

The history of the activity of trade unions in the regions of the ferghana valley (the period of independence)

Abdulkhay AKHMEDOV¹

Andijan State Pedagogical Institute, the Republic of Uzbekistan

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ABSTRACT

This article has analyzed the processes of reforming the trade union system and the essence of effective solutions in the regions of Ferghana valley in the period of independence by the helping sources and literature.

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Farg'ona vodiysi viloyatlari kasaba uyushmalari faoliyati tarixi (mustaqillik davri)

ANNOTATSIYA

Kalit so'zlar:

Farg'ona vodiysi viloyatlari,
Kasaba uyushmalari,
Prinsip,
islohot,
Demokratiya va oshkoralik
tamoyillari,
hamkorlik,
ijtimoiy himoya.

Maqolada mustaqillik davrida Farg'ona vodiysi viloyatlarida kasaba uyushmalari tizimini isloh qilish jarayonlari va samarali yechimlarning mohiyati yordamchi manbalar va adabiyotlar orqali tahlil qilindi.

¹ Teacher, Andijan State Pedagogical Institute, the Republic of Uzbekistan.

История деятельности профсоюзов в регионах Ферганской долины (период независимости)

АННОТАЦИЯ

Ключевые слова:

регионы Ферганской долины, профсоюзы, принцип, реформа, принципы демократии и прозрачности, сотрудничество, социальная защита.

В статье на основе справочных источников и литературы проанализированы процессы реформирования профсоюзной системы и суть эффективных решений в регионах Ферганской долины в период независимости.

Trade unions are among the most important subjects of modern political life in the world. In labor relations, an employee and an employer can enter into direct and indirect relations. These relations are carried out by representatives and representative bodies of the employee or employer. This is explained in detail in Article 21 of the Labor Code of the Republic of Uzbekistan. The reforms being implemented in Uzbekistan will see significant changes in the content and nature of labor relations and trade unions, and this can be proven by the fact that, on the initiative of several deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, in cooperation with specialists from the Federation of Trade Unions of Uzbekistan, a draft law will be developed and published on July 9, 2019 in the newspapers "Ishonch" and "Ishonch-Doverie", and will be put up for public discussion in cooperation with the media.

Trade unions are active civil society institutions that carry out the labor activities of individuals. Trade unions are independent of state administrative bodies, economic institutions and political parties in their activities, and are not accountable to them and are not subject to their control, except in cases provided for by law. The law prohibits any interference that restricts the rights of trade unions or prevents them from exercising their rights. Trade unions have the right to cooperate with foreign trade unions, and to join international and other trade union and trade union-related organizations at their own discretion, based on the goals and objectives set out in their statutes and charters. As President Shavkat Mirziyoyev emphasized in his congratulatory message to trade unionists and activists of this sector of Uzbekistan on the occasion of Trade Union Day of Uzbekistan, "I would like all employers and leaders operating in our country to adhere to the following rule, recognized throughout the world: every enterprise or organization must have a trade union, and leaders must work closely with them. Only then will violations of labor legislation be prevented in our society, and social justice will be more firmly established in our lives."

The periods of formation and development of trade unions in Uzbekistan, which gained independence, are of particular importance. Trade unions, which were part of the state administration during the Soviet period, had to adapt to new conditions after independence. An examination of the historical reform process of these processes is important in understanding the current state of trade unions.

Following the establishment of independence in 1991, the Republic of Uzbekistan witnessed a period of significant social and economic transformation. In this context, trade unions were compelled to adapt to the new circumstances, marking the inception

of an autonomous operational model. The legal framework, enshrined in the 1992 "On Trade Unions" legislation, was instrumental in safeguarding the independence of these entities. The organisational structure of the Ministry of Organizations is a crucial aspect that merits attention. The establishment of the Ministry of Organizations was a pivotal development in the context of independent Uzbekistan, with the primary objective of providing coordination and support to trade unions. The fundamental essence of the comprehensive reforms currently being implemented in our Republic is distinctly oriented towards human interests, signifying a re-emergence of the aspiration for knowledge that has been shaped by the centuries-old dream of a peaceful, tranquil and prosperous life of our people. The pursuit of a fulfilling life, characterised by the desire for stable employment and the safeguarding of human dignity, underscores this aspiration. In this context, the role of trade unions has become increasingly pivotal. According to labor legislation, the formation of trade unions is recognised as a fundamental labour right of employees.

In 2022, the Chairman of the Republican Council of the Trade Union of Healthcare Workers of Uzbekistan F. Khanapiyaev held an open dialogue with activists of the primary organizations of the Ferghana region branch trade union.

The event commenced with an address by Shohidakhon Karimova, Chairman of the Ferghana Region Council of the Trade Union of Healthcare Workers of Uzbekistan, followed by a presentation by Farhodjon Khanapiyaev, Chairman of the Republican Council of the Trade Union of Healthcare Workers of Uzbekistan.

The speaker extended congratulations to those present on the occasion of November 11, which is celebrated as both Trade Union Day and the Day of Medical Workers. In addition, a group of employees who have dedicated many years to their work in the field, have been actively involved in protecting the labour rights and interests of employees, and have participated in the reforms being carried out in the healthcare system in our country, were awarded letters of gratitude from the Republican Council and souvenirs.

Addressing the significance of the President of the Republic of Uzbekistan, Shavkat Mirziyoyev's, stance on trade unions, F. Khanapiyaev underscored the imperative for trade union activists to adhere strictly to the tenets of the Law on Trade Unions, as a means of substantiating this trust and to serve as effective advocates for the socio-economic rights and interests of employees.

Every employee has the right to join trade unions and other organizations that represent the interests of employees and labor collectives. (Labor Code of the Republic of Uzbekistan) but another law, namely the Law "On Trade Unions, Their Rights and Guarantees of Their Activities", establishes several provisions on the basic labor rights of an employee to form trade unions. Relevance of the topic. The methods and forms of representation of trade unions on behalf of employees in enterprises, the protection of their rights and interests are determined by the above-mentioned law, the Labor Code and other legislative documents. The following tasks were identified for completion: Firstly, the essence of the processes of reforming the trade union system and effective solutions to the obstacles that hinder it are to be revealed. Secondly, the measures taken to form new mechanisms for preparing the legal framework for trade unions are to be analysed and studied step-by-step. Thirdly, the process of new views on the activities of trade unions based on the experience of developed countries is to be clarified and described. Object of the study. The objective of the study is to reveal the essence of the

processes of reforming the trade union system and effective solutions to the obstacles that hinder it. The subject of the study is historical experiences and reforms in the system, among other topics. The study employed a systematic approach, encompassing the principles of generalization and comparative analysis. The empirical foundation of the study was derived from the results of questionnaires and surveys. The article's scientific novelty lies in its comprehensive analysis of the reform process, offering a nuanced understanding of the challenges and potential solutions. The study identified several challenges during the process of reforming the trade union system in Uzbekistan during the period of independence, which led to the necessity for the development of reforms that would determine the main directions of radical improvement of this system. The study also explains the initiative of trade union workers in Uzbekistan and their contribution to the formation of innovative social protection. Main part. Trade unions, in conjunction with state organisations, are recognised as the most prominent public associations in the country, with their remit being the protection of the rights of the working population.

Today, trade union organizations are independent of state bodies and operate exclusively in the interests of employees and the community. As stated in Article 3 of the Law of the Republic of Uzbekistan “On Trade Unions, Their Rights and Guarantees of Their Activities”, “A trade union is a voluntary public association of citizens, established in accordance with their activity or type of study, related to their general professional interests, established to represent and protect their labor and other socio-economic rights and interests, and operating on the basis of its own charter” [1]. The methods and forms of representation of trade unions on behalf of employees at enterprises, protection of their rights and interests are established by the aforementioned law, the Labor Code and other legislative acts. Those admitted to a trade union are issued a membership certificate of the established form confirming membership in the trade union. Membership in a trade union begins on the date of adoption of the decision on admission to the trade union.

Public control has been a key factor in establishing social justice in society, serving the balance, equality, mutual responsibility and accountability in the relations between the individual, society and the state. This institution ensures that human rights and freedoms are not only guaranteed by the state, but also have a priority role in the activities of state bodies, and in this, the presence of public control is a representative of political power elected by the people. If we dwell more specifically on trade unions, they are mass public organizations that unite workers in the production and non-production sectors, regardless of gender, religious beliefs, race and nationality, in order to protect the socio-economic rights and interests of their members. They emerged as mutual aid societies in Western European countries and the USA at the end of the 18th century. In developed countries, they began to operate legally in the 19th century. Trade unions were called upon to protect the interests of employees in working conditions, wages, living conditions, culture and similar areas. Everyone who has reached the age of 14 and is engaged in labor (professional) activity has the right to establish, join, engage in trade union activities and leave a trade union of his own free will in order to protect his interests. The largest international trade union centers are: the World Federation of Trade Unions (founded in Paris in 1945, unites national trade union centers of more than 80 countries, the total number of trade union members in the 90s of the 20th century was

more than 213 million), the International Confederation of Free Trade Unions and the World Confederation of Labor (founded in 1920 with the assistance of the Vatican under the name of the International Confederation of Christian Trade Unions, has more than 14 million members, headquartered in Brussels) [2]. As is known, the activities of trade unions play an important role in the termination of employment contracts of employees. For example, according to Article 101 of the current Labor Code, if a collective agreement or collective agreement provides for the prior consent of the trade union committee or other representative body of employees to terminate an employment contract at the initiative of the employer, the contract shall not be terminated without such consent. An employment contract shall not be terminated: in connection with the liquidation of the enterprise; on one of the grounds provided for in Part 2 of Article 100 of this Code; on the initiative of the employer in accordance with Clause 6 of Part 2 of Article 100 of this Code, in the event of termination of the employment contract: The trade union committee or other representative body of employees shall notify the employer in writing of its decision to grant consent to terminate the employment contract with the employee, such notification shall be made within ten days from the date of receipt of the written application of the official authorized to terminate the employment contract.

The employer shall have the right to terminate the employment contract no later than one month from the date of adoption of the decision of the trade union committee or other representative body of employees to grant consent to terminate the employment contract with the employee. Termination of the employment contract by the employer for violation of labor discipline (clauses 3 and 4 of the second part of Article 100) is not allowed after the expiration of the periods established for the application of disciplinary sanctions (Article 182). As stipulated in Part 2 of Article 11 of the Law of the Republic of Uzbekistan “On Trade Unions, Their Rights and Guarantees of Their Activities”, trade unions have the right to apply to court with a claim, protecting the labor rights of workers. For this purpose, trade unions may have legal aid services and other necessary agencies. Significant work has also been carried out to democratize and liberalize the activities of civil society institutions, ensuring their broad participation in the process of deepening socio-political and socio-economic reforms. In particular, special attention was paid to creating a legal framework for the activities of these institutions. In particular, Chapter XIII of the Constitution of the Republic of Uzbekistan is called “Civil Society Institutions” and is devoted to the constitutional foundations of the activities of public associations, which enshrines such principles as the types of these organizations, the procedure for their activities, and their independence from state authorities and officials [3].

Article 70 of the Constitution of the Republic of Uzbekistan states that “Trade unions, political parties, societies of scientists, women's, veterans' and youth organizations, creative associations, mass movements and other associations of citizens registered in the Republic of Uzbekistan in accordance with the procedure established by law shall be recognized as public associations”. Other articles of our Constitution also enshrine constitutional principles and rules related to the activities of civil society institutions. In particular, Article 39 of our Basic Law, while recognizing that citizens of the Republic of Uzbekistan have the right to organize trade unions, political parties and other public associations, to participate in mass movements, stipulates that no one may infringe on the rights, freedoms and dignity of opposition figures who constitute a

minority in political parties, public associations, mass movements, as well as in representative bodies of power [4]. Article 12 of our Basic Law expresses the constitutional principle that social life in the Republic of Uzbekistan develops on the basis of a diversity of political institutions, ideologies and opinions, and that no ideology can be established as a state ideology [5]. In the context of economic reforms and market relations, the need for organizational strengthening of trade unions, unification of forces and funds has increased. Now the Federation of Trade Unions of Uzbekistan is building its activities on the basis of social partnership and has begun to conclude bilateral territorial and sectoral agreements with the government, ministries, departments, regional khokimiyats. Employment of the able-bodied population, prevention of unemployment, provision of social services to workers, and health care of workers and their family members have become the most important areas of activity of Trade Unions.

Nowadays, as participants in labor relations, we can also include representative bodies of employees and employers: trade unions and their elected bodies at enterprises. Although the necessary legal framework has been established for the proper establishment of social partnership in our country, the deepening of market relations, the expansion of the scope of work on the creation of civil society in our country, and the consistent policy pursued to liberalize society require expanding the scope of work in this area. In this regard, norms that give a legal definition to the concept of social partnership between employees and employers and stipulate its purpose – essence, principles and forms of implementation should be included in the Labor Code. In accordance with Article 21 of the Labor Code, the protection of the interests of employees in labor relations can be carried out by trade unions at the enterprise, their elected bodies (trade union committees), labor dispute commissions, and district and city courts [6]. The activities of organizations representing the interests of employees at the enterprise can be terminated only by decision of the employees who elected them, as well as by the court in case of actions that contradict current laws. In the context of the development of market relations, each of the parties to the employment contract is interested in improving the activities of the enterprise, since this will also increase the well-being of each employee. At the same time, disagreements and disputes may arise in the process of labor activity due to the application of certain norms of labor law. In this regard, trade union committees have a great responsibility to prevent and eliminate problems.

The process of formation and development of trade union organisations in independent Uzbekistan included significant stages. These stages have persisted since the state's attainment of independence to the present day. In the early years, trade unions adapted to new conditions, created legal frameworks, and reorganised their activities. In subsequent periods, there was an enhancement of international cooperation and social partnership, and a proliferation of trade unions into new sectors and regions. In the contemporary context, trade unions continue to operate within a range of domains, including the implementation of innovative approaches and technologies, the enhancement of personnel skills, the provision of social protection, and the dissemination of legal counsel. They function as a pivotal intermediary between employees and employers, playing a pivotal role in stabilising labor relations, protecting employee rights, and enhancing labor efficiency. It is evident that trade unions are of great importance in ensuring social justice between the state, employers, and employees and protecting the interests of employees, making a significant contribution to the socio-economic development of independent Uzbekistan.

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