



## THE EXPERIENCE OF DEVELOPED COUNTRIES IN REGULATING THE USE OF REMOTE PERSONNEL LABOR

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<b>Received:</b> October 6 <sup>th</sup> 2022 <b>Accepted:</b> November 8 <sup>th</sup> 2022 <b>Published:</b> December 13 <sup>th</sup> 2022	The research focuses on the concepts of "remote work", "remote worker", the introduction of remote work, the features of the procedure for interaction between a remote worker and the employer, the regulation and organization of labor of remote workers devoted to the study of aspects. The study also examines the approaches to regulating the work of teleworkers in the legislation of foreign countries, and in this regard develops important proposals and recommendations for improving the legislation of the Republic of Uzbekistan.

**Keywords:** remote work, remote worker, introduction of remote work, regulation, organization of labor.

**REMOTE LABOR REGULATION IN THE USA.** In the United States, the question of the need for detailed regulation of the labor of remote employees was recognized much earlier, in the 1990s, against the background of the rapid development of Information Technology. The first scientific publications date back to the end of the 20th century, when Jack Nilles [1] identified a new form of work-remote labor, and Frank Wolfe directed more than \$ 2 million in 1998 to establish special telemehnth centers in Virginia.

Currently, US law is aimed at stimulating the introduction of flexible forms of employment, the presidential memorandum of 2014 says: "the policy of the Federal Government is to promote a culture in which managers and employees understand flexible employment programs available to them. In modern conditions, the state must identify and eliminate any administrative barriers that prevent the use of flexible forms of employment [2].

US workers have the right to apply to the employer for the transition to flexible work. The employer must respond within 20 days after examining the received request. If the employee receives a refusal, he has the right to complain about the answer.

Distance employment is considered in the United States as an acceptable form of employment in the following cases:

- during pregnancy, childbirth, breastfeeding;
- if family members (children, elderly, seriously ill) need care;
- in case of adoption of the child.

The active development of legislation is now reflected in the "remote Performance Improvement Act" [3], which is aimed at US executive bodies. The main

reason for its introduction was the regulation and implementation of the benefits that remote employment offers to both employees and employers. US law establishes equal rights, guarantees and obligations for employees working from a remote and stationary workplace. According to the Telework Enhancement Act, every state office in the United States:

- development of a local ICT for remote work;
- inclusion in the state list of the employee(s) responsible for the implementation of remote work management processes;
- determination of the list of functions and positions, and then employees who can be transferred to remote work;
- development of a remote work schedule.

In the US, the transfer of an employee to remote work requires compulsory training. The employer must develop a course for employees that will have the basic skills of remote work. Successful completion of the training course is a prerequisite for transferring an employee to such work. According to the order of the head, an employee can be exempted from the obligation to study or take exams if he has the necessary skills. US law pays great attention to information security and communication in the organization of remote work. Each employer determines the procedure for remote workers to access information systems, use personal data, evaluates cybersecurity threats and ways to reduce them. In remote management, employers are required to create a special website for remote employees, which contains all the necessary instructions and announcements.



In the United States, the issue of reports in the field of remote employment is regulated in sufficient detail. Every year, government agencies prepare reports that provide statistical and analytical information, including:

- a) the level of participation of employees of each body in remote work;
- b) method for collecting data on remote work;
- c) to determine whether measures are being taken to identify and eliminate obstacles to maximizing remote work opportunities;
- d) assessment of the achievements of each institution in the development of remote labor;
- e) statistics on the number of remote employees, their gender, age, education (Orot special, higher), specialist;
- f) information on energy consumption, work productivity, assessment of the effectiveness of the work of remote workers;
- g) analysis of advanced experience in the organization of remote labor, etc., takes place from the content of reports.

These statistics are then summarized at the state level. Us experience analysis shows that the formation of analytical data is one of the most important conditions for improving the regulation of legislation.

**REGULATION OF REMOTE LABOR IN THE COUNTRIES OF THE EUROPEAN UNION.** In the European Union in 2002, a "framework agreement (hadli) agreement on Telemehnat" (Framework Agreement on Telework) was signed. According to him: Telemehnat is one of the forms of organization and (or) performance of work using information technology within the framework of labor contract relations, in which the employee can carry out his labor duties outside these premises even in the employer's premises

This agreement, which sets out the main approaches to the regulation of remote work, is being replenished and expanded at the level of individual states. For example, Belgium's national collective agreement [5] of November 9, 2005 No. 85 in Article 6 of the individual agreement concluded before the start of remote work must contain the following information in writing:

- a) the number of days or hours during which remote work is carried out, if necessary, the employee is at the enterprise;
- b) periods when an employee can apply for technical assistance;

- c) the employer's method of reimbursement of expenses related to equipment;
- d) malfunctions in the operation of the equipment and the procedure for their payment and elimination;
- e) conditions under which an employee can return to work in the employer's premises.

Analysis of the relationship between the basic norms of the European Union and Belgian law T.M.It makes it possible to agree with the conclusion of khusyainov that the "national collective agreement No. 85 "is successfully implementing the" circular (hadli) agreement on Telemehnat" (2002) and is introducing new, more advanced mechanisms for regulating this unconventional form of Labor Organization"[6].

In accordance with the legislation of Luxembourg, in addition to the one provided for at the European Union level, the employment contract with a remote worker must contain clauses dedicated to:

- a) location where a remote employee does the job;
- b) description of the tasks that a remote employee must perform in such a way as to allow himself to compare himself with similar workers working in the employer's premises;
- c) classification of an employee on a tariff scale;
- d) days and hours when employees have the opportunity to contact the employer;
- e) accurate description of the equipment provided and installed by the employer;
- f) information on equipment insurance in case of fire, flooding, theft, etc [7] .

The main agreement of the European Union defines a number of important issues and features that allow you to effectively protect the rights of workers. In general, if the employee does not use his equipment, does not have his own equipment, the employer is responsible for providing, installing and maintaining the equipment necessary for remote work. If the work is carried out regularly, the employer will cover the costs directly related to the work, in particular the costs associated with communication. The employer provides the employee with all the technical support he needs. Under the national legislation of states and collective agreements, the employee is liable when the equipment and information used is lost and damaged.

In addition, each EU state has the right to independently determine how to assess and cover the costs of an employee. The employee can use the internet, computer equipment, software for both professional and personal needs. Therefore, the parties need to figure out how to take into account and



distribute such expenses. In Belgium, the parties are free to decide on the distribution of expenses, for example, based on the ratio of work and free time. In Luxembourg, the employer is also forced to cover the costs for electricity. In turn, the remote worker is obliged to carefully treat the equipment provided to him. In the countries of the European Union, equipment violations or other costly circumstances are covered by the employer.

Issues related to ensuring the safety and health of remote employees should be considered. In the countries of the European Union, the employer is responsible for the health and safety of his employees in the workplace in accordance with directive 89/391 [8], national laws and collective agreements. The employer notifies the remote worker about the company's policy in the field of labor protection, including on the surface of cases of safe use of computers and other equipment. The remote worker must comply with these safety regulations. In order to ensure that the current rules of labor protection and labor protection are applied correctly, the employer, Trade Union, state authorities can enter the place of work of a remote employee (remote workplace)[9]. If the employee works from home, then the employee must be warned before the employer goes to the employee's house. Today, some EU countries are strengthening the responsibility of employers in the field of protecting the health of remote workers. In Ireland, employers must assess whether the workplace of a remote worker is appropriate or not for the health and safety of the employee [10].

In foreign practice, along with strict legislative norms, there are also recommendation norms. An additional Telemehnat guide was developed in August 2003 [11] in the UK to provide information, advice and guidance on remote work issues for employers, employees, etc. The purpose of this document is "to provide a useful checklist that must be taken into account when carrying out remote work, and to explain how the text of the EU agreement works in the UK labor market"[12]. Such leadership was positively appreciated by both employees and employers. The main task of the manual is to answer the most common questions about remote employment [13].

In Ireland, in 2004, the "practical code on Telemehnat" [14] was adopted. The code takes into account the agreement (agreement) of the European Union, expands and clarifies it. It highlights the main elements that must be taken into account when performing remote work. The code recommends that employers draw up a written document that shows how the procedure for remote work in the company works.

Similar documents were received in Lithuania, Norway and many other European countries. The development of remote forms of employment in European countries is seen as a factor that has a positive impact on the environment, and reduces environmental pollution [15]. This effect is achieved by reducing the demand for transport services by remote workers.

Legislative regulation of the work of remote workers in eastern European countries is developing with a slight delay. For example, in Romania, the law "on working on the phone"[16] was adopted only in 2018. The Romanian Labor Inspectorate has the right to monitor compliance with labor legislation and compliance of working conditions with safety and hygiene requirements. The law establishes administrative penalties for violation of the employer's obligations to remote workers.

Despite the fact that the regulatory framework for the regulation of remote work in Poland has been adopted more recently, there is still no statistical accounting and control system in the field of remote work. Among the positive aspects of Polish law, it can be said to establish a procedure for strengthening the right of training for remote workers, to include the time spent on training in paid working hours, to protect the rights of remote workers through unions [17].

One of the main problems of remote employment faced by European countries is the remoteness of workers from the team. If at the initial stage such isolation is perceived positively by many, then in the future it can lead to the emergence of psychological and economic difficulties [18]. In the legislation of some countries (for example, Romania), it is established that the employer is obliged to take measures to reduce the isolation of remote workers, to ensure the possibility of regular meetings with colleagues.

Thus, much attention is paid to the issues of remote work in the countries of the European Union and in the United States. European and American legislation is aimed at sufficiently detailed regulation of the rights and obligations of the parties and providing guarantees for remote workers. Among the most important guarantees are the employer's obligations to cover the employee's expenses for communication equipment, electricity and ensure labor safety. The employer has the right to control the employee and his place of work.

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