

Creation Of Legal Basis Of Trade Union Organizations In Ferghana Valley

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Abstract: This article describes the processes of reforming the trade union system and the essence of effective solutions to the obstacles that are a source of it. Issues of the formation of the principles of democracy and transparency in the activities of trade unions are revealed.

Key words: Trade unions, Principle, reform, Principles of democracy and transparency, cooperation, social protection.

INTRODUCTION

The periods of formation and development of trade unions in Uzbekistan, which gained independence, are of particular importance. Trade unions, which were part of the state administration during the Soviet period, had to adapt to new conditions after independence. An examination of the historical reform process of these processes is important in understanding the current state of trade unions.

Reforms during the period of independence: After the Republic of Uzbekistan gained independence in 1991, trade unions also had to adapt to new conditions. The process of adapting to work independently of the state administration began. The law "On Trade Unions", adopted in 1992, was aimed at ensuring the independence of trade unions. Structure of the Ministry of Organizations: In order to coordinate and support the activities of trade unions in independent Uzbekistan, the Ministry of Organizations was created. This ministry is aimed at controlling and coordinating the activities of trade unions.

RESEARCH METHODS

The essence of the large-scale reforms being carried out in our Republic today is very characteristic of their orientation towards human interests. The aspiration for knowledge, which has been formed by the centuries-old dream of a peaceful, calm and good life of our people, is once again being manifested. People are striving for a beautiful life, to have a permanent job in their profession, to prevent the degradation of human dignity, in short, for a prosperous life, and the role of trade unions in this process is becoming increasingly important. For example, according to labor legislation, it is established as a general rule that the formation of trade unions is considered a labor right of employees.

RESULTS AND DISCUSSIONS

In 2022, the Chairman of the Republican Council of the Trade Union of Healthcare Workers of Uzbekistan F. Khanapiyaev held an open dialogue with activists of the primary organizations of the Ferghana region branch trade union.

The event was opened by the Chairman of the Ferghana region Council of the Trade Union of Healthcare Workers of Uzbekistan Shohidakhon Karimova, and the floor was given to the Chairman of the Republican Council of the Trade Union of Healthcare Workers of Uzbekistan Farhodjon Khanapiyaev.

The speaker congratulated those present on November 11 - Trade Union Day and the Day of Medical Workers, which are being celebrated these days, and awarded a group of employees who have worked in the field for many years, have been actively involved in protecting the labor rights and interests of employees, and have been actively participating in the reforms being carried out in the healthcare system in our country, with letters of gratitude from the Republican Council and souvenirs.

Speaking about the attention and trust given to trade unions by the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, F. Khanapiyaev emphasized that trade union activists must work in strict compliance with the principles of the Law on Trade Unions in order to justify this trust and represent and protect the socio-economic rights and interests of employees.

Every employee has the right to join trade unions and other organizations that represent the interests of employees and labor collectives. (Labor Code of the Republic of Uzbekistan) but another law, namely the Law "On Trade Unions, Their Rights and Guarantees of Their Activities", establishes several provisions on

the basic labor rights of an employee to form trade unions. Relevance of the topic. The methods and forms of representation of trade unions on behalf of employees in enterprises, the protection of their rights and interests are determined by the above-mentioned law, the Labor Code and other legislative documents. Based on this goal, the following tasks were set: - To reveal the essence of the processes of reforming the trade union system and effective solutions to the obstacles that hinder it; - To analyze and study step-by-step the measures taken to form new mechanisms for preparing the legal framework for trade unions; - To clarify and describe the process of new views on the activities of trade unions based on the experience of developed countries; Object of the study. Revealing the essence of the processes of reforming the trade union system and effective solutions to the obstacles that hinder it. The subject of the study is: historical experiences, reforms in the system, etc. The study used systematics, generalization, comparative analysis. The empirical source of the study was the results of questionnaires and surveys. Scientific novelty of the article. - Some problems identified in the process of reforming the trade union system in Uzbekistan during the period of independence led to the need to develop reforms that would determine the main directions of radical improvement of this system; - It is explained by the initiative of trade union workers in Uzbekistan and their contribution to the formation of innovative social protection. Main part. Along with state organizations, trade unions, which protect the rights of the working population of the country, are the most popular public associations in our country. Today, trade union organizations are independent of state bodies and operate exclusively in the interests of employees and the community. As stated in Article 3 of the Law of the Republic of Uzbekistan "On Trade Unions, Their Rights and Guarantees of Their Activities", "A trade union is a voluntary public association of citizens, established in accordance with their activity or type of study, related to their general professional interests, established to represent and protect their labor and other socio-economic rights and interests, and operating on the basis of its own charter"[1]. The methods and forms of representation of trade unions on behalf of employees at enterprises, protection of their rights and interests are established by the aforementioned law, the Labor Code and other legislative acts. Those admitted to a trade union are issued a membership certificate of the established form confirming membership in the trade union. Membership in a trade union begins on the date of adoption of the decision on admission to the trade union.

Public control has been a key factor in establishing social justice in society, serving the balance, equality, mutual responsibility and accountability in the relations between the individual, society and the state. This institution ensures that human rights and freedoms are not only guaranteed by the state, but also have a priority role in the activities of state bodies, and in this, the presence of public control is a representative of political power elected by the people. If we dwell more specifically on trade unions, they are mass public organizations that unite workers in the production and non-production sectors, regardless of gender, religious beliefs, race and nationality, in order to protect the socio-economic rights and interests of their members. They emerged as mutual aid societies in Western European countries and the USA at the end of the 18th century. In developed countries, they began to operate legally in the 19th century. Trade unions were called upon to protect the interests of employees in working conditions, wages, living conditions, culture and similar areas. Everyone who has reached the age of 14 and is engaged in labor (professional) activity has the right to establish, join, engage in trade union activities and leave a trade union of his own free will in order to protect his interests. The largest international trade union centers are: the World Federation of Trade Unions (founded in Paris in 1945, unites national trade union centers of more than 80 countries, the total number of trade union members in the 90s of the 20th century was more than 213 million), the International Confederation of Free Trade Unions and the World Confederation of Labor (founded in 1920 with the assistance of the Vatican under the name of the International Confederation of Christian Trade Unions, has more than 14 million members, headquartered in Brussels)[2]. As is known, the activities of trade unions play an important role in the termination of employment contracts of employees. For example, according to Article 101 of the current Labor Code, if a collective agreement or collective agreement provides for the prior consent of the trade union committee or other representative body of employees to terminate an employment contract at the initiative of the employer, the contract shall not be terminated without such consent. An employment contract shall not be terminated: in connection with the liquidation of the enterprise; on one of the grounds provided for in Part 2 of Article 100 of this Code; on the initiative of the employer in accordance with Clause 6 of Part 2 of Article 100 of this Code, in the event of termination of

the employment contract: The trade union committee or other representative body of employees shall notify the employer in writing of its decision to grant consent to terminate the employment contract with the employee, such notification shall be made within ten days from the date of receipt of the written application of the official authorized to terminate the employment contract.

The employer shall have the right to terminate the employment contract no later than one month from the date of adoption of the decision of the trade union committee or other representative body of employees to grant consent to terminate the employment contract with the employee. Termination of the employment contract by the employer for violation of labor discipline (clauses 3 and 4 of the second part of Article 100) is not allowed after the expiration of the periods established for the application of disciplinary sanctions (Article 182). As stipulated in Part 2 of Article 11 of the Law of the Republic of Uzbekistan "On Trade Unions, Their Rights and Guarantees of Their Activities", trade unions have the right to apply to court with a claim, protecting the labor rights of workers. For this purpose, trade unions may have legal aid services and other necessary agencies. Significant work has also been carried out to democratize and liberalize the activities of civil society institutions, ensuring their broad participation in the process of deepening socio-political and socio-economic reforms. In particular, special attention was paid to creating a legal framework for the activities of these institutions. In particular, Chapter XIII of the Constitution of the Republic of Uzbekistan is called "Civil Society Institutions" and is devoted to the constitutional foundations of the activities of public associations, which enshrines such principles as the types of these organizations, the procedure for their activities, and their independence from state authorities and officials [3].

Article 70 of the Constitution of the Republic of Uzbekistan states that "Trade unions, political parties, societies of scientists, women's, veterans' and youth organizations, creative associations, mass movements and other associations of citizens registered in the Republic of Uzbekistan in accordance with the procedure established by law shall be recognized as public associations". Other articles of our Constitution also enshrine constitutional principles and rules related to the activities of civil society institutions. In particular, Article 39 of our Basic Law, while recognizing that citizens of the Republic of Uzbekistan have the right to organize trade unions, political parties and other public associations, to participate in mass movements, stipulates that no one may infringe on the rights, freedoms and dignity of opposition figures who constitute a minority in political parties, public associations, mass movements, as well as in representative bodies of power [4]. Article 12 of our Basic Law expresses the constitutional principle that social life in the Republic of Uzbekistan develops on the basis of a diversity of political institutions, ideologies and opinions, and that no ideology can be established as a state ideology [5]. In the context of economic reforms and market relations, the need for organizational strengthening of trade unions, unification of forces and funds has increased. Now the Federation of Trade Unions of Uzbekistan is building its activities on the basis of social partnership and has begun to conclude bilateral territorial and sectoral agreements with the government, ministries, departments, regional khokimiyats. Employment of the able-bodied population, prevention of unemployment, provision of social services to workers, and health care of workers and their family members have become the most important areas of activity of Trade Unions.

Nowadays, as participants in labor relations, we can also include representative bodies of employees and employers: trade unions and their elected bodies at enterprises. Although the necessary legal framework has been established for the proper establishment of social partnership in our country, the deepening of market relations, the expansion of the scope of work on the creation of civil society in our country, and the consistent policy pursued to liberalize society require expanding the scope of work in this area. In this regard, norms that give a legal definition to the concept of social partnership between employees and employers and stipulate its purpose - essence, principles and forms of implementation should be included in the Labor Code. In accordance with Article 21 of the Labor Code, the protection of the interests of employees in labor relations can be carried out by trade unions at the enterprise, their elected bodies (trade union committees), labor dispute commissions, and district and city courts[6]. The activities of organizations representing the interests of employees at the enterprise can be terminated only by decision of the employees who elected them, as well as by the court in case of actions that contradict current laws. In the context of the development of market relations, each of the parties to the employment contract is interested in improving the activities of the enterprise, since this will also increase the well-being of each employee. At the same time, disagreements and disputes may arise in the process of labor activity due to the application of certain

norms of labor law. In this regard, trade union committees have a great responsibility to prevent and eliminate problems.

CONCLUSION

The process of formation and development of trade union organizations in independent Uzbekistan included important stages. These stages have continued since the state gained independence to the present day. In the early years, trade unions adapted to new conditions, created legal frameworks, and reorganized their activities. In subsequent periods, international cooperation and social partnership were strengthened, and trade unions expanded to new sectors and regions. Today, trade unions operate in such areas as the application of innovative approaches and technologies, improving personnel skills, providing social protection and legal advice. They are an important intermediary between employees and employers, and play a major role in stabilizing labor relations, protecting employee rights, and increasing labor efficiency. Trade unions are of great importance in ensuring social justice between the state, employers, and employees and protecting the interests of employees, making a significant contribution to the socio-economic development of independent Uzbekistan.

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