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SOME ISSUES OF LEGAL REGULATION OF WORKING HOURS IN THE REPUBLIC OF UZBEKISTAN

©*Abdullaeva D.*, Tashkent State University of Law,
Tashkent, Uzbekistan, dilfuza.abdullayeva@yandex.ru

НЕКОТОРЫЕ ВОПРОСЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ РАБОЧЕГО ВРЕМЕНИ В РЕСПУБЛИКЕ УЗБЕКИСТАН

©*Абдуллаева Д.*, Ташкентский государственный юридический университет,
г. Ташкент, Узбекистан, dilfuza.abdullayeva@yandex.ru

Abstract. The article deals with the issues of legal regulation of the employee's working time in Uzbekistan, which analyzes various aspects of issues related to working time, flexible mode of regulation of working hours, working hours, working week.

Аннотация. В данной статье рассматриваются вопросы правового регулирования рабочего времени работника в Узбекистане, в котором анализируются различные аспекты проблем, связанных с рабочим временем, гибким режимом регулирования рабочего времени, рабочего времени, рабочей недели.

Keywords: labor legislation, labor relations, working hours, working week.

Ключевые слова: трудовое законодательство, трудовые отношения, рабочее время, рабочая неделя.

Improvement and development of market relations in the process of building a democratic legal state and civil society in our country is being implemented step by step within the Strategy of Action. The basis of the ongoing reforms in our country in recent years has been creating conditions for the well-being of citizens, securing and protecting their constitutional rights (Article 38 of the Constitution of the Republic of Uzbekistan).

The focus is on social protection and employment. In this regard, President Mirziyoev said, "In order to improve the living standards of our people, we need to create a decent system of remuneration and increase real incomes of the population. It is necessary to reconsider the procedure for establishing the minimum wage, to eliminate the fact that taxes and other payments are associated with the minimum wage" [1].

Practice shows that, according to surveys conducted by the Ministry of Justice, there are still concerns about the involvement of an employee in work that is not his duty without his consent.



Such cases are most common in financial (19.3%) and economic management bodies (19.1%) and education (16.8%). However, in the case of regions, Samarkand (40.5%), Andijan (34.5%) and Tashkent region (32.9%) account for more than working hours or more on weekends and holidays.

It also demonstrates the need for effective measures to prevent violations of labor rights of citizens. Indeed, along with the ongoing reforms in all spheres, legal regulation of labor relations is one of the most urgent tasks today. Development of a new edition of the Labor Code of the Republic of Uzbekistan aimed at improving labor relations. The plans for the implementation of the Strategy of Action for the five priority areas of development of the Republic of Uzbekistan in 2017–2020 are being considered in the State program “Year of active investments and social development”. In this plan, the Labor Code envisages the implementation of the recommendations of the International Labor Organization and the rules governing labor relations.

In addition, the Republic of Uzbekistan, as an equal subject of international relations, has enshrined in the Basic Law the rights of people to work following the above-mentioned international legal instruments. In particular, Article 37 of the Constitution of the Republic of Uzbekistan states that every person has the right to work, to choose a profession, to work in fair conditions and to be protected from unemployment in accordance with the law.

It should be noted that the basis of the reforms being implemented in the country in recent years has been creating conditions for the well-being of citizens, securing and protecting their constitutional rights. From the first years of independence, the issue of human rights has been on the rise. The focus is on employment of citizens.

At the same time, we can see that the ongoing reforms also play an important role in the improvement of labor legislation.

Today, as a result of economic changes not only in Uzbekistan, but also in foreign countries, the issue of studying working hours in order to effectively use the labor force in various fields is becoming increasingly important. We can observe positive economic profitability, economic growth, and the process of competition between employees as a result of the efficient use of work hours by both the employer and the employee. Employers of each enterprise, institution and organization, regardless of the type of activity and organizational-legal form, study the specifics of working hours, taking into account the opinion of the employees' representative body. As in other foreign countries, the majority of employees in Uzbekistan work according to a normal work week schedule with established working hours.

Working time is the time spent by an employee in the workplace with the duties assigned to him / her in the work schedule or discipline. The concept of work day denotes a time limit, during which the employee is not separated from the workplace.

According to Article 114 of the Labor Code of the Republic of Uzbekistan, working time is the time during which an employee must perform his or her duties in accordance with the work schedule or schedule or the terms of the employment contract.

Also, according to the scientist Y. Tursunov [2], the fact that an employee enters a labor relationship requires that he or she be compelled to comply with the internal labor discipline, labor discipline and business order of the enterprise. Therefore, working time in labor law is defined as the time when an employee fulfills his or her duties under internal labor regulations. It is foreseen to fulfill the duties of the employer and the state-society functions, while the employee is present at the enterprise during working hours and in some cases outside the enterprise.

Business days include all days except the holidays marked on the red and off days in the calendar. By national law, there are basically two types of work week - five days off for two days or six days of work a day. It is also established that the normal working time for an employee may not be more than 40 hours per week and that the six-day working week does not exceed 7 hours per day and 8 hours within the 5-day working week.

In addition, the Labor Code states that overtime work can be used with the consent of the employee and overtime hours for each employee is four hours a day (two hours per day in severe and harmful work conditions) and one hundred and twenty hours per year. are not. It is also prohibited to work overtime during the shift of twelve hours, as well as for work in extremely difficult and hazardous conditions.

Holidays (non-working) in areas where maintenance is not possible, work is in need of public service, as well as urgent repairs and unloading operations days.

According to Article 157 of the Labor Code, non-working hours, weekends and public holidays shall be paid at least two contributions. The exact amount of remuneration is set by the collective agreement with the trade union committee or other representative body of employees, if it is not established. Holidays or weekends may be paid at the employee's discretion by providing another day off (vacation). There may also be other procedures for working hours in organizations. The main thing is that the working hours should not exceed 40 hours per week.

There is also the concept of reduced working time in our national legislation. In this case, the employee works according to the norm, i.e. 8 hours a day, but not 5 days a week, for example, three or four hours. At the same time, the employee will have to negotiate with the employer in advance on a shorter work day. It is allowed to work in this mode:

- Employees under the age of 18;
- Employees with disabilities of I and II groups;
- Employees engaged in work in unfavorable working conditions;
- Employees of special character;
- Have children under three years of age;
- Women working in institutions and organizations financed by the budget.

In addition to those aged 16-18 — a week 36 hours and up to 15-16 years — not more than 24 hours a week [3].

Also, the employee should be given a break every working day. These are breaks for rest and eating. This break is not included in the working hours and is not paid. It is prescribed that it should be provided to workers in reduced or incomplete working hours.

Thus, an employee cannot be used for more than eight hours. It is a compulsory labor, and the perpetrators are prosecuted under the relevant articles of the Administrative Code. Taking into account the increased volume of work or the urgency of the implementation of important tasks, the employer may, with the consent of the employee, work overtime, in addition to the overtime. Overtime work is defined as overtime work for an employee. At the same time, double pay must be paid for overtime. This time period should not exceed 120 hours per year in accordance with the legislation.

According to Article 118 of the Labor Code, hours of work for certain categories of employees (health care providers, educators, etc.) with high levels of emotional, mental, or nerve stress are set at no more than thirty-six hours per week. The list of employees, whose work is of special character, is defined by the decision of the Cabinet of Ministers of the Republic of Uzbekistan (Appendix 4).

The limit for working hours is established by the Government of the Republic of Uzbekistan for employees who are involved in hazardous and extremely difficult work conditions. In particular, Annex 8 of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of March 11, 1997 “On approval of normative documents necessary for the implementation of the Labor Code of the Republic of Uzbekistan” establishes the maximum working hours in the most harmful and heavy cases [4].

Also, in accordance with national law, it is prohibited to employ an employee for two consecutive shifts. Hiring an employee at night is possible only if compliance with the limitations set forth in the Labor Code. According to Article 123, the total is calculated. At the same time, the accounting period may not exceed one year, the daily working time should not exceed 12 hours. Overtime is not allowed when working shifts are 12 hours, and also in extremely difficult and extremely hazardous working conditions.

In accordance with Article 121 of the Labor Code of the Republic of Uzbekistan, as a duty of the employer, the day-to-day (shift) time before the holidays shall be reduced to at least one hour for all employees.

To date, the Republic of Uzbekistan has acceded to 70 basic human rights documents by the UN became the participant of 10 main international treaties. The Universal Declaration of Human Rights, which includes the basic democratic principles and requirements of the international community in the field of human rights and freedoms, has become a political and legal basis for the formation of an international system of law in this field. the right to a reasonable day-to-day rest and the right to paid leave [5].

In addition, the International Labor Organization (ILO) is the main convention in the field of working hours of the International Labor Organization no. 47 “On reducing working hours for up to forty hours”, which the Republic of Uzbekistan acceded to in 1995 and these international norms are also found in national legislation. In addition, the International Labor Organization and other international humanitarian organizations set out measures to prevent employees from getting sick at work, to prevent them from working longer than prescribed [6].

In particular, as one of the stages of the development of existing labor legislation, I would like to suggest that the employment relationship between the employee and the employer is to be promoted remotely.

I also think that the inclusion of the Labor Code of the Republic of Uzbekistan, along with the main working hours, as an integral part of the issue of entering into a labor relationship is one of the most important issues in the current economic and social development.

In addition, it is now the most important legal instrument not only in Uzbekistan, but also in the Commonwealth of Independent States, that the proper scheduling of working hours is appropriate. The regulation of working hours allows the organization of the labor process and the

provision of free time to employees, as well as the effective use of flexible approaches to legal regulation of labor relations both for the employer and the employee.

Flexible approaches to labor relations should only be based on the rationality of the working hours based on the ratio and composition of the working hours, with high labor productivity combined with high and stable human indicators for a long time without the symptoms of fatigue. Running time is a tool for improving the efficiency of working hours. This helps to ensure that employees' health, productivity, efficiency and rational use of working time are met, and that public and private interests can be established through the establishment of proper and effective working hours.

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