

PECULARITIES OF LOCAL ACTS IN LABOR LEGISLATION OF UZBEKISTAN

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Annotation:

This article examines the role and importance of local acts in labor legislation and the legal regulation of relations between an employer and an employee of organizations. The concept and types of local normative acts and the corresponding special normative legal acts revealing their essence are analyzed.

Key concepts: local regulations, collective agreement, staff schedules, vacation schedules, pay period, allowance, bonus, job description.

Legal regulation of the activities of organizations is carried out on the basis of legislative, other normative legal acts and internal documents adopted by the organization itself within the framework of local rulemaking, regardless of the form of ownership. Today, the legislator is narrowing the scope of state regulation, therefore, this leads to an expansion of the scope of local rulemaking. Article 11 of the Labor Code of the Republic of Uzbekistan (hereinafter – the Labor Code of the Republic of Uzbekistan) mentions that "other legal acts" apply to individual labor relations. This term covers collective agreements, local acts adopted by the employer in coordination with the trade union committee and local acts, including individual legal acts adopted by the employer alone within his authority. Local regulatory legal acts are developed and approved by enterprises independently, based on the specifics of their activities.

The term "local" means local, peculiar only to a certain place, not going beyond a certain place. This term was used in G.N. Alexandrov's 1948 monograph entitled

"Labor Relations" and in 1966 the term "local normative act" was introduced into science. To put it simply, a local act is an internal document that regulates and regulates the work of employees of organizations. These are the internal rules of the game that help achieve efficiency in business. To determine the order of work of employees, employers approve local acts in the form of instructions and rules. For example, a hotel wants to maintain a high level of service. To do this, the owner develops rules in which he prescribes how to prepare rooms for the arrival of guests, how to meet tourists and control the quality of dishes in the restaurant.

Such local documents also include the Charter, current regulations, collective agreement, staff schedules, vacation schedules, shift tables, job descriptions, trade secret regulations, certificates of processing of personal data of third parties, and the like. Depending on the type of activity of the organization, the availability of such documents may vary. Each organization, based on the specifics of its activities, independently develops and approves local (i.e. internal) regulations governing certain issues of the workflow and labor relations in the organization. Such internal documents allow you to: resolve issues that are not directly regulated by law; specify individual working conditions and standards; to establish additional rights and guarantees for employees in comparison with the legislation.

Local acts are aimed at ensuring additional rights and guarantees, regulating labor relations between the employer and employees, and certain issues related to the work process. They can address issues regarding the procedure for rewarding employees for success in their work and the application of disciplinary penalties, types of financial incentives for employees (i.e. allowances, bonuses, surcharges, etc.), terms of remuneration, a list of jobs with unfavorable working conditions. For violation or improper performance of labor, the legislator has established disciplinary liability, which is subject to addition by other measures of influence based on local acts of the enterprise (for example, deprivation of remuneration or bonuses).

In the system of acts of local regulation, it is necessary to distinguish:

- acts of a contractual nature. These include, in particular, the collective agreement, as well as other local acts approved by the employer in coordination with the trade union committee or other representative body of employees (internal labor regulations, regulations on remuneration, remuneration based on the results of work for the year, vacation schedules, etc.).



- acts mandatory for employees designed for repeated use, adopted by the employer alone and not requiring approval from employees or their representative bodies. In this order, job descriptions and other local acts are approved, for example, in relation to which legislation, collective agreements, as well as a collective agreement or other contractual local acts of the enterprise do not provide for the obligation of the employer to coordinate these acts with the representative body of employees.

The document that is primarily requested by the authorized bodies during verification is the Internal Labor Regulations. Not only its availability is checked, but also the design, familiarization with the signature by each employee. It must be present at any enterprise, regardless of its organizational and legal form. In practice, when considering labor disputes by the courts on the dismissal of employees for a single gross violation of labor duties, judges require the submission of the original Rules to establish the fact of their proper registration and coordination with the trade union committee. Violation of this procedure, in particular, disagreement of the act with the trade union committee due to the absence of such a body in the organization, may be the basis for canceling the order on dismissal and reinstatement of the employee at his previous job.

Conditionally, local regulations of the organization can be divided into two categories – mandatory and secondary. The first type includes acts developed and adopted by the employer independently (documents of the technological process). The latter includes acts adopted jointly - a collective agreement. or taking into account the opinion of an elected representative (usually a trade union committee) body representing the interests of the organization's employees. Based on article 8 of the Labor Code of the Republic of Uzbekistan, local acts adopted by the employer in coordination with the trade union committee, as well as adopted by the employer alone, should not contain rules that worsen the position of the employee in comparison with the collective agreement. Such acts are recognized as invalid (Article 298). For example, a local act allows you to enter an additional day off, but you cannot cancel the lunch break.

According to paragraph 2.7 of the Approximate Rules of the Internal Labor Regulations of an enterprise, institution, organization, regardless of their departmental affiliation, forms of ownership and management, registered by the Ministry of Justice of the Republic of Uzbekistan No. 746 dated June 14, 1999, the



level of working conditions provided for in an employment contract cannot be lower than the level established by legislation, a collective agreement, as well as a collective agreement, other local acts adopted at the enterprise. Thus, local acts must comply with labor legislation and not go beyond its scope. In case of non-compliance with the established mandatory norms in local acts, administrative and even criminal liability is applied to officials of enterprises.

Based on the analysis, the following conclusions can be drawn about the importance of local regulations in labor relations: 1. Local regulations are a separate type of legal acts that are a form of standard-setting activity, complementing the norms of labor legislation, which act as an essential source of labor law. 2. Local regulations act as a convenient tool for developing a separate rule for regulating labor relations for employees of a certain organization, contribute to improving the effectiveness of legal regulation based on the needs of a particular employer within a particular organization; 3. Local regulations adopted in accordance with the legislation are binding on courts of general jurisdiction when considering any labor disputes arising from the internal activities of the company.

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