online format in the labor market. A large number of publications are devoted to various management issues of online employment, including the problems of organizing the relevant business processes and technologies, management and motivation of personnel online working

(Mortensen & Pissarides, 1999; Hornstein et al., 2007; Adams, 2018; Novakova, 2020). For a long time, one of the most actively discussed issues of online work has been the problem of legal support for this format of labor activity, which is reflected, in particular, in different publications (Agell, 1999; Wilthagen & Rogowski, 2002; Deakin & Wilkinson, 2005). In addition, some publications consider online working from the perspective of the functioning of certain industries (Guivarch et al., 2011; AlShehabi, 2012). And finally, a number of publications have appeared on the current situation, that is, online work in conditions of self-isolation (Lord, 2020; Molino et al., 2020; Gaie, 2020; Vijai & Nivetha, 2021; Hodder, 2020; Green & Loualiche, 2021).

In the context of Kazakhstan, there was a rather low interest in the issue of online employment (Kalyuzhnova & Kambhampati, 2007; Khamzin et al., 2016; Buribayev & Khamzina, 2019; Sadik-Zada, 2020). Although in some studies the authors discussed the possible pros and cons of the online format of working, relying on empirical material and guided mainly by theoretical conclusions (Mussurov & Arabsheibani, 2015; Baitenizov et al., 2018; Spankulova et al., 2020). In the present situation, with the multiply increased practice of using online labor, a unique opportunity arose to study the real experience gained, evaluate it through the prism of the characteristics and capabilities of modern labor resources (including the use of elements of the theory of generations), as well as from the point of view of emerging market of new trends (Mukhamadiyeva et al., 2017; Karatayev et al., 2016; Jussibaliyeva et al., 2019). In this regard, a valuable information base is the studies concerning the issues of distance employment during the pandemic, which were carried out in Kazakhstan from March to May 2020. Here it is necessary to note the results of various surveys and examinations presented by international and national research organizations. In addition, international research in the field of online employability is of interest of this current study.

## RESEARCH METHODOLOGY

The theoretical materials for this current study were publications of scientific literature within the framework of the topic under consideration, as well as previous research on projects of various organizations. The information basis of the work was formed by the results of national and international studies listed above, as well as expert assessments in the field of the current situation with online employment, as well as regulatory documents and data from state statistics. The presented research was carried out on the basis of a universal general scientific methodology, in particular the use of theoretical methods including synthesis, abstraction, generalization, analogy, structural and functional analysis, forecasting, as well as a survey among 115 Kazakhstani employees and employers to know experience and attitudes of both employers and employees to online employability during the coronavirus crisis and related problems to legislative regulations of such format of working.

Before analyzing this information, it should be point out a few fundamentally important points. Firstly, remote work is considered here specifically in conditions of self-isolation - that is, it must be borne in mind that the studied format of employment was a necessary forced measure, and many respondents were not ready for it (including emotionally, as well as due to living conditions). Secondly, it is necessary to note the existing discrepancy in the results of individual studies, which is explained by the differences in the sample and the scale of the surveys

conducted. Nevertheless, the study of the data presented allows to identify the difficulties and advantages of online employability from the point of view of employees and provides the basis for some general conclusions.

## RESULT OF STUDY

### Challenge to go Online

Since the announcement of the pandemic, the number of organizations using online employability format has begun to noticeably grow before the start of the self-isolation regime in a number of regions of Kazakhstan (March 20, 2020), it was recorded that 15% of organizations completely switched to online work; as the epidemiological situation worsened, this trend began to gain in scale and by mid-April, the share of such organizations was already 44%. The dramatic changes in the national labor market certainly did not go unnoticed by specialists. A number of research companies and industry experts have watched the development of events and tracked the sentiment of Kazakhstan (both employers and staff of organizations), many of whom have faced telecommuting for the first time. In general, during the period of isolation, the remote format was introduced mainly in large cities of Kazakhstan and covered at least half of those employed in the budgetary and commercial spheres, spreading the fastest in those areas where its use was most feasible by the nature of the activity (in the first turn, in the information and communication and financial segments). Some data show that, in comparison with the pre-crisis period, by the end of April the number of employees working online increased 6 times (from 2.5 to 27.8%). At the same time, it often acquired mixed form; in particular, labor duties could be performed partially online, with periodic visits by the employee to the workplace. It is natural that office workers most often switched to online work, mainly specialists with higher education, who initially reacted to this quite calmly in the circumstances, and even showed a certain amount of interest. Thus, in one of the studies it was noted that more than half of the respondents were previously attracted by the idea of working online outside the workspace.

The main problems faced by employees when working online can be grouped in descending order of their importance as follows: shortcomings in the organization of the work process at a distance, that is, the lack of operational feedback and personal communication when solving work issues that affect labor efficiency; factors associated mainly with the isolation regime, that is, the constant presence of children and family members (which is a serious distraction and gives additional psychological and emotional stress); lack of movement (which also leads to health problems) and lack of communication in general; difficulties in self-organization, that is, manifested in the difficulties of combining work and personal life, as well as focusing on work issues in a home atmosphere; inappropriate equipment of the workplace at home, that is, the lack of necessary furniture and equipment (weak computer, etc.) and poor communication (Internet, etc.). It becomes obvious that most of the disadvantages of remote work, noted by respondents to various surveys, are in the organizational plane. Moreover, the disadvantages of organizing online work depend both on the employer (in terms of debugging the relevant business processes and providing staff with the necessary equipment) and on the employee himself (self-organization problems manifested themselves quite noticeably - we can assume that they were shown by almost a third of the respondents). At the same time, a

significant share of organizational problems can be associated with general poor preparedness, since the introduction of the remote format in this situation took place in a forced emergency mode. This, in turn, had a corresponding effect on the efficiency of remote work, a decrease in which was also recorded by almost a third of the personnel.

The advantages of the online format of working identified by employees can be similarly divided into groups: reduction of certain types of costs, that is, saving money on travel and meals in the office; freeing up time, that is, no road to work, flexible hours, the ability to do household chores and sleep longer; the comfort of a home environment. The main advantages of online work, according to employees, are the economic and time components. It is important to note that even in a situation of a sharp slowdown in the business activity of personnel (especially office workers) transferred to teleworking, they retained their income at the same level - and it was for this category of respondents that cost savings became apparent. At the same time, those who lost their income during the pandemic could hardly assess this aspect as fully attractive. An additional disadvantage here was the fact that not every employer was able to compensate staff for the costs of labor tools; this was confirmed by 46% of respondents at the very beginning of the introduction of restrictive measures. The predominance of negative reviews from employees of Kazakhstani organizations based on the results of distance practice is mainly due to factors associated with the consequences of a too rapid transition to this employment format in a pandemic situation and a forced regime of personal isolation. However, despite all the difficulties, the interest in remote work among workers has increased. It was found that more than half of the respondents (65%) would like to continue working from home even after the epidemiological situation has returned to normal. Thus, in general, the experience of online work acquired by the staff can be considered quite successful and indicative. In general, Kazakhstani citizens have found a sufficiently good ability to adapt to new working conditions for them and high stress resistance.

### **Employers View on Online Employability**

For a full analysis of the experience of remote work received during the pandemic, let's move on to studying the opinions of employers regarding the introduction of this format of work in organizations. It can be said that almost half of the interviewed employers confirmed the use of remote work of staff within the framework of self-isolation, although only a small part of enterprises (15% according to one of the studies) completely switched to the online format of work. Indeed, for many Kazakhstani organizations, the introduction of the practice of distance employment during the pandemic was a forced, but effective measure necessary for the continued existence of the company. At the same time, only about a tenth of the respondents had previously had such a practice, and for almost a third of managers, such work became an absolutely new experience, which, of course, left its mark on organizational issues. First of all, organizations (or their respective subdivisions) of IT, consulting services, personnel management, sales, technical support, etc. have switched to remote work. The most active distance format was established by large companies. Companies with 25–80 employees did this in 42% of cases, and less than a third of microenterprises took this step - these organizations more often sent employees on vacation at their own expense or reduced staff.

One of the main questions was the assessment of the effectiveness of employees from home. Approximately half of employers saw a decrease in quality (which, most likely, in some cases was caused by organizational problems), a third of respondents did not notice changes, and there is also a small part of respondents who noted improvements in this regard (on the one hand, this can be explained by the fact that employees are at distance began to try harder for fear of losing their job in an unstable situation, and on the other hand, this may indicate the well-functioning business processes of the company and the high level of digital skills of its personnel). An equally interesting point is the identification of changes in the length of the "remote" working day, the time of which in a third of companies has increased compared to the standard, which can also most likely be associated with organizational shortcomings. It should be noted that the issues of organizing the workflow by the managers themselves were attributed to the disadvantages of the remote format. Moreover, here organizational issues are not limited to the need for appropriate communication, building business processes and technical equipment of employees (which we saw when studying the opinions of staff). For business, it is very important, but at the same time quite difficult point is to ensure the security of corporate information, especially in the framework of remote activities.

### **Legislative Aspect**

A separate block of issues is the legal regulation of online labor relations, as well as, in general, the management of remote personnel, including ways of motivating them. In addition, a significant problem for many employers is often the loss of the usual methods of control, in particular the possibility of visual supervision over the activities of employees, although the actual need for this is rather controversial, and this aspect can be attributed to a number of negative stereotypes. The benefits of telecommuting are almost unambiguously reduced by the executives surveyed to economic factors. The crisis triggered by the pandemic has affected most of the Kazakhstani organizations. The decline in business was confirmed by almost three quarters of respondents, while companies will need 1 to 2 years to return to their previous income positions. In this situation, a necessary measure for recovery and survival in the face of uncertainty is to reduce costs. One of the real resources of this, according to experts, can be a online format, which makes it possible not only to optimize personnel costs in various ways (while maintaining the main qualifications), but also to reduce other types of costs, for example, to save on renting office space. However, on the likelihood of continuing telecommuting in the organization of the study, there was some controversy. Despite the general understanding of the economic advantages of the format and a large share of the awareness that its further spread is predetermined, a significant number of employers, after the abolition of quarantine, want to completely return to the traditional organization of labor. At the same time, one fifth of companies are planning to continue to use remote work. Moreover, various options for its application are being considered, including full (which is possible for organizations of certain types of activity - IT, consulting and others), partial (for individual specialists or departments; in combination with the presence at the workplace) and even periodic.

According to the survey, after the restrictions are lifted, many organizations will maintain (at least extend for some time) the remote mode in one form or another. This will be sufficiently

influenced by the government's recommendations on organizing the work of enterprises in the context of the spread of the coronavirus, which oblige to maintain social distance in the workplace, apply certain disinfection measures, inspect personnel and provide workers with the necessary protective equipment. Of course, these measures require additional funds from employers, which not all companies will be able to find during the crisis period (which was confirmed by the results of the survey, especially in terms of re-equipping work premises according to new requirements). In this situation, the economic component will play a role - it will simply be more profitable for many to continue the practice of distance employment in the organization. As for the future of online employability in general, opinions are also divided. Not all employers see the prospects for the development of this format for the Kazakhstani labor market. It should be noted that many opponents of the format use quite utilitarian arguments. Undoubtedly, for the effectiveness of long-term practice, it is necessary, first of all, to resolve organizational issues (ignored by the majority during a pandemic, but, as the results of even the temporary introduction of telecommuting, significantly affecting its quality, have shown). This requires companies to make appropriate investments (both managerial and financial), which can largely negate the economic benefit, and for some, it will hardly be possible at all in the current crisis situation.

Despite all the pros and cons, the approbation of online employment at the employer level can be considered quite effective in the current conditions. The discussion based on the experience gained (albeit acquired in a forced mode) helped to identify the most problematic aspects of the format and raise many issues to the level of active public discussion and close attention from government agencies. It is no coincidence that representatives of the authorities quite definitely started talking about the urgent need to amend the Labor Code regarding the organization of online work. As practice has shown, at present, the Labor Code does not sufficiently reflect the real issues of regulation of online labor relations. The most notable problems were the lack of regulation of working hours and the need to protect the rights of workers when using the online format. In addition, the concepts of online work, as well as the possible forms of its organization, today require clarification. This legislative initiative was supported, among other things, by representatives of trade unions and the Ministry of Social Protection. It is expected that these amendments to the Labor Code will be introduced and considered by the parliament in the very near future. In any case, it can be confidently said that the coronavirus pandemic has provoked not just a powerful temporary trend, but has given a new round to the ubiquity and development of online employment, revealing the potential of this type of labor relations, the formation of which was laid by the processes of digitalization and globalization of the economy.

## DISCUSSION OF RESULTS

This study proposes to consider the situation from a different perspective, from the point of view of studying the characteristics of modern primary labor resources. According to national statistics on the size of the working-age population and the distribution of the population by age groups presented as of 2019, it can be said that at present the most active participants in the Kazakhstani labor market are representatives of two generations - X (born between 1964 and 1984) and Y or Millennials (born between 1985 and 2002). The existing characteristics of these

generations largely explain and confirm the opinions of experts, the stress resistance they noted and the rather quick adaptation of a significant part of Kazakhstanis to the remote employment format is based on the inherent properties of modern X and Y, ready for change and technically competent. At the same time, experts note that the most resistant to current shocks are representatives of X, who were brought up during a period of great changes and are distinguished by their ability to quickly orientate in conditions of uncertainty, focus on survival, informality of views, desire to learn, healthy pragmatism and individualism. These characteristics made it relatively easy for them to accept the new format of labor relations. For generation Y, the new reality turned out to be more complex: responsible people with flexible thinking and excellent command of digital technologies, they are, at the same time, quite spontaneous, focused on quick results, subordination, communication and collectivism - and therefore, first of all, they felt emotional discomfort. Associated with a lack of movement and working communication, and also experienced problems of self-organization.

A very important issue for successful adaptation to the remote format and the effectiveness of remote activities is the level of personnel's digital technology skills. The overwhelming majority of those who switched to telecommuting already possessed the necessary skills, but during the period of teleworking, about a third of employees mastered new digital tools and software products (various messengers, services for group communication, cloud solutions, etc.). This study allows us to present a general picture of satisfaction with the level of digital technology proficiency among generations X and Y, as the main participants in the domestic labor market at the moment. Thus, 70.5% of representatives of X and 81% of representatives of Y noted the "sufficiency" of their digital skills, including quite confidently said a little less than half of the indicated number, about 40% and 45%, respectively. At the same time, a lack of competencies is observed in 28% of generation X and 18.5% of generation Y. It should be noted here that the number of "doubting themselves" (the category "rather not enough") is approximately the same, but the share of the younger generation among those lagging behind in digital literacy much lower, only 2.5%. In general, we can say that almost three quarters (75.8%) of the most active part of the country's workforce today has a sufficient level of digital competencies, and 23.2% needs to acquire additional skills.

As part of the study, it was revealed what level of digital competence the respondents really had, who were transferred to the remote format during the pandemic. Thus, a high level was found in 28% of those working from home (with an average age of 36 years), above average in 17% (average age of 45 years), below average in 9% (average age of 54 years), and a low level in 3% (on average 64 years old). It is interesting to note here that the first three selected groups (with the exception of the low level) correspond to the representatives of generation X in terms of average age. The conclusions of the researchers themselves on this block were logical, the level of digital competencies directly affects the employee's ability to work remotely. So, today we can say that the staff of domestic companies for the most part has digital literacy, and quick adaptation to remote work in the current conditions can also be explained by the good level of digital competencies of employees transferred to a remote format.

On the other hand, in a number of cases, resistance to the online format is due to a certain psychological unpreparedness of many enterprise managers for the new reality of labor relations. In this regard, it is interesting to pay attention to the value characteristics of today's employees. It is somewhat difficult to fully confidently speak about the age composition of employers, since



the available statistics do not allow making relevant conclusions, and the studies cover only certain aspects. Nevertheless, it is obvious that a significant part of the employees is currently held by representatives of generations X and Y, the characteristics of which were discussed above. However, today in the category of employees there are many older representatives - the so-called "Baby Boomers" (BB - born between 1944 and 1963) and even the "Silent" (older than 1943). Moreover, while in the entrepreneurial environment one can observe the predominance of young leaders (Y), at large enterprises and in the public sector there is a fairly large part of the older generations. For example, the data show that among top managers who head the largest companies, generational shares are distributed as follows: 69.70% belongs to X, 29.49% belongs to BB, only 0.54% to Y and 0.27% to Silent. That is, almost a third of large business is today under the leadership of generations that precede the main workforce.

International experience shows that even before the onset of the coronavirus pandemic, many international companies (especially from English-speaking countries) were supporters of this format, very positively assessing its potential; pre-crisis forecasts of the spread of remote employment were quite high, which was not least associated with the influx of a new digital generation of labor into the world labor market. In the current situation, there is an even greater activation of the global development of distance labor relations - even in countries where such a format was previously used to a limited extent, today, based on the emergency experience acquired, relevant issues are being discussed. Thus, the result of the massive use of teleworking during the pandemic not only in Kazakhstan, but throughout the world can be considered an acceleration in the growth of the volume of remote employment in the near future (which, no doubt, will also be facilitated by the ongoing processes of digitalization of society), which will be accompanied by further the development of the trends already laid down to date: an increase in the number of people employed in this type of labor relations, the formation of legal support for distance employment, the creation of appropriate organizational conditions, the development of forms of remote work (including its combined and flexible varieties) and the expansion of the scope of its application.

## CONCLUSION

Online employability as the prospect for organizing labor activity in the context of digital transformations of the economy has been discussed for several years; however, until recently it was a relatively rare phenomenon in the Kazakhstani labor market. Therefore, the situation with the massive use of online practice during the introduction of severe restrictive measures received a fairly large response. The results of surveys examining the attitude of Kazakhstani employers and employees of organizations to the received online experience of working, showed not entirely unambiguous results. The negative reaction of employers is mainly due to the presence of organizational problems (depending both on the employers and on the ability of the employees themselves to organize themselves), as well as a number of negative psychological factors (most of which were the result of the forced isolation regime). At the same time, from an economic point of view, employers rather positively perceived the experience of online work, as well as appreciated its advantages in terms of freeing up time. Expert assessments of the resistance to stress of the domestic labor force are confirmed by the characteristics of modern able-bodied generations, and their rapid adaptation in the new working conditions is explained by a fairly

good level of digital literacy, which does not present obstacles to the transition to a distance format. In general, among the employees of Kazakhstani organizations, an increase in interest in online work was noted which on the part of this group of respondents can be considered a positive trend in the development of this form of labor relations.

The main problems of employers associated with the online participation of employees in the work process during a pandemic are mostly reduced to organizational factors (from business processes that allow maintaining the quality of communications and labor efficiency, to ensuring the information security of the company and issues of legal regulation of this type of employment). An important negative aspect, in addition, is the psychological unpreparedness of many managers for the new format of labor relations. However, from an economic point of view, remote work in the current situation met the expectations of employers. The introduction of an online work format allowed many companies to survive in the market, both due to the ability not to completely stop their work during the quarantine period, and by reducing a certain share of costs. However, opinions are divided over the expansion of online format of working. In the near future, managers will have to carefully assess all the pros and cons of online work, including how much and in what form it will be beneficial to use it in various organizations, whether this will give a real cost reduction (for example, due to the possibility of hiring no less quality, but cheaper labor from other regions, reduced rent and no need to re-equip work premises due to stricter sanitary requirements or the introduction of other measures aimed at employee health safety, etc.), or the development of this format will require additional investments that can cover the expected savings (to for example, for the development and implementation of new technologies and business processes, for equipping remote workplaces for employees or compensating them for the corresponding costs, and more). And yet, it is already becoming clear that the current discussion on the further development of distance employment in our country has a quite pronounced positive vector - today the issue of introducing further changes to the labor legislation of Kazakhstan regarding the modern nuances of regulating this sphere of labor relations is being actively developed.

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