

### Highlights:

- Governing law: Republic of Uzbekistan
- Date completed: April 2020
- Value: Confidential

### Case Study

Unicase team advised a company (*hereinafter “the Client”*) on the question of **granting maternity leave to an employee under the Uzbek law.**

### Background

An officially registered company in Uzbekistan has contacted us to clarify the issue of registration of maternity leave under the legislation of Uzbekistan. The employer considered that it violated the labor legislation of Uzbekistan, due to the late registration of the leave. Our team in Tashkent office has prepared a Memorandum on it.

### Legal opinion on maternity leave

In accordance with the Law<sup>1</sup>, an employee is granted maternity leave within 70 calendar days before and 56 days after it.

To apply for maternity leave, an employee should:

- get a disability certificate;
- apply for a maternity leave;
- granting of leave must be registered in the Interdepartmental hardware and software complex "Unified national labour system".

Maternity leave is calculated in total and is granted to the employee completely, regardless of the number of days actually used before leave.

According to the paragraph 30<sup>2</sup>, if a pregnant woman does not apply for maternity leave in a timely manner, the list is included from the date of application, if the application was made no later than 6 months from the date of birth. Thus, even if the employee provides certificate less than 70 calendar days before leave, the employer must provide the employee with prenatal leave (70 days) and post-natal leave (56 days) for a total amount of **126 days.**

### Payments for maternity leave

The payment of maternity payments for working women is carried out at the expense of employers. According to the law, amount of the appointment of maternity payments is established, depending on the actual time worked from the date of employment:

---

<sup>1</sup> Art. 233 of the Labour Code of the Republic of Uzbekistan

<sup>2</sup> Instructions on the procedure for issuing disability certificates



- up to 12 months from the date of employment — 75% of the average monthly salary for the time spent on maternity leave;
- more than 12 months from the date of employment — 100% of the average monthly salary for the time spent on maternity leave.

As well we noticed that the salary issued to the employee is not a payment for pregnancy and childbirth. Maternity payment is paid starting from the date indicated in the issued certificate of disability for work, in the amount of full earnings during the entire period of maternity leave.

### **Implication**

Unicast Law Firm concluded that the client's company does not have any violations of Uzbek labour legislation. As well we explained the procedure for registering this case and highlight that there is an administrative responsibility for violation of this procedure.