

The impact of the COVID-19 on labour relations in the Republic of Uzbekistan

Due to the rapid spread of the pandemic around the world, as well as after identification of the first infected patient, the government of Uzbekistan introduced additional measures against the spread of coronavirus infection, approved by the Cabinet of Ministers in *Resolution No. 176 of March 23, 2020*.

According to the Resolution, all organizations, regardless of their departmental subordination and legal form, without prejudice to their main activities, **must transfer employees on vacation or to remote work** (remote or online mode). In addition, the special Republican Commission for the preparation of program of measures to prevent the spread of coronavirus infection made a number of additional decisions. According to the document, it was decided to restrict free movement of personal vehicles throughout the state from **6:00 March 30 till 00:01 April 20**.

Notwithstanding huge problems in the form of reduced or even complete lack of revenue, suspension of public transport, prohibition of movement of personal vehicles, there are labour relations between the employee and the employer, according to which, the main task of the employer is to provide the employee with a stable paid job, and the employee's duties are to perform such job. If the employer cannot provide the employee with a job, the employee declares a downtime¹. The employee should be paid average earnings during this time. If the employer does not have the ability to keep employees' salaries during the downtime, then both sides need to negotiate and find a compromise.

If the conditions and procedure stipulated by labour legislation are observed, the employer has the right to:

- transfer employees to remote work;
- set part-time working hours;
- provide paid work leave;
- provide leave without pay;
- provide leave of absence with partial pay;
- arrange downtime.

The Ministry of Labour has approved a temporary procedure² for transferring employees to remote work, flexible working hours or work at home. This procedure will only apply during the period of quarantine measures related to COVID-19. According to the procedure, employers can transfer employees with their consent to a remote method of work, flexible working hours or work at home. The transfer is registered by the employer's order based on changes made to the employment contract. Signing of the additional agreement to the employment contract is considered as consent to such changes.

The preferential right to such actions have pregnant women, the elderly, persons with disabilities and people with chronic diseases. Employees retain the right for work leave in accordance with the holiday schedule, to receive temporary disability benefits, and other rights provided for by law and the collective agreement.

¹ Annex No. to the Resolution of the Cabinet of Ministers dated March 11, 1997, No.133

² No. 3228 dated 28.03.2020

1. Transfer to remote work

Remote work is the performance by an employee of his or her functions outside the employer's location, permanent workplace, territory or facility that is directly or indirectly under the control of the employer³. Execution of the transfer is reflected in the additional agreement to the employment contract, and the following procedure is established for it⁴:

- interaction of the parties through electronic management of documents;
- providing the employee with equipment and (or) office equipment, if there is an agreement on its use;
- providing the employee with communication, including Internet access, for interaction with the employer;
- compensation by the employee for damages related to damage of the equipment and equipment transferred to him;
- reimbursement of expenses when an employee uses personal equipment and (or) office equipment, as well as means of communication, including the Internet;
- compliance with the necessary rules of labour protection and conditions;
- transfer of a remote employee to a permanent place of work in case of industrial necessity.

The employee sets the length of working hours and work schedule based on the scope of the task and the terms of the employment contract. With this in mind, his work is paid in a single amount, without observing the rules of payment for overtime, night work, work on weekends and holidays⁵.

Remote work is paid:

- in case of a time-based payment system is paid based on the previously established tariff rate (official salary) of the employee,
- for piecework payment is paid based on the established rate.

2. Transfer to flexible work schedule

The flexible schedule may provide the establishment for an employee:

- part – time employment of the incomplete working day or incomplete working week⁶;
- the start and end time of work within the reduced working hours, as well as the time and duration of breaks in work that differ from those set for other employees⁷.

In additional agreement on temporary transfer to a flexible schedule specifies:

- in case of part-time work – the number of working hours per day or working days per week, indicating the start and end time of work;
- when changing the working time mode – the time of the daily start and end of work, as well as the alternation of working and non-working days for shift work.
- Payment is made in proportion to the time worked or depending on the output.

3. Transfer to work from home

The work from home is the work of an employee in the production of goods or services ordered by an employer at their place of residence or in other premises owned by them or their family members.

³ № 3228 от 28.03.2020 г.

⁴ № 3228 от 28.03.2020 г.

⁵ Labour Code of the Republic of Uzbekistan art.157, 158

⁶ Labour Code of the Republic of Uzbekistan art.119

⁷ Labour Code of the Republic of Uzbekistan art.115-118

This form of work is allowed only if the employee has all the necessary conditions for performing home work, including living premises.

In addition to the employment contract, it specifies the types of work performed at home, as well as the procedure:

- providing equipment, inventory, components, raw materials, and semi-finished products for the employee's work;
- reimbursement of employee expenses for energy, water, communications, personal equipment and other conditions used for work.

Work from home is paid:

- in the case of a time-based payment system, based on the tariff rate (official salary) of the employee established before the transfer to home work;
- for piecework payment terms, based on the established rates.

Thus, in order to prevent the spread of a deadly virus, all recommendations of the government of the Republic of Uzbekistan should be followed.

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