



THE CONCEPT AND TYPES OF LEAVE

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Abstract:

The article discusses the social rights of an employee established by national legislation, one of which is rest time. The article discusses the rights of an employee to rest and their requirements.

Keywords: Employee, employer, rest time, break, additional break, holidays.

Introduction

Rest time is the time when an employee is free from performing labor duties and can use it at his own discretion.

The right to rest is enshrined in Article 45 of the Constitution of the Republic of Uzbekistan, the Labor Code of the Republic of Uzbekistan and other acts of national legislation.

The beginning and end of the break for rest and meals are established in the internal labor regulations, work shift schedules or, by agreement between the employee and the employer, directly in the employment contract.

Taking into account the specifics and characteristics of the work performed and other circumstances, additional breaks may be provided in addition to the breaks for rest and meals. According to Article 407 of the Labor Code of the Republic of Uzbekistan, women with children under the age of two are provided with additional breaks for feeding the child in addition to the breaks for rest and meals. These breaks are given at least once every three hours, each of which is not less than thirty minutes. In the case of two or more children under the age of two, the duration of the break is set at least one hour.

Breaks for feeding a child are included in working hours and are paid according to the average monthly wage.



Daily (inter-shift) rest time.

Daily rest time is the time between the end of one working day (shift) and the beginning of work on the next day (shift).

The minimum duration of daily rest time is established by law and cannot be less than twelve hours according to Article 201 of the Labor Code.

Weekly uninterrupted days off.

Weekly rest is understood as days off from work that are guaranteed to employees every week. The number of days off for employees in each working week, their number (one or two days off) depends on the type of work week introduced at the enterprise.

At enterprises where it is impossible to stop work due to technical conditions of production or the need to provide regular uninterrupted service to the population, as well as at enterprises based on continuous production, the number of days off cannot be less than the period established for employees working on a six-day or five-day working week, respectively, depending on the type of working week introduced at the enterprise.

Holidays (non-working) days

Holidays are calendar dates declared in accordance with the established procedure, dedicated to an event of great importance for the life of the country, its history or its people.

The employer has the right to involve individual employees only in exceptional cases on the grounds and in the manner established by the collective agreement, or, if it is not concluded, by the employer in agreement with the trade union committee or other representative body of employees. Work on holidays (non-working) days is paid at least twice the amount of wages.

Additional days off.

Additional days off are working days during which, in order to achieve certain goals, an employee is released from his/her labor duties with salary.

The Labor Code stipulates that the following categories of employees must be granted an additional day off by the employer:

- one of the parents (guardian, guardian) raising a disabled child;
- donors;



- employees who have been notified of the termination of the employment contract at the initiative of the employer;
- employees studying in educational institutions without separation from production.

In addition, an additional day off may be granted to the employee at his/her request as compensation for work on weekends and holidays or overtime.

Sometimes holidays (non-working) days lead to a division of the week into days off and working days. This situation causes chronic rest of employees and inconveniences in the normal functioning of the enterprise.

The Labor Code of the Republic of Uzbekistan does not provide for norms regulating the rules related to the transfer of holidays. This issue was resolved by the Decree of the President of the Republic of Uzbekistan No. PF-5290 dated December 28, 2017 “On establishing additional non-working days and transferring holidays during the celebration of official dates in 2018”.

According to paragraph 4 of the Decree, the Council of the Federation of Trade Unions of the Republic of Uzbekistan, the State Committee of the Republic of Uzbekistan for the Development of Tourism, the Ministry of Finance and the Ministry of Economy, taking into account ensuring the rational use of rest and holidays by employees, shall submit proposals to the Cabinet of Ministers of the Republic of Uzbekistan no later than October 15 each year on establishing additional days off and moving days off for the next calendar year.

In accordance with this Decree, taking into account the establishment of additional non-working days during the celebration of official dates starting from 2018 and the reduction of the duration of annual leave by these days, the procedure for determining the average wage to be retained during annual leave, as well as calculating paid compensation for unused leave, is established.

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