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# LABOR CODE OF THE REPUBLIC OF UZBEKISTAN

of December 21, 1995

(as amended on 03-12-2019)

## General part

### Chapter I. Basic provisions

#### **Article 1. The regulations governing employment relationships**

Employment relationships in the Republic of Uzbekistan are governed by the legislation on work, collective agreements, and also collective agreements and others local normative aktami\*.

\* Further "legal and other regulations about work"

The legislation on work consists of of this Code, the laws of the Republic of Uzbekistan and resolutions of Oliy Majlis, presidential decrees of the Republic of Uzbekistan, the laws of the Republic of Karakalpakstan and resolutions of the Jokargi Kenes, the orders of the Government of the Republic of Uzbekistan and the Government of the Republic of Karakalpakstan, decisions of other representative and executive bodies of the government accepted within their competence.

Legal and other regulations about work govern employment relationships of the physical persons working according to the employment contract (contract) \* at the companies in organizations, the organizations of all patterns of ownership \*\*, and also at certain citizens.

\* Further "employment contract"

\*\* Further "companies"

#### **2. Tasks of the legislation on work**

The legislation on work, considering interests of workers, employers, the states, provides effective functioning of the labor market, fair and safe working conditions, protection of labor rights and health of workers, promotes increase in labor productivity, improvement of quality of work, rise on this basis of material and cultural level of living of all population.

#### **Article 3. Coverage of the Labor code**

Action of the Labor code extends to all territory of the Republic of Uzbekistan.

#### **Article 4. Ratio of legislative and contractual regulation of employment relationships**

The minimum level of labor rights and guarantees for workers is established by legal acts.

Labor rights and guarantees, additional in comparison with legal acts, can be established by other regulations including contractual nature (collective agreements, collective agreements, other local acts), and also the employment contracts signed between the worker and the employer.

Conditions of agreements and agreements on work cannot be changed unilaterally if other is not provided by the law. The questions which are not settled by legal and other regulations about work are solved by agreement of the parties agreements on work, and in case of not reaching an agreement between them - according to the procedure, established for permission of employment disputes.

#### **Article 5. Invalidity of conditions of agreements and agreements on work**

The conditions of agreements and agreements on work worsening situation of workers in comparison with legal and other regulations are invalid.

#### **Article 6. Prohibition of discrimination in employment relationships**

All citizens have equal opportunities in possession and use of labor rights. Establishment of any restrictions or provision of benefits in the field of employment relationships depending on sex, age, race, nationality, language, social origin, property and official capacity, 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 inadmissibly is also discrimination.

Are not discrimination of distinction in the sphere of work, caused by requirements or special care of the state of persons peculiar to this type of work needing the increased social protection (women, minors, disabled people, etc.).

Person considering that it underwent to employment discrimination can take a legal action with the statement for elimination of discrimination and compensation of the material and moral harm done to it.

#### **Article 7. Prohibition of forced labor**

Forced labor, i.e. coercion to performance of work under the threat of application of any punishment (including as means of maintenance of labor discipline) is forbidden.

Work which accomplishment is required is not considered forced labor:

based on legal acts for military or alternative service;

in the conditions of emergency state;

owing to the court verdict which took legal effect;

in other cases provided by the law.

#### **Article 8. Protection of labor rights**

Protection of labor rights which is performed by supervision bodies and control of compliance with law about work, and also bodies for consideration of employment disputes is guaranteed to everyone.

## **Article 9. Public administration in the sphere of work. Control and supervision of compliance with law about work**

Public administration in the sphere of work is exercised the Ministry of employment and employment relationships by Uzbekistan and its territorial authorities.

Control and supervision of compliance with law about work and rules on labor protection perform:

- 1) the state bodies and their inspections which are specially authorized on that;
- 2) labor unions.

State governing bodies exercise control of compliance with law about the work according to the procedure established by the law.

Supervision of exact and uniform execution of the laws on work in the territory of the Republic of Uzbekistan is performed by the Attorney-General of the Republic of Uzbekistan and prosecutors subordinated to it.

## **Article 10. Ratio of international treaties, conventions and legislation on work of the Republic of Uzbekistan**

If the international treaty of the Republic of Uzbekistan or the International Labor Organization Convention ratified by Uzbekistan establish more preferential rules for workers in comparison with legal or other regulations about work of the Republic of Uzbekistan, then rules of the international treaty or the convention are applied.

Rules of international treaties of the Republic of Uzbekistan or International Labor Organization Conventions ratified by Uzbekistan are applied and when employment relationships are directly not settled by the legislation.

## **Article 11. Application of the legislation on work to persons who are not citizens of the Republic of Uzbekistan**

The legislation on work extends to the foreign citizens and persons without citizenship working at the territory of the Republic of Uzbekistan according to the employment contract signed with the employer.

## **Article 12. Application of the legislation on work on overseas enterprises**

At the companies belonging fully or partially to foreign legal entities and physical persons and located in the territory of the Republic of Uzbekistan the legislation on work of the Republic of Uzbekistan is applied.

## **Article 13. Calculation of the terms provided by this Code**

The current of term with which this Code connects origin or the termination of labor rights and obligations begins 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. In time, estimated in calendar 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 II. Subjects of employment relationships

### **Article 14. Worker as subject of employment relationships**

Citizens of the Republic of Uzbekistan, and also the foreign citizens and stateless persons which reached the established age can be subjects of employment relationships (Article 77) and signed the employment contract with the employer.

### **Article 15. Employer as subject of employment relationships**

Can be employers:

- 1) the companies, including their isolated structural divisions, on behalf of their heads;
- 2) private enterprises which owner at the same time is their head;
- 3) the individuals who reached eighteen years in cases, stipulated by the legislation.
- 4) the individual entrepreneurs performing hiring of workers according to the procedure, established by the Cabinet of Ministers of the Republic of Uzbekistan.

### **Article 16. Basic labor rights of the worker**

According to the Constitution of the Republic of Uzbekistan everyone has right to work, to the free choice of work, to fair working conditions and to protection against unemployment according to the procedure, established by the law.

Each worker has the right:

on remuneration for work not below the size established by the legislation according to the first grade of the Single scale of charges in compensation;

on the rest provided with limiting establishment of duration of working hours, short working day for number of professions and works, provision of the weekly days off, holidays, and also annual paid leaves;

on the working conditions meeting safety requirements and hygiene;

on professional training, retraining and advanced training;

on indemnification, caused to his health or property in connection with work;

on consolidation in the labor unions and other organizations representing the interests of workers and labor collectives;

on social security on age, in case of disability, loss of the supporter and in others, established by the law, cases;

on protection, including judicial, labor rights and qualified legal aid;

advocate the interests in collective employment disputes.

**Article 17. Basic rights of the employer**

The employer has the right:

manage the company and make independent decisions within the powers;

conclude and stop individual employment contracts according to the legislation;

demand from the worker of proper performance of work caused by the employment contract;

create together with other employers public associations for protection of the interests and enter such associations.

**Article 18. Features of legal regulation of work of separate employee categories**

Legal regulation of work of separate employee categories can have the features determined:

nature of labor communication of the worker with the company;

conditions and nature of work of the worker;

climatic conditions;

particular legal regime of the area where the worker works;

other objective factors.

Features of regulation of work of government employees are established by the law.

The established features of legal regulation of work of separate employee categories cannot reduce the level of the labor rights and guarantees provided by this Code.

**Article 19. Labor collective as subject of employment relationships**

The labor collective of the company is constituted by all his workers participating the work in its activities on the basis of the employment contract.

The rights and obligations of labor collective, its power, procedure and forms of their implementation are determined by legal and other regulations.

**Article 20. Representative bodies of workers and employers as subjects of employment relationships**

The labor unions, their elected bodies at the company elected by workers other bodies, representative bodies of employers can act as subjects of employment relationships.

**Chapter III. Employee representation and employers****Article 21. Employee representation at the company**

In employment relationships and protection of such interests labor unions and their elected bodies at the company or other bodies elected by workers, procedure for election, terms of office and which quantitative structure are determined by meeting (conference) of labor collective can perform representation of interests of workers. Workers determine that body to which they trust representation and protection of the interests.

All representative bodies are effective within the powers and have the equal rights in case of protection of interests of workers.

Availability of other representative bodies at the company shall not interfere with activities of labor unions for implementation of the functions.

The same representative body cannot represent and protect interests of workers and employers.

Activities of representative bodies can be stopped according to the decision of the workers who elected them and also court - in case of making of the actions contradicting the legislation by them.

### **Article 22. Labor unions**

The rights of labor unions and their elected bodies in relations with the state and economic organizations, employers are determined by the law, charters, collective agreements and agreements.

### **Article 23. Rights of representative bodies of workers**

Representative bodies of workers have the right:

conduct negotiations, sign collective agreements and agreements, to control their accomplishment, to make to the employer offers on preparation of regulations about work at the company;

participate in consideration of questions of social and economic development of the company;

protect interests of workers in bodies for consideration of employment disputes;

appeal in court of the decision of the employer and persons authorized by it if they contradict legal or other regulations about work or otherwise violate the rights of workers.

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

Implementation of the rights by representative bodies of workers shall not reduce overall performance of the company, break established procedure and the mode of its work.

### **Article 24. Obligations of the employer in relation to representative bodies of workers**

The employer shall:

observe the rights of representative bodies of workers, promote their activities;

before decision making, the workers infringing on interests to hold consultations with their representative bodies, and in the cases provided by legal and other regulations about work - to receive their consent;

to timely consider offers of representative bodies of workers and to motivated report to them in writing about the made decisions;

to freely allow members of representative bodies of workers on the company, to workplaces of workers whose interests they represent;

it is free to provide to representative bodies of workers necessary information on questions of work, activities of the company, other social and economic problems;

provide necessary conditions for accomplishment of workers of their functions by representative bodies;

carry out others, the obligations provided by legal and other regulations about work in relation to representative bodies of workers.

### **Article 25. Additional labor guarantees for members of representative bodies of workers**

Protection against prosecutions in any form from the employer in connection with implementation of representative activities is guaranteed to members of representative bodies of workers by them.

Imposing of authority punishments, the termination of the employment contract at the initiative of the employer with workers, the elected to structure of representative bodies 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 within two years after the termination of their elective powers is not allowed without prior consent local body for work.

Former work (position) is provided to the workers exempted from production work owing to election on elective offices in representative bodies 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 representative bodies, the corresponding work (position) they use the privileges provided by legal acts or collective agreements, agreements.

### **Article 26. Prohibition of hindrance of activities of representative bodies of workers**

Hindrance in any form of legal activities of representative bodies of workers is forbidden.

The termination of activities of representative bodies of workers at the initiative of the employer or persons authorized by it is not allowed.

The employer, persons authorized by him who made the actions specified in parts one and the second this Article bear responsibility according to the legislation.

### **Article 27. Representative office of employers at the company**

The representative office of employers at the company is performed by officials of administration within the powers conferred to them by legal and other regulations about work, their charters or provisions.

### **Article 28. Representative bodies of employers**

Employers have the right to unite in the unions, associations and other public associations. Public associations of employers are created and function as the public voluntary organizations setting as the purpose assistance to development and increase in efficiency of economy and entrepreneurial

initiative, and also implementation of social partnership by representation in state governing bodies, in relations with labor unions and other representative bodies of workers of interests of the companies and their owners, protection of their rights in the sphere of economic and employment relationships.

## Chapter IV. Collective agreements and agreements

### § I. General provisions

#### **Article 29. Concept and purpose of collective agreements and agreements**

The collective agreement - the regulation governing the employment, social and economic and professional relations between the employer and workers at the company.

The collective agreement - the regulation containing obligations on establishment of working conditions, employment and social guarantees for workers of certain profession, industry, the territory.

Collective agreements and agreements are signed for the purpose of assistance to contractual regulation of employment relationships and coordination of social and economic interests of workers and employers.

#### **Article 30. Basic principles of the conclusion of collective agreements and agreements**

The basic principles of the conclusion of collective agreements and agreements are:

observance of regulations of the legislation;

polnomochnost of agents of the parties;

equality of participants;

liberty of choice and discussions of the questions constituting contents of collective agreements, agreements;

voluntariness of adoption of obligations;

reality of providing the assumed obligations;

systematicity of control;

inevitability of responsibility.

#### **Article 31. Right to negotiating**

The either party has the right to act as the initiator of negotiations on the conclusion and change of the collective agreement, agreement.

The labor union, other representative body of workers has the right to conduct negotiations on behalf of the represented workers, to offer and sign the appendices to the collective agreement, the agreement protecting interests of the represented workers.

If from workers several representative bodies of workers act at the same time, they create the joint representative body for negotiating, development of the single project and the conclusion of the collective agreement or the agreement.



For the conclusion, change and amendment of the collective agreement, the agreement negotiations between the employer, merging of employers (their representatives) and labor unions or other representative bodies of workers are held. Executive bodies participate in necessary cases in negotiations. Employers, executive bodies shall conduct negotiations on the labor and socially economic problems offered for consideration by labor unions or other representative bodies of workers.

The party which received the adequate written notice shall enter seven-day time in negotiations.

Within three months before the termination of effective period of the former collective agreement, the agreement or in the terms determined by these documents, the either party has the right to send to other party the written notice of the beginning of negotiations on the conclusion of the new collective agreement, the agreement.

### **Article 32. Procedure for negotiating**

For negotiating and preparation of the draft of the collective agreement, the agreement of the party on equal basis form commission of the representatives given necessary authority.

The structure of the commission, terms, the venue and the agenda of negotiations are determined by the decision of the parties.

The parties participating in negotiations are given free rain in the choice and discussion of the questions constituting contents of the collective agreement, agreement.

Employers and their associations, executive bodies shall provide to labor unions, other representative bodies of workers the information necessary for negotiations which is available for them. The negotiators, other persons connected with negotiations shall not disclose the received data if they are the state secret or trade secret. Persons disclosing these data are made responsible according to the procedure, established by the legislation.

If during negotiations of the party could not reach agreement owing to circumstances, the protocol in which finally formulated offers of the parties on the measures necessary for elimination of these reasons, and also on the term of resumption of negotiations are made is constituted.

### **Article 33. Permission of the disagreements arising in case of negotiations**

Permission of the disagreements arising in case of negotiations is made according to the procedure, established for consideration of collective employment disputes.

### **Article 34. Responsibility for violation of the legislation on collective agreements and agreements**

Persons representing the employer bear responsibility for:

1) evasion from participation in negotiations on the conclusion, change or amendment of the collective agreement, the agreement or violation of terms of their development and the conclusion or not ensuring work of the relevant commission in the terms determined by the parties;