

ADDITIONAL GUARANTEES FOR EMPLOYMENT

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A B S T R A C T	K E Y W O R D S
The state provides additional guarantees for the employment of socially vulnerable categories of the population.	

Introduction

The following categories of the population are included in the list of socially vulnerable categories of the population:

single parents with children under the age of fourteen, children with disabilities (their substitutes), as well as parents in large families (their substitutes);

young people who have graduated from general secondary and secondary specialized educational organizations, vocational schools, vocational colleges and technical schools and have acquired a profession;

graduates of "Mehribonlik" houses, as well as graduates of higher educational organizations who received education on state grants;

persons discharged from military service in the troops of the Ministry of Defense, the Ministry of Internal Affairs, the Ministry of Emergency Situations, the National Guard, the State Security Service of the Republic of Uzbekistan;

persons with disabilities;

persons of pre-retirement age (two years before the retirement age established by law);

persons released from penal institutions or persons against whom compulsory medical measures have been applied by a court decision;

victims of human trafficking.

Other persons may also be included in the list of socially vulnerable categories of the population in accordance with the legislation.

Additional guarantees in the field of employment are provided by creating additional jobs, specialized organizations, including organizations for the employment of persons with disabilities, organizing special retraining and advanced training programs, establishing a minimum number of jobs for the employment of citizens of the categories specified in part two of this article, as well as through other measures provided for by law.

The employer employs persons specified in part two of this article, referred by labor authorities and other bodies, in accordance with the procedure established by law.

The employer shall have the following obligations in the field of employment and placement:

- to provide information on the dismissal of employees in accordance with Article 166 of this Code;
- to prevent unlawful refusal to hire in accordance with Parts One and Two of Article 119 of this Code;
- to employ persons at the expense of the established minimum number of jobs in accordance with Article 99 of this Code;
- to warn employees about the termination of the employment contract in accordance with Article 165 of this Code;
- to take measures to preserve the employee's job in the procedure for transferring to another job in accordance with Article 144 of this Code;
- to preserve the average monthly salary during the placement period when the employment contract is terminated on special grounds in accordance with Parts One, Two and Three of Article 100 of this Code;
- to provide guarantees to the invited persons in accordance with Article 101 of this Code;
- re-employment of employees whose employment contract with him is terminated on special grounds in accordance with Article 102 of this Code;
- providing additional guarantees in accordance with collective agreements and the collective agreement.

The employer may also have other obligations in accordance with the legislation in the field of employment and placement.

The criteria for mass dismissal are indicators of the number of employees whose employment contract with him is to be terminated due to changes in technology, production and labor organization, a reduction in the volume of work (products, services), or a change in the number or staff of the organization's employees, or in connection with the liquidation of the organization (its separate unit).

The criteria for mass dismissal of employees include:

- a) liquidation of an organization (its separate subdivision) of any organizational and legal form with twenty or more employees;
- b) reduction of the number of employees (staff) in the following amounts:
 - by fifty or more employees within thirty calendar days;
 - by two hundred or more employees within sixty calendar days;
 - by five hundred or more employees within ninety calendar days.

Local government bodies may suspend decisions on mass dismissal of employees for a period of up to six months with simultaneous partial or full compensation to the employer for the losses caused by this postponement.

The employer is obliged to bring information about the upcoming mass dismissal of employees to the attention of the labor body and territorial or sectoral trade union associations in the manner and within the terms provided for in Article 166 of this Code. Upon receipt of this information, the labor authorities are obliged to take measures to employ the dismissed employees in accordance with the procedure established by the legislation.

The employer is obliged to employ persons from socially disadvantaged categories of the population, who are sent by local labor authorities and other authorized bodies to fill the reserved positions in accordance with the procedure established by the legislation, taking into account the qualification requirements.

The procedure for sending to work based on the established minimum number of jobs is determined by the legislation.

In the event of termination of the employment contract on the following grounds, the average monthly salary during the job search period, taking into account the severance pay, but not more than two months, is guaranteed to employees:

the employee refuses to continue working under new working conditions;

the employee refuses to move to another place to work with the employer;

the employee refuses to transfer to another job for which there are no indications against him due to his state of health according to a medical report, or the employer does not have a suitable job;

the number or staff of the organization has changed due to changes in technology, production and labor organization, the volume of work (products, services) has decreased;

the organization (its separate unit) has been liquidated by a decision of its founders (participants) or by a decision of a legal entity body authorized for this purpose by its constituent documents;

is unfit for the work performed due to insufficient qualifications;

the employee who previously performed the same work has been reinstated;

the court's decision on the liquidation of the organization has entered into legal force.

The guarantees provided for in the first part of this article shall also apply to cases where the employment contract concluded with the head of the organization, his deputies, the chief accountant, and in the absence of a chief accountant position in the organization, with an employee performing the duties of the chief accountant (hereinafter referred to as the chief accountant) is terminated due to a change of ownership.

The specific features of the provision of guarantees provided for in the first part of this article for certain categories of employees shall be determined in accordance with part five of article 494, part four of article 506, part seven of article 511, part seven of article 518 of this Code.

If the employees specified in parts one and two of this article are registered as job seekers with the local labor authority within thirty calendar days after the termination of the employment contract, they shall have the right to receive the average monthly salary from their previous place of work for the third month according to the certificate issued by the local labor authority.

If the employees specified in parts one and two of this article have not found a suitable job after the expiration of the three-month period, they shall be recognized as unemployed.

In the event that the employer is declared insolvent, employees who are in labor relations with him shall enjoy preferential rights over the claims of all other creditors regarding wages and other payments due to them.

In the event that the liquidated organizations do not have funds, compensation payments to the employees specified in part one of this article shall be made from the funds of the State Fund for Employment Assistance of the Republic of Uzbekistan.

If an employer has sent an invitation to an individual with a job offer, the employer has no right to refuse to hire this individual during the validity period of the invitation, and if the invitation does not stipulate a period, then within one month from the date of sending the invitation. An invitation is understood as a direct, clearly expressed consent of the employer to conclude an employment contract with this individual. The invitation may be sent in writing or electronically by an appropriately authorized official of the employer.

The provisions of the first part of this article shall apply to foreign citizens and stateless persons if the employee has completed all the necessary procedures provided for by law.

Persons dismissed from work due to election to elected positions in state bodies or employee representative bodies shall be given their previous job (position) after the expiration of their term of office in the elected position, and in the absence of such a job (position), they shall be given another equivalent job (position).

The placement of deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and members of the Senate who worked in the Senate on a permanent basis after the expiration of their term of office, as well as in the event of the dissolution of the Legislative Chamber and Senate of the Oliy Majlis of the Republic of Uzbekistan, shall be carried out in accordance with the procedure established by Article 16 of the Law of the Republic of Uzbekistan “On the Status of a Deputy of the Legislative Chamber and a Member of the Senate of the Oliy Majlis of the Republic of Uzbekistan”.

An employee who has been called up (entered) for military service, after being discharged to the reserve or dismissed, shall have the priority right to employment at his previous place of work if he has applied to the employer regarding employment no later than three months from the date of his discharge from the Armed Forces of the Republic of Uzbekistan, the troops of the Ministry of Internal Affairs, the State Security Service, the National Guard and the Ministry of Emergency Situations of the Republic of Uzbekistan.

An employee who has been called up (entered) for military service, but has subsequently been discharged to the reserve or dismissed, shall have the right to return to his previous place of work (position) if no more than three months have passed from the date of his call up (entered) for military service.

In the event of reorganization of the organization, the placement of persons discharged from military service shall be carried out by the legal successor of the organization, and in the event of liquidation of the organization, by the local labor body.

In cases where it is impossible to provide employees with the guarantees specified in parts one, two and three of this article, the local labor authority shall ensure their employment and, if necessary, their free professional training, retraining and advanced training.

The employer shall be obliged to employ employees whose employment contract with him was previously terminated in accordance with paragraph 2 of part two of article 161 of this Code, provided that within six months from the date of termination of the employment contract with the employee, vacancies have arisen in the organization in the same specialty and qualification that the employee previously held.

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