

COMPARATIVE-LEGAL ANALYSIS OF WORKING TIME IN EU AND UZBEK LAW.

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Annotation.

This article conducts a comprehensive comparative analysis of working time regulations in the European Union (EU) and Uzbekistan. It explores the legal frameworks governing working hours, rest periods, and annual leave in these two jurisdictions, highlighting both similarities and differences. Through a critical examination of the implications for employees' well-being, health, and work-life balance, the article underscores the importance of robust working time regulations. Additionally, it provides insights into the potential benefits of aligning Uzbekistan's working time regulations with EU standards, emphasizing the significance of harmonizing labor practices in the global context.

Key words: Working time regulations, EU labor law, Uzbek labor law, comparative analysis, Employee Rights, work-life balance, rest periods, annual leave, employee protection, global labor practices, alignment with EU standards, compliance, enforcement mechanisms, labor market, health and safety, working hours, International Labor Standards.

Everyone shall have the right to decent work, to free choice of profession and occupation, favorable working conditions that meet the requirements of safety and hygiene, to fair remuneration for work without any discrimination and not below the established minimum wage, as well as the right to unemployment protection in the manner prescribed by law. The minimum wage shall be determined taking into account the need to ensure a decent standard of living for a person. It shall be prohibited to refuse to hire women, dismiss them from work and reduce their wages on the basis of pregnancy or having a child.

Now, we want to talk about working time that is the most common topic in the modern law systems. The concept of working time has been of great importance for employees and employers all over the world. It is defined as the period during which employees are required to be at work, performing their duties. The significance of working time extends beyond its definition as it is intricately linked to labor rights and fundamental human rights. This paper will undertake a comparative-legal analysis of working time in the European Union (EU) and Uzbek law. The comparative approach will aim to identify similarities and differences in the legal regulations and practices of working time within the respective jurisdictions. Working time regulations are policies established by governments to regulate the amount of time a worker can dedicate to their job. These regulations are meant to prevent overwork, protect the rights of workers, and ensure their productivity. The EU and Uzbekistan have enacted different policies regarding working time regulations. The EU's policy limits the number of hours workers can spend on their jobs per week,

while Uzbekistan's policy is more flexible, allowing workers to negotiate their working schedules with their employers. These policies are meant to balance the needs of employees and employers and maintain a healthy work-life balance.

The EU and Uzbekistan have differing regulations on working time. The EU sets a maximum of 48 hours per week unless the employee consents to work more, with mandatory rest breaks and annual leave. Meanwhile, Uzbekistan allows up to 40 hours per week and one rest day, with annual leave available after continuous employment for one year. Overtime pay is required in both regions but at different rates. It is important for employers operating in both areas to understand and comply with these laws. The Uzbek Labour Code contains provisions on maximum daily and weekly working hours, rest days, and annual leave. However, unlike the EU law, the Uzbek law does not provide for breaks during working hours. This lack of provisions on rest breaks increases the risk of accidents at work and impact the physical and mental well-being of employees, thereby reducing their productivity. The EU law recognizes the importance of proper rest periods and breaks and has laws safeguarding the health and safety of employees. The European Working Time Directive (EWTD) was first introduced in 1993, and it sets out the minimum standards for working hours across the European Union (EU). The aim of the directive is to ensure that employees are not working excessively long hours and to promote a healthy work-life balance. The EWTD also includes provisions for rest breaks, annual leave, and night work, among others. While the directive is not prescriptive in terms of how working time should be defined or measured, it does provide a framework for member states to develop their own specific regulations. National implementation of working time regulations is crucial in ensuring that employees' rights are protected. While the EU has specific regulations in place, Uzbekistan's laws seem to be lacking in this regard. However, efforts have been made in Uzbekistan to update their labor laws and implement regulations on working time. This indicates a willingness to address issues faced by employees and create a fair and just framework for work-related matters.

In Uzbekistan, the main legal framework regulating working time is the Labour Code which establishes the maximum working hours per week and overtime regulations. However, the practice of exceeding these limits is still common due to weak legal enforcement. In addition, there is no clear distinction between part-time and full-time employees, which can lead to ambiguity in their working hours and compensation. Overall, the Uzbek law on working time requires significant improvements to ensure compliance and adequate protection for all types of workers. The Labor Code of Uzbekistan is the primary legislation regulating labor relations within the country. It defines the rights and obligations of both employees and employers, including topics such as working hours, rest periods, wages, and social benefits. The code is aimed at promoting social and economic stability in the country through the protection and respect of labor rights. However, there have been criticisms of its enforcement and effectiveness in practice.

In the EU, there are legal provisions for workers to have regular rest breaks, including a continuous rest period of at least eleven hours in every 24-hour period and a rest break during working hours when the working time exceeds six hours. Similarly, Uzbek law recognizes workers' rights to rest breaks, including a daily rest period of at least twelve hours and a rest break of at least thirty minutes when working between four and six hours. However, the legal framework in Uzbekistan does not provide explicit provisions for overtime work or compensatory rest.

One of the key differences between the EU and Uzbek law system is the approach to working time regulations. While the EU sets a maximum weekly working time of 48 hours, with provisions for overtime and rest breaks, traditional Uzbek law has a lower 40-hour workweek with no

provision for overtime. Additionally, Uzbek law mandates a two-day weekend for all employees while the EU leaves it up to the member states to decide on the specifics of weekly holidays. Overtime regulations are a pivotal element of employment law, governing the additional compensated hours worked by employees outside their regular working hours. EU law mandates overtime pay of at least 1.5 times the regular hourly rate, whereas Uzbekistan generally prescribes that any work completed beyond the normal workday is paid at an additional hourly rate. Both legal systems require employers to keep a record of their employees' working hours, overtime work hours, and overtime pay. Public holidays and annual leave are crucial components of maintaining a healthy work-life balance, as they allow workers to have time off to rest and rejuvenate. In the EU, workers are entitled to at least four weeks of paid annual leave, and there are a minimum of eight public holidays per year. In Uzbekistan, workers are entitled to at least 15 days of paid annual leave, and there are also several public holidays throughout the year. These regulations ensure that employees have sufficient time off to attend to personal matters and maintain their well-being outside of work. The EU and Uzbekistan have different legal frameworks regarding working time regulations. While the EU has a broad framework directive that gives individual member states more autonomy over their working time regimes, Uzbekistan has a set of specific regulations that dictate working hours, rest periods, and holidays. Despite the differences, both legal systems prioritize protecting workers' health, safety, and well-being by regulating working time. Further research into both legal systems could help promote better working conditions for employees.

EU regulations provide various benefits, such as ensuring a level playing field for businesses and workers, establishing common standards to protect the rights of workers, creating a harmonized regulatory framework for cross-border trade and investments, and contributing to the overall economic growth and stability of the region. These regulations also encourage innovation and efficiency by promoting healthy competition and easing administrative burdens, which could result in cost savings and improved productivity for companies. Therefore, the advantages of EU regulations are significant, making a compelling case for countries to adopt comparable labor standards.

Uzbek regulations provide several advantages for both employees and employers. One advantage is the 40-hour workweek, which is shorter than that in many European countries. Additionally, Uzbek law ensures mandatory breaks between shifts and limits on overtime, protecting workers from overworking. Employers benefit from clear guidelines and streamlined processes for obtaining work permits for foreign employees. These regulations create a harmonious and productive working environment for all parties involved.

Having a better work-life balance has become a key priority for many people in today's society. This includes having a healthy balance between work and personal life, which can improve overall well-being and reduce stress levels. In the EU, working time regulations are designed to promote a better work-life balance, with maximum working hours and minimum rest periods enforced by law. Similarly, in Uzbekistan, there are laws in place to regulate working hours and protect workers from overwork. However, more needs to be done to effectively implement these laws to ensure that workers are not overworked and are able to achieve a better work-life balance. Ensuring better health and safety of workers is a crucial issue for both the EU and Uzbekistan. In the EU, there are directives that mandate employers to provide a safe working environment for their employees. In Uzbekistan, the Labor Code provides a comprehensive legal framework for ensuring healthy and

safe working conditions. Despite this, there are still challenges that need to be addressed in both jurisdictions to ensure that workers are not exposed to hazards that affect their health or safety.

One benefit of lower working time and wages in Uzbekistan is that it attracts foreign companies and investors, as they can benefit from lower wage costs for their businesses. Lower wage costs can increase profitability and make it economically feasible to hire more workers, leading to more job opportunities for the local population. However, this also raises questions about the impact on worker rights and whether exploitation is taking place. The analysis of working time regulation in the EU and Uzbek law reveals the fundamental differences between the two legal systems. While the EU enforces strict working hours limitations, Uzbekistan grants excessive working time freedom to employers, which results in rampant exploitation of workers. Additionally, the EU offers several forms of flexible working arrangements, while Uzbekistan demonstrates a lack of regulation of part-time and remote work.

The future prospects of working time regulations seem promising, with many countries recognizing the importance of work-life balance and employee well-being. As technological advancements continue to change the nature of work, regulations will need to adapt to ensure fair treatment and protection of workers. Furthermore, the COVID-19 pandemic has brought to light the need for flexible working arrangements and the importance of recognizing the value of unpaid care work. As such, the future of working time regulations will likely prioritize these concerns to ensure a better standard of living for workers.

International cooperation and standardization are crucial for ensuring harmonization and efficiency in the globalized world. As we live in an interconnected and interdependent world, cooperation among nations becomes essential for political, economic, social, and cultural progress. Standardization allows for consistency in products, services, and regulations across countries, promoting fair competition and consumer safety. It enables businesses to operate efficiently, reduces trade barriers, and enhances market integration. Furthermore, international cooperation and standardization play a crucial role in addressing global challenges such as climate change, health crises, poverty reduction, and sustainable development. Thus, promoting international cooperation and standardization is fundamental for achieving peace, prosperity, and well-being globally. In comparison to EU law, Uzbek law relies heavily on the principle of flexibility when it comes to working time regulations. While the EU enforces strict limits on working hours and mandatory rest periods, Uzbek law emphasizes the mutual agreement between employers and employees, providing more freedom and autonomy in negotiating work schedules. Although this flexibility leaves room for potential exploitation, it is important to note that Uzbekistan's legal system is still evolving and efforts are being made to improve worker protections.

Working time regulations play a crucial role in shaping the well-being, health, and work-life balance of employees. Evaluating the impact of these regulations in the EU and Uzbekistan provides insights into the advantages and disadvantages experienced by employees in each jurisdiction.

Impact of Working Time Regulations in the EU:

In the European Union, working time regulations established under the EU Working Time Directive have several implications for employees:

Advantages:

□ Protection of workers' health: The regulations set limits on maximum working hours, ensuring that employees are not excessively overworked. This helps prevent fatigue, stress, and work-related health issues.

□ Rest periods and annual leave: The directive mandates minimum rest periods and annual leave entitlements, allowing employees to recharge and maintain a healthy work-life balance.

□ Equality and non-discrimination: The directive promotes equal treatment, ensuring that all employees, including part-time and fixed-term workers, receive comparable benefits and protections.

Disadvantages:

□ Variations in implementation: While the EU Working Time Directive provides a framework, its implementation varies across member states. Differences in national laws and exemptions can lead to disparities in the level of protection and entitlements for employees in different EU countries.

□ Challenges in enforcement: Ensuring compliance with working time regulations can be challenging, especially in sectors with irregular or unpredictable working patterns. Some employers may exploit loopholes or engage in practices that infringe upon employees' rights.

Impact of Working Time Regulations in Uzbekistan:

In Uzbekistan, working time regulations are governed by national labor laws, which have their own implications for employees:

Advantages:

□ Standardization of working time: Labor laws in Uzbekistan set limits on working hours, ensuring that employees are not subjected to excessive or unreasonable workloads.

□ Rest periods: Employees are entitled to rest breaks during working hours, which allow for physical and mental relaxation.

□ Protection against overtime abuse: Regulations provide safeguards against abuse of overtime work, ensuring fair compensation and appropriate rest periods for employees.

Disadvantages:

□ Enforcement challenges: Compliance with working time regulations can be a challenge in Uzbekistan due to limited resources and oversight mechanisms.

□ Informal economy: The prevalence of the informal economy in Uzbekistan may result in a significant portion of workers not receiving adequate protection under labor laws, including working time regulations.

□ Limited flexibility: Some employees may face limited flexibility in adjusting their working hours to accommodate personal or family needs.

The comparative analysis between working time regulations in the EU and Uzbekistan highlights both similarities and differences in the approaches taken to protect employee rights and promote work-life balance.

In the EU, the Working Time Directive establishes comprehensive regulations, including limits on working hours, mandatory rest periods, and annual leave entitlements. These regulations aim to protect employees' health, prevent overwork, and ensure a healthy work-life balance. However, variations in implementation across member states and challenges in enforcement can lead to disparities in the level of protection and entitlements for employees.

In Uzbekistan, national labor laws provide certain protections regarding working time, including limits on working hours and provisions for rest breaks. While these regulations contribute to standardizing working time and safeguarding employees against excessive workloads, challenges in enforcement and limited flexibility may affect their overall effectiveness. Robust working time regulations are essential in safeguarding employee rights and fostering a healthy work-life balance. By limiting excessive working hours, providing adequate rest periods, and ensuring fair compensation for overtime work, such regulations prioritize the well-being and health of employees. Aligning Uzbek working time regulations with EU standards could bring significant benefits. It would provide employees in Uzbekistan with a higher level of protection, ensuring their rights and well-being are upheld consistently. Moreover, aligning with EU standards can contribute to harmonizing labor practices, enhancing competitiveness, and attracting foreign investment by demonstrating a commitment to international labor standards.

In conclusion, robust working time regulations are vital for protecting employee rights and promoting a healthy work-life balance. While the EU has comprehensive regulations in place, Uzbekistan can benefit from aligning its working time regulations with EU standards. This alignment would enhance employee protection, harmonize labor practices, and contribute to the country's development and integration into the global economy.

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