

PRINCIPLES AND TERMS OF CONSIDERATION AND RESOLUTION OF LABOR DISPUTES

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Annotation: *This article outlines the principles and timelines for reviewing and resolving labor disputes and proposes their conclusions.*

Keywords: labor disputes, labor law, direct reinstatement, payment for compulsory probation, compensation for this moral damage.

Introduction

Labor disputes are disputes that arise and are resolved in accordance with the law, regarding the application of existing labor laws and other regulations or the establishment of new working conditions or changes in existing conditions. All issues related to the settlement of labor disputes are specified in the Labor Code of the Republic of Uzbekistan (Articles 259-281) and the Code of Civil Procedure (Articles 1, 5, 6, 31, 110, 149, 158, 185, 219, 239, 259). Labor disputes are divided into individual labor disputes and collective labor disputes. Individual labor disputes are disputes between an employer and an employee over labor laws and other regulations, including the employment contract. Disagreements over the application of the proposed working conditions. Collective Labor Disputes are disputes between employers and employees' collectives over the establishment and modification of new terms of employment, the conclusion, amendment and enforcement of collective agreements and contracts. Disagreements between an employer and an employee may result from the actions or omissions of both parties to the employment contract. Any disagreements do not reach the level of Labor Disputes. Disagreements can be assessed differently by labor law entities. Shortcomings in the assessment can escalate to the level of a labor dispute from the time a labor dispute is addressed. Labor disputes are considered by the Labor Disputes Commission and the court.¹

Relevance of the topic:



For a number of objective and subjective reasons, such as inconvenience of working conditions, changes in working conditions, termination of employment, failure to provide guarantees provided by law to employees, there is a labor dispute between the employee and the employer. If this dispute is not resolved by mutual agreement of the parties, then the dispute shall be resolved by legal means established by law.

According to the method of resolving labor disputes, they are divided into general and special labor disputes, labor disputes related to the establishment, change, termination of working conditions and labor disputes related to the application of labor conditions. General labor disputes are disputes involving all employees and are generally resolved by a dispute resolution commission or court. General labor disputes are considered in two stages, by labor

¹ https://uz.wikipedia.org/wiki/Mehnat_nizolari

dispute commissions and the court, and the employee has the right to appeal directly to the court.

The purpose of the topic:

The Labor Disputes Commission operates directly at the enterprise, institution, organization. This commission is formed by the employer and the trade union committee or other representative body of employees on an equal basis (Article 262).

Deadlines for applying for a resolution of a labor dispute: - one month from the date of issuance of a copy of the order on termination of the employment contract with the employee in the case of reinstatement; - one year from the date when the employer became aware of the damage caused by the employee in the dispute over compensation for pecuniary damage caused to the employer;

- three months from the date when the employee in other labor disputes knew or should have known that his rights were violated.

The Labor Disputes Commission must review and resolve the labor dispute within ten days of the application. The decision of the Labor Disputes Commission must be complied with by the employer within three days after the expiration of the ten-day period for appealing the decision.

According to the application for reinstatement, the employee has the right to demand the following:

- direct return to work;
- payment for compulsory progul;
- compensation for this moral damage.

In case of delay by the employer in the execution of the court decision on reinstatement, the court shall issue a ruling on the payment of the average salary to the employee. No time limit shall be set for filing a lawsuit in a dispute over compensation for damage to an employee's health. The commission on labor disputes has the right to call witnesses at its meeting, to invite experts, representatives of the industry working at the enterprise.

Topic novelty:

In this case, labor disputes arise, for example, on the eve of the termination of a trade union contract that protects a group of employees and when the parties do not agree to the terms of the new one. On the other hand, another form of labor dispute is formal claims. They are employee complaints about the employer's performance of a current contract. A simple claim accuses an employer of work that violates an employment contract, such as dismissing an employee "without cause".

Importance of the topic:

The first step in resolving a labor dispute is to negotiate and negotiate between the parties involved without the assistance of an external agent.

Discussions and negotiations on contract clauses are part of the process by which both parties (workers and management) express their views.

The success of the application of this provision in resolving labor disputes depends largely on the willingness and desire to achieve stability in the employment relationship without resorting to external agents. Therefore, the degree of its successful use can be considered as an indicator of the maturity of the relationship between the parties.

Conclusion

The widespread use of mediation in dispute resolution is also beneficial for the courts. Unrealistic workloads are a common problem for courts in all states. In India, for example, there are 2,147 cases per judge. The total number of cases to be considered is 31,280,000. These cases could be considered by Indian courts by 2330. In the People's Republic of China in 2012, there were more than 200,000 cases in court proceedings. In South Africa, between

2004 and 2005, 128,000 lawsuits were filed, 62% of which were resolved during that period. In Germany, there are 4,771 lower court cases and only 1,416 higher appeals courts. Dispute resolution through mediation leads to a significant reduction in the workload of the courts. International experience proves it. In particular, when the Delhi and Bangalore Mediation Centers were established, 39,969 cases were handled in two months, while the Dubai Mediation Center handled one-third of the court proceedings in one month using mediation procedures. It is clear that the use of mediation has a positive effect not only on the parties to the dispute, but also on the courts.

In the Republic of Uzbekistan, the activities of a mediator are organized on a professional and non-professional basis. Article 12 of the Law on Mediation stipulates that a professional mediator may be, firstly, a person who has undergone a special training course on the training of mediators approved by the Ministry of Justice of the Republic of Uzbekistan, and secondly, included in the Register of Professional Mediators. A non-professional mediator may be a person who has reached the age of twenty-five and has agreed to act as a mediator. For comparison, in the Russian Federation, mediation activities are carried out on a professional and non-professional basis. Unlike the Republic of Uzbekistan, Russian law sets age requirements for mediators who operate on both bases. In the Russian Federation, for example, a person must be at least 25 years old to become a professional mediator and 18 years old to be a non-professional mediator and have full legal capacity.

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