



ORGANIZATION OF REMOTE WORK AS A SPECIAL FORM OF LABOR

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Article history:	Abstract:
Received: October 6 th 2022 Accepted: November 8 th 2022 Published: December 13 th 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.

Today, along with the complication of social relations, a change in the organization of production, the process of globalization, an increase in production capacity, the liberalization of society, both the company and employees feel the need to change labor forms. After such social changes, there was a need for legislation to also meet certain changes, to legally regulate new relations. Legislative bodies also began to look for modern ways of organizing labor relations based on the needs and needs of society.

New forms of employment make it possible to more fully satisfy their needs, reduce costs, adapt to changing world conditions, due to their flexibility to both sides of labor or other Labor Relations [1]. However, the reason for the emergence of new forms of employment is not only due to the achievements of Science and technology, but also for certain categories of citizens, despite the low level of guarantees, such forms are the only opportunities for employment. Such workers include citizens in need of social protection, including the elderly, persons released from places of imprisonment. Also, participation in non-standard forms of employment in most cases is attended by young people, foreign citizens, unemployed people who have been looking for a job for a long time [2]. The issue of assessing such forms of Labor is considered wide in theory, both criticism and their approval are found in the literature. However, researchers note the complexity of research in this area, and this is due to the fact that some forms of non-standard employment are not officially established anywhere, there are no documents confirming the existence of a relationship or such an employment situation [3].

In the literature, non-standard employment is usually defined as the activity of citizens based on Labor

Relations, in which none of the important signs of traditional Labor Relations is present or modified. A.M. Lushnikov, M.V. Lushnikov assesses the concept of a non-standard employment contract as a contract characterized by a new design and content. This form is characterized by a significant change in the personal, organizational or property signs of an employment contract.

As we said above, non-standard forms of work are characterized by a change in the characteristics of "usual", "standard" employment. As a result of this approach, unusual forms of employment include:

- a) Employment related to flexible working hours;
- b) Employment related to a non-standard place of work: home employment, remote work, work in a private way;
- c) Employment in non-standard organizational forms: temporary workers, seasonal workers;
- d) Employment under an employment contract concluded with the participation of private employment agencies: sectoral work, outstaffing [4].

Remote labor is also a non-standard form of employment. Today, however, such forms of labor as remote labor, professionalization and freelancing are considered and misinterpreted as concepts similar to each other from the point of view of the fact that they are not developed without a stationary workplace under the supervision of an employer. Below are the concepts and different aspects of non-office forms of employee employment .

Home Office. Cashiers are persons who conclude an employment contract for the performance of work at home using materials and tools and



mechanisms provided by the employer or purchased by the cashier at their own expense [5].

According to the draft Labor Code of the new edition, a casanach refers to the work carried out by a casanach for the production of goods or the provision of services on the orders of an employer at the place of residence of an individual (casanachi) or other premises belonging to him or his family members in accordance with the concluded employment contract.

In other words, domestic workers are engaged in manual labor, invent some kind of product from materials at home. This concept was also enshrined in the International Labor Organization Convention No. 177 "on professionalism" (Geneva, 20/06/1996).

Hence, the professionalization is carried out for a fee and at the place of residence or in other selected premises for the purpose of producing goods or services at the direction of the employer, but outside the employer's production premises.

It should be noted that individuals with the status of a remote employee do not become cashiers due to the fact that they work at home, and not at the usual place of work. There are the following different aspects of Home employment and remote work:

First of all, there is a connection with the house in the activities of cashiers, while in remote work the employee can perform his duties not at home, but in any place convenient for him [6].

Secondly, the professionalization is usually carried out by people with disabilities or severe family conditions, who find it difficult to go to work every day. In addition, the work of these workers, as a rule, is a technological process associated with the production of components, semi-finished products and certain types of products in home conditions. Therefore, there will be no requirement regarding the use of the Internet, which is the main rule of remote labor in casanach;

Thirdly, even if the employment contract in the Casanach is concluded only with the casanachi, third parties can participate in the performance of the work, that is, the family members of the casanachi. In remote work, the employee is prescribed to carry out his labor duties personally.

Fourth, the work of the cashiers is paid a salary, while the salary of a remote employee is considered to be the same as that of ordinary office employees.

In other words, cashiers and remote employees probably only create similarities with the fact that they do their job outside the employer's territory.

Freelancing. The etymology of the word "freelancer", literally translated, means "Freelancer" - "free javelin". The word was originally used in the Middle Ages in relation to a man who carried a spear and

served as a mercenary. In England, such a term was applied to the military, who served various bosses for a certain fee. In the 19th century, this word was given a creative meaning and began to be applied to independent artists and journalists performing work on individual orders [7].

In the modern interpretation, a freelancer is a professional in any industry who independently serves a wide variety of clients, without being a subcontractor of one client [8].

Freelancing is one of the non-standard forms of Labor Organization, in which a freelancer acts as an independent specialist, and not an employee of any company at a full or incomplete rate, and has several employers (or orders) at the same time.

It should not be forgotten that today more and more companies are formalizing relations not under employment contracts, but under civil law contracts. Freelancing activities are also carried out not by an employment contract, but through service (civil) contracts for a fee.

Unlike home employment and remote labor, in this form of employment, the company gives the freelancer a specific task under the contract, sets deadlines and indicates all the conditions of work in the contract. If the freelancer performs the assignment on time, the company will pay him a one-time fee in the order specified in the contract. This scheme is considered convenient due to the remote nature of the work. However, such agreements deprive freelancers of the following guarantees that apply to employees established by law: annual basic and additional leave, incapacitated leave, compensation when dismissed for state cuts, etc. It also allows organizations to save on social benefits provided in cases of temporary incapacity for work.

There are the following different aspects of freelancing from remote work:

Character	freelancing	Masofaviy mehnat
Employment type	Individual entrepreneur, self-employed persons	State officer
Type of contract	Civil contract, Law work without contract	Employment contracts (term, indefinite)
Employer	Legal entities and individuals	Legal entities
Working Time Mode	To complete the work until the deadline agreed	Strictly defined regime (according to



	with the customer	the agreement of the employee and the employer)
Distribution of work load	Uneven (the size of the order is easy-depends on the difficulty	In one rhythm (usually 7-8pcs per day)
Income level	Unstable	Stable

Remote labor. Remote work is a form of Labor Organization in which work is carried out by the employee at any place of residence, outside the workplace or the territory of the owner, the competent authority, at the discretion of the employee, using information and communication technologies.

In order to regulate these relations, Chapter 26 of the draft Labor Code of the Republic of Uzbekistan in the new edition included a paragraph entitled "features of the regulation of Labor of remote employees". This paragraph defines the concepts of remote work and remote employees, and also outlines the specifics of concluding an employment contract with such an employee.

In accordance with the draft Labor Code of the Republic of Uzbekistan in the new edition, remote employees are persons who have entered into an employment contract for remote work.

The project of the Labor Code gives a definition of the concept of "remote labor". According to him, Remote labor is an employment function that is performed by an employee defined by an employment contract that deals with the implementation through the internet and interacts between the employer and the employee, including information and telecommunications networks that the employer uses to perform this Labor function, outside the place, territory or object of permanent work, which is directly or indirectly under

As follows from the description, there are the following features of remote operation:

1) first, the employee is obliged to perform the Labor function established by the employment contract outside the place of his location under the direct or indirect control of the employer, his branch, office, other separate structural unit (including from the place of work located in another settlement), territory or object;

2) secondly, the use of information and telecommunication networks in general use, including the internet network, is an indispensable condition for the implementation of the Labor function and the implementation of interaction between the employer

and the employee on issues related to its implementation.

If we talk about the development and implementation of remote work today, then at the moment it is possible to establish the structure of such contracts primarily with programmers, lawyers, web designers, economists, editors, proofreaders, etc. They are united by the fact that they are highly qualified specialists, independently organize their work and provide the employer with its results in a more electronic form (edited texts, computer programs, contract projects, reports, etc.).

As a result of the ever-expanding distance employment, a number of advantages and disadvantages of this form of employment for the worker and the employer have been identified. Among the main social benefits that accompany the use of remote labor for citizens and society are the following:

- a) on the one hand, reducing the time spent on road travel, solving transport problems. On the other hand, due to the lack of the need to walk on the road to work and the reduction in traffic flows, the problem of environmental pollution is also solved;
- b) remote employment can lower unemployment rates as it expands employment opportunities;
- c) increased flexibility when using working hours;
- d) increasing the time for family communication, reducing the cost of paying for the services of individuals and institutions caring for family members (children, elderly parents) ;
- e) the opportunity to participate more in collective life, education, obtaining additional income;
- f) compliance with individual biological rhythms, time of work and rest;
- g) employment of disabled people (disabled, elderly, women with young children and pregnant) [9]

Remote work has significant advantages for the employer, namely:

- a) cost reduction due to rent of premises, Organization of jobs, utilities etc [10]
- b) increase labor productivity (for example, by losing time to the dead and creating more favorable conditions for organizing a workplace at home or elsewhere);
- c) the flexible number of staff staff and the possibility of operational management of the staff number based on the current need;
- d) the possibility of attracting employees outside the territory where the organization is located, that is, by eliminating problems with space, borders with



the help of Information Communication Technologies, allows not only to attract the most qualified employees, but also to save wages;

e) new motivation for relationships ("working from home", ensuring employee loyalty is increased by reducing the time and costs of moving from home to work, etc., increasing trust between employer and employee);

f) reducing the number of holidays associated with family circumstances and health problems, as well as various reasons;

g) Organization of the work of employees located in different time zones.

However, due to the fact that remote labor is a non-standard form of labor, it is said by scientists and researchers that there are a number of negative aspects of:

1) deterioration of mental state due to distance from colleagues of remote employees. The biggest problem for many remote workers is the problem of social, as well as professional isolation, as well as the decline in corporate culture and collective spirit in the organization [11];

2) lack of control over remote workers (the level of their workload, the possibility of disclosing commercial secrets, etc.);

3) the fact that the data on remote computers is relatively not safe is the risk of it getting out of the system. A remote computer can be attacked by a hacker or virus that can pursue various bad goals (hacking access passwords to the employer's network, capturing remote computer control, etc.). A remote computer is easier to attack because its protection is usually lower than that of a local area network in the office [12];

4) problems of productivity and quality of work performed by a remote worker;

5) ensuring the working conditions and responsibility of the employer in the field of protection of the rights of remote workers;

6) lack of opportunity for young professionals to gain experience from more professional colleagues. However, the elimination of such problems can be seen from the experience of developed countries.

As mentioned above, the non-standard nature of the employment contract with remote workers is primarily associated with a change in the organizational criterion: work is carried out where there is no connection with a stationary workplace (Enterprise, factory, Organization, office), in an employee's house or in specially equipped internet cafes and other similar places. Therefore, in remote work, there are important

features of the distribution and accounting of working hours, rest time, freedom in the regulation of Labor Standards.

In addition, in the process of remote work, constant communication with the employer is not required. In this sense, remote workers are more independent than their colleagues who work directly at the employer's location. They are less controlled by the manager, but this does not lead to a complete loss of the employer's directive authority. Control is carried out in different ways. In Austria, for example, employees are required to send information to their immediate supervisor at regular intervals that contain information about their location and the tasks they perform. In Bulgaria, employees must regularly report on the work done and the time of day, as well as be constantly "in touch" (answering the phone). At the level of collective bargaining in Luxembourg and Germany, it is envisaged that relations with employees are carried out only within the framework of working hours established in the main organization and at certain hours.

In addition, the employer's supervision is also ensured by the right to check the workplace created by the employee himself in order to verify his compliance with labor protection and safety requirements. The need to check the employee's place of work is indicated in the "framework agreement on remote work" [13] adopted in 2002. According to Article 8 of the framework agreement, the employer is responsible for ensuring healthy and safe working conditions for this category of employees. When concluding an employment contract, he must inform the remote employee about the conditions at work and the requirements for labor protection, in particular, the use of a computer at work. The employee must clearly comply with and fulfill these requirements. Finally, the contract establishes the right of the employer, representatives of employees, as well as authorized supervisory authorities to visit the remote employee's workplace in order to confirm that the employee strictly complies with the safety and labor protection requirements and performs them. If it is located directly at home, visits are allowed only after prior notice and obtaining the consent of the employee. This requirement is explained by the validity of the principle of non-interference in personal life. Thus, the obligation of the employer to further check the place of work and the working conditions of the remote worker is established.

In addition, in this method of organizing labor, there is practically no labor feature that is of a cooperative nature. Constant work at home deprives the employee of the opportunity to communicate privately with colleagues and the manager. In order to overcome



this, meetings, round tables, teleconferences are widely used in the UK directly in the office and via virtual Internet, and direct and indirect communication is carried out through means of cooperation and face-to-face communication. In collective agreements, especially in those states where such agreements play a large role in regulating Labor Relations, there are rules for preventing the isolation of a remote employee. For example, in Germany, collective agreements have rules that require remote employees to regularly attend meetings in the employer's office. In Luxembourg, the 2006 National Remote Work agreement established a commitment to make sure employers that the measures they are taking help prevent remote employees from feeling isolated, and local regulations often provide for the obligation of remote workers to visit the head office. Remote employees are required to stay in touch with colleagues and management at least twice a week.

Thus, non-standard forms of employment arise, first of all, from social changes that have shown the need to change the usual Labor Relations that cannot fully satisfy the needs of companies. Despite the negative assessment of non-standard forms of employment by some researchers, today the process of searching for new solutions is not over, on the contrary, New-new forms of employment are emerging and spreading. One of the pressing issues of today is the creation of sufficient regulatory legal acts in the legal regulation of these forms of employment and their legal promotion in order to reduce unemployment and create relief for employees in various social situations. In this regard, Chapter 14 of the labor code "additional guarantees and benefits provided to certain categories of employees" should include concepts related to the definition and statement of the specifics of their regulation on the forms of Home employment, remote labor, self-employed persons and a number of other modern forms of employment.

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