

## **PROTECTION OF LABOR RIGHTS OF EMPLOYEES BY THE STATE LABOR INSPECTION IN UZBEKISTAN**

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### **Abstract**

The article analyzes the activities of state labor inspectors who protect the labor rights of employees. The problems of labor law enforcement are identified, and suggestions for its improvement are formulated. The purpose of the article is to investigate the problem of protecting the labor rights of employees through the State labor Inspection of the Ministry of employment and labor relations of the Republic of Uzbekistan.

**Index Terms**— state labor inspector, protection of labor rights, prescription, labour contract, state supervision, wages, ILO conventions, labor rights of employees.

### **I. INTRODUCTION**

The protection of the labor rights of employees is also carried out by the bodies directly inspecting and supervising the observance of labor legislation. According to Article 9 of the Labor Code of the Republic of Uzbekistan, public administration in the field of labor is carried out by the Ministry of Employment and Labor Relations of the Republic of Uzbekistan and its territorial bodies. "On the Ministry of Employment and Labor Relations of the Republic of Uzbekistan" approved by the Resolution of the Cabinet of Ministers No. 1066 of 31 December 2018 defines the tasks and powers of the Ministry in the field of protection of employees' rights. Verification and control of compliance with labor legislation and labor protection regulations shall be carried out by specially authorized state bodies and their inspections. The State Labor Inspectorate of the Ministry of Employment and Labor Relations of the Republic of Uzbekistan is a specially authorized body in the field of protection of labor rights of employees. According to SH. Ismailov, the feature of government agencies is needed to improve the mechanisms for ensuring and protecting the labor rights of employees [1].

### **II. MATERIALS AND METHODS**

In the course of the research, such methods as comparative legal, historical, systemic and structural, logical, sociological, complex study of scientific sources, induction and deduction, empirical research, and analysis of statistical data were applied.

### III. RESULTS AND DISCUSSION

The main goal of the reforms carried out in Republic of Uzbekistan is significant, first of all, with a view to further strengthening the human, his rights, legitimate interests, honor and dignity. After all, the implementation of the measures established in the strategy of action on five priority directions of development of the Republic of Uzbekistan in 2017-2021 years gave its positive results in the life of citizens. A number of amendments to the current labor legislation serve to ensure guarantees of employee rights. The criteria for the employee are related to the age of the employee, his / her ability to behave, his / her ability to acquire a certain profession, knowledge, qualification or specialty, as well as his / her civil status. In our opinion, it is necessary to understand that an employee is a natural person who has reached the age established by law, is able to fully (in some cases partially) respond to the results of his actions, has a certain specialty, profession, qualification and is carrying out his activities by concluding an employment contract with the employer. The labor rights of employees is a system of norms established by the state, local normative acts adopted within the framework of social partnership and rules of conduct established on the basis of an employment contract. In accordance with the Constitution of the Republic of Uzbekistan, everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment in the manner prescribed by law. H.Burkhankhodzhaeva argues that the protection of the rights of employees working in business entities and microfirms is an urgent issue [2]. Protection of employees labor rights, understanding of its essence and effective application in practice is an issue that affects the lifestyle and daily activities of thousands of people.

A global pandemic that has spread around the world has shown the need to improve the industry. After all, as a result of the restrictions imposed on the activities of economic sectors, millions of people remained unemployed. As a result, they were assigned the task of social protection to the state. In our opinion, the most optimal solution is to solve these problems by maintaining a balance between the state, employers and employees. The intensive integration of our economy into the world economy requires the introduction of new efficient institutions that regulate market relations. Of course, disputes and disagreements arise between employee and employer [3].

Article 8 of the Labor Code stipulates that the protection of labor rights of each person is guaranteed, this protection is carried out by the bodies that check and control the observance of labor legislation, as well as bodies that view labor disputes. However, it does not give a definition to the concept of protecting the labor rights of employees.

Employees have the following distinctive signs of protection of labor rights:

firstly, the protection of the violated labor rights of employees is carried out only when there is such a sub-right. If there is no labor relations between the employee and the employer, the person can not use this right as an employee. That is, the labor rights of a person who works under a civil-legal contract are not protected in the manner prescribed above.

secondly, the protection of labor rights of employees is carried out within the framework of measures established by law. Bunda employee has the right to protect his violated labor rights only with the help of methods not prohibited by law.

thirdly, the activity of protection of labor rights is carried out either by applying to state bodies or public organizations (associations), or by independently protecting (self-defense) the employee's own right by himself.

Some articles led to accept unlawful decisions by employer. For example, according to B.Rakhimberganova the employer does not specify on the basis of what document, in what order and for what period it is possible to terminate the employment contract with another employee who is working in his place when the employee whose employment contract is terminated by mistake, and also the rules on guarantees given to this employee are not clearly established [4]. Protection of labor rights of employees is a system of actions carried out by authorized bodies (persons) in connection with international legal acts, legislation, local normative acts, prevention of violations of the legal interests of employees established by the employment contract, elimination of offenses, restoration of violated or disputed rights.

The main tasks and functions of the State labor inspection in the field of protection of employee rights can be divided into the following groups:

first, establish state control over compliance of citizens with the requirements of legislation in the field of ensuring compliance with labor rights and their protection by organizations, regardless of their organizational and legal form;

secondly, to avoid forced labor and to completely eliminate it, including to prosecute guilty officials in accordance with the legislation;

thirdly, to carry out state control over the observance of the legislation on the protection of workers ' labor.

It can be seen that the State labor inspection has a number of powers in the field of implementation of state control over the observance of labor rights of employees. In particular, the inspection monitors the observance by employers and officials of the constitutional rights of employees to work, decent and safe working conditions and protection from unemployment

Along with this, the inspection analyzes labor agreements and local documents, employers ' orders in the field of labor relations in accordance with the legislation and controls the fulfillment of the obligations specified in them. In addition, the Inspection conducts cameral

control over compliance with the legislation in the field of observance and protection of citizens' labor rights.

The labor legislation of the Republic of Uzbekistan is aimed at fulfilling such tasks as creating the necessary legal conditions for achieving optimal coordination of the interests of the parties to labor relations, the interests of the state, as well as legal regulation of labor relations and other relations directly related to them [5]. M.Karimjonov said that, it is forbidden to terminate labor contracts with employees who are infected with a Coronavirus infection or placed in quarantine, as well as parents of a child under the age of 14 (persons replacing him, Guardians, sponsors) at the initiative of the employer [6]. The State labor inspection have the right to apply to the court or other body with a claim for consideration of the labor dispute between the organization and the employee (employees). As can be seen from this, inspection is not considered an authorized body in the consideration of disputes between the employer and employees. According to statistics, February 29, 2020 and over the past period, 3665 inspections and studies were conducted on compliance with the labor legislation by the agency. As a result of the inspections, 10491 violations were identified, among which the number of violations committed against women amounted to 1497. It turns out that the activity of selection plays an important role in the elimination of violations in the sphere of labor, their prevention, restoration of the violated rights of their employees. According to L.Rahimqulova it is worth noting that the subjects of labor relations are distinguished separately from the subjects of other branches due to their specific characteristics [7].

The State labor inspection is one of the main competent bodies in the field of preventing and completely eliminating forced labor. It is known to us that in recent times in our country there have been a lot of negative cases, such as the involvement of employees in other jobs contrary to their own discretion, the use of overtime at work. This in turn dictates the need to systematically set out the fight against forced labor.

The commission shall take appropriate measures together with the concerned ministries, departments and public organizations to prevent and fully eliminate forced labour within its competence, including the prosecution of guilty officials in accordance with the legislation. Along with this, it controls the implementation of the norms of the legislation on the provision of guaranteed labor rights of employees, the timely detection and elimination of the possibility of the use of forced labor in some form.

It is necessary to establish the legal status of the employer and employee by developing clear norms aimed at preventing the impact of such emergency situations on labor relations as pandemics [8]. State labour inspection also controls legislation about labour of disabled persons. M.Khojabekov said that, it should be noted that the decree of the President of the

Republic of Uzbekistan "On measures to radically increase the efficiency of work to ensure employment of the population" dated July 14, 2018 No. PP-3586 provides for ways to protect labor and the procedure for ensuring employment of persons with disabilities. The implementation of the measures envisaged by the order will undoubtedly serve to further improve the system of state support for the disabled, medical and social assistance, and employment [9].

According to Z.Aliyeva it appears that the balance of justice and efficiency in the activities of state labour inspections need to be balanced, primarily through a reasonable legal distinction between the rights of inspectors and of inspectors for labor protection, clearly setting out the rights of inspectors for labor protection and legal matters that will contribute to a deeper specialization of the inspectors and will eliminate the possibility of improper intervention of some officials in the activities of others [10].

It has launched a new period of protection of the rights of employees in Uzbekistan ratifying Labour Inspection (Agriculture) Convention, 1969 (No. 129) and Labour Inspection Convention, 1947 (No. 81).

#### **IV. CONCLUSION**

To conclude that, it is proposed to adopt the Decree of the President of the Republic of Uzbekistan "on State labor inspection": the State labor inspection does not depend on state bodies, organizations and their officials, and is accountable to the President and the Oliy Majlis. The chief inspector is appointed and dismissed by the President of the Republic of Uzbekistan. This ensures the conduct of work on an impartial basis and the independence of all state bodies in this process and the non-interference of other organizations in its activities in carrying out control over the implementation of the legislation on the correctness of Labor.

#### **REFERENCES**

- [1] Ismailov, Sh.A. (2018) "Problems of legal regulation of differentiation in the labor sphere," Review of law sciences: Vol. 2 : Iss. 1 , Article 14. Available at: [https://uzjournals.edu.uz/rev\\_law/vol2/iss1/14](https://uzjournals.edu.uz/rev_law/vol2/iss1/14)
- [2] Burxanxodjayeva, X.V. (2020) "Features of regulation of labor relations in microfirms," Journal of Law Research: Vol. 8: Available at: <https://law.tadqiqot.uz/index.php/law/article/view/144>
- [3] Raximov, M.A. (2018) "New institution: resolving labour disputes through mediation," Review of law sciences: Vol. 3 : Iss. 1 , Article 11. Available at: [https://uzjournals.edu.uz/rev\\_law/vol3/iss1/11](https://uzjournals.edu.uz/rev_law/vol3/iss1/11)

- [4] Raximberganova, B.D. (2018) "The issues of improving the basics of working on situations beyond the will of the parties," Review of law sciences: Vol. 2 , Article 15. Available at: [https://uzjournals.edu.uz/rev\\_law/vol2/iss1/15](https://uzjournals.edu.uz/rev_law/vol2/iss1/15)
- [5] Khojabekov, M.J. Правовое регулирование труда лиц, работающих по совместительству // Отечественная юриспруденция. 2019. №7 (39). Available at: <https://cyberleninka.ru/article/n/pravovoe-regulirovanie-truda-lits-rabotayuschih-po-sovmestitelstvu>
- [6] Karimjonov, M.M. (2020) "Peculiarities of application of disciplinary sanctions to individual categories of workers under quarantine," Review of law sciences: Vol. Special, Available at: <https://cyberleninka.ru/article/n/osobennosti-primeneniya-distsiplinarnyh-vzyskaniy-v-otnoshenii-otdelnyh-kategoriy-rabotnikov-v-usloviyah-karantina/viewer>
- [7] Rahimqulova, L.U. (2020) "Subjects of labor disputes," Journal of Law Research: Vol. 8 : Available at: <https://law.tadqiqot.uz/index.php/law/article/view/105/106>
- [8] Raximov, M.A. Пандемия: нуждается ли трудовое законодательство в реформах? // Review of law sciences. 2020. №2. URL: <https://cyberleninka.ru/article/n/pandemiya-nuzhdaetsya-li-trudovoe-zakonodatelstvo-v-reformah>
- [9] Khojabekov, M.J. (2020) "Employment rights and privileges of persons with disabilities", TSUL Legal Report International electronic scientific journal, 1(1). Available at: <https://legalreport.tsul.uz/index.php/journal/article/view/12>
- [10] Алиева З.А. Деятельность государственных инспекторов труда как способ защиты трудовых прав работников: проблемные вопросы // Юридический вестник Дагестанского государственного университета. 2016. №3. URL: <https://cyberleninka.ru/article/n/deyatelnost-gosudarstvennyh-inspektorov-truda-kak-sposob-zaschity-trudovyh-prav-rabotnikov-problemnye-voprosy>