

IMPROVEMENT OF FORMS AND MECHANISMS OF LEGAL PROTECTION OF WOMEN IN THE FIELD OF LABOR

*Axmedova Muqaddasxon Tursunovna –
Department of "Legal Sciences" of Tashkent International University
Professor, Doctor of Law, Professor*

In recent years, nearly 100 legal and normative acts have been adopted concerning the protection of the rights and interests of neighborhoods, families, women and girls, and youth; their social support; strengthening their position in society; ensuring their employment; preventing poverty; and increasing the active participation of women in the development of the state and society.

The international reputation of the Republic of Uzbekistan largely depends on its observance of human rights, particularly women's rights. The Republic of Uzbekistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 in New York. This Convention emphasizes that all necessary measures must be taken to ensure women have equal rights with men in the sphere of social and economic activity. The provisions on women's rights set out in the Convention and other international legal instruments are fully reflected in the Constitution of the Republic of Uzbekistan as well as in its labor legislation. It should be noted that today women make up 45.7% of the economically active population. In certain sectors, the proportion of women among employees is particularly high. For example, in healthcare and social services their share is 76.6%, and in education it is 75.6% — meaning that 7 out of every 10 employees are women. According to Article 42 of the Constitution of the Republic of Uzbekistan: It is prohibited to refuse employment to women, dismiss them, or reduce their wages on the grounds of pregnancy or having children.

According to the data of the Ministry of Employment and Poverty Reduction, in the first half of 2023, 3,330 appeals from women were received by labor authorities concerning employment and labor protection issues. As a result of investigations, explanations were provided for 2,023 applications, and the violated labor rights of 1,307 women were restored. During the reporting period, 274 violations based on gender were identified in hiring women, 319 in dismissals, 2,059 related to wage payment, and 432 cases involving discrimination against women. In particular, it was revealed in 39 cases that women had been subjected to various forms of forced labor. 24,700 women in need of social protection — including female graduates of educational institutions, women with young children, single mothers, and women

with children under 14 years of age or with disabled children — were provided with employment.¹

These statistical data and existing practices indicate that women – especially pregnant women and those engaged in child-rearing – continue to face discrimination in matters related to recruitment, transfer to other positions, remuneration, occupational safety and health, and the provision of social benefits.

Despite the above, there remains a clear need to further improve the forms and mechanisms of legal protection for women in the sphere of labor. In particular, experts from the International Labour Organization currently recommend the following measures to ensure genuine equality between men and women in employment: removing certain legislative restrictions on women's work; enabling women to engage in entrepreneurship, remote work, or other forms of employment without being separated from their families; eliminating abuses linked to gender-based discrimination in hiring; providing women with decent work; creating appropriate conditions for them to fulfill their social responsibilities; and preventing unlawful transfers to other jobs or dismissals. All of these objectives require further refinement of the relevant legislation. Women and persons performing family responsibilities belong to the category of employees who are entitled to additional social protection in the sphere of labor. Women's physiological characteristics, reproductive functions, and their social role in raising children serve as grounds for including them in this special category of workers. Similarly, persons who carry out family responsibilities also require additional social protection. As a result, special norms establishing guarantees and benefits in the labor sphere are applied to them.

Of course, although legal documents formally enshrine equal rights and freedoms for men and women, certain issues persist: the societal position of men is often regarded as superior, or, under the guise of equality, women are drawn into labor relations that do not correspond to their physiological characteristics. These realities compel us to actively promote women's rights, ensure the effective implementation of the norms that protect them, and raise the overall level of protection afforded to women.

Chapter 25, paragraph 1 of the Labor Code of the Republic of Uzbekistan establishes a series of prohibitions and restrictions, as well as additional guarantees and benefits, for women and persons with family responsibilities in the social and labor sphere. An analysis of this chapter allows the norms regulating the labor of women and persons performing family duties to be classified as follows:

1) norms applicable to women in general;

¹ <https://kun.uz/news/2023/07/26/1300dan-ortiq-ayollarning-buzilgan-mehnat-huquqlari-tiklandi-vazir-orinbosari>

- 2) norms applicable to pregnant women;
- 3) norms applicable to women raising children under two years of age;
- 4) norms applicable to women raising children under three years of age;
- 5) norms applicable to other persons engaged in child-rearing;
- 6) norms applicable to employees performing other family obligations.

Similar classifications can be observed in the labor legislation of other countries. For example, the legal scholar L.V. Zaytseva, based on Russian labor legislation, has classified the special norms regulating the labor of women and persons with family responsibilities in the following way:

- 1) all women, regardless of age or reproductive status, taking into account the physiological characteristics of the female organism;
- 2) pregnant women who require the provision of necessary working conditions and the exclusion of highly harmful production factors;
- 3) mothers, fathers, and other family members engaged in child-rearing;
- 4) other persons performing family obligations that require special legal regulation of their employment relations².

It should be emphasized that the specific features of labor regulation differ depending on the particular category of employees among women and persons performing family responsibilities. For this reason, it is appropriate to examine the regulatory characteristics of each category separately.

In brief, the first group subject to special legal regulation in labor matters consists of “women” in general. Women are protected on the basis of the physiological characteristics of the female organism, regardless of their age (whether they are of reproductive/fertile age or not). In particular, under the Labor Code of the Republic of Uzbekistan, provisions concerning the prohibition of discrimination in employment and occupation, the content and structure of collective agreements, the procedure for granting leave, as well as benefits and guarantees related to pregnancy and maternity leave, apply precisely to “women.” In other words, belonging to the female sex serves as the sole ground for entitlement to these preferential rights.

² Зайцева Л.В. Трудовой договор: особенности регулирования труда отдельных категорий работников. Учебное пособие. – Тюмень: ТГУ, 2008. –С.35.