



SOME ASPECTS EMPLOYMENT LAW OF UZBEKISTAN

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Article history:	Abstract:
Received: August 24 th 2022 Accepted: September 24 th 2022 Published: October 30 th 2022	The current study aims to express some aspects of Uzbek employment law particularly, employment contracts, fixed-term/open-ended contracts, trial period, notice period, holidays and annual leave, maternity leave, sickness and disability leave, salary.
Keywords: Employment contracts, fixed-term/open-ended contracts, trial period, notice period, holidays and annual leave, maternity leave	

INTRODUCTION

According to statistics of the Republic of Uzbekistan average population – 35.437.31 thousand, workforce – 19.453.60 thousand, workers outside the Republic – 2.008.7 thousand, persons in need of employment – 1.326.7 thousand, employment in the informal sector – 5.690.2 thousand, economically inactive population – 4.353.2 thousand, employed in the formal sector – 6.074.5 thousand.

EMPLOYMENT CONTRACTS

Employers in Uzbekistan must enter into employment contracts in only writing. The form of the employment contract is developed taking into account the model contract, which is approved in the manner prescribed by the Government of the Republic of Uzbekistan. If an employee is admitted to work without a written employment contract, such contract is implied (de facto employment). In the event that an employee is allowed to work in reality by an official who has the right to be hired or with his permission, it is considered that an employment contract has been concluded from the date of the start of work, regardless of whether the hiring has been formalized or not. An employment contract may contain provisions on probation, the non-disclosure of confidential information, and other terms that do not worsen the position of the employee compared with those provided for by law or company policies. If the contract contains terms that are below the level guaranteed by law, such contractual terms will not apply.

FIXED-TERM/OPEN-ENDED CONTRACTS

As a rule, employment contracts are open-ended in Uzbekistan. The duration of a fixed-term contract must not exceed five years. Law does not regulate procedure of extending or renewing a fixed-term contract. In Uzbekistan, the right of an employer to conclude a fixed-term employment contract is limited. Fixed-term employment contracts may be concluded in cases where contracts for an indefinite

period cannot be concluded taking into account the nature of the work to be done, the conditions for its performance or the interests of the employee. As well as it may be with the head of the enterprise, his deputies, the chief accountant, and in the absence of the position of chief accountant at the enterprise — with an employee performing the functions of the chief accountant; in other cases provided for by law. A fixed-term contract terminate automatically on its end date. The employer should not serve written notice of termination. If, after the expiration of the term, the employment relationship continues and none of the parties has requested its termination within one week, then the contract is considered to be continued indefinitely.

TRIAL PERIOD

An employment contract may be concluded with a trial period in order to verify the employee's compliance with the assigned work and the employee makes a decision on the expediency of continuing the work stipulated by the employment contract. The maximum length of a trial period is 3 months. A trial period is not established for specific categories of employees, such as pregnant women, women with children under three years of age, persons sent to work at the expense of the minimum number of jobs established for the enterprise. As well as for graduates of secondary specialized, vocational educational institutions and higher educational institutions who enter the job for the first time within three years from the date of graduation of the relevant educational institutions, as well as employees with whom an employment contract is concluded for a period of up to six months.

NOTICE PERIOD

The key minimum periods for notice to be served by the employer are: 1) at least two months in advance in the case of redundancy (lay off); 2) at least two weeks due to the employee's non-compliance with



the work performed due to insufficient qualifications or health condition. By agreement between the employee and the employer, the warning may be replaced by monetary compensation corresponding to the duration of the warning period. Moreover, employer should notice at least three days in the case of termination due to an unsuccessful probation. Dismissal for cause has no notice requirements, but an employee should be given at least 3 business days to justify the misconduct, so this basically serves as the notice period.

HOLIDAYS AND ANNUAL LEAVE

Each employee has the right to annual paid leave of at least 15 calendar days. Extended annual paid leave is provided to specific categories of workers, e.g. employees under the age of eighteen, persons with disabilities of groups I and II and extended vacations are established for certain categories of employees, depending on the specifics and nature of their work functions and other circumstances, in accordance with the legislation.

MATERNITY LEAVE

There are two types of maternity leave in Uzbekistan: pregnancy and childbirth leave. Duration of pregnancy leave consists of 70 calendar days. Childbirth leave lasts 56 calendar days (70 in case of birth complications and multiple birth). After childbirth, with payment of the state-funded allowance in the amount set by law; and childcare leave can last until the child is 2 years old. A woman, at her request, is also granted additional leave without pay to care for a child until he reaches the age of 3 years. The child's father, grandmother, grandfather or other relative who actually takes care of the child, can also use in whole or in parts this leave.

SICKNESS AND DISABILITY LEAVE

For periods of sick leave (to be confirmed by a medical certificate), an allowance is paid to the employee instead of her salary; the allowance is paid at the expense of the State social insurance. The amount of the temporary disability allowance depends on the length of service of the insured person and may be 60%, 80% or 100% of the average wage. Insured employees and, in appropriate cases, their families are provided with state social insurance funds: temporary disability benefits, and women, in addition, maternity benefits; benefits at the birth of a child; state pensions for age, disability and loss of breadwinner; other payments provided for by law.

SALARY

Uzbek laws determine a minimum wage on an annual basis. The amount of remuneration is established by agreement between the employer and the employee. The remuneration of labor may not be lower than the minimum wage established by law and is not limited to any maximum. Currently, the minimum amount of labor payment on the territory of Uzbekistan is 920,000 soums (83.42 US dollar) in a month. The forms and systems of remuneration, bonuses, surcharges, allowances, incentive payments are established in collective agreements, as well as other local acts adopted by the employer in coordination with the trade union committee or other representative body of employees. As a rule, wages are paid in cash. It is prohibited to pay in nature.

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