

THE CONCEPT OF WORKING CONDITIONS AND GENERAL RULES OF ITS CHANGE

Yuldashev Ikboljon Rakhimovich

Teacher of the Department of State Legal Sciences of the
Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan
E-mail:yuldashev.iqboljon.1986@mail.ru

ANNOTATION:

The article analyzes the concept of working conditions in labor relations and the legal basis for its change, as well as its role and peculiarities in the regulation of labor relations.

Keywords: employment contract, working conditions, change of employment contract, change of place of work, temporary transfer to another job, transfer to another permanent job.

INTRODUCTION:

As market relations deepen in our country, it is natural that the protection of human rights and interests, which are recognized as the highest value, and the creation of all necessary conditions for their realization are considered an important task for society. As the head of our state Sh.M.Mirziyoev noted, "The effectiveness of the economic reforms and social changes we are carrying out is measured, first of all, by the extent to which they affect the material well-being and living standards of the population." [1]

The sphere of social life in which human rights and interests are most often exercised is the relationship associated with the exercise of the right to work. It is no coincidence that the right to work is guaranteed in Article 37 of the Constitution of the Republic of Uzbekistan as the most important socio-economic right.

Because working and living a prosperous life is the basis of providing for one's family.

Due to objective and subjective factors arising in the process of employment relationship, as well as for some reasons beyond the control of the employee, the content of the employment relationship between the employee and the employer may change, new rights and obligations may arise. This process is called changing the terms of an employment contract in labor law.

According to Article 88 of the Labor Code of the Republic of Uzbekistan, working conditions are the sum of social and production factors in the labor process.

Social factors include wages, working hours, length of leave, and other conditions.

Technical, sanitary, hygienic, industrial and other conditions are considered as factors of production.

Terms of employment are determined by labor laws and other regulations, as well as by agreement of the parties to the employment contract. [2]

The terms of an employment contract are, in a broad sense, any production terms that define the employee-employer relationship. Although many of these conditions are not directly provided for in the employment contract, they can expand the scope of the employee's rights and obligations by influencing the content of the contract as norms and rules established by law, local regulations of the enterprise. The terms of an employment contract mean all of this.

In the narrow sense, the terms of an employment contract are those that are directly stated in the contract and relate to the employee's job functions, their performance, salary, and changes in these terms are often related to the transfer of the employee to another job. [3]

The broad terms of the employment contract will depend on the mode of production in the enterprise, the working conditions of the employee, the organization of work, the beginning of the application of new rules that did not exist before.

The legislation determines the necessary and additional terms of the employment contract at the time of concluding an employment contract between the employee and the employer.

The necessary terms of an employment contract are conditions that must be set for all, including:

Workplace;

Labor Function;

Date of Commencement of Work;

Amount of Remuneration and Other Conditions.

The list of conditions required for the conclusion of certain employment contracts may be expanded in cases provided by law. For example, when concluding a fixed-term employment contract, the date of commencement of work is recorded, as well as the date of completion. When hiring an employee for a specific period of performance, the specific work to be performed by the employee is indicated. When concluding an employment contract with a co-worker, the exact period of daily work shall be determined within the maximum period provided by law.

By agreement of the parties, the employment contract may provide for additional conditions. They may define the obligations of the parties, supplement them,

and provide additional benefits and advantages to the employee.

Additional conditions may include: Unified tariff-qualification certificate with the employee's working conditions, additional labor obligations provided for in the qualification certificates;

work in several professions (positions) as an independent condition of the employment contract, indicating the procedure and conditions of work in several professions;

If the employee is hired with a probationary period, the exact duration of the probationary period (from when to);

High qualification of the employee, if it is provided by the current legislation, collective bargaining agreement (agreements of all levels) or other normative acts in force at the enterprise, organization, institution. individual determination of higher amounts of bonuses, prizes and other awards);

The working hours set for the employee (part-time, part-time, part-time, part-time, start and end of the working day, etc.);

Additional (paid and unpaid) days off, holidays;

Social and living conditions (place in kindergarten, provision of medical treatment in sanatoriums, transport services, centralized provision of food, housing, etc.);

Payment of penalty in case of early termination of a fixed-term employment contract in cases stipulated by the legislation.

Additional terms of the contract for certain categories of employees: the condition of full financial responsibility for persons servicing money or goods; additional grounds for termination of employment contract for managers of enterprises not provided by law and
h. k. [4]

The labor legislation of a number of foreign countries also provides special definitions of the concept of working

conditions. In particular, Article 54 of the Labor Code of the Republic of Azerbaijan is entitled "Provision of working conditions", which provides a list of working conditions that must be provided by the employer in order for the employee to perform his duties. These conditions are mandatory and include social and production factors. In addition, Article 55 of this Code provides for additional working conditions, the implementation of which is carried out by mutual agreement between the employer and employees. [5]

Working conditions can be divided into the following types according to the methods of determination:

- 1) Conditions established by labor laws and other legislation. Employers are obliged to establish working conditions and sanitary-hygienic requirements, minimum requirements for the protection of life and health of the employee, working hours, rest time, the minimum wage, the payment of guaranteed and compensatory payments, employers and requirements that must be met by employees. The repeal, modification or introduction of new such requirements and conditions shall be the sole prerogative of the public authorities.
- 2) Working conditions established by local normative documents of enterprises and organizations (collective agreement, internal labor regulations, career guidelines, various regulations and guidelines). These conditions may be changed by the employer, in appropriate cases, with the prior consent of the employee representative body or in agreement with it.
- 3) Terms agreed upon by the parties in the employment contract. These conditions can be changed only by mutual agreement of the employee and the employer, and in cases where it is impossible to reach an agreement - in court or in another manner provided by law. [6]

Terms of employment and terms of employment

it is necessary to distinguish them from each other. Working conditions in the enterprise are common to all employees and cover all areas of economic, production, socio-economic life of the enterprise. The terms of the employment contract will consist of the terms of employment of the individual employee.

It should be noted that the terms of employment are determined by agreement of the parties to the employment contract and its unilateral change is not allowed. For this reason, there is a rule that the working conditions are changed in the same order as in the labor legislation. Working conditions may be changed or revoked in different ways depending on who sets them.

CONCLUSION:

It should be noted that the Labor Code of the Republic of Uzbekistan briefly defines the concept of working conditions, which should be defined as the relations arising in the process of concluding and implementing an employment contract, and it is appropriate to define it as follows: Working conditions are the sum of social and production factors in which an employee's employment is carried out in accordance with an employment contract between the employer and the employee.

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