

THE ELABORATION OF WORKING CONDITIONS TO ENSURE EFFICIENT LABOR PROTECTION

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Abstract. The following article investigates the notion of labor protection. Also the current article explains to what features of working conditions the term labor protection refers. It deals with the public control over the laws, state decrees, implemented acts regarding labor protection.

Key words. Labor, relations, coordination of activities, working conditions, systematic monitoring, enterprises, citizens, public control, trade unions

Разработка условий труда для обеспечения эффективной охраны труда

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Аннотация: В следующей статье исследуется понятие охраны труда. Также в данной статье поясняется, к каким особенностям условий труда относится термин охрана труда. Она занимается общественным контролем за исполнением законов, государственных указов, исполняемых актов по охране труда.

Ключевые слова. Труд, отношения, координация деятельности, условия труда, систематический мониторинг, предприятия, граждане, общественный контроль, профсоюзы

Citizens of the Republic of Uzbekistan, foreign citizens and stateless persons have the right to labor protection. Labor protection is a system of socio-economic, organizational, technical, sanitary-hygienic and treatment-and-prophylactic measures and means, acting on the basis of the relevant legislative and other normative acts. They aim at

1. ensuring safety
2. maintaining human health
3. working capacity in the process of labor.

Labor protection legislation consists of this Law and other normative acts issued in accordance with it. This Law applies to all employees who are in labor relations with enterprises, institutions, organizations of various forms of ownership and management, including with

- individual employers;
- members of cooperatives,
- students of higher educational institutions,
- students of secondary specialized educational institutions,
- vocational and technical schools
- general education schools undergoing industrial practice,

- military personnel recruited to work at enterprises;
- citizens doing alternative service;
- staff serving a sentence under a court sentence.

The state policy in the field of labor protection is based on the principles. It aims at the priority of the life and health of the employee in relation to the results of the production activities of the enterprise. Coordination of activities in the field of labor protection with other areas of economic and social policy is considered essential in this sphere. The establishment of uniform requirements in the field of labor protection for all enterprises, regardless of the form of ownership and management is also taken indispensable. It ensures environmentally friendly working conditions and systematic monitoring of the state of the environment in the workplace. The laws and other normative acts supervise and control over the widespread implementation of labor protection requirements at enterprises. Participation of the state in financing labor protection plays an important role in the enforcing of them. Training of labor protection specialists in higher and secondary specialized educational institutions can bring the efficient way of protecting labor.

Labor protection deals with the development and implementation of safe equipment, technology and protective equipment for workers. We widely use of the achievements of science, technology and advanced domestic and foreign experience in labor protection. It refers also free provision of workers with special clothing and footwear, personal protective equipment, therapeutic and prophylactic nutrition. There are special organizations that are obliged to investigate and record every industrial accident and every occupational disease and, on this basis, inform the population about the levels of occupational injuries and occupational diseases. These protect the interests of employees who have suffered from industrial accidents or who have received occupational diseases. They support for the activities of trade unions and other public associations, enterprises and individuals aimed at ensuring labor protection.

International cooperation in solving problems of labor protection is also vital factor to protect the labor of them.

Enterprises, specialists, citizens can unite in public associations to solve labor protection problems, which operate in accordance with the legislation of the Republic of Uzbekistan on public associations. State and economic management bodies, supervision and control bodies, as well as enterprises provide all possible assistance and support to these associations and take into account the provisions and recommendations developed by them when developing and making decisions on labor protection issues.

When enterprises and citizens of the Republic of Uzbekistan perform work on the basis of international treaties and agreements, the labor protection requirements provided for in them are applied in accordance with this Law, the legislation of the Republic of Uzbekistan on labor, unless otherwise agreed. The specifics of regulating relations in matters of labor protection for foreign citizens working at enterprises of the Republic of Uzbekistan are established by agreements between the parties concerned.

The Cabinet of Ministers of the Republic of Uzbekistan, together with the Council of the Federation of Trade Unions of Uzbekistan, establish the levels of requirements necessary to ensure occupational safety at work, through the development and adoption of scientifically based standards, rules and regulations for labor protection, the environment, and also develop, in agreement with the trade unions, and finance republican target programs to improve working conditions, prevent industrial injuries, occupational diseases and monitor their implementation. Ministries and departments, in coordination with the relevant trade union bodies, develop and finance programs to improve working conditions. Employees of enterprises are obliged to comply with the requirements of the rules and regulations on labor protection established by the relevant legislative and regulatory acts of the republic, collective agreements.

Design, construction and reconstruction of industrial buildings and structures, development, production, repair of means of production, introduction

of technologies, including those acquired abroad, that do not meet the requirements of standards, ergonomics, rules and regulations for labor protection, are not allowed. Not a single new or reconstructed enterprise, means of production can be accepted and put into operation if they do not have a safety certificate issued in the manner established by the Cabinet of Ministers of the Republic of Uzbekistan.

Enterprises subject to registration in accordance with the established procedure are required to submit prior permission from the relevant supervisory and control bodies of the Republic of Uzbekistan for the right to carry out their activities. The procedure for obtaining this permission by an enterprise is determined by the Cabinet of Ministers of the Republic of Uzbekistan. The activities of enterprises or the operation of means of production that do not meet labor safety requirements and pose a threat to the health or life of employees are subject to suspension by the authorized bodies in the manner prescribed by the legislation of the Republic of Uzbekistan, until they are brought into compliance with labor safety requirements. It is prohibited to use hazardous substances in production for which maximum permissible standards (concentrations) have not been developed and which have not passed the examination in the prescribed manner. The state and enterprises in the Republic of Uzbekistan provide training in higher and secondary specialized educational institutions for specialists to work in the labor protection services of enterprises.

Higher and secondary specialized educational institutions must organize the compulsory study by students and students of the course on labor protection, taking into account the peculiarities of production in various sectors of the national economy. Ministries, departments, concerns, associations and other economic management bodies provide retraining of specialists to work in the labor protection system.

Funding for labor protection is carried out by the state, as well as through voluntary contributions from public associations and enterprises, regardless of the form of ownership. Budgetary allocations for labor protection (republican

and local), allocated in the respective budgets as a separate line, are used to maintain management, supervision and control bodies, to finance research projects, and to implement state target programs on labor protection. Each enterprise allocates the necessary funds for labor protection in the amount determined by the collective agreement. Employees of enterprises do not bear any additional costs for these purposes.

Enterprises have the right to create centralized funds for labor protection at the expense of profits (incomes) from their economic, commercial, foreign economic and other activities, as well as other sources.

Part of the profit of enterprises is subject to preferential taxation, formed through the publication of literature, posters, other means of promoting labor protection, as well as research and design organizations, obtained through the creation of new, production and sale of existing means of collective and individual protection of workers, devices control of the working environment.

Working conditions at the enterprise, at each workplace must comply with the requirements of standards, rules and regulations for labor protection.

Ensuring healthy and safe working conditions at the enterprise, organizing control over hazardous and harmful production factors and timely informing labor collectives about the results of control is entrusted to the administration.

At industries with harmful and hazardous working conditions, as well as at work performed in special temperature conditions or associated with pollution, workers are issued free of charge, according to the norms established by government bodies, special clothing, footwear and other personal protective equipment, detergents and disinfectants, milk and other equivalent food products, therapeutic and prophylactic nutrition.

Ministries, departments, concerns, associations and other economic bodies coordinate labor protection work in accordance with the regulations they approve in agreement with the Central (republican) committee of trade unions.

At enterprises with a staff of 50 or more people, services are created for labor protection from among persons with special training. Positions are

introduced to hire special staff for that. 50 or more vehicles can be allocated in addition, services are created and additional positions are introduced for road safety. At enterprises with a smaller number of employees and the number of vehicles, the fulfillment of the functions of the labor protection service is assigned to one of the managers.

Labor protection and road safety services work according to the provisions agreed with the trade union committee, and in terms of their status are equal to the main services of the enterprise and are subordinate to its head.

Specialists of labor protection services have the right to monitor the observance of labor protection rules and norms by all employees, issue directives to the heads of structural divisions to eliminate the identified violations, and also make representations to the heads of enterprises on bringing to responsibility those who violate labor protection legislation.

Specialists of labor protection and road safety services cannot be involved in the performance of work that is not related to their official duties.

Labor protection and road safety services are liquidated only in the event of the termination of the enterprise. Employees of enterprises are subject to compulsory insurance against accidents and occupational diseases in the manner and on the conditions established by the legislation of the Republic of Uzbekistan.

The terms of the employment contract (agreement) must comply with the requirements of legislative and other regulations on labor protection. The hiring of citizens for work that is contraindicated for them for health reasons is prohibited. When hiring an employee with a knowingly high level of potential risk of an occupational disease, the administration is obliged to warn him about it. The enterprise is obliged to organize preliminary, at the conclusion of an employment contract, and periodic during its validity, medical examinations of workers in a number of professions and industries in accordance with the

procedure established by health authorities. Employees have no right to evade medical examinations.

If workers evade from passing examinations or if they do not comply with the recommendations issued by medical commissions based on the results of the examinations, the administration has the right to prevent them from working.

An employee has the right to demand an extraordinary medical examination if he believes that the deterioration in his health is associated with working conditions.

The administration is obliged to introduce modern means of labor protection and ensure sanitary and hygienic working conditions, preventing industrial injuries and occupational morbidity.

If a situation arises that poses a threat to the health or life of an employee, he immediately notifies the administration about this, which is obliged, upon confirmation by the supervisory and control authorities, to suspend work and take measures to eliminate this threat.

Every worker is supposed to be responsible for their own health and complain when they encounter any kind of hazard. If the administration does not take the necessary measures, the employee has the right, without any disciplinary sanctions for him, to stop working until the threat is eliminated. In this case the employer is not entitled to take any kind of measures to punish the worker who has gone on strike.

The administration does not have the right to demand that the employee resume work if there is still an immediate serious danger to his life and health, confirmed by the labor protection inspectorate and is obliged to pay the employee all material costs for the entire period of termination of work.

In case of violation by the administration of the legislation on labor protection, confirmed by the supervision and control authorities, the employment contract can be terminated at any time at the request of the employee with the payment of severance pay.

Here we can say that the state laws can protect the rights of workforce at all costs. If an employee detects signs of an occupational disease, the administration, on the basis of a medical certificate, must transfer him to another job with the preservation of the average monthly salary for the period of retraining.

All employees of enterprises, including managers, are required to undergo training, instruction, knowledge testing and re-certification in the manner and terms established for their professions and types of work by state supervision and control bodies.

For all new entrants, as well as those who are transferred to another job, the administration is obliged to provide instruction on labor protection, organize training in safe work methods and provide assistance to victims of accidents. For workers entering work in high-risk production facilities or jobs where professional selection is required, preliminary training in labor protection is carried out with exams and subsequent periodic re-certification.

The admission to work of persons who have not undergone training, instruction and testing of knowledge on labor protection in the prescribed manner is prohibited. The administration is obliged to ensure continuous professional development of employees on labor protection issues.

Employees of the enterprise have the right to demand, and the administration is obliged to provide them with information about the state of working conditions and labor protection at workplaces, the relying on personal protective equipment, benefits and compensations. There are certain categories of workers: women, youth, those with limited working capacity.

State supervision and control over the widespread observance of legislative and other normative acts on labor protection is carried out by specially authorized state bodies acting in accordance with the provisions on these bodies approved by the Cabinet of Ministers of the Republic of Uzbekistan.

Public control over the observance of legislative and other normative acts on labor protection is carried out by labor collectives and trade union organizations in the person of their elected representatives for labor protection.

A labor protection commissioner who has undergone special training has the right to freely conduct inspections of the state of labor protection at workplaces, make proposals to eliminate the violations identified and to bring those responsible for them to justice. In order to fulfill his duties, the labor protection officer is given at least two hours weekly during working hours with payment in the amount of average earnings. Rights of trade unions to protect workers' rights to labor protection Trade unions protect the right of workers to health and safety in accordance with the law.

Trade unions participate in the development and approval of labor protection regulations in accordance with the established procedure. Trade unions participate in the work of state commissions for testing and commissioning of means of production, in the investigation of occupational diseases at work, in meetings of the medical and labor expert commission.

Trade unions, on their own initiative or at the request of employees, may apply to court with claims in defense of their right to compensation for damage caused by injury or other damage to health in connection with the performance of labor duties, and in other cases of infringement of the workers' right to health and safety. For failure to meet labor protection requirements, enterprises allocate funds for social insurance against industrial accidents and occupational diseases at increased rates, which are periodically reviewed depending on the state of working conditions, hazard, hazard and severity of work performed.

The basis for the revision of tariffs is the conclusion of the state examination of working conditions of the Ministry of Labor and Social Protection of the Population of the Republic of Uzbekistan. Enterprises that produce and supply industrial products that do not meet the requirements of labor protection shall reimburse consumers for the damage caused to them in the manner and on conditions determined by the legislation of the Republic of

Uzbekistan. The sale and advertising of means of production, means of individual and collective protection, including those purchased abroad, that do not meet the requirements of standards, rules and regulations for labor protection established in the Republic of Uzbekistan, are illegal. The profit received by the enterprise as a result of such activities is subject to withdrawal to the budget in accordance with the established procedure.

Officials guilty of violating legislative and other normative acts on labor protection, or hindering the activities of representatives of state and public supervision and control bodies, are brought to disciplinary, administrative or criminal liability in the manner prescribed by the legislation of the Republic of Uzbekistan. For violation of the requirements of regulatory enactments on labor protection, other employees of enterprises are held liable in the prescribed manner. An employee who has completely or partially lost his ability to work due to the fault of the administration as a result of an industrial accident or occupational disease, the company pays a lump sum and compensates for damage for damage to health in the manner and amount established by the legislation of the Republic of Uzbekistan.

The enterprise compensates the injured employee for the costs of treatment, prosthetics and other types of medical and social assistance, if he is recognized as needing them, and also provides professional retraining and employment of the victim in accordance with the medical report or reimburses the costs for these purposes. In the event of the death of an employee as a result of an accident at work, the enterprise shall compensate material damage to persons entitled to this, in the manner and amount established by the legislation of the Republic of Uzbekistan.

As we have seen in the example of our own country, labor laws have a uniform purpose: they protect employees' rights and set forth employers' obligations and responsibilities. They also have multiple functions. The primary functions of labor laws are to provide equal opportunity and pay, employees' physical and mental well-being and safety, and workplace diversity. Although

many employers would still embrace sound business principles without legal mandates, employers use the structure that labor laws provide to ensure that their operations are in compliance with federal laws.

- Providing Equal Opportunity
- Ensuring Pay Equity.
- Family-Friendly Workplace
- The Right to Concerted Activity
- Workplace Safety Provisions

Labor laws clarify and codify business owners' obligations to their employees. The labor movement has a long history of lobbying for laws that protect worker's rights, improve worker safety, prevent child labor and increase workers' bargaining power relative to their employers. Employers demand labor because workers are an important part of the production process. Workers use tools and equipment to turn inputs into output.

Without workers, employers couldn't produce goods and services and earn profits. Ultimately, labour laws benefit both the employee and the employer by creating a peaceful relationship between the two. ... By treating employees fairly, and protecting their rights, employers can create a positive and enthusiastic workplace, which ultimately works to create an environment that welcomes success

List of used literature

1. Regulations on the procedure for creating and organizing the activities of the labor protection service in organizations (Appendix N 5 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 31, 2018 N 1066)
2. Regulations on the procedure for organizing the activities of professional participants in the labor protection market and maintaining their

unified register (Appendix No. 1 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated April 27, 2017 No. 246)

3. Regulations on the procedure for retraining and advanced training in the field of labor protection (Appendix No. 3 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated April 27, 2017 No. 246)

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