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LABOR LEGISLATION OF THE REPUBLIC OF BELARUSUZBEKISTAN: A NEW STAGE OF DEVELOPMENT

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Abstract
The article deals with the issues of labor legislation of the Republic of Uzbekistan in the period of its independence. The current legislation is analyzed, taking into account the improvement of its norms in the current stage ofthe country's development.

Keywords: legislation of the Republic of Uzbekistan, labor code, employee, employer, labor relations; employment contract, suspension of employment contract

Introduction

With the acquisition of independence, the Republic of Uzbekistan has taken the path of creating a humane democratic State governedby the rule of law. To achieve this goal, since the firstыdays of independence, large-scale democratic socio-economic, political, judicial and legal reforms have been carried out in the republic, the success of which has made it possible to ensure sustainable and stable economic development, increase the welfare and quality of life of the population. In the republic, a sufficiently strong legislative base was gradually createdto provide legal support for the ongoing reforms. When developing national legislation, as a full-fledged subject of international law, the Republic of Uzbekistan pays great attention to the implementation of international standards. In thefirst years of its independence, the Republic of Uzbekistan became a member of such authoritative international organizations as the UN, ILO and others, and ratified the most important international legal acts guaranteeing and protecting the rights and freedoms of citizens. This fully applies to the labor legislation of our country, which directly regulates labor and directly related public relations, which can ensure a balance between the interests of employees and employers and takes into account the interestsof the state.

The current Labor Code of the Republic of Uzbekistan was adopted on December 21, 1995. It should be noted that in the post-Soviet space among the former union republics, Uzbekistan was the first to adopt its own Labor Code that meets the requirements of a market economy, which abolished the monopoly of state property and created opportunities for private property.

The Labor Code now includes norms reflecting the correlation of national legislation with international treaties, such as Article 10 of the Labor Code of the Russian Federation." Correlation of international treaties, conventions and labor legislation of the Republic of Uzbekistan", where it is established: If an international treaty of the Republic of Uzbekistan or an International Labour Organization convention ratified by Uzbekistanestablishes rules that are more favorable for employees

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than legislative or other normative acts on labor of the Republic of Uzbekistan, then the rules of the international treaty or conventionare applied.

The rules of international treaties of the Republicsand Uzbekistan or conventions of the International Labour Organization ratified by Uzbekistan are also applied in cases where labor relations are not directly regulated by law.

For the first time, the Labor Code reflects articles that establish the principles of labor law: prohibition of labor discrimination (Article 6 of the Labor Code), prohibition of forced labor(Article 7 of the Labor Code), the right to unite employees and employers, and collective bargaining (Articles 21-56 of the Labor Code).

Uzbekistan has ratified ILO Convention No. 29On Forced or Compulsory Labour, as well as Convention No. 105 on the Abolition of Forced Labour. The Constitution of the Republic of Uzbekistan provides for the inadmissibility of forced labor and establishes: "Everyone has the right to work, to free choice of employment, to fair working conditions and to protection from unemployment in accordance with the procedure established by law. Forced labor is prohibited except in the execution of a sentence imposed by a court or in other cases provided for by law." It should be noted that these norms are constantly being improved through the adoption of new laws and regulations in the field of legal regulation of labor relations. So, after the adoption of the current TToThe Republic of Uzbekistan adopted the Law "On Employment" (1992, 1998-2020 (in a new version), according to Article 4 of which "Citizens have the exclusive right to dispose of their abilities for productive and creative work and carry out any activity that is not prohibited by law, including those not related to the performance of paid work. Article 5 of this law provides for the basic principles in the field of employment of the population, recognizes as one of the important principles the prohibition of forced labor, that is, theneed to perform work under the threat of any punishment. For the Code of Administrative Responsibility for Forced Labor provides for administrative penalties. I would particularly like to note that in Uzbekistan, in 2008, major reforms were carried out in the criminal legislation, as a result of which the norms containing sanctions on the death penalty were abolished in the Criminal Code. In the same year, the Law was passedRUz "On Combating Human trafficking".(2020, on August 17, it was adopted in a new version), which took serious measures to ensure the inadmissibility of forced labor. In Law, the definition of the concept of "human trafficking is" the recruitment, transportation, transfer, harbouring or receipt of people for their operated anddesigned for use by threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving of payments or benefits to obtain the consent of a person having control over another person. Exploitation of persons means the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of human organs, tissues, and / or cellsвека. According to the criminal law, trafficking in human beings is a crime, for which criminal liability is provided.

It should also be noted that theRepublic of Uzbekistan has ratified the ILO Conventions on Discrimination in employment and Occupation, on the work of women who combine motherhood with work, on the prohibition of child labor, on reducing working hours to 40 hours, on social partnership,

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on labor inspections, and the norms of the Conventions are implemented in the legislation of the republic. .(to date, theRepublic of Uzbekistan has ratified 20 ILO Conventions)
More than 25 years have passed since the adoption of the current Labor Code.
However, in the modern digital economy, the development of the private sector and the growing competitive environment require updating The Labor Code.
In addition, one of the global problems of today, the coronavirus pandemic, has also revealed the existence of gaps in labor legislation.
Due to the objective conditions, the State Program of Uzbekistan for 2019 "Year of Active Investment and Social Development" was planned to be developed and submitted to the Legislative Chamber of the Republic of Uzbekistan. a new version of the Labor Code.
To date, the newly developed Labor Code has been discussed three times on the portal for discussion of regulatory legal acts, and it was adopted on October 14, 2021 "Law on Approval of the Labor Code of the Republic of Uzbekistan by the " Legislative ChamberOly Of the Majlis of the Republic of Uzbekistan, which was submitted to the Senate for consideration and approvalOly Majlis of the Republic of Uzbekistan.
The new draft of the Labor Code in the first version proposed for discussion consisted of 3 parts, 7 sections, 34 chapters and 636 articles, and the current version consists of 2 parts, 7 sections, 34 chaptersв and 581 articles (in the current version, 2 parts, 16 chapters and 294 articles).
It should be noted that the draft of the new edition, unlike the current code, has significantly got rid of referential norms, which will increase the function of norms that will work, for example, independently. Also, the new regulationsare aimed at preventing the use of informal labor. Significantly broadened the scope of the norms regulating relations in relation to the labor of certain categories of workers, if TK 1995 to certain categories of employees respodilis rules contain guarantees and privileges for women and persons employed with family responsibilities, as well as additional warranty for the young, the new edition of the determined classification of the peculiarities of legal regulation of labor separate categoryy employees according to the following criteria:
1) By the subjects of labor relations (women, persons engaged in the performance of family duties, persons with disabilities, minors);
2) By spheres, branches and types of labor activity (teaching and medicalworkers, transport workers, etc.);
3) Depending on the severity and / or harmfulness of working conditions;
4) Depending on the natural and climatic conditions;
5) According to the specifics of labor relations between the employee and the employer (home-based workers, remoteworkers, etc.), as well as in other cases provided for by legislative acts. At first, such concepts as home work, shift work, remote work, protection of personal data of an employee, internal investigation, self-defense of labor rights by an employee, features of regulating the work of medical and pedagogical workers, athletes working for individual entrepreneurs, individuals, etc. are legally fixed. There are norms that define the mechanisms of digitalization of employment processes, maintaining an electronic work record, concluding employment contracts and registering in a single

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database. The chapter dealing with labor disputes reflects the new provisions on collective labor disputes - on conciliation and mediation procedures, which includes the following stages of resolving collective labor disputes:
consideration of the dispute by the conciliation commission;
dispute resolution with the participation of a mediator;
dispute resolution by labor arbitration.
It is particularly important to emphasize that the project standards aredeveloped taking into account international standards in the field of labor relations. A huge array of regulatory documents of foreign countries has been studied.
At the same time, I would like to put forward some thoughts on improving the norms of this legislative act. In particular:
In section IV. Individual labor relations, chapter 12 is devoted to the central institute of labor law, the employment contract, which includes such paragraphs as general provisions; conclusion of an employment contract; modification of the labor codeof the PRA; dismissal of an employee from work and termination of the employment contract.
In the current stage of globalization of the economy, with changes taking place in the production sector, with the need to refloat the services provided in accordance with the requirements of the labor code, the changein the labor market situation sets the task for labor law to find new structures for regulating labor relations. A study of foreign legislation shows that such a construction can be the suspension of an employment contract. For example, the Labor Code of the Republic of Moldova, Georgia, provides for separate chapters dedicated to the suspension of an employment contract. In accordance with chapter IV "Suspension of the individual employment contract"Трудового кодекса Молдовы пThe suspension of an individual employment contract provides for the suspension of work by an employee and the payment of remuneration (wages, allowances, other payments by the employer) to him / her. For the entire period of suspension of the individual employment contract, the rights and obligations of the parties, other than those specified in part 2, continue to apply, unless otherwise provided for by current regulations, collective agreements, collective and individual employment contracts. Also, the op codedefined cases of suspension of the employment contract due to circumstances beyond the control of the parties (for example, vacation and maternity leave, illness or injury, participation in the strike is declared in accordance with the law, conscription for military, abbreviated military or civil service), by agreement of the parties (for example, the granting of leave without pay for a period exceeding one month, the completion of vocational training or internships with tryPTO from work for more than 60 calendar days, the technical simple) or at the initiative of one of the parties (for example, leave to care for a child under the age of six, non-payment or partial payment, not less than two consecutive months, wages or othermandatory payments, poor conditions of health and safety at the time of the official investigation, conducted in accordance with the requirements of this code)
Chapter X of the Labor Code of Georgia is also devoted to the suspension of labor relations and termination of the employment contract. Which defines the concept and grounds for suspending an

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employment contract: Suspension of employment relations is a temporary failure to perform the work provided for in the employment contract, which does not entail the termination of employmentrelations.

2. The grounds for suspension of employment relations are:

a) A strike;

b) A lockout.

c) Exercise of active or (and) passive electoral rights;

d) Appear before investigative bodies, prosecutor's offices or judicial bodies in cases stipulatedby the procedural legislation of Georgia;

e) Conscription for compulsory military service;

f) Conscription for reserve military service;

g) Maternity leave, parental leave, adoption leave for a newborn child, additional parental leave;

h) Placement of a victim of violence against women or (and) domestic violence in a shelter or (and) crisis center, if the victim is unable to perform official duties, but for a period not exceeding 30 calendar days per year;

i)Temporary disability, if its duration does not exceed 40 consecutive calendar days or the total period for 6 months does not exceed 60 calendar days;

j) Professional development, professional retraining or training, the duration of which should notexceed 30 calendar days per year;

k) Leave without pay;

m) Paid leave.

3. If an employee submits a request to suspend the employment relationship on the grounds provided for in paragraph 2 of this article (except for subparagraph "b" of paragraph 2 of this article), the employer is obliged to suspend the employment relationship for a reasonable period of time. The employment relationship is considered suspended from the moment of submission of the claim until the relevant grounds for its suspension are eliminated.

4. In case of suspension of the employment relationship, except for the cases stipulated in sub-paragraphs " e "and" m " of paragraph 2 of this Article, the employee is not paid, unless otherwise specified by the legislation of Georgia or the employment contract.

5. Expensesrelated to appearing before investigative bodies, prosecutor's offices or judicial bodies, in cases stipulated by the procedural legislation of Georgia, are reimbursed from the state budget of Georgia in accordance with the procedure established by the legislation of Georgia.

In theSA, a peculiar form is used, such as"temporary dismissal due to lack of work". In this case, employees are not paid wages, but for a specified period of time (no more than 1 year), employees are registered in the staff of this enterprise, their work experience remains, and if the enterprise expands production, they will be able to start working again. After 1 year, such temporary dismissal(suspension) becomes permanent.

As you know, an employment contract is an agreement betweenan employee and an employer to perform work in a certain specialty, qualification, position for remuneration, subject to internal labor

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regulations under the conditions established by the agreement of the parties, as well as legislative and otherlabor regulations.

The parties to the employment contract are the employee and the employer.

So, by virtue of the employment contract, the employee is obliged to perform the functional duties assigned by the employment contract, and the employer is obliged to provide an opportunity to perform these duties. And if, due to certain circumstances, the employee cannot fulfill these obligations or the employer cannot provide work and in this case the legislator does not provide for the amendment or termination of the employment contract, i.e. the laborlegal relationship continues, but the terms of the employment contract on the performance of functional duties are not fulfilled.

Analysis of the current legislation of the Republic of Uzbekistan shows that there are cases when, regardless of the employee's desire, the employercannot provide the employee with the opportunity to perform their functional duties. For example,Law of the Republic of Uzbekistan "On Licensing, Permitting and Notification Procedures " of 14.07.2021 provides приостановление дейfor the suspension of the validity of a license and a document of a permissive nature for a period of up to ten days, and by the court-for a period of more than ten days, but not more than six months, by authorized bodies. The annex to the law specifies the types of activities that require obtaining a license. If an employer's activityis suspended, for example, for ten days, what is the fate of employees employed by the employer who work on the basis of an employment contract at this enterprise?

InLaw of the Republic of Uzbekistan "On Courts"of 28.07.2021, it is established that"judges whose term of office has expired retain the average monthly salary during the period of deciding on their re-election or reassignment to a new term of office or providing other work, but not for more than three months." This rule indicates томthat for up tothree months, a judge does not fulfill his / her functional duties stipulated in the employment contract, i.e. for this period, the employmentrelationship continues, as the average salary remains for them for this period, but does not stop, does not change, but simply suspends.

Constitutional Law of the Republic of Uzbekistan "On the Constitutional Court of the Republic of Uzbekistan" provides for the norm ofsuspension of powers of a judge of the Constitutional Court, which establishes cases ofsuspension of his powers. This provision also predisposes the suspension of an employment contract with a judge of the Constitutional Court until the circumstances are clarified.

Also, the Law" On Notaries " provides for thesuspension of the license of a notary engaged in private practice for a period of no more than ten days during the official audit of the notary, but no more than 6 months. A notary engaged in an hour-long practice has the right to hire employees to carry out their activities. I would like to note that there is no provision in the legislative acts regulating the procedure for the operation of an employment contract concluded with employees hired by notarius when their license is suspended.

Practice shows that in the above-mentioned cases, as well as in similar cases with employees, the employment contract is terminated "at the employee's own request".

In the draft of the new edition of the Labor Code of the Republic of BelarusUzbekistan only one norm uses the term suspension of an employment contract on the basis of which "For the period of

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temporary transfer of the athlete to another employer, the validity of the originally concluded employment contract is suspended (the parties suspend the exercise of rights and obligations established by labor legislation and other legal acts on labor). At the same time, the term of validity of the originally concluded employment contract is not interrupted. Upon the expiration of the periodof temporary transfer of the athlete to another employer, the original employment contract is renewed in full." But neither in the draft of the new Labor Code, nor in the current Labor Code, there is a norm defining the concept, types of institution of suspension of an employment contract

In the science of labor law, there are opinions about the need for the existence of the institution of suspension of an employment contract. One of the first authors of such ideas is Professor L. Y. Bugrov, who believes that the suspension of an employment contract should beassociated with the suspension of the employer's obligation to provide an employee with a job, and therefore with the suspension of the employee's performance of his labor function.

According to M. A. Drachuk: "The distinctive features of determining the suspension of an employment contract, as it seems, are the following. First, it temporarily suspends its operation in relation to parties and third parties (which, however, does not coincide with the concept of "suspension of laborrelations", since the existence of the latter can continue directly on the basis of labor legislation). Secondly, the parties to an employment contract are suspended from exercising the rights and obligations established by laborlegislation and other regulatory legal acts containing labor law norms, local regulatory acts, as well as from exercising the rights and obligations arising from the terms of a collective agreement, agreements, or an employment contract, with certain exceptions. Third, the term of the employment contract (if it is fixed-term) is not interrupted, and upon the expiration of its suspension, the concluded employment contract is valid in full."

Of the above, the suspension of the employmentstatus of the ora is temporary and continues until the circumstances that gave rise to the suspension are eliminated. And so, the suspension of the employment contract - this is a temporary breach of the duty of employees in performing work (both within and Rinodasi in employment function) due to the suspension of the obligations of the employer to provide the employee work for the reasons listed in the legislation on its own initiative, or at the employee's initiative or at the initiative of third parties, on the one sidedones.

Supporting the proponents of introducing the institution of suspension of an employment contract into the labor legislation, we consider it necessary to introduce into the draft Labor Code of the new edition of the Republic of Uzbekistan norms reflecting "Suspension of an employment contract". In this case, we consider paragraph 4 of chapter 12 of the Employment contract of section IV Individual employment relations should be renamed работы »to "suspension of employment contract" instead of "suspension from work", sincesuspension from work is one of the grounds for suspension of the employment contract. We believe that in this paragraph it is necessary to reflect the concept of suspension of an employment contract, the grounds for suspension of an employment contract, cases of suspension of an employee fromwork, accrual of wages upon suspension of an employment contract, registration of suspension of an employment contract, and legal consequences of illegal suspension of an employment contract.

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In conclusion, we can say that the introductionof the institution of suspension of the employment contract into labor legislation would eliminate the gaps that exist in the current legislation and guarantee both the rights of the employee and the employer to work. Also, the introduction of this norm would make it possible to solveь the task of labor law to find new structures for regulating labor relations in the period of globalization of the economy of a renewed Uzbekistan.

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