

ISSUES OF PROVIDING WOMEN'S LABOR AND SOCIAL PROTECTION RIGHTS

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Abstract: the article talks about the work carried out in the field of gender equality, in particular, the opportunities given to women. In addition, problems related to ensuring women's employment, preventing poverty, and increasing their activity in the development of the state and society are studied.

Key words: gender equality, women's rights, women's work, women's employment.

In the process of large-scale reforms implemented in all spheres of social life in our country, women of our republic also participate as an active social force, as Sh.M. Mirziyoev rightly noted, "further strengthening the role and position of women in state and community management is one of the most priority directions of our reforms."¹.

In Article 42 of the Constitution of the Republic of Uzbekistan, "Everyone has the right to decent work, free choice of profession and type of activity, work in comfortable working conditions that meet safety and hygiene requirements, without any discrimination and a fair wage not less than the specified minimum wage for labor has the right to receive, as well as protection from unemployment in accordance with the law.

The minimum wage is determined taking into account the need to ensure a decent standard of living.

It is prohibited to refuse employment, dismiss women and reduce their wages due to pregnancy or having a child², - is the final result of the work carried out in the field in recent years.

The third part of the above article was included in the newly revised Constitution, specifically specifying that it is prohibited to refuse to hire, fire, and reduce the wages of women because they are pregnant or have a child. Due to this norm, women, especially pregnant women, are weaker in their relations with the employer in our country, which prevents them from having difficulties in taking a decent place in the labor market. Employers were preventing women from hiring this category of citizens due to the mistaken belief that pregnancy or having a child would negatively affect their work efficiency.

At the same time, the share of women in the fields of health care and social services is 82%, in the fields of science, education, culture and art - 72%, in industry - 38%, in entrepreneurship - 35%, and in higher education - 46%. is a sign of place. Preventing pregnant women and young children from working causes them to be isolated from society and need social protection.

This norm, newly included in our constitution, elevates the most important requirement of the welfare state to the level of state policy and guarantees that it is prohibited to refuse to hire, fire, and reduce the wages of citizens, especially women who are pregnant or have children. Refusal to

¹ Ўзбекистон Республикаси Президенти Ш.М.Мирзиёевнинг Олий Мажлис ва Ўзбекистон халқига Мурожаатномаси. //Халқ сўзи, 2020 йил 30 декабрь

² Ўзбекистон Республикаси Конституцияси. – Т.: Ўзбекистон, 2023. – Б. 27.

hire, dismiss, and reduce wages of this category of population practically shows that every citizen of our country, especially women who are pregnant or have children, is given special attention. The prestige of the Republic of Uzbekistan in the international arena largely depends on the observance of human rights, especially women's rights. The Republic of Uzbekistan joined the Convention on the Elimination of All Forms of Discrimination against Women adopted in New York on December 18, 1979. This Convention states that all necessary measures should be implemented for women to have equal rights with men in the field of socio-economic activity. The provisions on women's rights stated in this convention and other international legal documents are fully reflected in the Constitution of the Republic of Uzbekistan and labor legislation. It should be noted that today the share of women in the economically active population is 45.7 percent. There is a high percentage of women in the workforce working in some sectors. For example, their share is 76.6 percent in the field of healthcare and social services, and 75.6 percent in the field of education, that is, 7 out of 10 employees are women.

According to the Ministry of Employment and Poverty Alleviation, in the first half of 2023, labor authorities received 3,330 appeals from women regarding employment and labor protection. As a result of the studies, explanations were given on 2 thousand 23 applications, and the violated labor rights of 1 thousand 307 women were restored. During the reporting period, 274 cases of gender-related violations of women's employment, 319 cases of dismissal, 2,59 cases of wage violations, and 432 cases of discrimination against women were identified. In particular, in 39 cases, it was clear that women were involved in various forms of forced labor. 24,700 women in need of social protection, including girls who have graduated from educational institutions, women with young children, single mothers and women with children under 14 years of age and with disabilities, have been employed in specially reserved jobs³.

These statistical data and the current practice show that women, especially pregnant and child-rearing women, are discriminated against in situations related to employment, transfer, payment of wages, labor protection, and implementation of social payments.

Despite the above, there is a need to improve the forms and mechanisms of legal protection of women and persons engaged in family duties in the field of work. In particular, at present, in order to ensure equality of women with men in the field of work, the experts of the International Labor Organization have decided to remove some of the restrictions set by the law for the implementation of their work, to ensure that women are employed in jobs such as homemaking, remote service without being separated from the family, and discrimination against women in hiring. Further improvement of the legislation aimed at eliminating related abuses, providing women with decent work, creating appropriate conditions for them to perform social duties, and preventing illegal transfers and dismissals is required.

It should be noted that the characteristics of labor regulation for different categories of employees, including women and persons engaged in family duties, are also different. In this regard, it is appropriate to consider the specifics of the labor regulation of each of them separately.

Jurist D. Atajanova said that this normative legal document, first of all, based on the physiological characteristics of women, provides for positions in which they are partially or

³ <https://kun.uz/news/2023/07/26/1300dan-ortiq-ayollarning-buzilgan-mehnat-huquqlari-tiklandi-vazir-orinbosari>

completely prohibited from working. It should be kept in mind that this prohibition is beyond the discretion of a woman. That is, even if a woman wants to work in the listed positions, it is not allowed to conclude an employment contract with her based on the above normative document. It is important to note that in this matter, Western countries have a different approach, that is, gender equality is observed in labor relations, according to which it is determined that women can work in the same positions as men. Defenders of women's rights all over the world are in favor of removing restrictions on their occupation of any profession, provided that conditions of labor protection are provided. In particular, in the opinion of lawyer D. Atajanova, it is necessary to revise the list of jobs with unfavorable working conditions, in which women's labor is prohibited in whole or in part, and adapt it to the current conditions. For example, the number of female drivers is increasing day by day. Driving heavy vehicles is not difficult for most women. Due to this, it is necessary to exclude from the ban the driving of buses with more than 14 seats, cars with a load capacity of more than 2.5 tons specified in Part II of the list⁴.

At this point, it should be noted that in the decision of the President of the Republic of Uzbekistan No. PQ-4235 of March 7, 2019, from May 1, 2019, the ban on the use of women's labor in certain fields or professions should be canceled, and the list of fields or professions that may have a negative effect on women's health should be approved. was set⁵.

When it comes to women's right to rest, if we look at Article 45 of the Constitution of the Republic of Uzbekistan, it states: "Everyone has the right to rest.

The right to rest for hired workers is provided by determining the length of time, days off and non-working holidays, paid annual leave. This right is defined in the main international legal documents in the field of human rights. For example, in the Universal Declaration of Human Rights (Article 24) and the International Covenant on Economic, Social and Cultural Rights (Article 7), everyone has the right to rest and leisure, in particular to a reasonable limitation of the working day and to periodic leave with pay. the right to have is provided. In accordance with the Convention on the Elimination of All Forms of Discrimination Against Women (Article 11), in order to prevent discrimination of women on the grounds of motherhood or marriage and to guarantee their right to productive work, the participating States shall provide for paid leave or equivalent pregnancy with the retention of previous employment. and takes all measures to introduce social allowances related to childbirth.

The fact that the right to rest is defined for the first time in our newly revised Constitution confirms that everyone has the opportunity to rest in the prescribed manner, regardless of the characteristics of work, and puts an end to cases where he is engaged in work during rest.

Chapter XIV of the Labor Code of the Republic of Uzbekistan is devoted to the legal regulation of rest time, which defines the following types of rest time: breaks during the working day (shift), breaks for rest and meals, and breaks not included in working hours. The start and end time of the break for rest and meals is determined in the rules of the internal labor procedure, work shift

⁴ Атажанова Д.С. Аёллар ва oilaviy vazifalarni bajarish bilan mashg'ul шахслар меҳнатини ҳуқуқий тартибга солишнинг хусусиятлари. PhD илмий даражасини олиш учун тайёрланган диссертация. –Т.: ТДЮУ, 2018. –Б.76.

⁵ Қонун ҳужжатлари маълумотлари миллий базаси, 09.03.2019 й., 07/19/4235/2727-сон.

schedules or directly in the labor contract according to the agreement between the woman and the employer.

In enterprises where it is impossible to stop work due to the technical conditions of production or due to the requirement of regular continuous service to the population, as well as in enterprises based on continuous production, the number of days off depends on the type of work week introduced in the enterprise, respectively, from the specified period for employees working in a six-day or five-day work week. can't be less. A holiday is a calendar date announced in a prescribed manner, dedicated to an important event for the life of the country, its history or its people.

According to Article 208 of the Labor Code of the Republic of Uzbekistan, the following days are considered holidays (non-working days): January 1 - New Year; March 8 - Women's Day; March 21 - Nowruz holiday; May 9 - Day of Remembrance and Appreciation; September 1 - Independence Day; October 1 - Day of teachers and coaches; December 8 - Constitution Day; The first day of the religious holiday of Eid al-Fitr; The first day of the religious holiday of Eid al-Adha. Additional holidays may be specified in collective agreements or the collective agreement of the enterprise (for example, the anniversary date of the day when the enterprise was founded or produced a certain product, etc.). Previously, the employer did not have the right to declare public holidays (non-working days) as working days or to move them to another day, but according to this article of the Labor Code of the new version, if the day off falls on a non-working holiday day, the day off is the work after the holiday. transferred per day.

According to the Labor Law of the Republic of Uzbekistan, women are provided with annual paid work leave, study leave, as well as unpaid leave. According to it, all women, as well as female employees, have the right to receive annual leave, regardless of where they work and what kind of work they do, while maintaining their workplace and average salary.

According to the labor law, women with children under two years of age, in addition to breaks for rest and meals, are given additional breaks for feeding the child. These breaks are given at least once every three hours with a duration of not less than thirty minutes each. If there are two or more children under the age of two, the duration of the break shall be at least one hour.

In fact, protection of women from unemployment, creation of new jobs, reduction of poverty remains one of the main tasks of humane, social state policy. In the Development Strategy of New Uzbekistan, it is determined to reduce poverty by at least half by 2026 by creating new jobs and increasing the income of the population. For this, 2.5 mln. to legalize the employment of citizens, to reduce the level of unemployment among women by 2 times, to increase the scope of vocational training by 2 times, i.e. 1 mln. 3.5 million in the next 5 years through vocational training of unemployed citizens, vocational training of more than 700 thousand unemployed women at the expense of the state, involvement of unemployed women in entrepreneurship, as well as development of service industries in the regions. the creation of new jobs is a proof of our opinion.

Conclusion

In conclusion, it should be said that the problems of ensuring the employment of citizens, especially women, and protecting them from unemployment remain relevant to this day. The inclusion of a new norm in our constitution serves as a constitutional guarantee for the state's regular care of unemployed citizens and measures to reduce unemployment. In order to strengthen practical measures to ensure the employment of citizens, by supporting the norm of ensuring the employment of citizens, we will achieve that the solution of unemployment problems and poverty

reduction issues will be entrusted to the State, and in the future, concrete practical measures will be taken by the state to ensure the employment of the population and get them out of poverty.

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