



GENERAL LEGAL PRINCIPLES OF DETERMINING AND CHANGING THE TERMS OF THE EMPLOYMENT CONTRACT

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Annotation: The article analyzes the concept of working conditions in labor relations and the legal basis for its change, as well as its role and peculiarities in the regulation of labor relations.

Key words: employment contract, working conditions, change of employment contract, change of place of work, temporary transfer to another job, transfer to another permanent job.

As the market relations deepen in our country, it is natural that the protection of human rights and interests, which are recognized as the highest values, and the creation of all the necessary conditions for their realization, is considered as an important task for the society. After all, as the head of our state, Sh.M. Mirziyoev, noted, "The effect of the economic reforms and social changes we are implementing is measured, first of all, by the extent to which they affect the material condition and well-being of the population, the level and quality of life." [1]

The sphere of social life, where human rights and interests are most often realized, consists of relations related to the realization of the right to work. It is not for nothing that the right to work is guaranteed as the most important socio-economic right in Article 37 of the Constitution of the Republic of Uzbekistan. Because working and living a prosperous life after it is the basis of every person's financial support for his family.

Due to objective and subjective factors that arise during the implementation of labor relations, as well as for some reasons that are not dependent on the employee's wishes, the content of the labor relations between the employee and the employer may change, and new rights and obligations may arise. This process is called changing the terms of the employment contract in labor law.

According to Article 88 of the Labor Code of the Republic of Uzbekistan, working conditions mean the sum of social and production factors in the labor process.

Social factors include wages, working hours, holidays and other conditions.

Technical, sanitary, hygienic, production-household and other conditions are considered as production factors.

Labor conditions are determined by labor laws and other normative documents, as well as by agreement of the parties to the labor contract.[2]

The terms of the employment contract are, in a broad sense, any terms of production that determine the relationship between the employee and the employer. Although most of these conditions are not provided for directly in the labor contract, they can affect the content of the contract and expand the range of rights and obligations of the employee as norms and rules established in the legal documents and local normative documents of the enterprise. All these are meant by the terms of the employment contract.



In the narrow sense, the terms of the employment contract are the conditions specified in the contract itself and related to the employee's labor functions, their performance, salary issues, and the change of these conditions, in most cases, are the relations related to the transfer of the employee to another job. [3]

The terms of the employment contract in a broad sense are related to the mode of production in the enterprise, the working conditions of the employee, the organization of work, and the beginning of applying new rules that did not exist before.

According to the legislation, the necessary and additional conditions of the employment contract are determined during the conclusion of the employment contract between the employee and the employer.

The necessary conditions of the employment contract are conditions that must be determined for everyone, and they include:

workplace;

labor function;

day of commencement of work;

wages and other conditions.

The list of necessary conditions for concluding certain labor contracts may be expanded in cases provided for by law. For example, when concluding a fixed-term employment contract, along with the start date, the end date is also recorded. When hiring an employee for the period of performance of a specific job, the specific job that the employee is being hired to perform is specified. When concluding an employment contract with deputies, the exact period of daily work is determined within the maximum period provided by law.

According to the agreement of the parties, additional conditions may be stipulated in the employment contract. They can determine the obligations of the parties, complete them, provide additional benefits and advantages to the employee.

The following may be included in the additional conditions: imposition of additional labor duties provided for in the Uniform tariff-qualification reference, Qualification reference, with defined working conditions;

working in several professions (positions) as an independent condition of the employment contract, with the procedure and conditions for working in several professions;

if the employee is hired with a probationary period, the exact period of probation (from when to when);

the high qualification of the employee, if this is provided for by the current legal documents, collective agreement (agreements at all levels) or other regulatory documents valid in the enterprise, organization, institution, payment for work related to the performance of more complex work (tariff rates, position salaries, additional fees, setting higher amounts of bonuses, awards and other awards) individually;

the mode of working hours established for the employee (part-time working day, part-time working week, reduced working hours, round-the-clock work, the beginning and end of the working day, etc.);

providing additional (paid and unpaid) days off, holidays;



social and household conditions (a place in a kindergarten, provision of a referral for treatment at a sanatorium-resort, transport service, provision of food products in a centralized manner, housing, etc.);

payment of non-payment in the event of premature termination of a fixed-term employment contract in cases provided for by law.

Additional conditions of the contract for certain categories of employees: condition of full financial responsibility for persons providing services for money or goods; additional grounds for termination of the employment contract for enterprise managers not provided for by law and

h. k. [4]

In the labor legislation of a number of foreign countries, special definitions have been given to the concept of working conditions. In particular, Article 54 of the Labor Code of the Republic of Azerbaijan is called "Ensuring working conditions", which lists the working conditions that must be provided by the employer in order for the employee to perform his work duties. These conditions are mandatory and include social and production factors. In addition, Article 55 of this Code defines additional working conditions, the implementation of which is carried out by mutual agreement between the employer and employees. [5]

Working conditions can be divided into the following types according to the methods of determination:

- 1) Conditions established by labor laws and other legal documents. Working conditions and sanitary-hygiene requirements, minimum requirements for the protection of the life and health of the employee, working hours, rest hours, minimum wages, guarantee and compensation payments are determined imperatively by the Labor Code and other legal documents, employers and requirements that must be met by employees. The cancellation, modification or introduction of new requirements and conditions shall be subject to the authority of the state authorities only.
- 2) Labor conditions established by local normative documents of enterprises and organizations (collective contract, rules of internal labor procedure, career instructions, various regulations and instructions). These terms and conditions may be changed by the employer, in appropriate cases, with the prior consent of the employee representative body or in agreement with it.
- 3) Conditions agreed upon by its parties in the employment contract. These conditions can be changed only by mutual agreement of the employee and the employer, and in cases where it is impossible to reach an agreement - in a court order or in another order provided by law. [6]

Terms of employment conditions and employment contract terms

it is necessary to distinguish from each other. The working conditions in the enterprise are common to all employees and cover all areas of economic, production, socio-economic life of the enterprise. The terms of the employment contract will consist of the terms of employment of certain hired employees.

It should be noted that the terms of employment are determined by agreement of the parties to the employment contract and it is not allowed to change it unilaterally. For this reason, in the labor legislation, the rule applies that the terms of employment are changed in the same manner as they were established. Terms of employment can be changed or revoked in various ways, depending on who sets them.

In conclusion, it should be noted that the Labor Code of the Republic of Uzbekistan briefly describes the definition of the concept of working conditions, and in its description, it is necessary to evaluate it as the relations that arise in the process of drawing up and implementing the labor



contract of the participants of labor relations, and we believe that it is appropriate to define it as follows: "Working conditions" means the sum of social and production factors under which the work of the employee is carried out in accordance with the labor contract concluded between the employer and the employee.

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