

# LABOR CODE OF THE REPUBLIC OF UZBEKISTAN

of October 28, 2022

(as amended on 02-07-2024)

## General part

### Section I. General provisions

#### Chapter 1. Basic provisions

##### **Article 1. The relations regulated by this Code**

This Code governs individual employment relationships and directly related public relations on the basis of ensuring balance and coordination of interests of workers, employers and the state.

##### **Article 2. Main objectives of this Code**

The main objectives of this Code are:

establishment of the state guarantees of labor rights and freedoms of workers, including right to work, at free choice of work, on fair and safe working conditions and on protection against unemployment;

ensuring realization of the rights of employers in the sphere of matching, placement of personnel and organization of effective labor process;

encouragement and development of social partnership in the sphere of work;

ensuring protection of the rights and legitimate interests of workers and employers;

assistance to effective functioning of the labor market.

##### **Article 3. Basic principles of legal regulation of individual employment relationships and directly related public relations**

The basic principles of legal regulation of individual employment relationships and directly related public relations are:

equality of labor rights, prohibition of employment discrimination and occupations;

freedom of work and prohibition of forced labor;

social partnership in the sphere of work;

security of providing labor rights and execution of labor obligations;

inadmissibility of deterioration in legal status of the worker.

#### **Article 4. Principle of equality of labor rights, prohibitions of employment discrimination and occupations**

Everyone has equal opportunities in realization and protection of labor rights.

Employment discrimination and occupations is forbidden. Discrimination is establishment of any straight lines or indirect restrictions, and similarly provision of any immediate or indirect advantages in the field of work and occupations depending on sex, age, race, nationality, language, social origin, property and official capacity, the residence, the relation to religion, beliefs, belonging to public associations, and also other circumstances which are not connected with business qualities of workers and results of their work.

Reasonable distinctions, exceptions, preferences, and also the restrictions of the rights of workers in the sphere of work and occupations caused by requirements or special care of persons peculiar to this type of work needing the increased social protection (person occupied with execution of family obligations, minors, persons with disability, expectant mothers and others) are not discrimination.

Reasonable distinctions in legal regulation of work of separate employee categories can be caused by nature of labor communication of the worker with the employer, the place of implementation of labor activity, conditions and nature of work of the worker, legal status of the employer, specifics of work of workers of some industries and professions, psychophysiological features of organism, availability of family obligations and other objective circumstances.

Person considering that it underwent to employment discrimination and (or) occupations can appeal in accordance with the established procedure the discrimination fact, including take a legal action with the statement for elimination of discrimination and compensation of the material damage caused to it and compensation of moral harm.

#### **Article 5. Liberty principle of work and prohibition of forced labor**

Freedom of work means the right of everyone to dispose of the capabilities to work, to realize them in any form which is not forbidden by the law, to freely choose occupation, profession and specialty, place of employment and working conditions.

In relation to individual employment relationships freedom of work is shown in freedom of the employment contract meaning:

freedom of workers and employers in execution of an employment agreement. Compulsion of the worker and employer is not allowed to execution of an employment agreement. In cases when obligation of the employer to sign the agreement it is provided by this Code, the law or voluntarily undertaken obligation, the employer shall sign the employment contract with the worker;

determination contractual (the main and additional) conditions of the employment contract on the agreement of its parties;

possibility of change of the employment contract under the agreement between the worker and the employer;

possibility of the termination of any employment contract at any time under the agreement of its parties;

the right of the worker to stop the employment contract on own initiative according to the procedure, established by this Code;

the right of the employer on own initiative to stop the employment contract with the worker in the presence of the bases of the termination of the employment contract provided by this Code and with observance of established procedure;

opportunity in the cases established by this Code or other law to provide the additional bases of its termination in the employment contract.

Forced labor is forbidden.

Forced labor means any work or service demanded from any physical person under the threat of punishment application for which accomplishment this person did not offer voluntarily the services. Punishment is understood as application or threat of application to physical person of any measures of material, physical or mental impact forcing this person to perform labor activity in the absence of its voluntary consent.

Forced labor does not include:

performance of works of military nature or the works connected with passing of alternative service based on the Law of the Republic of Uzbekistan "About general conscription and military service";

work which accomplishment is caused by introduction of emergency or warlike situation;

the work performed as punishment on the judgment which took legal effect under the supervision of the state bodies responsible for compliance with law in case of execution of judgments.

## **Article 6. The principle of social partnership in the sphere of work**

The principle of social partnership in the sphere of work consists in interaction of workers, on behalf of their representatives, employers, their representatives, and also state bodies, aimed at providing coordination of interests of workers and employers and the state concerning regulation of the social and labor relations.

Based on the principle of social partnership in the sphere of work, the labor law:

creates necessary conditions for implementation bilateral (between workers, their representatives and employers, their representatives) and tripartite (between employee representatives, employers and executive bodies) cooperation in the sphere of work for the purpose of coordination of interests of workers and employers concerning regulation of individual employment relationships and other directly related public relations;

guarantees the right of workers and employers to consolidation for providing representation and protection of their interests;

affirms the right of employee representatives and employers to conducting collective bargainings, the conclusion of collective agreements and the collective agreement;

determines what local acts can be adopted by the employer in coordination with elected body of primary trade-union organization (trade-union committee, the organizer of labor union or the organizer of group of labor union) or other representative body of workers (further - trade-union committee);

provides participation of employee representatives and employers in permission (settlement) of employment disputes;

fixes other measures aimed at providing balance of interests of workers and employers in the sphere of work.

### **Article 7. Principle of security of providing labor rights and execution of labor obligations**

The labor law fixes set of the means and methods providing:

realization of the rights of the workers and employers in the sphere of work established by the labor law and other legal acts about work and also the employment contract;

execution by employers and workers of the obligations established by the labor law and other legal acts about work, and also the employment contract;

protection of labor rights of workers and employers and recovery of the violated rights;

employer's liability for violation of labor rights of workers, the labor law, and also responsibility of the worker for violation of labor obligations by it.

### **Article 8. Principle of inadmissibility of deterioration of the situation of the worker**

Any regulatory legal act shall not worsen the worker's situation in comparison with the regulatory legal act having bigger legal force.

Any local act, the individual legal act of the employer, cannot worsen the worker's situation in comparison with regulatory legal acts.

### **Article 9. Calculation of the terms provided by this Code**

The terms established by this Code, collective agreements, the collective agreement or the employment contract are determined calendar date, the expiration of the period of time estimated for years, months, weeks, days or hours, or specifying on event which shall come.

Calculation of terms with which this Code connects origin or the termination of labor rights and obligations begins from the next day after calendar date which determines its beginning.

The terms estimated for years, months, weeks expire in the corresponding numbers of the last year, month, week of term.

If the end of the term estimated for months falls on month with large or smaller number of days in comparison with month from which the current of term began, then day of the expiration the last day of month in which term expires is considered.

In time, estimated in calendar years, months, weeks or days, also non-working days join.

If the last day of term falls on non-working day, then the first working day following it is considered day of the termination of term.

## Chapter 2. The labor law and other legal acts about work

### **Article 10. Labor law**

The labor law consists of of this Code and other acts of the legislation governing individual employment relationships and directly related public relations.

If the international treaty of the Republic of Uzbekistan establishes more preferential rules for workers in comparison with the labor law of the Republic of Uzbekistan or other legal acts about work, then rules of the international treaty are applied.

Rules of international treaties of the Republic of Uzbekistan are applied and when individual employment relationships and directly related public relations are directly not settled by the labor law of the Republic of Uzbekistan.

### **Article 11. Coverage of the labor law**

Action of the labor law extends on:

individual employment relationships between the worker and the employer;

the public relations which are directly connected with individual employment relationships.

Individual employment relationships are the relations based on the agreement between the worker and the employer on personal accomplishment by the worker for a fee of labor function with subordination of the worker to the internal labor schedule when providing with the employer the working conditions provided by the labor law and other legal acts about work, the employment contract.

The conclusion of the agreements of civil nature which are actually governing individual employment relationships between the worker and the employer is forbidden.

Treat the public relations which are directly connected with individual employment relationships:

the relations on employment of the worker at the employer;

the relations on professional training, retraining and advanced training of the worker at the employer;

the collective employment relationships developing in the course of social partnership in the sphere of work;

the relations on control and supervision of observance of the labor law, industrial safety rules and other legal acts about work;

the relations on consideration of employment disputes.

The rules established in the territory of the Republic of Uzbekistan by the labor law extend to employment relationships with participation of the foreign citizens, stateless persons, the organizations created or founded by foreign citizens, stateless persons or with their participation, the international organizations and foreign legal entities if other is not provided by the laws or the international treaty of the Republic of Uzbekistan.

Action of the labor law extends to government employees, including to the workers of the Republic of Uzbekistan directed to work in public institutions of the Republic of Uzbekistan abroad (diplomatic, consular and other establishments), and also to persons passing alternative service with the features provided by the law.

On the military personnel passing military service under the contract, and also the military personnel (employees) serving in law-enforcement bodies and the State Customs Service, Service of state security, National guard of the Republic of Uzbekistan and on others, equated to them persons, the labor law extends, regarding not contradicting the special legislation.

The labor law extends to judges regarding the relations, not settled by the legislation on courts.

On prosecution agencies worker the labor law extends in the part which is not contradicting the legislation regulating activities of bodies of prosecutor's office.

Action of the labor law extends to employment relationships of rescuers of rescue services and professional rescue forming from among working according to the employment contract in the part which is not settled by the Law of the Republic of Uzbekistan "About rescue service and the status of the rescuer".

Action of the labor law extends to employment relationships of convicts according to the court verdict for making of crimes taking into account the withdrawals and restrictions provided by the Penitentiary code of the Republic of Uzbekistan.

The labor law do not extend to the following persons (if in the procedure established by this Code they at the same time do not act as employers or their representatives):

the military personnel undergoing compulsory military service;

members of the supervisory boards of the organizations;

members of audit committees (auditors) who are not employees of this organization;

the persons performing works (rendering services) based on agreements of civil nature;

other persons, if it is established by the law.

If the relations connected with use of personal labor arose based on the agreement of civil nature, but subsequently according to the procedure, established by this Code or other laws, were recognized as individual employment relationships, regulations of the labor law and other legal acts on work are applied to such relations.

#### **Article 12. Other legal acts about work**

Other legal acts about work are:

collective agreements;

collective agreements;

the local acts adopted by the employer in coordination with trade-union committee;

local acts, including individual legal acts adopted by the employer solely within its powers.

#### **Article 13. Ratio of the labor law and other legal acts about work**

Other legal acts about work can provide additional in comparison with established by the labor law of the right and guarantee to workers.

Inclusion in other legal acts about work of the rules worsening the worker's situation in comparison with the labor law is not allowed.

#### **Article 14. Ratio of collective agreements among themselves and with local acts**

Inclusion in industry and territorial collective agreements of provisions of the workers worsening situation in comparison with the general collective agreement is forbidden.

In cases if the discrepancy of provisions of industry and territorial collective agreements takes place, then provisions of that collective agreement which contains conditions, more favorable for the worker, are applied.

Local acts can provide additional labor rights and guarantees to workers in comparison with the established collective agreements which action extends to these workers.

Inclusion in local acts of the rules worsening the worker's situation in comparison with collective agreements is forbidden.

#### **Article 15. Ratio of local acts among themselves**

The local acts adopted by the employer in coordination with trade-union committee, and also, accepted by the employer solely, shall not contain the rules worsening the worker's situation in comparison with the collective agreement.

The local acts adopted by the employer solely shall not contain the rules worsening the worker's situation in comparison with the local acts adopted by the employer in coordination with trade-union committee.

If the labor law, collective agreements or the collective agreement or other legal acts about work adopted by the employer in coordination with trade-union committee provide that that or other issue shall be resolved by the employer in coordination with trade-union committee, then observance of this requirement is obligatory for the employer.

The trade-union committee shall report to the employer in writing about the made decision on the questions designated in part three of this Article, in twenty-day time from the date of receipt of the written appeal of employer, except as specified, when this Code provides other term. If after the specified term the appeal of employer remained without answer, the employer has the right to resolve appropriate question without receipt of consent of trade-union committee.

In cases when in the organization the trade-union committee is not created, the employer shall inform labor collective on the intention to resolve issues which according to the legislation shall be approved with trade-union committee in writing. If within two weeks from the date of receipt of information general meeting (conference) of labor collective on which (which) makes the decision on creation of primary trade-union organization or other representative body of workers, then the employer has the right to resolve appropriate questions independently is not held.

#### **Article 16. Ratio of the labor law, other legal acts about work and the employment contract**

The employment contract with the worker can provide additional in comparison with provided by the labor law and other legal acts about work of the right and worker's guarantee.

Inclusion in the employment contract of the conditions worsening the worker's situation in comparison with the labor law and other legal acts on work is forbidden.

#### **Article 17. Invalidity of rules of other legal acts about work and conditions of the employment contract**

Non-compliance with the requirements provided by Article part two 13, parts one, the second and fourth Article 14, parts one and the second article 15 of this Code involves invalidity of those regulations of other legal acts on work which worsen the worker's situation.

Non-compliance with the requirements provided by part two of article 16 of this Code involves invalidity of conditions of the employment contract which worsen the worker's situation.

Rules of other legal acts about work, and also conditions of the employment contract which are invalid are not subject to application. Such rules and conditions are considered invalid from the moment of their acceptance.

Invalidity of separate rules of other legal acts about work or separate conditions of the employment contract does not attract invalidity of the relevant act or the employment contract in general.

#### **Article 18. Individual legal acts of the employer**

Employers in the procedure established by the legislation can adopt individual legal acts within the powers: orders, orders, resolutions (further - the orders) addressed to the specific worker (workers) or collective and expected their one-time application (orders on employment, on change of working conditions, on the transfer to other work, the termination of the employment contract, provision to the worker of leave, application to the worker of authority punishment, encouragement of workers and others).

The individual legal acts adopted by the head solely are published in the form of orders or orders. The individual legal acts adopted by collegiate executive body are accepted in the form of resolutions.

If individual legal acts of the employer contain provisions which are less favorable, than the conditions established for workers by the labor law and other legal acts about work, then these acts or their corresponding parts are invalid.

## Chapter 3. Subjects and bases of emergence of individual employment relationships

### §1. Subjects of individual employment relationships

#### **Article 19. Worker and employer as subjects of individual employment relationships**

Subjects of individual employment relationships are the worker and the employer.

Citizens of the Republic of Uzbekistan, and also the foreign citizens and stateless persons having labor legal capacity and capacity to act, which reached the age established by this Code and signed the employment contract with the employer can be workers.

Can act as employers:

the organizations, regardless of pattern of ownership and departmental subordination;

branches, representations or other separate divisions of the organizations (further - separate divisions of the organizations);

physical persons.

Physical persons can be employers:

if they are registered as the individual entrepreneurs performing business activity without formation of legal entity;

if they perform hiring of house workers for the purpose of personal servicing and the help with housekeeping;

if their professional activity is subject to registration and (or) licensing, and they entered employment relationships with workers for the purpose of implementation of the specified activities in cases, stipulated by the legislation.

#### **Article 20. Labor legal capacity and capacity to act of the worker**

Capability have labor rights and obligations (labor legal capacity) and capability of the citizen (physical person) the actions to acquire and perform labor rights, to create for itself labor obligations and to perform them (labor capability) equally is recognized for all citizens of the Republic of Uzbekistan.

Foreign citizens, stateless persons have the same labor legal capacity and capacity to act what citizens of the Republic of Uzbekistan have if the legislation or the international treaty of the Republic of Uzbekistan do not provide other.

Labor legal capacity and capacity to act of the worker arise along with the moment of achievement of age by it sixteen years, except as specified, provided by this Code and other laws.

## **Article 21. Worker's rights**

The worker has the right on:

the conclusion, change and the termination of the employment contract according to the procedure and on the conditions established by this Code and other laws;

provision by the employer of the work caused by the employment contract;

the workplace conforming to requirements of labor protection;

timely and in full compensation according to the qualification, complexity of work, quantity and quality of the performed work;

the rest provided with limiting establishment of duration of working hours, the reduced working hours for separate professions and employee categories, provision of the weekly days off, festive non-working days, and also annual labor leaves;

the working conditions meeting safety requirements and hygiene and also receipt of complete and reliable information about working conditions and requirements of labor protection on workplace;

professional training, retraining and advanced training according to the labor law, other legal acts about work, the employment contract;

consolidation in labor unions and other organizations for representation and protection of the labor rights, freedoms and legitimate interests;

receipt of information on collective agreements and the collective agreement, and also about accomplishment of their conditions, including through the representatives;

compensation of the material damage caused to the worker in connection with execution of labor obligations by it, and compensations of moral harm according to the procedure, established by the labor law;

protection of the labor rights, freedoms and legitimate interests by all methods which are not forbidden by the law;

permission of employment disputes according to the procedure, established by this Code, other laws.

The worker can have and other rights according to the labor law, other legal acts about work and the employment contract.

## **Article 22. Worker's obligations**

The worker shall:

observe the labor law and other legal acts about work, conditions of employment contracts;

it is fair to fulfill the labor duties assigned to it by the employment contract;

observe the internal labor schedule;

observe labor discipline;

carry out the established work regulations;

observe requirements for labor protection, technological discipline, safety rules of work and production sanitation;

make thrifty use of property of the employer (including of the property of the third parties which is at the employer if the employer bears responsibility for safety of this property);

indemnify to the employer the caused material damage according to the procedure and the limits set by this Code;

without delay to report to the employer or the direct head about emergence of the situation posing threat of life and to human health, safety of property of the employer (including the property of the third parties which is at the employer if the employer bears responsibility for safety of this property);

not make the actions interfering other workers to carry out their labor obligations.

The worker can perform also other duties according to the labor law, other legal acts about work and the employment contract.

## **Article 23. Labor legal capacity and capacity to act of the employer**

Labor legal capacity of the organizations employers arises from the moment of their state registration in accordance with the established procedure.

Labor legal capacity of separate divisions of the organizations arises from the moment of approval of the provisions regulating their activities.

Labor legal capacity and capacity to act of the employer - the individual entrepreneur comes from the moment of its registration as the individual entrepreneur.

Labor legal capacity and capacity to act of the employer - the physical person using wage labor for performance of works in household and in other personal purposes which are not connected with business activity comes from the moment of acquisition of civil capacity to act by it in full, and person

which did not reach the specified age from the date of acquisition of civil capacity to act by it in full before execution to it eighteen years in the cases established by the Civil code of the Republic of Uzbekistan.

The rights and obligations of the employer in employment relationships according to the law, other legal acts on work, constituent documents of the organization and local acts are performed:

owner of the organization;

governing bodies of the organization or other representatives them persons;

the physical person which is the employer.

On the employer obligations following from employment relationships - the legal entity subsidiary responsibility is born by the owner of property, the founder (participant) of the legal entity in cases when the laws establish subsidiary responsibility of the owner of property, the founder (participant) according to obligations of the legal entity.

#### **Article 24. Rights of the employer**

The employer has the right:

conclude, change and stop employment contracts with workers according to the procedure and on the conditions provided by this Code, other laws;

initiate collective bargainings and sign collective agreements;

encourage workers for honest effective work;

demand from workers of execution of labor obligations and careful attitude to property of the employer by them (including to the property of the third parties which is at the employer if the employer bears responsibility for safety of this property), observance of the internal labor schedule;

bring workers to disciplinary responsibility according to the procedure, established by this Code;

bring workers to liability for direct valid loss as directly caused to them to the employer, and arisen at the employer as a result of compensation of damage by it to other persons;

adopt local acts (except for employers - the physical persons who are not individual entrepreneurs);

create merging of employers for the purpose of representation and protection of the interests and to enter them.

The employer can have and other rights according to the labor law, other legal acts about work and the employment contract.

#### **Article 25. Obligations of the employer**

The employer shall:

observe the labor law and other legal acts about work, conditions of employment contracts;

provide to workers the work caused by the employment contract;

not allow violation of requirements of this Code about prohibition of employment discrimination and occupations in case of acceptance of workers for work, in the course of work and in case of the termination with the worker of the employment contract;

not allow application forced and the worst forms of child labor;

ensure safety and working conditions conforming to normative requirements of labor protection;

provide workers with the equipment, tools, technical documentation and other means necessary for execution of the labor obligations by them;

pay in complete size the salary which is due to workers in the terms established according to this Code, the collective agreement, employment policies and procedures, other local acts, employment contracts;

conduct collective bargainings, and also sign the collective agreement according to the procedure, established by this Code;

provide to employee representatives the complete and reliable information necessary for the conclusion of the collective agreement and the collective agreement, and control of their accomplishment;

inform workers on their right to consolidation;

acquaint workers under list with the adopted local acts which are directly connected with their labor activity;

to timely carry out instructions of the state labor inspectors, and also officials of other state bodies, authorized to exercise control and supervision of observance of the labor law and other legal acts about work;

employ workers with whom this employer stopped the employment contract earlier, in cases when behind them the place of employment owing to their election on elective offices in state bodies remained;

to timely consider instructions and ideas of the relevant trade-union organs, other elite by workers of representatives of the revealed violations of the labor law and other legal acts of work, to take measures for elimination of the revealed violations and to report about the taken measures to the specified bodies and representatives;

perform providing domestic needs of the workers connected with execution of labor obligations by them;

provide compulsory national social insurance of workers from labor accidents and occupational diseases, and also obligatory civil liability insurance of the employer;

indemnify the material damage caused to workers in connection with execution of labor obligations by them, according to the procedure and on the conditions established by the labor law;

to timely register employment contracts, and also changes and amendments to them in the interdepartmental hardware-program complex "Single National System of Work" according to the procedure established by the Cabinet of Ministers of the Republic of Uzbekistan.

The employer can perform also other duties according to the labor law, other legal acts about work and the employment contract.

## §2. Bases of emergence of individual employment relationships

### **Article 26. Emergence of individual employment relationships**

Individual employment relationships between the worker and the employer arise based on the employment contract signed by them according to this Code.

In the cases and procedure established by the legislation or other legal acts on work or the charter (provision) of the organization, individual employment relationships arise based on the employment contract as a result:

- elections to position or passings on tender on replacement of the corresponding position;

- position assignments or approvals in position;

- job placements authorized state bodies;

- issues of confirmation on the right of labor activity in the territory of the Republic of Uzbekistan;

- the consent of both parents or one of parents (person replacing parents);

- adoptions of the judgment on assignment on the employer of obligation to sign the employment contract;

- recognitions by court of the relations connected with use of personal labor and which arose based on the agreement of civil nature, individual employment relationships.

Individual employment relationships between the worker and the employer arise also based on the actual assumption of the worker to work from permission or at the request of the employer or his representative on that the representative in case the employment contract was not drawn properly up.

### **Article 27. The individual employment relationships arising based on the employment contract as a result of election to position or passings on tender on replacement of the corresponding position**

Individual employment relationships based on the employment contract as a result of election to position arise if election to position assumes accomplishment by the worker of certain labor function.

Individual employment relationships based on the employment contract as a result of passing on tender on replacement of the corresponding position arise if the labor law or other legal acts about work or the charter (provision) of the organization determine the list of the positions which are subject to replacement on tender and procedure for carrying out tender to these positions.

**Article 28. The individual employment relationships arising based on the employment contract as a result of position assignment or approval in position**

Individual employment relationships arise based on the employment contract as a result of position assignment or approval in position in cases, stipulated by the legislation and other legal acts about work or the charter (provision) of the organization.

**Article 29. The individual employment relationships arising based on the employment contract in connection with job placement authorized state bodies**

Individual employment relationships of persons from among socially vulnerable categories of the population arise based on the employment contract as a result of their employment in the direction of local body for work according to the procedure, established by the Law of the Republic of Uzbekistan "About employment of the population".

Individual employment relationships with graduates of the highest educational organizations studying according to state grants arise based on the employment contract as a result of the direction them for work issued by the commission on distribution of the highest educational organization.

Individual employment relationships of the citizens called on alternative service arise based on the employment contract as a result of the direction them in the organization for the instruction about purpose of the place of passing of alternative service issued by district department of defense cases.

**Article 30. The individual employment relationships arising based on the employment contract in the presence of confirmation on the right of labor activity in the territory of the Republic of Uzbekistan**

Individual employment relationships with the citizens of foreign states and persons without citizenship who are constantly living in the territory of other states, legally drove to the Republic of Uzbekistan for implementation of labor activity arise based on the employment contract signed after receipt of the confirmation on the right of labor activity in the territory of the Republic of Uzbekistan issued by authorized state body and also accomplishment of other requirements, stipulated by the legislation.

**Article 31. The individual employment relationships arising based on the employment contract in the presence of written consent of one of parents (person replacing parents)**

Individual employment relationships with persons aged from fifteen up to sixteen years, in cases when according to this Code employment before achievement of the specified age is allowed, arise based on the employment contract in the presence of the prior written consent of one of parents (person replacing parents).

**Article 32. The individual employment relationships arising based on the employment contract as a result of adoption of the judgment on assignment on the employer of obligation to sign the employment contract**

Individual employment relationships with persons to whom by the employer it was illegally refused employment arise based on the employment contract signed as a result of adoption of the judgment on assignment on the employer of obligation to sign the employment contract.

### **Article 33. Recognition of the relations connected with use of personal labor and which arose based on the agreement of civil nature, individual employment relationships**

The conclusion with physical person of the agreement of the civil nature which is actually governing the relations provided by part two of article 11 of this Code involves recognition of these relations by court individual employment relationships. In this case the employment contract is considered the prisoner from the date of the conclusion of the agreement of civil nature, and the relations of the parties are recognized individual employment relationships from the date of the beginning of accomplishment by physical person of the work caused in the agreement.

In case of the termination of the relations connected with use of personal labor and which arose based on the civil agreement recognition of these relations individual employment relationships is performed by court. The physical person who was the contractor under the specified agreement having the right to take a legal action behind recognition of these relations individual employment relationships according to the procedure and the terms provided for consideration of individual employment disputes.

## **Section II. Social partnership in the sphere of work**

### **Chapter 4. General provisions**

#### **Article 34. Concept and basic principles of social partnership of the sphere of work**

Social partnership in the sphere of work is the system of relations between workers on behalf of their representatives, employers, their representatives, state bodies aimed at providing coordination of interests of workers, employers and the state concerning regulation of individual employment and other directly related public relationships.

The basic principles of social partnership in the sphere of work are:

observance by the parties and their representatives of the labor law and other legal acts about work;

polnomochnost of agents of the parties;

equality of participants;

accounting of interests of the parties;

interest of the parties in participation in contractual relations;

liberty of choice and discussions of the questions falling within the scope of work and occupations;

voluntariness of acceptance by the parties on obligations;

reality of the obligations assumed by the parties and obligation of their execution;

assistance of the state in strengthening and development of social partnership;

control over the implementation of the accepted collective agreements, the collective agreement, and also provisions containing in other acts of social partnership;

responsibility of the parties, their representatives for failure to carry out on their fault of collective agreements and the collective agreement.

### **Article 35. Levels of social partnership in the sphere of work**

Social partnership in the sphere of work is performed on:

primary level (in the organization or at the employer - physical person);

territorial level;

industry level;

republican level.

### **Article 36. Labor collective**

The labor collective is constituted by all workers performing labor activity at the employer on the basis of the employment contract.

The labor collective realizes the powers in the sphere of social partnership by means of holding general meeting (conference).

General meeting of labor collective is considered competent if at it there is more than a half of the workers performing labor activity at the employer on the basis of the employment contract.

The conference of labor collective is considered competent if at it there are at least two thirds of delegates of divisions of the organization.

The decision of general meeting (conference) of labor collective is deemed accepted if more than fifty percent of workers (delegates) who are present at general meeting (conference) voted for it.

General meeting (conference) of labor collective:

determines representative body of workers, authorized to represent the interests of labor collective;

makes the decision on approval or not approval of the collective agreement;

exercises control of execution of collective agreements, and also the collective agreement which action extends to the corresponding workers and the employer;

gives efficiency evaluation of execution by the parties of the collective agreement, collective agreement;

performs other powers according to the legislation and other legal acts on work.

### **Article 37. Right of workers to consolidation**

Workers for the purpose of representation and protection of the rights and interests without any distinction have the right to voluntarily create at the choice and without preliminary permission labor unions, and also the right to enter into labor unions or other associations of workers.

In case of absence at appropriate levels of social partnership of labor unions workers have the right to create other associations for providing representation and protection of the interests.

Accessory or not belonging to labor unions or other associations of workers does not involve any restriction of labor and other social and economic, political, personal rights and freedoms of the citizens guaranteed by the Constitution and other acts of the legislation of the Republic of Uzbekistan.

All members of labor unions or other associations of workers are equal in the relation of the rights and obligations established by this Code, other legal acts about work, charters of labor unions or other associations of workers or local acts.

It is forbidden to cause employment, possible privileges and preferences for the worker, including allowances, bonus, promotion on work, and also the termination of the employment contract as accessory or not belonging to certain labor union or other consolidation of workers, the introduction or exit from it.

Person considering that it underwent to discrimination on the basis of accessory or not belonging to labor unions or other associations of workers can appeal in accordance with the established procedure the discrimination fact. Requirements of person which underwent to discrimination, about discrimination elimination, about recovery of the violated right and compensation of the material damage caused to it and compensation of moral harm are permitted judicially.

Hindrance to implementation of the right of workers to consolidation, and also their coercion is not allowed to the accession to labor unions or other associations of workers.

Written or oral employee obligations about not accession to labor union or other consolidation of workers are invalid.

### **Article 38. Right of employers to consolidation**

Employers for the purpose of representation and protection of the rights and interests, implementation of social partnership without preliminary permission have the right to create the associations on voluntary basis, and also to enter associations of employers according to the procedure, established by their charters.

Merging of employers is the non-state non-profit organization based on voluntary membership of employers - legal and (or) physical persons and (or) associations of employers.

Hindrance to implementation of the right of employers to consolidation, and also their coercion is not allowed to the introduction in these or those associations of employers.

### **Article 39. Parties of social partnership**

Social partnership at primary level has bilateral character. The parties of social partnership at primary level are the labor collective and the employer.

Social partnership at the industry and territorial levels has bilateral or tripartite character. The parties of bilateral social partnership at the industry and territorial levels are the corresponding associations of workers and employers. Executive bodies on places and other interested state bodies

participate in tripartite social partnership at the territorial level according to the offer of territorial associations of workers and employers. State bodies the corresponding industry participate in tripartite social partnership at the industry level according to the offer of branch associations of workers and employers. The ministry of employment and employment relationships of the Republic of Uzbekistan participates in tripartite social partnership at the industry level in cases when state bodies act as the corresponding industry as employers.

Social partnership at the republican level has tripartite character. The parties of social partnership at the republican level are the republican associations of workers and employers and the Cabinet of Ministers of the Republic of Uzbekistan interested the ministries and departments.

Executive bodies on places are the party of social partnership representing the employer when they act as employers.

#### **Article 40. The legal acts of social partnership in the sphere of work containing regulations of labor right**

Legal acts of social partnership in the sphere of work are:

collective agreements;

collective agreement;

other local acts of the organization adopted by the employer in coordination with trade-union committee.

#### **Article 41. Forms of implementation of social partnership in the sphere of work**

Forms of implementation of social partnership in the sphere of work are:

collective bargainings on preparation of drafts of collective agreements, collective agreements;

conclusion of collective agreements and collective agreement;

adoption of local acts by the employer in coordination with trade-union committee;

implementation by the parties of social partnership of control of execution of provisions of collective agreements, collective agreement and other acts of social partnership;

participation of workers on behalf of their representatives in consideration of questions of social and economic development of the organizations, the territory, industry, the republic according to the level of social partnership;

application by the employer in the cases provided by the labor law and acts of social partnership, separate provisions of the labor law from prior consent of trade-union committee;

carrying out social partnership by the parties of mutual consultations (negotiations) concerning regulation of individual employment relationships and directly related public relations, providing guarantees of labor rights of workers and enhancement of the labor law and other legal acts about work;

participation of employee representatives and employers in permission (settlement) of employment disputes.

Social partnership can be performed also in other forms which are not forbidden by the legislation.

## Chapter 5. Employee representation and employers in social partnership

### **Article 42. Employee representation**

The representation and protection of the rights and interests of workers at primary level in the organization or at the employer - physical person are performed by trade-union committee. The same representative body cannot represent and protect interests of workers and employers.

The representation, protection of the rights and interests of workers are performed:

at the territorial and industry levels - the relevant labor unions, their associations and divisions (further - territorial and branch associations of labor unions);

at the republican level - republican trade union associations.

### **Article 43. Rights of employee representatives**

Employee representatives have the right:

conduct collective bargainings, sign collective agreements, collective agreements and control their accomplishment;

participate in the solution of questions of social and economic development at various levels of social partnership;

participate in development of local regulations of the organization, and in the cases provided by the labor law and other legal acts about work, express the consent or disagreement to adoption of the relevant local act by the employer;

exercise public control over observance of the labor law, the local acts adopted in coordination with employee representatives;

bring to employers, their representatives of the offer on preparation of legal acts about work;

make offers in authorized state bodies on suspension of mass release of workers;

obtain necessary information on questions of work, organization activity, other social and economic problems;

to freely visit workplaces, to receive from employers, their representatives necessary data for implementation of public control;

protect interests of workers in bodies for permission (settlement) of employment disputes;

appeal in court of the decision of the employer and persons authorized by it if they contradict the legislation or other legal acts on work or otherwise violate the rights of workers;

make also other actions directed to protection of the rights and interests of workers in the social and labor relations if they do not contradict the legislation.

Implementation of the rights by employee representatives shall not reduce overall performance of employers, break established procedure and the mode of their work.

#### **Article 44. Labor guarantees to persons, elected to structure of representative bodies of workers**

To persons, the elected to structure of representative bodies of workers, protection against prosecutions in any form from employers is guaranteed, their representatives in connection with implementation of activities for representation and protection of the rights and interests of workers by them.

Imposing of measures of authority punishments, the termination of the employment contract at the initiative of the employer with workers, the elected to structure of representative bodies of workers and not exempted from production work, and also the termination of employment relationships at the initiative of the employer with the workers elected in structure of representative bodies of workers within two years after the termination of their elective powers is not allowed without prior consent representative body in which specified persons performed the activities.

Imposing of measures of authority punishments, the termination of the employment contract at the initiative of the employer with the worker who is the head of the relevant representative body of workers and not exempted from production work, and also the termination of employment relationships at the initiative of the employer with the worker who was the head of representative body of workers within two years after the termination of its powers is not allowed without prior consent the relevant territorial or branch association of workers which member is this representative body.

Former work (position) is provided to the workers exempted from production work owing to election on elective offices in representative body of workers after the termination of their elective powers, and in case of its absence - other equivalent work (position).

In case of impossibility of provision to the workers elected in trade-union bodies, the corresponding work (position) they use the privileges provided by legal acts or collective agreements, the collective agreement.

#### **Article 45. Obligations of employers on creation of conditions for implementation of activities of employee representatives**

Employers shall:

not violate the right of employee representatives, promote their activities;

before decision making, the workers infringing on interests to hold consultations with employee representatives, and in cases, stipulated by the legislation and other legal acts about work, - to receive their consent;

to timely consider proposals of employee representatives and to motivated report to them in writing about the made decisions;

to freely allow employee representatives to workplaces of workers whose interests they represent;

it is non-paid to provide to employee representatives necessary information on questions of the social and economic rights and interests of workers;

provide necessary conditions for accomplishment by employee representatives of their functions;

provide to persons who are employee representatives and not exempted from production work, time for fulfillment of duties on representation and protection of interests of workers in working hours with preserving the average salary. The specific duration of time provided to specified persons is determined in collective agreements, the collective agreement and if they are not imprisoned - under the agreement with employers or their representatives. At the same time duration of this time cannot be less than thirty percent from number of hours of business week;

deduct to employee representatives of funds for the purposes and in the sizes which are established by collective agreements, the collective agreement.

Employers bear also others, stipulated by the legislation and other legal acts about work, obligation in relation to employee representatives.

#### **Article 46. Representatives of employers**

The representation and protection of the rights and interests of the employer at primary level are performed by the head of the organization, employer - physical person or person authorized by it according to this Code, the legislation and other legal acts about work, constituent documents of the employer.

Representation and protection of the rights and interests of employers at the territorial, industry and republican levels perform respectively territorial, branch and republican associations of employers.

#### **Article 47. Prohibition of hindrance of activities of employee representatives and employers**

Hindrance in any form of legal activities of employee representatives and employers is forbidden.

The termination of activities of employee representatives at the initiative of employers is not allowed.

The employers authorized by them persons, vosprepyatstvuyushchy to implementation of legal activities of employee representatives or the made actions specified in part two of this Article bear responsibility according to the law.

Activities of employee representatives and employers can be stopped according to the procedure, established by their constituent documents, and also the judgment.

### **Chapter 6. Bodies of social partnership in the sphere of work**

#### **Article 48. System of bodies of social partnership in the sphere of work**

The system of bodies of social partnership in the sphere of work is formed by the commissions on social and labor questions created at primary, territorial, industry and republican levels.

In the presence of several representatives authorized by workers and (or) employers, the structure of the commissions on social and labor questions is created on the basis of the principle of pro rata representation, depending on the number of the represented workers and employers.

#### **Article 49. The commission on social and labor questions at primary level**

At primary level the bilateral commission on social and labor questions is formed of the equal number of employee representatives and the employer.

The numerical list of representatives from each of the parties is determined by the agreement of the employer with trade-union committee. The members of representatives from employer affirm the order of the employer, and from trade-union committee - the decision of trade-union committee.

#### **Article 50. Territorial commissions on social and labor questions**

At the territorial level the bilateral or tripartite commissions on social and labor questions can be formed of the equal number of employee representatives and employers.

Representatives of territorial associations of workers and employers are part of the territorial bilateral commission on social and labor questions.

The territorial tripartite commission on social and labor questions is formed based on the offer of territorial associations of workers and employers. Representatives of territorial associations of workers and employers, and also representatives of executive bodies on places are part of the territorial tripartite commission on social and labor questions.

The numerical list of representatives from each of the parties is determined by agreement of the parties. The members of representatives from workers are determined by the corresponding territorial consolidation of workers, from employers - territorial merging of employers, and from executive body on places - the head of this body.

#### **Article 51. Industry commissions on social and labor questions**

At the industry level the bilateral or tripartite commissions on social and labor questions can be formed of the equal number of employee representatives and employers.

Representatives of branch associations of workers and employers are part of the industry bilateral commission on social and labor questions.

The industry tripartite commission on social and labor questions is formed based on the offer of branch associations of workers and employers. Representatives of branch associations of workers and employers, and also representatives of state bodies the corresponding industry are part of the industry

tripartite commission on social and labor questions. The ministry of employment and employment relationships of the Republic of Uzbekistan participates in the industry tripartite commission on social and labor questions in cases when state bodies act as the corresponding industry as employers.

The numerical list of representatives from each of the parties is determined by agreement of the parties. The members of representatives from workers are determined by the relevant branch association of workers, from employers - branch association of employers, and from state bodies the corresponding industry - the head of this body.

#### **Article 52. Republican commission on social and labor questions**

At the republican level the tripartite commission on social and labor questions is formed of the equal number of employee representatives and employers.

Representatives of republican associations of workers and employers, and also representatives of the Cabinet of Ministers of the Republic of Uzbekistan are part of the republican tripartite commission on social and labor questions.

The numerical list of representatives from each of the parties is determined by agreement of the parties. The members of representatives from workers are determined by republican associations of workers, from employers - republican associations of employers, and from the Cabinet of Ministers of the Republic of Uzbekistan - the order of the Cabinet of Ministers of the Republic of Uzbekistan.

#### **Article 53. Term of office of the commissions on social and labor questions**

The commissions on social and labor questions are permanent bodies. The term of office of the commissions is established for the term of preparation and action of the corresponding collective agreement or the collective agreement.

In case of the adoption by the parties of the decision on preparation of the new collective agreement, collective agreement them according to the procedure provided by Articles 48 - 51 of this Code, the relevant commissions on social and labor questions are formed again. At the same time the structure of the commission on the decision of the relevant party can include also those persons who consisted in the former commission if this party activities of these persons following the results of work of the commission on social and labor questions were recognized as satisfactory.

#### **Article 54. The termination of activities or temporary replacement of the member of the commission on social and labor questions**

Activities of the member of the commission for social and labor questions can be stopped in connection with the expiration of powers of the commission, and also ahead of schedule in the following cases:

in the presence of the objective reasons owing to which the member of the commission on social and labor questions cannot perform the activities (death, availability of the court verdict excluding possibility of continuation of activities as the member of the commission, and others);

response of the member of the commission the party which it represents;

rejection of the member of the commission.

In case of early termination of activities of the member of the commission for social and labor questions the party which interests he represents shall approve the new member of the commission no later than ten calendar days.

If the member of the commission on social and labor questions temporarily on reasonable excuse (in connection with temporary disability, stay in business trip, labor or social leave and others) cannot carry out the obligations, then the party which he represents, in time, specified in part two of this Article, determines person who will represent to the commissions this party during the term of absence of the member of the commission.

#### **Article 55. Powers of the commissions on social and labor questions**

Commissions on social and labor questions:

hold, in case of need, consultations with state bodies on the questions connected with development, acceptance and execution of collective agreements and the collective agreement and introduction of changes in them and amendments;

develop drafts of collective agreements and the collective agreement;

request from employers, their associations, labor unions or other associations of workers information on the course of accomplishment of collective agreements and the collective agreement;

receive from employers, their representatives, employee representatives, state bodies information and materials necessary for implementation of activities of the commission, negotiating, preparation of drafts of the corresponding collective agreement or the collective agreement and the organization of control of their accomplishment;

carry out the analysis and generalize the arrived offers for the subsequent inclusion in drafts of collective agreements and the collective agreement;

invite for participation in work of the commission of representatives of the interested public authorities, and also scientists, experts, specialists;

exercise control of the course of accomplishment of collective agreements, the collective agreement and the decisions made by the relevant commission on social and labor questions;

develop and make offers on change and amendment of collective agreements and (or) the collective agreement;

create, in case of need, temporary work groups for preparation of drafts of collective agreements, the collective agreement and control of the course of their accomplishment;

send members of the commission on social and labor questions, and also members of the working groups formed by the decision of the commission to the organizations for studying of condition of execution of the labor law and other legal acts about work;

take part in discussion of drafts of acts of the legislation and other legal acts about work, make offers on their enhancement;

hear on commission session of heads of the organizations which are not providing accomplishment of collective agreements and the collective agreement;

participate in carrying out consultations for assistance to application of international labor standards;

help permission of disagreements during the conclusion and implementation of collective agreements and the collective agreement;

perform other powers according to the legislation.

The industry and territorial commissions on social and labor questions render practical and methodical assistance in the conclusion of collective agreements and the collective agreement in the organizations.

#### **Article 56. Work planning of the commission on social and labor questions**

The work plan of the commission on social and labor questions for the next year affirms on the last commission session in the fourth quarter the current year.

The work plan of the commission on social and labor questions shall contain:

specifying on the members of the commission responsible for preparation of regulations of the commission;

dates of commission sessions;

the formulation of the questions offered for discussion by the commission;

specifying on the members of the commission responsible for preparation of questions which are brought in the agenda of commission session;

measures for control of accomplishment of collective agreements, the collective agreement, implementation of the decisions made by the commission;

the measures aimed at technical supply of work of the commission.