

LABOR RIGHTS IN THE NEWLY REVISED CONSTITUTION

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Abstract:

This article analyzes the main aspects of labor rights and their implementation in the newly revised Constitution. The significance of new provisions regarding the right to work, employment, workplace safety, fair wages, rest, and social protection is outlined in the Constitution.

Keywords: newly revised Constitution, employment, labor protection, fair wages, social protection, state guarantees, citizens' rights, workers' interests.

Introduction

The draft of the newly revised Constitution will come into effect from the date the referendum results are officially announced by the Central Election Commission of the Republic of Uzbekistan, without any additional documents or procedures, following the public vote.

If the draft of the newly revised Constitution is directly adopted by the people, it will become the first document in our history to be directly enforced. The most significant aspect is that, regarding the new Constitution, everyone's voice held equal status and power. During the discussion of the draft Constitution, every individual's choice and opinion were valued and decisive, regardless of profession or position.

Indeed, in the context of New Uzbekistan, the most important aspects of the draft of the newly revised Constitution involve changes related to ensuring human life, freedom, dignity, inviolable rights, and interests, as well as fostering a free and just civil society and developing a democratic and lawful state.

To ensure that state activities are carried out on the basis of the rule of law, the Constitution is established as the supreme legal authority with direct applicability, and human rights and freedoms are guaranteed in accordance with international law and constitutional norms. In this regard, the newly revised draft Constitution strengthens the principles of a social state, particularly by enhancing provisions aimed at providing quality education and healthcare services, supporting socially vulnerable groups, creating fair working conditions and a just wage system, ensuring protection from unemployment, and facilitating access to housing.

One of the fundamental requirements of a social state is to ensure the realization of citizens' labor rights, their employment, and protection from unemployment, as well as providing fair wages for decent work. Therefore, the Basic Law guarantees each individual's fundamental labor rights, which hold significant importance from the perspective of social and economic support and protection.

In particular, Article 42 of the newly revised Constitution specifies the following norms related to labor rights and their implementation:

1. Right to Decent Work: It is reinforced that every individual has the right to decent work. Within the scope of constitutional reforms, the right to work has been enriched with a new perspective by incorporating the term "decent," which now encompasses employment with fair



wages, adequate working conditions, and reliable social protection.

2. **Right to Safe and Hygienic Working Conditions:** Every individual is granted the right to work in safe and hygienic conditions. This implies workplace safety standards, sanitation norms, and hygiene regulations, which help prevent occupational diseases, injuries, and fatalities or harm to workers' health. In this regard, the International Labour Organization's 2006 Convention on Occupational Safety and Health Promotion, ratified by Uzbekistan in 2021, serves as a fundamental reference.

3. **Right to Fair Wages Without Discrimination:** It is stipulated that every worker has the right to fair remuneration without any form of discrimination and at no less than the legally established minimum wage. For this purpose, the minimum wage and base calculation amount are determined annually. Similar provisions can be found in the constitutions of countries like Spain, Italy, Portugal, the Czech Republic, Romania, China, and Turkey.

These updates to labor rights in the Constitution create constitutional guarantees for citizens to work in safe workplaces that do not endanger life or health and to receive fair wages for their labor.

In the newly revised Constitution, Uzbekistan is declared a social state. In a social state, conditions must be created for individuals to earn a sufficient wage for a decent life, ensure employment, and work in safe conditions.

In Article 42 of the newly revised Constitution, a new provision is introduced stating that "the minimum wage shall be determined considering the necessity to ensure a decent standard of living for individuals." A decent standard of living implies the ability to cover living expenses (such as food, clothing, etc.) and meet other needs, including education, healthcare, leisure, and more.

Every working person should earn enough to meet their basic needs. In turn, the state is obliged to take measures to ensure fair wages for labor and to fulfill guarantees, while employers must meet their obligations to employees.

The concept of a minimum wage is widely recognized internationally and is one of the principles of social justice. This standard aligns with Uzbekistan's commitments to international agreements. For example, the Universal Declaration of Human Rights affirms every worker's right to fair and satisfactory remuneration that ensures a decent standard of living.

Additionally, the International Labour Organization's Convention on the Minimum Wage, which takes into account the specific conditions of developing countries, mandates that minimum wages be set in consideration of the overall wage level, consumer prices, social benefits, and the comparative standard of living of various social groups in the country. Employers are expected to consider these requirements when setting wages.

The inclusion of this new standard in the Constitution has practical significance for ensuring that wages not only meet basic living requirements but also improve citizens' living standards and promote social justice in the country.

Protecting citizens from unemployment, creating new jobs, and reducing poverty are essential duties of any state. Therefore, Article 43 of the newly revised Constitution states, "The state shall take measures to ensure citizens' employment, protect them from unemployment, and reduce poverty. The state shall organize and encourage citizens'



professional training and retraining.”

The Development Strategy of New Uzbekistan includes goals to create new jobs and increase incomes to reduce poverty by at least half by 2026. To achieve this, the plan includes formalizing employment for 2.5 million currently informal workers, reducing female unemployment by half, doubling the scale of vocational training to educate 1 million unemployed citizens, training over 700,000 unemployed women in professional skills funded by the state, involving unemployed women in entrepreneurship, and creating 3.5 million new jobs over the next five years by developing service sectors in the regions.

In Uzbekistan, measures to protect citizens from unemployment and reduce poverty include maintaining registries of those in need of social protection at the community level ("Iron Book," "Women's Book," "Youth Book," and "Mercy Book"). Additionally, a system for safe, organized, and legal labor migration has been established to enable citizens to work abroad while ensuring their professional training and placement. Currently, Uzbekistan has agreements with more than 475 employers in over 30 countries, providing migrant workers with services related to employment, training, insurance, credit, and microloans.

Similar provisions can be found in the constitutions of countries like Italy, the Czech Republic, Finland, Poland, and China.

The new constitutional provision serves as a guarantee from the state to reduce the number of unemployed citizens, particularly unemployed women, and to prevent citizens from falling into poverty or, for those already in poverty, to take necessary measures to lift them out.

During a meeting with the Constitutional Commission members on June 20, 2022, the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, emphasized the need to increase the effectiveness of the current system for protecting human rights by ensuring that the Constitution includes explicit attention to prohibiting child labor.

Uzbekistan ratified the International Labour Organization's Convention on Immediate Action to Eliminate the Worst Forms of Child Labor in 2008.

The Administrative Liability Code and Criminal Code of the Republic of Uzbekistan prescribe administrative and criminal penalties for violating prohibitions against employing minors in work that could harm their health, safety, or morals. Article 44 of the newly revised Constitution includes a firm provision stating that "any form of child labor that threatens the health, safety, morals, mental, or physical development of the child, or interferes with their education, is prohibited." Systematic and strict reforms aimed at eliminating child labor, particularly in cotton fields, agriculture, and other sectors, have completely eradicated forced child labor in Uzbekistan, freeing nearly 2 million children from compulsory labor.

Significant steps are now being taken to strengthen this policy at the constitutional level. This provision, introduced for the first time in our Constitution, firmly consolidates Uzbekistan's achievements in this area, providing an essential legal guarantee for children to grow up healthy and fully developed.

At the same time, this constitutional provision does not prevent children from working in ways that do not threaten their health, safety, complete physical, mental, and moral



development, or disrupt their education. In accordance with the current Labor Code, secondary school, specialized, and vocational school students may engage in light work outside school hours starting at age fifteen, provided it does not endanger their well-being or interfere with their education and is with written consent from a parent or guardian.

Article 25 of the Universal Declaration of Human Rights states that “Everyone has the right to ... medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.” Ensuring this right is one of the core responsibilities of a social state. Declaring Uzbekistan a social state in the Constitution increases the urgency of effectively implementing state policies in social security.

To uphold social justice, Article 46 of the newly revised Constitution includes a provision stating, “The amounts of pensions, allowances, and other types of social assistance specified by law may not be less than the officially determined minimum consumption expenses.” This provision replaces the term “necessary minimum for subsistence” in the existing Constitution with “minimum consumption expenses,” reflecting a broader approach to cover not only subsistence but also essential living standards.

In 2022, for the first time in our history, pensions and social benefits were raised to at least the level of minimum consumption expenses. For instance, in 2017, 500,000 low-income families received social assistance, and today, more than 2 million families benefit from these measures, with annual funding reaching 11 trillion soums, a sevenfold increase.

The term “minimum consumption expenses” refers to the amount needed to purchase essential goods and services to meet basic needs over a month. When calculating minimum consumption expenses, it is crucial to consider real average social expenses in the current conditions.

Ensuring that pensions and other types of social assistance are not lower than minimum consumption expenses is key to improving citizens’ living standards, maintaining their purchasing power, preserving their health and working capacity, and ensuring that no member of society is neglected.

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