

THEORETICAL AND LEGAL ISSUES IN PROTECTING THE RIGHTS OF HEALTHCARE WORKERS

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ABSTRACT: In this article, theoretical and legal issues in the protection of the rights of health workers are widely covered. At the same time, the article also touched upon the issues of protection of the rights of medical workers in the Republic of Uzbekistan and other foreign countries, social support and analysis were carried out.

KEYWORDS: the rights of health workers, protection of the rights of medical workers, social support, investment for health workers.

INTRODUCTION

It is evident that at a time when the Coronavirus pandemic is rampant around the world, the need for medical personnel has increased more than ever. Accordingly, not only the need, but also the responsibility of the medical staff, the risk of harm to them, has increased. The World Health Organization has declared 2021 the "International Year of Health and Care Workers" [18] in recognition of and respect for the dedicated commitment of healthcare workers in the fight against the COVID-19 pandemic. This year, the World Health Organization (WHO) launched a separate campaign under the slogan "Protect. Invest. Together". The reason for this decision was the urgency of the issue for healthcare professionals to invest in overall health, jobs, economic opportunity and equity.

THE MAIN FINDINGS AND RESULTS

In the past 2020 and the current year, that has begun, healthcare workers have performed feats and shown courage anywhere in the world. Consequently, targeted measures have been launched to respond with dignity to their selfless services, to strengthen their sense

of satisfaction with their profession, and support them in any conditions and under all circumstances. In particular,

First of all, within the first 100 days of 2021, to supply medical workers with the vaccine against COVID-19, to ensure their good health;

Secondly, to honor the memory of all health workers who died during the pandemic, and to help their relatives;

Third, to mobilize WHO Member States, international financial institutions, and bilateral and charitable partners to commit to protection and investment for health workers, with the goal of freeing the world from COVID-19 and creating a temperate environment;

Fourth, to engage WHO Member States and all interested parties in a dialogue on the agreement on health and the protection of health workers' rights, decent work and practical conditions;

Fifthly, the implementation of measures by socially active segments of the world's population to widely promote the activities of health workers.

The campaign aims to further expose the relevance of investing in healthcare professionals to ensure overall dividends, jobs, economic opportunity, and health equity, which means ensuring adequate protection and working conditions. This requires additional investment in the training and employment of health workers, and it represents a general view of investing in the world's population as the basis for maintaining the health of each individual.

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While targeted reforms in the field of economic, social and legal protection of healthcare workers have been initiated at a special level in the world, special attention will be paid to what measures for the legal protection of medical workers are being implemented in the Republic of Uzbekistan, what changes are being made in the field of their social protection, economic security, and working conditions.

As in other countries, in the Republic of Uzbekistan, in the current difficult conditions of the pandemic, medical workers have become real health defenders, have made a huge

contribution to the recovery and return to their native families of thousands of our compatriots suffering from this dangerous disease. What rights are granted to medical workers in accordance with our legislation, how is their socio-political protection carried out?

Over the past four years, a number of reforms have been carried out in the health sector. It should be noted that about 200 [20] legal acts have been adopted, including the Concept of the development of the health system of the Republic of Uzbekistan. In particular, it should be noted that the protection of the rights of medical workers working in the field of healthcare is one of the areas that is given special attention. From this point of view, it is advisable to consider the issue of the rights of medical professionals on a number of grounds. They are as follows:

1. Constitutional framework;
2. Rights stipulated by the labor legislation;
3. Rights defined by separate regulations;
4. Rights established by international legal norms.

First of all, every medical worker, as a citizen of the Republic of Uzbekistan, enjoys all the rights and fulfills the obligations established by the Constitution of the Republic of Uzbekistan. In particular, as an example, we can cite such constitutional norms as the fact that according to Article 27 of our Constitution " Everyone shall be entitled to protection against encroachments on his honour, dignity, and interference in his private life, and shall be guaranteed inviolability of the home", or as stated in Article 35 " Everyone shall have the right, both individually and collectively, to submit applications and proposals, and to lodge complaints with competent state bodies, institutions and public representatives", and also in Article 37 it is defined " Every citizen shall be entitled to fair conditions of labour and protection against unemployment in accordance with the procedure prescribed by law "and as stated in article-39 " Everyone shall have the right to social security in old age, in the event of disability and loss of the bread-winner as well as in some other cases specified by law". [21] The effective activity of state administration bodies and special management bodies aimed at regulating the industry is of great importance in the implementation of such rights enshrined in the Constitution, their application in the activities of medical workers, and the creation of favorable conditions for them.

As noted above, the rights of medical workers are also regulated and guaranteed by labor legislation. In accordance with article-16 of the Labor Code of the Republic of Uzbekistan, medical workers have the following rights under labor legislation:

- ✓ for remuneration for work not lower than the amount established by law in the first category of the Unified Tariff Network for Remuneration of labor;

Categories of remuneration	Tariff coefficients
1	1,526 * Note. "To determine the size of the tariff rate (salary), the tariff coefficient is multiplied by the minimum wage established by law»;

- ✓ for rest provided by the establishment of a maximum working time (the normal working time should not exceed forty hours), a reduced working day for a number of professions and jobs, the provision of weekly days off, holidays, as well as annual paid leave (annual basic leave is provided for a period of not fifteen days);
- ✓ for working conditions that meet the requirements of safety and hygiene;
- ✓ for professional training, retraining and advanced training;
- ✓ for compensation for damage caused to their health or property in connection with their work (for example, payments made to medical workers during the COVID-19 pandemic);
- ✓ for the right to form trade unions and other organizations representing the interests of employees and labor collectives;
- ✓ for the right to social security by age, in the event of disability, loss of the breadwinner, and in other cases established by law;
- ✓ for protection, including judicial, labor rights and qualified legal assistance;
- ✓ defend their interests in collective labor disputes.

2020 is an unprecedented examination for the health care system of Uzbekistan, at the same time, a year of consistent development, acquisition of new experience, as well as large-scale reforms in the field of protecting the rights of doctors. That is, it is advisable to provide for measures to prevent doctors from contracting the virus during quarantine, and to exercise their labor rights by paying material allowances for infected doctors. The state budget allocated 14.8

trillion UZS for the development of the sphere, or 1.2 times more than in 2019, which is mainly mobilized for measures aimed at protecting the health of the population and ensuring the safety of health workers in the context of a pandemic.

Considering certain regulations that guarantee the rights of medical workers, it is advisable, first of all, to provide for the norms of legislation related to guaranteeing their rights in quarantine. In this regard, the decree of the President of the Republic of Uzbekistan "On additional measures to support employees of medical and sanitary-epidemiological services involved in the fight against the spread of coronavirus infection" was adopted [22], in accordance with which the rights associated with the payment of material guarantees to our doctors who risk their lives in quarantine and maintain the stability of public health are defined. It should be noted that according to this document, medical, sanitary-epidemiological and other employees who come into contact with patients with coronavirus infection, who carry out activities at facilities where infected patients are located, as well as in laboratories for the detection of coronavirus infection, for each 14-day period of activity, additional bonuses are provided in the following amounts:

- medical staff, laboratory doctors — 25 million UZS;
- average medical personnel, nurses-laboratory assistants — 15 million UZS;
- junior medical workers — 10 million UZS;
- other employees — 5 million UZS.

In addition, we can see that there are also separate amounts of one-time additional payments to medical workers, employees of the sanitary and epidemiological service and other employees in the event of harm to their health or deterioration of the condition of employees with irreparable consequences.

Two aspects are taken into account here:

1. employees infected with coronavirus infection in the framework of countering the spread of coronavirus infection – in the amount of 100 million UZS;
2. employees, in case of deterioration of their health or with irreparable consequences in the framework of countering the spread of coronavirus infection – in the amount of 250 million UZS.

At the same time, measures to protect the personal integrity and safety of medical workers are also being implemented on a large scale. Therefore, any encroachment on the free

activity of the doctor will negatively affect the quality and results of the medical procedure performed by him. Thus, in order to prevent such negative phenomena as encroachment on the life of a doctor, causing bodily harm, measures are taken to improve the "medical culture" of the population, providing for the implementation of an effective mechanism for protecting the rights of health care workers constantly and under any circumstances.

In accordance with the "declaration on the protection of health workers in a state of violence" of the World Health Organization, it is established that medical workers have the right to protection from injuries, protection from various attacks, threats from officials, employees of State or other bodies; to personal and property integrity.

CONCLUSION

As a conclusion, we can say that doctors, as a member of society and an ordinary citizen, have personal rights and freedoms enshrined in the Constitution and other legislative norms. At the same time, it is established that by virtue of their professional activity, they also have other rights guaranteed by special regulatory legal acts. As an example, we can cite material, social, and political rights.

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