

PECULIARITIES OF ORGANIZATION AND LEGAL REGULATION OF DUAL EDUCATION IN KAZAKHSTAN

Seitalieva A.,

Eurasian National University named after L.N. Gumilyov, Astana, Kazakhstan

Shyndaliev N.

Eurasian National University named after L.N. Gumilyov, Astana, Kazakhstan

<https://doi.org/10.5281/zenodo.10724443>

Abstract

The article deals with the issues of organization of dual training in the Republic of Kazakhstan: legal bases of dual training; peculiarities of legal relations based on industrial training and professional practice; components of dual training, its organizational bases are studied. The questions of cooperation of state bodies with non-state structures on the issues of industrial training are considered. industrial training. The problems of formation and realization of the strategic national model of dual training organization as the most important organizational basis are considered. model of dual training organization as the most important component of professional training of specialists.

Keywords: professional training, dual training, educational organizations, legal regulation of dual training, dual training agreement, industrial training, professional practice

The purpose of the article is to study the peculiarities of formation and development of dual education technology in the Republic of Kazakhstan. dual education in the Republic of Kazakhstan on the basis of analyzing the norms of the current national legislation and other normative legal acts. The methodological basis of the study was the methods of general scientific knowledge: the laws of formal logic, analysis and synthesis, comparison, transition from general to particular and others, including the formal-legal method, the form of implementation of which is the interpretation of normative acts. In the system of organization of modern professional education a special place is occupied by dual training. The application of dual education is conditioned by the need to combine theoretical and practical training of qualified specialists. specialists.

Application of such an educational approach allows graduates to form not only theoretical knowledge, but also to obtain basic practical skills, competencies formed with the direct participation of potential employers.

The dual system of education is understood as a system when the education of young people in the chosen profession is carried out in two organizations, i.e. two institutions participate in the education process. On the one hand it is a vocational school and on the other hand it is a training enterprise. Both institutions are independent partners in relation to each other [7].

In this case, as a rule, the theoretical part of training of specialists is realized on the basis of an educational organization, and the practical part - at the production site.

The dual system of education in our country provides for a combination of stages of study in an educational institution with periods of industrial practice. The educational process is organized as follows: in parallel with traditional classes in a university, college or other professional educational institution (general education training), students work at a particular enterprise or firm, where they gain practical experience (professional training) [4].

The Republic of Kazakhstan is working out its own national model of dual education development, taking into account foreign experience in the organization of dual education system.

The adoption of the Law "On Education" of July 27, 2007 in the country contributed to the development of the demanded dual training system the formation and development of the demanded national model. This law stipulates the ratio of theoretical training in colleges and production training at the enterprise in the proportion of 40/60 [40/60] [2].

According to the wording of the LC RK, dual training is a form of personnel training that combines training in an educational organization with compulsory periods of industrial training and professional practice at an enterprise (organization) with the provision of jobs and compensation payments to students with equal responsibility of the enterprise (organization), educational institution and the student (paragraph 2 of Art. 116).

The system of education under consideration realizes the following principles:

- interrelation of theoretical training received in a vocational training institution after secondary education (regardless of the form of ownership and departmental subordination, as well as in training centers);

- active and direct participation of the enterprise (organization), i.e. employers in the process of dual training, expressed primarily in the form of organizing the work of trainees and payment of compensation for their work;

- consolidation of the principle of tripartism, i.e. the tripartite responsibility of the educational institution, employer and learner educational institution, employer and student for the training of qualified specialists.

An enterprise (organization) means a legal entity (individual entrepreneur) or a natural person participating in dual training (para. 2 of p. 2 of the article). training (paragraph 2, subparagraph 12 of the Rules).

The Regulations list all the mandatory features of dual training:

- 1) an agreement on dual training;
- 2) working curriculum of dual training agreed with the organization (enterprise);
- 3) training, workplaces and (or) training production center in enterprises (organizations) equipped for the implementation of industrial training and professional practice, or training and production workshops, training farms, training grounds in educational organizations implementing educational programs of technical and vocational, post-secondary education;
- 4) mentors of industrial training and professional practice at enterprises or organizations) (p.4). As Gileva N.V. notes, the financial services of organizations, acting as a base of practice, have a question on what basis the trainee should receive a salary, if he is not an employee and is not in an employment relationship, which arise only in the presence of an employment contract. In some cases, if the trainee employment contract is concluded with the trainee, the employer violates the norms of labor legislation of the RK [1]:

- 1) the trainee does not yet have the appropriate education that gives him the right to work in a particular profession or specialty;
- 2) the trainee does not have the necessary education and experience;
- 3) some types of work are associated with harmful (dangerous) working conditions prohibited to persons under the age of eighteen;
- 4) in a number of cases the termination of the labor contract is difficult due to the lack of necessary grounds. This issue is currently resolved in Kazakhstan at the legislative level. Thus, according to the current Labor Code of the RK, the legal form of attracting students (students, trainees and listeners) to on-the-job training (professional practice) is a dual training agreement.

In accordance with Article 119 of the RK Labor Code, the forms of a model dual training contract must be approved by an authorized body in the field of education. Thus, such an agreement must be concluded in writing on the basis of a standard contract containing all the necessary details and conditions to regulate all legal relations arising from industrial training. LC RK obliges the enterprise (organization) to assign a mentor to the student, who will supervise industrial training and professional practice of the student. Educational organizations must approve working curricula for dual training, previously discussed and agreed with enterprises (employers). Educational institutions on an equal basis should cooperate with enterprises on the basis of which the industrial (practical) training is carried out.

Legal relations on dual training presuppose the existence of certain rights and obligations of all parties to these legal relations. Thus, during the industrial training and professional practice, the trainee must: obey the rules of the employer's labor regulations; comply with the work and rest schedule, perform the functional duties specified in the dual training agreement.

In addition, trainees are subject to health and safety requirements. In particular, accidents related to labor activity and health damage during professional

practice are subject to accounting (paragraph 1 of Article 186 of the Labor Code of the RK). The issue of compensations for trainees during the period of industrial training or professional practice deserves special attention. Article 119 of the TCRC states that in a certain period the employer may make a compensation payment. Based on the fact that this norm is not imperative, we can conclude that the issue of compensation for the period of dual training is at the discretion of the employer, and, presumably, in the amount and on the terms agreed in the contract on dual training. It is quite obvious that the dispositive nature of this norm significantly narrows the scope of guarantees for trainees. However, in the conditions of liberalization of labor legislation, the question of giving such a norm an imperative character seems premature.

At the same time, based on the principle of social partnership in social and labor relations, the state obliges the employer to assist educational organizations, implementing educational programs of technical and vocational education, in training, retraining and advanced training of personnel (paragraph 7 of Article 118 of the Labor Code of the RK). According to the rules of Art. 119 of the Labor Code of the RK, the time of the student's (learner's) on-the-job training is included in the length of service. However, this norm does not increase the level of guarantees for students due to the fact that the time of training in higher educational institutions, including preparatory courses, specialized secondary educational institutions, colleges, schools and courses for training, advanced training and requalification, including training in postgraduate studies, doctoral studies and clinical residency, spiritual (religious) educational organizations on the territory of the Republic of Kazakhstan and abroad is included in the total length of service (paragraph 15 of Article 13 of the Law of the RK "On Pension Provision" from 21 December 2011). Despite the insignificant amount of guarantees for students during dual training, the national labor legislation for the first time introduced a legal definition of the concept in question, the principles of interaction between employers and educational organizations on the implementation of dual training programs.

In our opinion, in the formation of the national model of dual training system, maximum attention should be paid to the improvement of labor legislation norms regulating relations between its participants. This is due to the fact that students during the period of industrial training and professional practice have to deal with the norms of labor law. In order to modernize the system of training of technical and professional staff, the Ministry of Education and Science, the Ministry of Labour and Social Protection and the National Chamber of Entrepreneurs "Atameken" (hereinafter referred to as "Atameken") signed a Memorandum of Cooperation in April 2014 and adopted a Roadmap for the introduction of dual training [9].

The Roadmap covers eighty-three specialties within eleven priority sectors: engineering, metallurgy, agriculture, services, transportation, construction and others. It lists 170 colleges, which during 2014-2016

trained more than 10000 specialists in various specialties for about 400 enterprises (National Chamber of Entrepreneurs of the Republic of Kazakhstan "Atameken" <http://atameken.kz/ru/news/8765-8765>).

Thus, by the example of the realized cooperation between government agencies and the National Chamber of Entrepreneurs, it can be stated that Kazakhstan applies foreign experience of using in the system of dual training of chambers of commerce and industry and crafts (Austria, Germany, Switzerland).

The experience of Germany is also noteworthy, where out of 3.6 million enterprises 500 thousand are involved in the vocational training program, and more than half of them are characterized as small and medium-sized. This means that private business invests quite a lot of money in the training of specialists of the required profile [7].

Russian researcher E.Y. Tarasova also points to the undoubted leadership of Germany in solving personnel issues in production, according to which "at the state level these problems are solved already at the level of vocational guidance of secondary schoolchildren (at the age of 12-14 years)" [6].

Upon graduation from an educational institution, in addition to a certificate (diploma), a graduate receives a certificate or certificate of labor practice in the relevant enterprise from the employing firm.

In Western European countries, the majority of school graduates choose not higher or secondary educational institutions, but enterprises and organizations that would hire them for training with further employment in these enterprises. Training contracts are concluded with graduates based on the results of interviews. A significant part of vocational training is assigned to practical training, which contributes to the formation of key professional competencies and skills of students. Specialists (mentors) of the enterprises themselves are involved in the training process as teachers. However, under this model, it can be stated with a certain conditionality that theoretical knowledge loses its value.

In our country, certain dual training programs are implemented at the level of certain regions and certain sectors of the economy, primarily at the level of colleges and other specialized secondary educational institutions.

The quality of dual training is determined by the level of social partnership and industry development.

industry development. The leader in promoting dual education technology is Pavlodar region with a strong industry and established integration links between education and enterprises [3].

In May 2015, NPP "Atameken" started a joint project with the Chamber of Crafts of Trier (Germany) to strengthen the role of enterprises, regional chambers of entrepreneurs in the organization of dual training. Regional Chambers of Entrepreneurs of six regions

(Astana, Almaty, Kyzylorda, Zhambyl, South Kazakhstan and Almaty regions) are involved [3].

Pavlodar Petrochemical Plant LLP, Intergas Central Asia JSC, EmbaMunaiGas JSC, Atyrau Institute of Oil and Gas, Kazakhstan-British Technical University were among the first to apply dual form of education in the oil and gas industry in Kazakhstan [10].

However, it should be recognized that on a nationwide scale serious problems that hinder the implementation of dual training of qualified personnel have not yet been overcome. of qualified personnel.

The main problems include:

1. Incompleteness of legislation and regulatory framework in the sphere under consideration;
2. Existence of instructions and educational standards and classifiers (excessive regulation of educational processes, lack of autonomy of educational programs);
3. lack of incentives for employers to provide financial and organizational support for dual training programs;
4. Weak development of theoretical and methodological foundations of dual training in the educational system.

We have to take into account that domestic entrepreneurs are mostly not ready to invest in personnel training. It is difficult for them to make long-term forecasts. And many do not have the funds necessary to invest in education. In this regard, the most effective way to address this issue would be to legislate tax preferences to business structures for participation in personnel training. Given the above, the priority directions and tasks in this area should include:

- Formation and improvement of legislative, regulatory and legal support of dual training technology;
- creation of a model of dual training, taking into account the peculiarities of the education system in the Republic of Kazakhstan;
- introduction of a system of incentives for enterprises participating in the process of dual training and priority budget financing of educational organizations, financed from budgetary funds;
- formation of the institute of "mentoring" within the framework of dual training technology;
- Creation of infrastructure of the dual training system through the development of a network of sectoral training and methodological clusters for training, retraining and advanced training of personnel;
- development of dual training not only in colleges and other specialized secondary educational institutions, but also in the system of higher professional education.

The solution of these important tasks will contribute to the formation of a model of professional training that corresponds to modern realities.

References:

1. Gileva, N.V. Legal aspects of the application of dual system of education in the Republic of Kazakhstan [Electronic resource] // Vestnik KazNU. - Almaty, 2015. - URL : <https://articlekz.com/article/16841>.
2. The Law of the Republic of Kazakhstan "On Education" from July 27, 2007.
3. Ibrasheva, A., Alimkhanova, D. Dual education in the Republic of Kazakhstan: on the way to European standards [Text] // // "Bilimdid. "Bilimdi el - Educated country". Republican educational socio-political newspaper. - № 18 (55) - September 27, 2016. - C. 12-13.
4. Kuzembaev, S.B., Alzhanov, M.K., Nurmagambetov, D.D. et al. Issues of transition to dual education [Electronic resource] // Vestnik Karaganda State University. - Karaganda, 2013. - URL : <https://articlekz.com/article/5839>.
5. Labor Code of the Republic of Kazakhstan from November 23, 2015. [Text] // Vedomosti of the Parliament of the Republic of Kazakhstan, 2015. - No. 22-IV, Art. 151.
6. Tarasova, E.Yu. Realization of modern models of modern education // Electronic scientific and methodological journal of Omsk GAU, 2017. - Special issue No. 3.
7. Pankratova, E. Dual education. Experience. Problems. Prospects [Electronic resource] // "Success Success". - URL : <http://www.success.kz/about/5-o-zhurnale.html>.
8. Rules for the organization of dual training. Approved by the Order of the Minister of Education and Science of the Republic of Kazakhstan dated January 21, 2016.
9. Resolution of the Government of the Republic of Kazakhstan from October 15, 2014. "Roadmap of dual education system".
10. Syzdykbaev, A. Dual education is beneficial to all - experts [Electronic resource] // Kazakhstanskaya Pravda. - URL : <https://www.kazpravda.kz/news/obshchestvo/dualnoe-obrazovanie-vigodno-vsem-eksperti>.