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## LEGAL NORMS REGULATING LABOR LEAVE OF FOREIGN COUNTRIES, PROPOSALS FOR THEIR APPLICATION IN THE LEGISLATION OF UZBEKISTAN

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**ABSTRACT:** This article examines the experience and legislation of developed countries in regulating the rights and interests of employees when using annual paid vacation. The practice of applying annual paid vacation in our country and the problematic aspects of national legislation are analyzed, and proposals for their elimination are made.

**KEYWORDS:** Leave, vacation, annual leave, extended basic leave, additional leave, extended basic vacation, additional labor vacation, right to annual vacation, employment contract, right to annual leave, employment contract, work experience, international experience.

### INTRODUCTION

Social policy includes the views and aspirations of the state in the social sphere. The social sphere covers education, science, health, employment, social protection. Labor policy is also implemented directly in the social sphere, and the state recognizes it as an integral part of its policy in terms of social stability, social development.

The Development Strategy of New Uzbekistan for 2022-2026, based on the principle “From the Strategy of Action - Towards a Development Strategy”, consists of seven priorities, as noted above. One of these priorities is to pursue a fair social policy and develop human capital.

### Submission

The right to labor leave in the world as a natural and inalienable human right is reflected in many international standards. This right is enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter, as well as in a number of conventions of the International Labor Organization.

Most countries of the world today legally establish the duration of the annual paid leave. While in China, one of the major countries, annual paid leave must be at least 5 days, in India one such

leave is granted every 20 working days. The US, however, has not set a minimum period for paid annual leave, where leave is seen as a privilege rather than a right.

While the right to paid annual leave is fully recognized by all developed countries, it is worth noting that the legal basis for the exercise of this right in practice is different. Some countries do not have leave legislation at all (USA, UK) and this issue is regulated for most employees only through collective agreements, while other countries (Italy) have leave laws that apply to certain categories of employees, but holidays for part-time employees are set out in collective agreements, and finally in a number of countries (France, Germany) are regulated by special legislation for the main part of workers.

## **Manuscript requirements**

In France, according to the ordinance of January 16, 1982, an employee is entitled to 2.5 days of uninterrupted work for one month, but the total duration does not exceed 30 working days. The period of leave for absence from work for unjustified reasons shall be granted in proportion to such days. Thus, as a rule, 5 weeks of paid leave are granted when working continuously in a calendar year. Students under the age of 21 and students in industrial education are entitled to 30 days of paid leave, but are entitled to paid leave in proportion to the number of months actually worked. The duration of leave under a collective bargaining agreement may be extended depending on the length of service or the age of the employee.

The Law of the Federal Republic of Germany (GFR) of January 8, 1963 “On Holidays” enshrines the right of all workers and employees, as well as those in industrial training, to paid annual leave. According to the law, the minimum period of paid leave for full-time employees is 24 working days. An employment or collective agreement may specify another period of leave, but it shall not be less than 24 working days. The leave may be granted in full or in parts at the discretion of the employee. Transfer of leave to the next year is allowed only in exceptional cases and must be granted within the first three months of the year of transfer. Unused leave may be replaced by paid compensation upon termination of the employment contract. The period of illness confirmed by a medical certificate is not included in the period of leave. During the leave, the employee is not entitled to engage in other employment activities on a contract basis.

Payment for leave is paid at the average wage resulting from 13 weeks prior to the start of the leave. The reduction in salary during this period without the fault of the employee does not

affect the amount of vacation pay. According to the Law of the Federal Republic of Germany on the “Protection of Youth Labor” of 1976, annual paid leave is 30 working days for adolescents under 15 years of age, 27 working days for those under 16 years of age, and 25 working days for those under 18 years of age.

Labor leaves are regulated in the Republic of Turkey in accordance with the Labor Law №4857. According to him, conditions for weekly holidays, national holidays and public holidays will be created for workers. They will have the opportunity to rest and get paid these days. Weekly vacations are regulated by the 1924 Act on Weekly Vacations. According to him, one day a week is mandatory in workplaces in cities with a population of ten thousand and more.

Employees who have worked at the workplace for at least one year (including a probationary period) from the date of commencement of employment shall be granted annual paid leave. The right to annual paid leave cannot be waived.

Annual paid leave for employees, length of service:

- a) for employees from one to five years (including five years) from fourteen days;
- b) twenty days for employees over five years and less than fifteen years;
- c) not less than twenty-six days for employees of fifteen years or more.

However, the period of annual paid leave granted to workers aged 18 and under and workers aged 50 and over shall not be less than twenty days. Annual leave may also be extended by agreements and collective bargaining agreements (Article 53 of the Labor Code).

In some countries, the extension of leave is explained by various forms of its use. In Finland, for example, the fifth week of a labor holiday can only take place during the autumn-winter period (between September 30 and May 2). In Sweden, the fifth week of leave can be accrued for five years at the employee’s discretion, meaning that every sixth year the employee has the opportunity to take a 10-week leave (5 weeks of regular leave and 5 weeks of accumulated leave).

The guarantee of the right of any employee to leave by the state is an important part of the social policy of this state. Therefore, the establishment of a minimum period of leave by law is aimed at ensuring a decent and complete rest for employees. The Anglo-Saxon family of law does not have a single rule that is the same for all states regarding the duration of annual basic leave established by law.

The Regulation on “Working Hours”, adopted in the United Kingdom in 1998, strengthens the norm that the duration of leave is 3 weeks. However, Article 13 of this Regulation stipulates that from November 1999 the leave shall be extended to 4 weeks.

One of the main reasons for the extension of the annual main holiday in the UK, although it was gradual, was the adoption by the European Union in 1993 of the “Directive on Certain Aspects of the Organization of Working Hours”. Article 7 of the Directive stipulates that “Member States shall take all necessary measures to ensure that every employee has the right to at least four weeks of annual paid leave”. However, with the adoption of the Directive, the United Kingdom did not seek to incorporate its norms into its legislation, and the provisions of the Directive were initially reflected at the level of employment contracts and collective agreements.

In 1998, 4.3% of normal employees and 33.8% of part-time employees were not granted leave at all, despite the adoption of a special document defining the minimum period of annual basic leave, as well as its provision and conditions for employees. (4.8% and 37.7%) were entitled to leave of less than 1 week, while only 36% of enterprises provided full leave to their employees.

Since 2007, the UK has begun to take further steps to extend the annual basic holiday period. From October 1, 2007 the legislation provides for a 4.8-week leave of absence, from 2009 April 1, a 5.6-week leave. Thus, an employee who is engaged in a 5-day working week is entitled to a leave of absence of 28 working days ( $5.6 \times 5$ ).

The extension of the minimum annual leave period set for all employees in the UK has led to a similar increase in the minimum period of leave for certain categories of employees. However, to date, this has not been the case, although it has been agreed to revise the norms for extending the annual leave period for some areas of activity (civil aviation). The minimum period of leave (5 weeks) is also provided for agricultural workers, in which the average period of paid leave established by law is 20 working days.

### **Important Information**

Based on the experience of developed countries studied above, it is proposed to make a number of changes and additions to the existing regulations governing the leave of our country. Including,

The definition of annual labor leave in the National Labor Legislation does not fully disclose its content. In order to fill the gap in understanding the annual labor leave and fill it with new content, the author's definition was developed. According to this definition, "Annual leave is a

period during which an employee is released from work for rest and rehabilitation and is provided annually during the working year with the preservation of the place of work (position) and average earnings."

"The right to leave" and "the right to use the leave" are different concepts. In particular, the conclusion of an employment contract by an employee with an employer gives rise to his right to receive labor leave, and the duration of the employee's working period gives rise to his right to use labor leave.

The concept of extending the leave and transferring the leave for another period has been developed, and the need to expand the list of its grounds has also been indicated. In accordance with it, vacation extension is understood as a break in vacation during the working year in the event of grounds preventing its use during vacation, and extension of the vacation period for the period of these breaks in excess of the established period. Postponement of leave for another period means its transfer within the same working year in the event of factors preventing the use of leave before it begins. Also, as a basis for extending vacation and relocation, the time during which the employee must look after a sick family member in need of care should be added.

When providing employees with additional labor leave, it is necessary to introduce the rule "extension of labor leave for part-time work". At the same time, the extension of the period of labor leave is necessary based on the time worked by the employee for a particular employer. It is advisable to establish the provision of additional leave for employees for length of service as a kind of incentive for length of service with one employer.

## ACKNOWLEDGEMENT

It is also proposed to adopt the Law of the Republic of Uzbekistan "On Holidays" based on the experience. This law includes the most important provisions related to the provision of leave, unpaid leave, social leave, and allows to regulate this relationship within the law.

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