



CLASSIFICATION OF INDIVIDUAL LABOR DISPUTES

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Article history:	Abstract:
Received: June 4 th 2022 Accepted: July 4 th 2022 Published: August 8 th 2022	This article presents a scientific analysis of the causes of individual labor disputes in the National Labor Relations of the Republic of Uzbekistan. Factors provoking labor disputes also fall under the scope of the International Labor Organization. The labor disputes that are taking place in the country today and their classification have been studied with the help of the opinions of scientists.
Keywords: Labour, International Labour organization, Uzbekistan, code, conflicts, dispute, employee, employer	

In the world, the loss of 400 million jobs and the deterioration of the economic and social situation of 76% of workers employed informally indicate that the protection of labor rights is a global problem. According to the International Labor Organization, 152 million children are still involved in labor relations today, and about 25 million people are involved in forced labor. Women are paid less than 20.5 percent less than men for one type of profession or specialty. In addition, hundreds of millions of people face discrimination in labor relations.[1] In addition, the problems associated with the loss of 255 million jobs in 2020 alone as a result of the COVID-19 pandemic, which is estimated as the largest crisis in world history, as well as wages in the amount of \$3.7 trillion, represent the worldwide relevance of the chosen topic.[2]

Due to the fact that the interests of the employer and the employee differ in labor relations in a market economy, the occurrence of labor conflicts and conflict situations between them is considered inevitable. Our opinion can be supported by the number of appeals to the Prosecutor General's Office of the Republic of Uzbekistan from employees and employers regarding violations of labor legislation. In particular, the number of these appeals amounted to 89,469 in 2018, 88,535 in 2019 and 64,365 in 2020. Works on labor disputes in civil courts of the Republic

In 2018 there were 4,785, in 2019-4 233, in 9 months of 2020 - 3,697.[3] In addition, according to the WJP Rule of Law Index, an international authoritative rating organization, Uzbekistan ranks 85th out of 139 countries in terms of the degree of validity of laws throughout the country. In this index, labor rights are 0.45 points, that is, below the average. In order to improve the country's performance in similar international rankings, further improvement of the procedure for resolving individual labor disputes arising in labor relations creates the need for

comprehensive research in this area. [4]

The International Labor Organization causes the growth of individual labor disputes by studying the internal labor market of several countries and organization analyzed that it is diverse and that it varies depending on its specifics in the context of states and territories. One of the most common reasons was the increased desire of the employee to protect their rights, the slow level of coverage of enterprise members by collective agreements and contracts, the very high risk of termination of the employment contract with the employee by the employer, the fact that enterprises have increased the number of different civil law contractual agreements.[4]

An individual labor dispute is a dispute between an employer and a person who

previously had an employment relationship with this employer, as well as a person who expressed a desire to conclude an employment contract with the employer, in case the employer refuses to conclude such an agreement. It follows from the legal definition of individual labor disputes that it is impossible either in theory or in practice to allow the concepts of "individual labor disputes", "conflicts" and "disagreements" to be confused.

The reasons leading to individual labor disputes can be studied by dividing them into three large groups:

first, economic reasons. For these reasons, we can say that the financial situation of the enterprise is not stable, and changes in economic relations are a state of industrial and economic crisis. Today, the number of workers who seek to protect their violated rights caused by the redistribution of personnel by many enterprises, the reduction of the main staff, changes in existing working conditions;

Secondly, legal reasons. Today, the insufficient level of legal awareness and legal knowledge of



officials in the person of an employee and an employer, the circumstances of their abuse of their labor rights (legal nihilism) also remain an important factor in the emergence of labor disputes. In particular, the legal scientist V.N.Tolkunova divides the causes provoking labor disputes into two groups. The first is when the individual mind lags behind society; the second is poorly versed in labor law or does not understand it at all. The lag of individual consciousness manifests itself in non-compliance with the norms of morality established in the general order.[5]

Thirdly, social reasons. An example of such reasons is a situation when an employee is dissatisfied with how his work is properly paid.

It should be noted that, today employees consider it unacceptable to openly defend labor rights, evaluate it as "poorly visible to the eyes" of the employer and consider this situation as a great danger in building their own labor career. Despite the fact that in conflict situations with employers for employees, measures to protect their rights are clearly spelled out in labor legislation, they are often denied the use of these rights. An employee's appeal to a court of any kind (reinstatement at work, payment of compulsory absenteeism, compensation for moral damage) causes an unsightly picture for the employer. Unfortunately, in most cases, the employer does not forget about this employee's action for a long time or begins to look for measures to get rid of this employee. In our opinion, the interpretation of the concept of equality of the parties, having the same rights and obligations when drafting the labor charter is subjected to appropriate criticism in the domestic labor market of today's Uzbekistan.

In general, analyzing a number of recommendations of the International Labor Organization and the labor legislation of developed countries, it can be concluded that in a market economy, the occurrence of conflicts, conflict situations between its participants in labor relations can be assessed as a natural state, and its causes can also be interpreted in different ways. In our opinion, it is advisable not to eliminate the causes of labor disputes, but rather to look for measures for effective timely consideration of the existing dispute and their implementation in practice.

Classification of individual labor disputes is a prerequisite for establishing the procedure for their resolution. The main means of classification is the definition of a specific criterion (characteristics) by which concepts, phenomena, relationships, etc. are classified according to an existing topic. In the

scientific literature, labor disputes were classified on various grounds. For example, M.Usmanova emphasizes that labor disputes are classified by their nature, subject and other characteristics, and suggests classifying them into the following types:

1. Individual or collective labour disputes;
2. Labor disputes concerning property rights and personal non-property rights;
3. Litigation and non-litigation (application-based) labor disputes
- 4 Happening at the stage before concluding an employment contract, when individual labor contract relations continue and labor disputes that occur after the termination of labor relations;
5. In order to protect rights in the field of labor, providing for the restoration of violated rights, labor disputes related to the recognition of rights;
6. Labor disputes between employees and employers and labor disputes between the representative institution and the employer and so on. [6]

Labor disputes are classified as follows by the International Labor Organization, according to this case it is noted that labor disputes are divided into the following types:

1. Individual disputes are the difference between the ideas of the individual employee and the employer concerning to the generally available rights. It can also occur between several employees solving the same problem with their employer, but each employee acts only individually.
2. Collective labour disputes- team members and they are disputes arising out of existing rights or benefits that may be established in the future between an employer or a group of employers in the example of their representatives.
4. A dispute over rights established in labor relations – regulatory legal documents aimed at regulating labor relations are disputes between the employee(s) and the employer or their unions as a result of the violation of collective agreements and the rights provided for in the labor contract.
5. Conflicts, which comes out of interest – inconsistency of opinions regarding the application of future rights and obligations stipulated in labor contracts concluded between employers and their employees. In practice, this situation often results from the inability of the parties to reach a compromise during the adoption of local documents that have a direct impact on the conditions of teams and employees. It should be noted that conflicts arising from interests are related to communities by their character. [7]



Most of the scientists divide labor disputes into 3 main types: 1) depending on the subjects 2) depending on the maintenance 3) depending on the types of disputed legal relations. Classification of labor disputes according to labor law institutions is also highlighted in modern labor legislation, disputes related to labor contracts, wages, labor discipline.

Based on the above, individual labor disputes can be classified as follows

1. Depending on the subjects: individual and collective labor disputes;
2. On the content: legal disputes and conflicts arising from conflict of interests;
3. Depending on the relevance: considered at the first stage in the MNK.

If one of the parties is dissatisfied with the decision of this commission, the dispute will be considered in court; disputes that are checked out directly in the courts.

According to jurist T. Khanukaeva, labor disputes are classified into disputes arising from legal relations (juridical disputes) and disputes related to conflict of interests (economical disputes).[8]

According to the Russian scientist N. Gontsov, depending on the ways of resolving the dispute, there are differences between labor disputes that are dealt with in a general procedure or in a special procedure. According to his opinion, in general order, individual labor disputes are checked out in the Labor Disputes Commission and in court. In a special order, labor disputes arising between employees of the court and other bodies (prosecutor's offices) that have the authority to resolve labor disputes of certain categories of employees are checked out. [9]

In this regard, the views of lawyer I. O. Snegirova are different, and she classifies labor disputes as labor disputes with claims and non-claims. In this case, if the employee has a claim to the competent authorities aimed at restoring the violated rights and legal interests related to the previously established working conditions in the enterprise, disputes arising from the establishment of new working conditions are classified as non-litigation disputes. As the author claims that, such a classification makes it possible to correctly clarify the legal nature of labor disputes and find ways to effectively resolve them.

Researcher G. Galiakbarova also divides labor disputes into claims-based and non-claim-based disputes. Just like that, legal scholars A.M. Kurennoy and M.I. Mironov supported this idea. [10]

According to their ideas, labor disputes are divided into litigation and non-litigation disputes.

Therefore, labor disputes in the form of lawsuits apply pre-established labor legislation or other normative legal documents, if it arises from changing the working conditions of an individual type, and the non-litigation labor dispute arises from establishing new working conditions or changing the current one. Lawyer Y. Tursunov labor disputes are disputes based on filing a claim or admitting a known fact without filling a claim; labor disputes aimed at protecting money or other proprietary interests; labor disputes aimed at protecting property rights and honor and dignity; labor disputes aimed at recognizing certain rights; classified as disputes aimed at imposing a certain obligation on one of the parties and exempting from such obligation. The scientist also noted that labor disputes are divided into disputes related to the conclusion of an employment contract, its amendment or cancellation, and disputes related to the payment of wages, guarantee payments, and disputes related to working time and rest time. [11]

In our opinion, individual labor disputes can be classified as follows:

1. According to subjects: individual and collective labor disputes;
2. According to the maintenance: legal disputes and conflicts arising from conflicts of interests;
3. According to relevance, labor disputes are considered in the commission at the first stage. If one of the parties is dissatisfied with the decision of this commission, the dispute will be considered in court; Disputes, checked out directly in the courts.

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