

LABOR CODE OF THE REPUBLIC OF TAJIKISTAN

By the decision of the Majlisi
Namoyandom of the Majlisi Oliy of the
Republic of Tajikistan dated June 17, 2016 No. 478
was accepted.

By the decision of the National
Assembly of the Supreme Assembly of the
Republic of Tajikistan dated July 15, 2016 No. 255
was supported.

(Law of the Republic of Tajikistan dated 19.07.2022 No. 1897)

This Code regulates labor relations and other relations directly related to them, is aimed at protecting the rights and freedoms of the parties to labor relations, establishing minimum guarantees of rights and freedoms in the field of labor.

SECTION I. GENERAL PROVISIONS **CHAPTER 1. BASIC PROVISIONS**

Article 1. Basic concepts

The following basic concepts are used in this Code:

- retraining - a form of professional education of the employee, which provides an opportunity to master another profession or specialty;
- employee attestation - the procedure for determining the employee's suitability for the position (job) he/she holds (work performed) by evaluating the performance of duties, the level of knowledge, skills and professional training;
- attestation of the workplace on working conditions - a system of accounting, analysis and comprehensive assessment of the factors of the production environment, the process of heavy and intensive work related to a certain workplace, which affect the working ability and health of the employee during the work;
- collective labor dispute - lack of agreement between employers (unions of employers) and the collective of employees (representatives of employees) on the issues of establishing and changing working conditions in the organization, concluding and implementing collective agreements and contracts, as well as the implementation of the provisions of this Code, other normative acts legislation of the Republic of Tajikistan, agreements and collective agreements;
- personal labor dispute - lack of agreement between the employer and the employee on the issues of implementation of this Code and other normative legal acts of the Republic of Tajikistan, working conditions stipulated in the labor contract, agreement and collective agreements;
- unemployment - socio-economic phenomenon that is caused by the lack of demand a certain part of the workforce depends on the labor market;
- occupational disease - a disease that the employee has due to the influence of factors suffered dangerous or harmful production;

- labor safety - a set of measures aimed at ensuring the protection of employees in the process of labor activity and excluding the influence of dangerous and harmful production factors;

- labor market - scope of formation of demand and supply for labor force;

- booking - reservation of vacant jobs for certain groups of people;

- position (position) - official position of the employee, which includes the scope of obligations, his duties and responsibilities are related to him;

- violation of labor discipline - non-compliance by the employee with the requirements of this Code, other normative legal acts of the Republic of Tajikistan on labor and the rules of the organization's internal procedures;

- rest time - the time during which the employee, in accordance with this Code and other normative legal acts of the Republic of Tajikistan, is free from the performance of labor obligations and uses it as he wishes to satisfy his personal interests and restore his working capacity;

- working time - the time during which the employee must fulfill his work obligations according to the rules of the internal procedure, the work schedule or the terms of the labor contract;

- time - labor activity outside the place of permanent residence, during which the daily return of employees to the place of permanent residence is not ensured;

- means of individual and collective protection of employees, means used to prevent and reduce the impact of dangerous and harmful production factors on employees;

- units - workshop, section, brigade, department, office and other units organizational structure;

- gross violation of labor discipline - coming to the workplace in a drunken state due to the consumption of alcohol, narcotic drugs, psychotropic substances or other intoxicating substances, being absent from the workplace for more than 3 hours during the working day without a valid reason, intentional violation or theft of the employer's property, violation by the employee of the rules of safety equipment, fire safety, which caused serious consequences, including death or human injury, accident or fire (Law of the Republic of Tajikistan dated 19.07.2022 No. 1897) ;

- qualification level - the level of general and special training of the employee, which is confirmed on the basis of the type of documents established in accordance with this Code and other normative legal acts of the Republic of Tajikistan (certificate, diploma, certificate and other relevant documents);

- working in two (several) places - according to the labor contract, the employee performs another job alongside the main job or outside of it, or holds another permanent paid position;

- overtime - work performed by an employee on the order of the employer beyond the duration of the daily working time set for the employee or beyond the normal number of working hours of the accounting period;

- labor discipline - compliance with the requirements of this Code and other normative legal acts of the Republic of Tajikistan on labor and internal rules of the organization;

- trade union - a voluntary public organization that unites citizens based on common interests in the fields of production and non-production activities to protect their labor, socio-economic and other rights and interests;

- employers' union - a non-profit organization voluntarily established by employers to represent and protect the interests of their members within the scope of social partnership;

- specialty - a set of knowledge, professionalism and skills acquired through special training and work experience, which is necessary for the performance of a certain type of labor activity within the scope of this profession and is confirmed by relevant documents on education;

- profession - a type of labor activity that requires knowledge and skills requires training and experience;

- guaranteeing the rights of employees to labor protection - conditions and means that provide the employee with the full opportunity to use the rights established by the Constitution of the Republic of Tajikistan, this Code and other normative legal acts of the Republic of Tajikistan on labor protection (Law of the Republic of Tajikistan dated 19.07.2022 No. 1897);

- quota - the share (part) of jobs that the organization, regardless of its organizational and legal form, provides for the employment of a person who needs social protection, offers;

- suitable work - work that can be performed by a person, suitable for gender, education, specialty, professional training, work experience and work experience, conditions of the last workplace (except for public paid work), health condition, and from the place of residence the person is located not far away (no more than an hour's drive) and the salary for him is guaranteed at a level not lower than the officially established minimum wage;

- distance (remote) work - a special form of implementation of the labor process outside the location of the employer with the use of information and communication technology in the work process;

- employee (hired employee) - a person who is based with the employer the concluded labor contract is in labor relations;

- seasonal employee - an employee who depends on natural and climatic conditions cannot perform the work during the entire period of the calendar year and performs it during a certain period of the season;

- domestic worker - a person who performs work (service) in the employer's farm - a natural person performs;

- home worker - a person who performs work in his own home or in a place suitable for the performance of work by personal labor;

- employer - a legal entity, its branch and representative offices, regardless of the organizational and legal form, and a natural person who, according to this Code and other normative legal acts of the Republic of Tajikistan, have the right to conclude and terminate an employment contract with an employee;

- labor protection rules - a regulatory legal document containing requirements for labor protection, the implementation of which is required for individuals and legal entities when engaged in a certain type of activity, including during the design, construction and operation of facilities, the invention of machines, mechanisms and other equipment, the development technological processes, organization of production and labor are mandatory;

- authorized state bodies in the field of labor and employment - the state body for managing and regulating the employment of the able-bodied population, which implements the policy of promoting public employment and providing citizens with state guarantees in the field of labor and public employment;

- labor - human activity aimed at creating material, spiritual and other benefits, necessary for life and meeting the needs of man and society;

- standards of labor - standards of processing, time, services, number, standardized assignments for employees according to the level of technical achievements, technology, organization of production and labor and for separate groups of employees, taking into account physiological, sex and age factors;

- wages - a set of wages calculated in monetary units, which the employer is obliged to pay to the hired employee for the work actually performed, as well as for the period that is included in the working time;

- collective negotiations - the process of collective negotiations regulated by this Code and other legislative acts of the Republic of Tajikistan, which regulate the relationship between employees (representatives of employees) and employers (representatives of employers) in order to ensure the possibility of free participation in solving issues of regulating labor relations and social partnership, their discussion, preparation and harmonization of draft agreements and collective agreements, ensures their signing;

- labor relations - relations between the employee and the employer, which arise for the implementation of the rights and obligations provided for by this Code, other normative legal acts of the Republic of Tajikistan, labor contracts, agreements and collective agreements;

- regular violation of labor discipline - repeated violation of labor obligations by the employee during the period of disciplinary punishment applied to him;

- specialist - a person with a professional education who has acquired knowledge, skills and professional skills in the theory and practice of his specialty, which allows him to perform professional activities in a certain field;

- young specialist - a person who was hired to the organization after graduating from the full-time department of the educational institution of vocational education with the referral of this institution;

- employee representatives in organizations (hereinafter employee representatives) - persons elected by the employee collective in accordance with the procedure established by this Code and other regulatory legal acts of the Republic of Tajikistan to protect their interests;

- the authorized representative of the employer - the head (deputies) of the organization (component unit) or another employee to whom this Code and other normative legal acts of the Republic of Tajikistan or the employer have given him the right to make decisions arising from labor relations and other relations related to them ;

- trade union representative - the head of the trade union or another person who is authorized for representation in accordance with the charter (regulations) or by the decision of the relevant body of the trade union;

- harmful production factor - production factor, the effect of which can cause illness of the employee;

- a dangerous production factor - a production factor whose impact on the employee may be injured;

- production factors of labor activity - technical, sanitary, hygienic, industrial and domestic conditions and other conditions determined by this Code and other regulatory legal acts of the Republic of Tajikistan;

- social factors of labor activity - amount of wages, length of working time, leave and other conditions determined by this Code and other normative legal acts of the Republic of Tajikistan, as well as the agreement of the parties;

- leave - the time during which the employee is free from performing labor duties in accordance with the procedure established by this Code and other regulatory legal acts of the Republic of Tajikistan, with the condition of keeping the place and position, and using it at his own request for recreation, restoration of labor capacity and satisfaction uses other requirements;

- internal (local) normative documents - normative documents adopted by the relevant management bodies of the organization with the consent of the representative bodies of employees, which regulate labor relations and other relations related to them and operate within the organization;

- business trip - according to the order of the employer for a certain period sending an employee to another place to perform official duties;

- agreement - a legal document that regulates social and labor relations between employees and employers and is concluded at the republican, regional, city, district and branch level;

- working year - a period of time equal to the duration of a calendar year, calculated separately for each employee from the day of employment;

- professional training - a form of professional training for additional development a person and acquiring new skills is necessary to perform a certain job;

- professional development - a form of professional education that provides an opportunity to support, expand and strengthen the knowledge, skills and professional skills previously acquired by the employee;

- parties to the labor contract - employer and employee;

- practical training - the type of practical use of theoretical knowledge and the acquisition of professional skills and abilities by getting to know and participating in the activities of the organization;

- production activity - a set of actions of the employee using labor tools necessary to transform resources into finished products, consisting of production and processing of various types of raw materials, construction, performance of work and various types of services;

- civil service - the professional activity of a civil servant on the performance of official powers, which is aimed at performing the duties of state bodies and providing technical services and ensuring the activities of state bodies;

- civil servant - the technical and service staff of state bodies, who, in accordance with the procedure established by this Code and other normative legal acts of the Republic of Tajikistan, hold a single salaried position in state bodies for the exercise of official powers in order to fulfill their obligations, provide technical services and ensure the activities of state bodies occupy;

- minimum wage - the mandatory minimum amount of money that the employer pays to the employee within a month for work in normal conditions, in compliance with the length of working time specified by this Code and for the performance of certain obligations;

- labor protection - the system of legal, socio-economic, organizational and technical, sanitary and hygienic, therapeutic and preventive and rehabilitation measures, provided in accordance with this Code and other normative legal acts of the Republic of Tajikistan, ensures safety, health protection and working ability of a person in the labor process;

- workplace - a permanent or temporary place established by the employer, where the employee performs his labor duties in the process of labor activity;

- social partnership - cooperation of participants in social and labor relations aimed at ensuring compatibility of interests of employees, employers and executive bodies of state power;

- safe working conditions - working conditions in which the influence of dangerous and harmful production factors on employees is excluded or the degree of their influence does not exceed the established standards; - labor conditions - terms of payment of wages, standard of labor, schedule of working hours and time of rest, order of occupation (position), extension of service boundaries, performance of duties of temporarily absent employee, labor safety and protection, technical conditions, production-social factors and others terms agreed upon by the parties;

- collective agreement - a legal document that regulates social labor relations in an organization or with an individual entrepreneur and is concluded by representatives of the employer and employees (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*);

- employment contract (contract) (hereinafter - employment contract) - an agreement between an employer and an employee, according to which the employee is obliged to perform work according to one profession, several specific professions, specialty or position (position) with appropriate degrees, in compliance with the rules of internal labor procedures,

the employer is obliged to pay the employee a full and timely salary for this work and to ensure the working conditions defined by this Code, other normative legal acts of the Republic of Tajikistan and agreements of the parties;

- education contract - a written agreement between the employer and the employee on the terms of education, training, professional training, retraining and professional development;

- special conditions of work - system and amount of salary payment, benefits, work system, establishment or elimination of part-time working hours, combination of specialties, change of degree and list of duties;

- persons with family obligations - pregnant women and other employees who have a child up to fourteen years of age, a disabled child and other persons as defined by the legislation of the Republic of Tajikistan in their upbringing and care;

- employment - any activity of able-bodied citizens, which does not contradict the normative legal acts of the Republic of Tajikistan, is related to the satisfaction of their personal and social needs and brings them income (salary). **Article 2. Legislation of the Republic of Tajikistan on labor**

Legislation of the Republic of Tajikistan on labor is based on the Constitution of the Republic of Tajikistan and consists of this Code and other normative legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

Article 3. Duties of the legislation of the Republic of Tajikistan on labor

The tasks of the legislation of the Republic of Tajikistan on labor are to create the necessary legal conditions aimed at achieving equality of interests of the parties of labor relations, economic development, efficiency of production and improvement of people's well-being.

Article 4. Principles of legislation of the Republic of Tajikistan on labor

The principles of the legislation of the Republic of Tajikistan on labor are as follows: - freedom of labor;

- prohibition of restriction of human and citizen's rights in labor relations;

- prohibition of discrimination, forced labor and use of women's labor and minors in heavy, underground work and harmful working conditions;

- ensuring the right to working conditions that meet the requirements of safety and hygiene regulations;

- the priority of life and health of the employee compared to the result of production activity;

- ensuring the right to an adequate salary for work, not less than the amount minimum wage; - ensuring the

- right to rest; - equality of rights and opportunities of employees;

- ensuring the right of employees and employers to unite to protect their rights and interests;
- guarantee of social security of employees;
- social partnership;
- state regulation of safety and labor protection;
- ensuring the rights of employee representatives for public control of compliance with the legislation of the Republic of Tajikistan on labor.

Article 5. Freedom of labor

Everyone has the right to work freely without any discrimination or coercion to choose or freely consent to work, to dispose of his skills to work, to choose a profession and direction of activity.

Article 6. Prohibition of limiting the right to work

No one's right to work can be restricted, except for the cases and procedures established by this Code and other legislative acts of the Republic of Tajikistan.

Article 7. Prohibition of discrimination in labor relations

1. All citizens have equal right to work, discrimination in labor relations is prohibited. Any discrimination, exclusion, preference or refusal of employment regardless of nationality, race, sex, language, religious belief, political opinion, social status, education or property, which impairs equality of opportunity in employment is prohibited.

2. Discrimination in labor due to the special requirements of a certain type of work or due to the special care of the state towards persons who need special social protection (by gender, age, physical disabilities, family obligations, social and cultural level), discrimination is not

3. Persons who consider themselves to be discriminated against in labor relations, can apply to the court.

Article 8. Prohibition of forced labor

1. Forced labor is prohibited, except in cases where the legislation The Republic of Tajikistan has determined.

2. Forced labor is not considered:

- work required in accordance with the legislation of the Republic of Tajikistan on military service;

- work in emergency situations, when there is danger life, personal safety or public health is required;

- the work required as a result of the indictment of the court becoming legally valid and performed under the supervision of the authorized state bodies responsible for the control of legality during the execution of the court's sentence.

3. In the cases provided for by part 2 of this article, the employee shall It cannot be left to the discretion of an individual or non-governmental organizations.

Article 9. Scope of this Code

1. This Code regulates the following relations:

- labor;

- directly related to labor relations;

- social partnership;
- on safety and labor protection.

2. The application of this Code, unless otherwise established by the legislation of the Republic of Tajikistan and international legal instruments recognized by Tajikistan, applies to the following persons:

- to employees, including employees of organizations located in the territory of the Republic of Tajikistan, whose property owners, participants or shareholders are foreign individuals and legal entities (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*);
- to employers, including organizations located in the territory of the Republic of Tajikistan, whose property owners, participants or shareholders are foreign individuals and legal entities (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

3. Limitation by legal regulations of the Republic of Tajikistan rights, freedoms and guarantees established by this Code are prohibited.

Article 10. Acts of the employer

1. In order to regulate labor relations, the employer adopts documents within the scope of his authority in accordance with this Code and other normative legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements.

2. Acts of the employer, which worsen the legal status of employees in comparison with this Code and other normative legal acts of the Republic of Tajikistan, labor contracts, agreements and collective agreements, are invalid and not applicable.

Article 11. Labor contract, agreement and collective agreements of the parties of social partnership

1. Labor relations and related relations are regulated by this Code and other normative legal acts of the Republic of Tajikistan, as well as by labor contracts, agreements and collective agreements.

2. The provisions of the social partnership agreement, labor contract and collective agreements, which worsen the legal status of employees in comparison with this Code and other normative legal acts of the Republic of Tajikistan, are invalid and not applicable.

Article 12. Proportion of legal and contractual regulation of labor relations

1. The minimum level of labor rights and guarantees for employees are established by this Code and other normative legal acts of the Republic of Tajikistan.

2. General, sectoral (tariff), regional (provincial, city, district) agreements, labor contracts and collective agreements may establish labor rights and guarantees that are not provided for in this Code and other regulatory legal acts of the Republic of Tajikistan.

3. The terms of the labor contract, agreement and collective agreements cannot be changed unilaterally, except in cases

stipulated by this Code and other normative legal acts of the Republic of Tajikistan.

4. Issues that are not regulated by this Code and other normative legal acts of the Republic of Tajikistan shall be discussed and resolved by agreement of the parties, collective agreements or through a labor contract. In case of failure to reach an agreement between the parties, issues shall be resolved in accordance with the procedure for resolving individual or collective labor disputes.

are established, considered and resolved (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

Article 13. The procedure for coordinating the draft documents of the employer with employee representatives

1. In the cases established by this Code and other normative legal acts of the Republic of Tajikistan, agreements and collective agreements, the employer adopts a document with the prior agreement or consultation of the representatives of the employees.

2. Before accepting the act, the employer shall submit its draft and justification to employee representatives.

3. The draft of the employer's document will be discussed by the employees' representatives no more than 3 working days from the moment of its submission.

4. The decision of the representatives of the employees is formalized with a protocol, in which the consent or disagreement of the representatives of the employees to the draft act of the employer is recorded.

5. In case of dissatisfaction of the employees' representatives with the draft of the employer's document or there are proposals for improvement of the project, the employer has the right has:

- upon approval, accept the document on changes or additions with prior consultation of the employees' representatives;
- additional consultation with employee representatives in case of dissatisfaction spend

6. In case of failure to reach an agreement on the draft document of the employer, which according to this Code and other normative legal documents of the Republic of Tajikistan, the consent of the representatives of the employees is necessary for its adoption, the resulting disagreements are formalized with a protocol, after which the employer has the right to accept the document. to show

7. When the employer accepts the document without taking full or partial consideration of the proposals, the employees' representatives have the right to initiate collective labor dispute procedures in accordance with the procedure established by this Code and other regulatory legal documents of the Republic of Tajikistan.

8. In the event that the employer makes a decision that violates or harms the rights and guarantees of employees in relation to this Code and other regulatory legal acts of the Republic of Tajikistan, the labor contract, agreement and collective agreements, the representative of the employees can refer to the relevant labor control bodies and or appeal to the court.

Article 14. Calculation of time limits in this Code established

1. The period with which this Code stipulates the beginning, change or termination of legal labor relations starts from the next day after the calendar date that determined its beginning.

2. Periods calculated in years, months and weeks shall end on the respective dates of the last year, month or week of the period. For weekly or calendar days non-working days are also included.

3. If the last day of the deadline falls on a non-working day, then the first day the next working day shall be the day of expiry.

SECTION II. LABOR RELATIONS

CHAPTER 2. SUBJECTS OF LABOR RELATIONS.

FUNDAMENTALS OF EMPLOYMENT RELATIONS

Article 15. Subjects of labor relations

1. The subjects of labor relations are the employee and the employer. The head of the branch and representative office of a foreign legal entity may have all the rights and obligations of the employer on behalf of this foreign legal entity.

2. Individuals and legal entities shall protect the interests of employees and employers within the scope of their authority provided by this Code and other normative legal acts of the Republic of Tajikistan, judicial acts, founding documents or power of attorney. **Article 16.**

Basics of labor relations

1. Labor relations between the employee and the employer are established on the basis of the labor contract, if this Code and other normative legal acts of the Republic of Tajikistan do not provide otherwise.

2. In the cases established by this Code and other normative legal acts of the Republic of Tajikistan, founding documents, acts of the employer, the following factors can be the basis for concluding an employment contract: - being elected

to a position (position); - to be elected on the basis of a competition to a position (position);
- to be appointed or confirmed to a position;
- sending to work by the authorized body due to the established quota or referral; - a court document on concluding an employment contract.

Article 17. Conclusion of an employment contract with a person on account of quota sent

1. The local executive body of the state authority establishes a quota for providing employment to the population groups defined by the normative legal acts of the Republic of Tajikistan.

2. The employer, within the framework of the established quota, concludes an employment contract with the person sent to provide employment, when his qualifications meet the employer's requirements.

3. Unreasonable refusal of the employer to conclude an employment contract with a person who was sent to get a job due to the quota is prohibited (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*). _____

Article 18. Basic rights and obligations of the employee

1. The employee has the right:

- to conclude, change, supplement and cancel the labor contract in accordance with the procedures and conditions stipulated by this Code and other regulatory legal acts of the Republic of Tajikistan;

- require the employer to fulfill the terms of the labor contract, agreement and collective agreements, including to provide suitable work for graduates of educational institutions of higher vocational education and educational institutions of secondary vocational education on the basis of state quotas, referrals from the organization, at the request of the organization, authorized state bodies in the field of labor and employment and educational institutions, with the exception of public positions in state bodies, to which appointments are made in accordance with the procedure established by legislation The Republic of Tajikistan is

implemented; - safety and labor protection;

- to receive complete and correct information on labor conditions and labor protection;

- timely and full payment of wages according to the terms of the labor contract, agreement and collective agreements;

- to pay wages during unemployment in accordance with this Code and other normative legal acts of the Republic of Tajikistan;

- rest provided by establishing the duration of working hours, weekly rest days, paid and unpaid annual leave, short working days for a number of specialties and jobs;

- to unification, to the right to establish a trade union or other associations, as well as membership in them, to represent and protect one's labor rights, except for the cases stipulated by the legislation of the Republic of Tajikistan;

- to participate in collective negotiations and drafting of a collective agreement through its representative body, as well as to get acquainted with the signed collective agreement;

- to practice training (on-the-job training), professional training, retraining and improvement of one's specialty in accordance with the procedure established by this Code and other normative legal acts of the Republic of Tajikistan;

- to pay compensation for damage to his health and property delivered due to performance of labor obligations;

- to compulsory social insurance and social insurance benefits in cases of temporary loss of working capacity and other cases established by the normative legal acts of the Republic of Tajikistan;

- to guarantees and compensations, including reimbursement of material costs when moving to a new place of residence related to work in accordance with the provisions of this Code and other normative legal acts of the Republic of Tajikistan;

- to protect one's rights and legal interests by all means that do not contradict the law;
 - to pay the same salary for performing the same work;
 - to apply for settlement of labor disputes to the conciliation commission or court;
 - the workplace is equipped according to the requirements of safety and labor protection rules;
 - provision of personal and collective protective equipment, special clothes related to safety and labor protection in accordance with the requirements of this Code and other normative legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements;
 - refusing to perform work when a situation that threatens life or health occurs, by informing the direct manager or representative of the employer;
 - to maintain the average salary during the suspension of the organization's work due to non-compliance with the requirements for safety and labor protection;
 - to appeal to the authorized state bodies in the field of labor and public employment to conduct an inspection of the conditions of safety and labor protection at the workplace, as well as to participate in the delegation in the inspection and review of issues related to the improvement of conditions, safety and labor protection;
 - to complain about the action (inaction) of the employer in labor relations;
 - to pay wages according to qualifications, complexity of work, volume and the quality of work performed, as well as working conditions;
 - to participate in the management of the organization in the forms provided for by this Code, other legislative acts of the Republic of Tajikistan, collective agreements and contracts;
 - to resolve individual and collective labor disputes, including strikes in accordance with the procedure established by this Code and other legislative acts of the Republic of Tajikistan;
 - have other rights established by this Code and other regulatory legal acts of the Republic of Tajikistan.
2. The employee is obliged to:
- perform labor obligations in accordance with the labor contract, agreement and collective agreements, the employer's document;
 - observe labor discipline;
 - to comply with the requirements established by this Code and other regulatory legal acts of the Republic of Tajikistan on labor safety and protection, fire safety and industrial sanitation at the workplace;
 - treat the employer's and employees' property with care;
 - to inform the employer about the situation that threatens the life and health of people, the property of the employer and employees, as well as about the occurrence of unemployment (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*); _____

- not to divulge information containing state, official, commercial or other secrets protected by law, which became known to him due to the performance of labor obligations;

- to compensate the employer for the damage caused by this Code and other regulatory legal acts of the Republic of Tajikistan;

- other obligations stipulated by this Code and other normative acts perform the legal provisions of the Republic of Tajikistan. **Article 19.**

Basic rights and obligations of the employer

1. The employer has the right:

- free choice when hiring, with the exception of some groups of persons for whom this Code and other normative legal acts of the Republic of Tajikistan have established privileges;

- to conclude, change, supplement and cancel labor contracts, agreements and collective agreements in accordance with the procedures and conditions stipulated by this Code and other regulatory legal acts of the Republic of Tajikistan;

- to the management of the organization and adoption of internal (local) regulatory documents within the scope of their powers, the performance of which is mandatory for employees;

- in order to represent and protect their rights and interests, establish associations, join such associations and participate in their work;

- require employees to fulfill the terms of the labor contract, agreements and collective agreements, rules of internal labor procedures and other documents of the employer;

- according to the procedure established by this Code and other regulatory legal acts of the Republic of Tajikistan, take measures to motivate and hold employees accountable;

- compensation for damage caused by the employee during the performance of labor duties;

- to the court to protect his rights and legitimate interests in the field of labor apply;

- establish a probationary period for the employee in accordance with the procedure established by this Code and other legislative acts of the Republic of Tajikistan;

- to incur expenses in case of violation by the employee making the terms of the study contract;

- has other rights established by this Code and other normative legal acts of the Republic of Tajikistan.

2. The employer is obliged to:

- comply with the requirements of the Constitution of the Republic of Tajikistan, this Code, other normative legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan, labor contracts, agreements and collective agreements, internal (local) normative acts;

- to conclude an employment contract with employees in accordance with the procedures and conditions established by this Code and other normative legal acts of the Republic of Tajikistan;
- to ensure the requirements established by this Code and other normative legal acts of the Republic of Tajikistan on labor safety and protection, fire safety and sanitation and hygiene at the workplace;
- to the employee the work stipulated by the labor contract,
to present;
- on time and in full to pay to the employee wages and other additional payments provided for by this Code and other normative legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements, acts of the employer;
- to acquaint the employee with the rules of the organization's internal procedures, labor contract, agreement and collective agreements, other documents of the employer that are directly related to the employee's work;
- to provide employees' representatives with complete and accurate information for conducting collective negotiations, concluding collective agreements and contracts, as well as monitoring their implementation; - consider proposals of employee representatives and hold collective negotiations in accordance with the procedure established by this Code and other normative legal acts of the Republic of Tajikistan and conclude a collective agreement;
- to ensure working conditions of employees in accordance with this Code and other normative legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements;
- to provide employees with equipment, tools, technical documents and other means necessary for the performance of labor obligations, at the expense of own funds;
- acts of authorized state and public bodies in the field
perform work;
- to stop work, if its continuation affects safety, life, health
to threaten employees and other persons;
- implement compulsory state social insurance of employees;
- protect the employee from accidents during the performance of work duties
to insure;
- to the employee in accordance with the procedure provided by this and other Codes legal acts of the Republic of Tajikistan to issue permits;
- to preserve and submit to the state archive documents that confirm the labor activity of employees and provide information on the storage and transfer of funds for pension provision;
- about harmful (especially harmful) work, dangerous conditions
inform the employee about labor and the possibility of occupational diseases;
- to take measures to eliminate risks in the workplace and in technological processes, to carry out preventive works, taking into account the scientific, technical and production progress;

- accurately calculate working time, including overtime, harmful (especially harmful), dangerous working conditions, heavy work performed by each employee;

- provide training, professional training, retraining and professional development of employees in accordance with this Code and other regulatory legal acts of the Republic of Tajikistan;

- to compensate the damage to the life and health of the employee during the performance of labor obligations in accordance with this Code and other regulatory legal acts of the Republic of Tajikistan;

- to establish a trade union and other employee representative bodies do not hinder;

- officials of authorized state bodies in the field of labor and public employment, employee representatives, public inspectors on labor protection to conduct inspections of safety conditions, conditions and labor protection in organizations, compliance with this Code and other regulatory legal acts of the Republic of Tajikistan, as well as for the investigation of incidents to prevent accidents in production and occupational diseases;

- to ensure maintenance of the database of employees;

- not to allow conflict of interests prohibited by this Code and other normative legal acts of the Republic of Tajikistan;

- other obligations stipulated by this Code and other normative acts perform the legal provisions of the Republic of Tajikistan.

CHAPTER 3. LABOR CONTRACT

Article 20. Subject of the employment contract

The subject of the labor contract is the labor relationship between the employee and the employer, according to which the employee performs the work (obligation) according to one profession, several specific professions, specialty or position (position) with the appropriate degrees, in compliance with the internal labor procedures, and the employer performs the labor conditions. provides and provides the employee with timely and full wages and other payments specified by this Code and other normative legal acts of the Republic of Tajikistan, labor contracts, collective agreements and contracts, and the agreement of the parties. **Article 21. Parties to the labor contract**

1. The parties to the labor contract are the employee and the employer.

2. A citizen who has reached the age of fifteen can work as an employee be a party to the labor contract.

3. In the case of exception with students who are under the age of fourteen have reached, as well as students who have not reached the age of fourteen and participate in theaters, film shooting organizations, concerts, circuses and other creative organizations without harming their health and spiritual development, with the consent of their father or mother and other persons replacing them according to the legislation of the Republic of Tajikistan they can conclude an employment contract without disrupting the educational process.

4. The following persons can act as an employer, a party to the contract be employed:

- relevant bodies of state power, organizations, representative offices, etc their branches;

- a natural person who is registered as an individual entrepreneur or as an employer as a user of the labor of other persons in accordance with the procedure established by the legislation of the Republic of Tajikistan.

Article 22. Freely concluding an employment contract

1. The parties are free and have equal rights when concluding an employment contract.

2. It is not possible to be forced to conclude an employment contract, except for the cases provided for by this Code, other normative legal acts of the Republic of Tajikistan, or the obligations voluntarily accepted by the employer to conclude the contract.

3. Unreasonable refusal to conclude an employment contract with persons who have been sent to work by authorized state bodies due to quotas, passes and reservations, as well as in other cases directly established in this Code and other regulatory legal acts of the Republic of Tajikistan. is prohibited.

4. It is not possible to refuse to conclude an employment contract with an employee who has been called to work in accordance with the transfer procedure from another organization with the agreement of the heads of organizations.

5. At the request of the employee or the interested authorities, the employer is obliged to inform them in writing about the reasons for the refusal of employment in the cases established by this Code and other normative legal acts of the Republic of Tajikistan.

6. Before concluding an employment contract, additional conditions may be imposed in the cases stipulated by the legislation of the Republic of Tajikistan (passing the competition, being elected to a position).

Article 23. Guarantees during employment

1. Illegal non-recruitment is prohibited. Unreasonable refusal to hire, which violates the requirements of Part 1 of Article 7 of this Code, as well as non-hiring of the following persons are considered illegal becomes:

- persons invited to work by the employer;

- persons with whom the employer is obliged to conclude an employment contract in accordance with this Code and other regulatory legal acts of the Republic of Tajikistan (disabled persons and persons under the age of eighteen who were sent to work due to the established quota, pregnant women and women with children under three years old, because they are pregnant or have a child).

2. When refusing to hire, the employer is obliged to respond to the request of the employee in writing within 3 working days, with the signature of an official who has the right to hire, indicating the valid reason for refusing to hire. . You can appeal to the court about such refusal.

Article 24. Content of the employment contract

1. The content of the labor contract is determined by the agreement of the parties, the provisions of this Code and other normative legal acts of the Republic of Tajikistan, including the general, sectoral agreement, collective agreements.

2. The text of the employment contract should indicate:

- name and address of the employer, who is a legal entity;
- last name, first name and patronymic, number and place of issuance of identity document, address of permanent residence and identification number of the taxpayer;
- last name, first name and patronymic, number and place of issuance of identity document, address of permanent residence and identification number of the taxpayer, if the employer is a natural person;
- workplace (certain organization or unit);
- position (position) held by the employee;
- nature of labor conditions, guarantees and benefits, if the work performed is related to heavy work or in harmful or dangerous conditions;

- date of commencement

of work; - term of employment contract;

- system and working time schedule;

- time off and duration of the employee's annual leave; - amount of salary and other terms of payment of salary;

- rights and obligations of the

employer; - employee rights and

obligations; - the procedure for changing and terminating the

employment contract; - guarantees, compensations and

their payment procedure; -

insurance conditions; -

responsibility of the parties; - the date and order number of the employment contract.

3. With the consent of the parties, the employment contract may stipulate other conditions that do not conflict with this Code and other normative legal acts of the Republic of Tajikistan.

4. The terms of the employment contract can be changed only with the consent of the parties in writing.

5. When the name, address and place of residence are changed, the parties can make relevant changes to the employment contract, which do not become the basis for changing other terms of the contract.

6. When concluding a fixed-term employment contract, the period of validity and circumstances (reasons) that are the basis for concluding such a contract are indicated.

7. When concluding an employment contract, it is prohibited to reduce the level of rights and labor guarantees of employees, which are established by this Code and other normative legal acts of the Republic of Tajikistan. **Article 25. Term of employment**

contract

1. The employment contract is concluded for the following period: - for an indefinite period;

- for a certain period - not less than one year, except for cases provided by the third, fourth and fifth paragraphs of this part;
- to fulfill the obligations of an absent employee whose job is kept in accordance with this Code; - for the period of performance of certain work;
- for seasonal work.

2. If the term of its validity is not indicated in the labor contract, the contract is considered to be concluded for an indefinite period and it cannot be concluded again for a certain period without the consent of the employee.

3. After the expiration of the term of the labor contract, when it is re-signed with an employee who performs his labor duties on the basis of a definite labor contract concluded for at least one year, such a contract is considered to be concluded for an indefinite period, if the parties enter into another fixed-term labor contract they do not have formalities.

4. An employment contract for the performance of seasonal work is concluded in cases where, depending on natural and climatic conditions, the work can be completed in a certain period (season), not more than six months.

5. An employment contract for a certain period is concluded in cases where, taking into account the nature of the work and the conditions of its performance, or the interests of the employee, as well as in the cases established by this Code and other legislative acts of the Republic of Tajikistan, it is impossible to conclude a contract for an indefinite period.

6. It is prohibited to enter into a fixed-term employment contract with the purpose of waiving the guarantees and compensations provided for employees of an indefinite-term employment contract.

7. If one of the parties does not demand the termination of the employment relationship after the expiration of the employment contract during the last working day (shift), the contract is considered to be concluded for an indefinite period.

8. The employment contract with the officials of the executive body of the employer - a legal entity is concluded for the period established by the founding documents of the organization or the agreement of the parties, and the provisions of part 2 of this article do not apply to such a contract.

Article 26. Conclusion of the labor contract and its formalization

1. The employment contract is concluded in writing, drawn up in two copies and signed by the parties. One copy of the employment contract is given to the employee, and the other copy is kept by the employer.

2. Amendments and additions to the employment contract, including when transferring to another job, are carried out by the parties in writing in accordance with the procedure provided for in part 1 of this article. A proposal to change the terms of the labor contract is submitted by one of the parties to the labor contract in written form, and it is considered by the other party within seven calendar days from the date of submission.
is done

3. Employment contract with the officials of the executive body of the organization by the owner of the organization or his authorized person in accordance with the procedure

established by this Code, other normative legal acts of the Republic of Tajikistan and founding documents of the organization shall be closed (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

4. Submit the following documents when entering the job are:

- passport or other identity document (birth certificate for persons under the age of sixteen);
- labor book or other document confirming labor activity (except for cases of first employment);
- certificate of residence or certificate of a stateless person (for a foreign citizen and a stateless person permanently residing in the territory of the Republic of Tajikistan), or a certificate of a refugee;
- documents on education, special knowledge, degree, specialty or profession for concluding an employment contract in the works that, according to this Code and other normative legal documents of the Republic of Tajikistan, require relevant knowledge, skills and abilities;
- for military servicemen - military ID card or registration certificate;
- a document of passing a preliminary medical examination (for persons who are obliged to undergo such examination according to this Code and other legislative acts of the Republic of Tajikistan);
- a copy of the certificate on issuing a specific tax payer number and compulsory pension insurance certificate;
- a certificate of having or not having a criminal record when concluding an employment contract in cases where such information is required according to the legislation of the Republic of Tajikistan.

5. The employer has no right to demand other documents from the employee, except for the cases stipulated by the legislation of the Republic of Tajikistan.

6. Hiring is formalized on the basis of the employee's application and with the document of the employer or his authorized person. This act will be announced to the employee by signing it within 3 working days. Employment of employees (domestic workers and housekeepers) who work for individuals is formalized by concluding an employment contract, the sample of which is approved by the authorized state body in the field of labor and employment.

7. During hiring, the employer is obliged to acquaint the employee with the rules of the organization's internal procedures, other regulatory documents related to the employee's (labor duties).

8. The employment contract starts from the day of the actual start of work, if unless otherwise stipulated in the contract.

9. If the labor contract was not concluded or formalized due to the fault of the employer, but the employee started working, in this case, the labor relations are considered to have been established from the day the employee actually started working.

Article 27. Limitation of close relatives working together

1. In a state organization (structural units) working together as a leader, chief accountant (deputies) and treasurer of persons who are related to each other (parents, spouses, brothers, sisters, sons, daughters, as well as brothers and sisters of parents mother, children of husband and wife) and if their work is related to mutual direct obedience and control, it is prohibited, unless the legislation of the Republic of Tajikistan establishes a different procedure.

2. The restrictions stipulated in part 1 of this article can be established by the decision of the owner or his authorized person in non-state organizations as well (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*). **Article 28. Inspection during employment**

1. The employment contract can be concluded with preliminary inspection. The inspection is established by the agreement of the parties, except for the cases established by the legislation of the Republic of Tajikistan, it cannot exceed three months be more

2. During the probationary period, the provisions of this Code, other normative legal acts of the Republic of Tajikistan, terms of the labor contract, agreement and collective agreements shall be applied to the employee.

3. Upon hiring, the following persons are subject to inspection cannot be done:

- persons under the age of 18;
- young professionals who are hired for the first time according to a referral no later than one year after graduating from educational institutions of secondary vocational education, educational institutions of special education or educational institutions of higher professional education;
- persons who are hired according to the competition to occupy relevant positions (positions);
- when transferring work to another location, transfer to work to another organization;
- to the disabled in case of labor recommendations issued by authorized state authorities.

4. The period of temporary incapacity for work and other periods when the employee was absent from work due to valid reasons are not included in the calculation of the probationary period.

5. Passing the test must be noted in the employment contract. In the absence of such a note, the employee is considered to be employed without a preliminary examination.

6. If the employer appoints an employee to a higher position before the end of the probationary period, the employee is considered to have passed the probationary period.

7. If, after the expiration of the inspection period, the parties do not declare the termination of the employment contract, the contract will continue to be valid, and its further termination is allowed on general grounds in accordance with this Code and other regulatory legal acts of the Republic of Tajikistan.

8. When the result of the employee's work during the test period is negative, the employer has the right not earlier than seven days after the end of the test period.

inspection by indicating the reasons for not passing the inspection of the employee, notify him in writing and terminate the employment contract with the employee to show

Article 29. Apprenticeship contract

1. The employer has the right to conclude an apprenticeship contract for the persons who are looking for work for the period specified in the contract on professional training. Apprenticeship contract is concluded for the purpose of learning the primary specialty in the field of the organization.

2. After the expiration of the contract with the persons who have completed their studies, an employment contract is concluded.

3. Salary during training is set according to the contract will be

4. The procedure for concluding an apprenticeship contract is determined by the Government of the Republic of

Tajikistan. **Article 30. Transfer to another permanent job**

1. Transfer to another permanent job (change of the employee's job position), transfer of work to another specialty, qualification and other position is possible only with the consent of the employee.

2. Assignment of work, during the execution of which the labor conditions defined in the agreement of the parties change substantially and are not related to justified production, organizational, technological and economic reasons, is also considered to be transferred to another job and requires the consent of the employee.

3. In order to transfer to another job within the same organization, transfer to another organization, or transfer to another place, as well as together with the organization, the employee's consent must be obtained in writing.

4. In the same organization, transfer to another place of work, transfer to the component sector of the same location, assignment of work within the scope of qualification, level of specialization or position (position) and other equipment or equipment, which results from the terms of the labor contract and at the same time working conditions does not change in essence, transfer to another job is not taken into account, the employee's consent is not obtained. The employer has no right to transfer the employee to a job that is not suitable for his health condition.

5. Transfer (rotation) of management personnel in state bodies is not considered to be transferred to another job, but is carried out for the purpose of effective use of their professional skills, prevention of corruption and conflict of interests in accordance with the procedure established by the legislation of the Republic of Tajikistan.

6. If it is impossible to continue working according to the labor obligation established in the labor contract due to objective reasons provided by the legislation of the Republic of Tajikistan, the employer is obliged to offer the employee another job that is available in the organization. When the employee refuses the offer to switch to another job, the employment contract can be terminated on general grounds in accordance with the legislation of the Republic of Tajikistan.

Article 31. Changes in labor conditions

1. The employer has the right to change working conditions, if such changes have been established in advance in the technology and production organization of work.

2. Collective agreements may provide for preliminary consultation with employee representatives regarding changes in working conditions for certain groups of employees.

3. The employer is obliged to inform the employees about future changes in working conditions no later than two months. If the employee does not agree to continue working under the new working conditions, then the employment contract may be terminated and he/she may be paid a severance pay in the amount of at least two average monthly salaries. The employee has the right to appeal to the court about the change of the working conditions by the employer. During the review of the dispute, the employer is obliged to prove that

It is not possible to have previous working conditions.

4. In cases where changes in production, labor and the volume of work lead to mass dismissal of employees, the employer has the right, with the consent of the representatives of the employees, without observing the notice period, which is part 3 of this article expected

to change the working conditions of employees.

Article 32. Temporary transfer to another job during unemployment

1. During unemployment, employees are transferred to another job in the same organization for the entire period of unemployment, taking into account their specialty and professional level, and with their consent, to another organization, but in the same place, for a period of up to one month, if no other period is established in the collective agreement. to be

2. When transferring to a low-paid job as a result of unemployment, the employee's salary is paid in the amount of not less than the average monthly amount (salary).
will be

3. When the employee refuses to continue working due to changes in the working conditions, a labor contract with the employee on general grounds will be terminated in accordance with the legislation of the Republic of Tajikistan.

Article 33. Temporary suspension of production (work)

1. If the organization anticipates difficulties with production, economic, technological or organizational characteristics, in this case, the employer may, with the consent of the employees' representatives, temporarily stop the work of individual units (shops, sections, brigades) without reducing the number or staff of employees.

2. Temporary suspension of the organization is considered as unemployment without fault of the employees, and if it is not possible to transfer the employees to another job, they will be paid in the amount of the monthly salary.
is given

3. Temporary suspension of work without payment of unemployment benefits is prohibited if the employer does not have the opportunity to transfer employees to another job.

Article 34. Limitation of transfer to non-specialized work

During downtime and in cases of temporary replacement of an absent employee, qualified employees cannot be transferred to non-specialized jobs without their consent.

Article 35. Temporary transfer to another job due to production (work) necessity

1. Due to production (work) needs, an employee may be temporarily transferred to another job for a period of up to one month without his consent. In this case, the employee cannot be temporarily transferred to a job that is not suitable for his health condition. During the period of temporary transfer to another job, the employee will be paid according to the work performed, but not less than his previous average salary.

2. In cases of production (work) necessity, the deadline for temporary transfer to another job, as well as the specific amount of wages are established in the collective agreement, if the agreement has not been concluded, it is determined by the employer after consultation with the employees' representatives.

Article 36. Temporary transfer to another job at the employee's request

1. The employee's request for temporary transfer to another job must be satisfied by the employer, if this request has valid reasons and such a job is available in the organization.

2. The list of valid reasons for temporary transfer to another job and the procedure for payment of wages when the employee is temporarily transferred to another job shall be established by this Code, other normative legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements, if they have not been concluded, the employer after consultation with representatives of employees and the consent of the parties determines.

Article 37. Employer's obligation to prevent dismissal mass of employees

When there is a threat of mass dismissal of employees, the employer is obliged, with the consent of the representatives of the employees and the authorized state bodies in the field of labor and employment of the population, to implement special measures that provide for the following activities:

- limiting or temporarily stopping the recruitment of new employees, releasing those who work in two (several) places; -

- limiting the performance of work overtime;

- changing working conditions according to part 4 of article 31 of this Code;

- temporary suspension of production (work) according to Article 33 of the Code present;

- periodic release of employees;

- taking other actions, if they are agreements and contracts provided collectively.

Article 38. Labor relations when the owner changes or reorganization of the organization

(Law of the Republic of Tajikistan dated 19.07.2022 No. 1897)

1. Labor relations during the change of owner or reorganization (merger, merger, division, separation, transformation) of the organization continues with the consent of the employee. In this case, it is possible to terminate the employment contract at the initiative of the employer only on the grounds provided for by this Code and other normative legal acts of the Republic of Tajikistan with mandatory observance of the established guarantees *(Law of the Republic of Tajikistan dated 19.07.2022 No. 1897)*. _____

_____ 2. The new owner has the right to renew or cancel the employment contracts of the previous owner with the heads of the organization and employees who perform general management duties in the organization within six months of acquiring ownership rights. The transfer of an organization from the jurisdiction of one authority to the authority of another cannot terminate the employment contract *(Law of the Republic of Tajikistan dated 19.07.2022 No. 1897)*.

Article 39. Termination of the employment contract

1. The employment contract can be terminated in the following cases: - by agreement of the parties;
- at the initiative of the employee; - at the initiative of the employer;
- with the expiration of the term; - with circumstances beyond the will of the parties;
- the transfer of an employee to elective work (position) or his appointment to a position (position) that excludes the possibility of continuing labor relations, except for the cases provided for by the legislation of the Republic of Tajikistan.

2. The termination of the employment contract is formalized by the act of the employer, except for the termination of the employment contract due to death or declared dead or missing by the court of the employer - a natural person, domestic workers and housekeepers.

Article 40. Termination of the employment contract by agreement of the parties

1. The employment contract can be terminated at any time by agreement of the parties.

2. The party to the labor contract, which has expressed its desire to terminate the labor contract by agreement of the parties, sends a notification to the other party of the labor contract. The party that received the notification is obliged to inform about the decision in writing within 3 working days.
inform the other party.

3. The day of termination of the employment contract by mutual agreement of the parties employee and employer are determined.

4. By agreement with the employee in the labor contract, the right of the employer to terminate the labor contract without complying with the requirements established by part 2 of this article can be provided with the payment of compensation in the amount of not less than the average annual salary of the employee.

Article 41. Cancellation of the employment contract at the initiative of employee

1. The employee has the right to notify the employer in writing two weeks in advance and cancel the employment contract concluded for an indefinite period.

2. After the expiration of the notice period, the employee has the right to terminate the work, and the employer is obliged to immediately hand over his work record to the employee in accordance with part 5 of article 52 of this Code and settle with him.

3. At the request of the employee and the consent of the employer, the employment contract can be canceled before the end of the notice period. In the event that the employee's application to cancel the employment contract is related to the impossibility of continuing the work, the employer must cancel the employment contract in the period requested by the employee.

4. During the notice period, the employee has the right to withdraw his application for the cancellation of the employment contract, if another employee has not been invited to replace him.

5. A temporary labor contract at the request of the employee in cases of his illness or disability, which interferes with the performance of work according to the labor contract, violation by the employer of the provisions of this Code and other regulatory legal acts of the Republic of Tajikistan or the labor contract, as well as with other valid reasons will be canceled.

6. The employee has the right to cancel the employment contract without prior notification to the employer in cases where the employer gave him incorrect information about the working conditions at the workplace or violated his obligation to ensure labor protection and safety at the workplace during the conclusion of the contract. .

7. Unilateral cancellation of the employment contract by the employee is prohibited, except for the cases provided for in this article.

Article 42. Cancellation of the employment contract at the initiative of the employer

1. The employment contract can be canceled at the initiative of the employer on the following grounds:

- liquidation of the organization or termination of the employer's activity - a natural person or a reduction in the number or work unit of employees;

- termination of the employment contract due to the change of the owner, when the incompatibility of the employee to the position (position) held or the work he/she is performing due to insufficient qualifications or health condition, which prevents the continuation of this work, if this incompatibility of the employee is the result of attestation and or based on a medical opinion

approved (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*);

- regular non-fulfilment of the labor obligations assigned to the employee by the labor contract or the rules of the internal labor procedure without valid reasons, if disciplinary measures were previously applied to the employee have been;

- not showing up for work without good reason, including not being at work for more than 3 hours during the working day;

- absence from work for more than four consecutive months as a result of temporary incapacity, without counting the period of leave

pregnancy and childbirth, if the legislation of the Republic of Tajikistan has not established a longer period of keeping the workplace (duty) during a certain illness. Employees who have lost their ability to work due to an occupational injury or disease will be given a job (position) until their ability to work is restored or their disability is established.

has;

- coming to work in a drunken state due to the consumption of alcohol, narcotic drugs, psychotropic substances or other intoxicating substances;
 - entry into legal force of the decision of the relevant state authorities on theft of property and other actions that exclude the continuation of work;
 - committing violations of corruption nature by the employee, which excludes the possibility of continuing the work on the basis of a court document;
 - the employee's continued participation in the strike after he was informed of the court's decision regarding the recognition of the strike as illegal or the ban on the strike;
 - termination of the employee's permission to state secrets in the cases established by the legislation of the Republic of Tajikistan;
 - violation of labor obligations by the head of the employer's executive body, his deputy or the head of the employer's structure, which caused material damage to the employer;
 - refusal to undergo a medical examination to establish the fact of being in a state of intoxication due to the consumption of alcohol, narcotic drugs, psychotropic substances or other intoxicating substances;
 - violation of labor protection or safety rules by the employee from fire or traffic that caused or may cause serious consequences, including injuries and accidents;
 - disclosure by the employee of information containing state secrets or other secrets protected by law, which became known to him during the performance of his work duties;
 - termination of an employment contract with a person working in two or more places due to the hiring of a person who does not work in two or more places, as well as in connection with the limitation of work in several places, which is provided by the legislation of the Republic of Tajikistan;
 - gross one-time violation of this Code and other normative legal acts of the Republic of Tajikistan by the head of the organization (its separate units) and his deputy;
 - committing an illegal act by an employee who works directly with financial assets, which is the reason for the loss of the employer's trust in him;
 - committing immoral behavior by an employee who performs educational duties, which is appropriate for the continuation of that work
- does not exist;

- submission of incorrect information, forged documents and non-observance of other rules established by this Code and other normative legal acts of the Republic of Tajikistan during employment;

- negative result of the work during the probationary period at the time of employment accept

2. Legislative acts of the Republic of Tajikistan, statutes and disciplinary regulations may provide additional grounds for termination of the employment contract at the initiative of the employer.

3. It is allowed to cancel the employment contract on the grounds indicated in the first paragraphs (except for the dissolution of the organization or termination of the activity of the employer - a natural person) and the second paragraph of part 1 of this article, the second paragraph of article 48 of this Code. , if it is not possible to transfer him to another job with the consent of the employee.

4. Cancellation of the employment contract at the initiative of the employer during the period of temporary incapacity (in addition to the exemption according to the fifth paragraph of part 1 of this article) and during the period when the employee is on vacation or on a business trip, except for cases of liquidation of the organization, termination of the activity of the employer - a person real, not allowed.

5. It is prohibited to unilaterally cancel the employment contract by the employer, except for the cases provided by this article.

Article 43. Preferential right to temporary employment cancellation of the employment contract due to reduction in the number, work unit of employees or change of working conditions

1. When the labor contract is canceled due to changes in technology, organization of production and labor, which has led to a reduction in the amount of work, a reduction in the number, work unit of employees or changes in working conditions, the priority right to remain in work is given to employees who have a degree higher specialization and labor productivity.

2. When qualification and labor efficiency are equal, preference is given to are given:

- to employees who have two or more disabled family members;
- to persons who have another salary employee in their family

there is no independent;

- to employees who have a long working experience in the same organization;
- to employees who are not separated from production and improve their specialty according to relevant qualifications in educational institutions of primary vocational education, educational institutions of secondary vocational education and educational institutions of higher vocational education, and persons who are not separated from production, educational institutions of primary vocational education , have completed educational institutions of secondary vocational education and educational institutions of higher vocational education, provided that they work in their specialty within two years after graduation;

- to persons who have received an occupational injury or suffered from an occupational disease in the same organization;

- to the disabled and participants of the Great Patriotic War, as well as to persons equal to them;

- to people who have or have experienced radiation sickness and other diseases associated with increased radiation exposure.

related to and caused by the consequences of the accident of nuclear facilities, to disabled people whose disability is caused by the accident of nuclear facilities involved, participants in the elimination of the consequences of these accidents and catastrophes, as well as persons who have been relocated from the mentioned areas and other persons who have been equated to this group; -

- to the disabled employed according to the quota; -

- to victims of terrorist acts and human trafficking; - to inventors and innovators.

3. In the labor contract, agreement and collective agreements other situations may be provided, which, when available, will give preference to employees.

Article 44. Cancellation of the contract at the initiative of the employer labor and its agreement with the Trade Union Committee or other employee representatives

1. Termination of the employment contract at the initiative of the employer (Article 42 of this Code) is carried out after notifying the relevant trade union or other employee representatives in advance, no later than two weeks.

2. The relevant trade union committee or other employees' representatives must, within ten days of receiving the proposal of the person who has the right to cancel the employment contract, notify the employer in writing about the decision to give consent to terminate the employment contract with the employee.

3. The employer has the right to terminate the employment contract no later than one month after obtaining the consent of the Trade Union Committee or other employees' representatives.

Article 45. Notification of termination of employment contract

1. The employer is obliged to notify the employee in writing about the cancellation of the employment contract, concluded for an indefinite period, within the following periods:

- when the employment contract is canceled due to the dissolution of the organization or the termination of the activity of the employer - a natural person, or the reduction of the number or work unit of employees no later than two months;

- when the employment contract is canceled due to the employee's unsuitability for the work performed due to insufficient qualifications or health status, for at least one month.

2. During the notice period, the employee is given the right not to go to work for at least one day a week in order to look for another job, while keeping the salary.

3. With the agreement of the parties, the labor contract can be canceled on the mentioned grounds before the end of the notice period with the payment of compensation in the amount of not less than the average daily wage for each remaining day until the end of this period.

4. The employer is obliged to inform the authorized state bodies in the field of labor and public employment about the upcoming dismissal of employees, indicating their qualifications, professional level and the amount of wages, within the period established by the legislation of the Republic of Tajikistan.

Article 46. Termination of temporary employment contract

1. A fixed-term employment contract is terminated after its expiration. If the employment relationship continues after the expiry of the term and neither party demands its cancellation, then the employment contract is concluded for a new term or, in the absence of such an agreement, it is considered to be continued for an indefinite period.

2. The employment contract concluded during the employee's absence and a job (position) has been reserved for him shall be terminated from the day the employee who previously performed this job returns to work.

3. The employment contract concluded for the time of performance of certain work shall be terminated after its completion.

Article 47. Cancellation of a fixed-term employment contract before the end of the term

1. The fixed-term employment contract provided for in the second and fourth paragraphs of part 1 of Article 25 of this Code may be canceled before the expiration of the term on the grounds provided for in Articles 38 and 39 of this Code. In these cases, the terms of the employment contract may provide for the payment of a penalty for breach of contract.

2. The employer is exempted from paying a fine for breach of contract, if the employment contract is terminated early at the initiative of the employee or due to the employee's failure to fulfill his labor obligations.

Article 48. Termination of the employment contract in cases that do not depend on the will of the parties

The employment contract is terminated in the following cases, which do not depend on the will of the parties:

- when an employee is drafted or enters military service;
- expiration of the term of office;
- when the employee who previously performed this job is reinstated;

- when the indictment of the court, on the basis of which the employee or the employer - a natural person was sentenced to the penalty of deprivation of liberty, the decision of the court, by which the employee or the employer was recognized as incapable of action or limited his ability to act, becomes legally effective and excludes the continuation of labor relations;

- due to the death of an employee or an employer - a natural person, as well as the recognition of an employee or an employer - a natural person as deceased or missing by the court;

- in case of violation of the established rules of employment;

- in other cases provided by the legislation of the Republic of Tajikistan
has done

Article 49. Termination of the employment contract due to the transfer of an employee to an elective position or his appointment to a position

1. An employment contract with an employee is terminated due to transfer to an elective position (position) or his appointment to a position (position), if according to the legislation of the Republic of Tajikistan for persons occupying such a position (position) occupying another position (position) - payments are prohibited.

2. The basis for the termination of the employment contract is the act of election or appointment of the employee to the position (position).

Article 50. Dismissal

1. The employer is obliged to dismiss the employee at the request of the relevant state authorities in the cases stipulated by this Code and other legislative acts of the Republic of Tajikistan.

2. Employers and employees who are intoxicated due to the consumption of alcohol, narcotic drugs, psychotropic substances or other intoxicating substances, shall report to work on the same working day (shift).
does not give and during this period he is not paid.

3. Dismissal of the employee by the employer's document for a period of time until determination or elimination of the reasons that led to the dismissal are implemented.

Article 51. Allowance upon termination of employment contract

1. Allowance to the employee upon termination of the employment contract given at once:

- at the initiative of the employer, in cases of cancellation of the employment contract on the grounds provided by the first, second, fifth, fifteenth and sixteenth paragraphs of part 1 of article 42 of this Code;

- in cases that do not depend on the will of the parties, with the exception of the termination of the employment contract when the judgment of the court becomes legally valid (paragraph four of Article 48 of this Code) and when the employee dies (paragraph five of Article 48 of this Code) (Law of the Republic of Kazakhstan dated 19.07.2022 *No. 1897*).

2. The amount of unemployment benefits should not be less than three average monthly salaries of the employee.

Article 52. Documents confirming the employee's work experience

they do

1. The employment history of the employee is confirmed by one of the following documents: -

employment book; - labor contract;

- an excerpt from the employer's document, which confirms the creation and termination of labor relations due to the conclusion and termination of the labor contract;

- extract from the book of payment of wages of employees (report);

- service list (list of information about the work, labor activity of the employee), signed by the employer and certified with the seal of the organization or notarized;

- certificate of the authorized state body regarding the payment of the pension fund;

- certificate of the authorized state body regarding the payment mandatory social insurance contributions;

- archive information about the labor activity of the employee;

- other documents approved in accordance with the established procedure.

2. The standard labor record book and other documents on the employee's work experience are the main documents of labor activity and confirm the employee's work experience. The Government of the Republic of Tajikistan shall determine the sample and procedure for introducing the work book, as well as the list of other documents confirming the work experience of the employee.

it seems

3. The employer is obliged to open a labor book for all employees who have worked in the organization for more than 5 days. Employees (domestic workers and housekeepers) who work for real persons cannot have a labor record.

4. In the labor book, information about hiring, transferring to another permanent job, indicating the profession (specialty), professional degree, position (position), (in accordance with the normative document that establishes the name of the profession and position of the employee) and dismissal release of employees indicating the grounds for terminating the employment contract, as well as noting incentives and rewards for work achievements

will be

5. On the day of termination of the employment contract, the employer is obliged to give the employee a work book or other document confirming his work activity. The reason for the dismissal is noted in the labor book, indicating the relevant norms of this Code and other legislative acts of the Republic of Tajikistan, and the labor book is handed over to the employee on the last day of work. In the case of delay in handing over the work book due to the fault of the employer, the average salary of the employee shall be paid for each day of delay.

Article 53. Obligation of the employer to provide the employee with a certificate of employment in the same organization

The employer is obliged to provide the employee, including the ex-employee, with a reference to his/her desire to work in the same organization, indicating the specialty, professional level, position (position), working hours and amount of work.

Article 54. Preventing illegal dismissal and other work of the employee

1. The employee, who was illegally transferred to another job or illegally dismissed, is reinstated by the employer or the court.

will be

2. During the consideration of the dispute in the court, the employer is obliged to prove the necessity and justification of transfer or dismissal of the employee.

to show

Article 55. Employer's responsibility for illegal employment transfer and illegal termination of employment contract

1. When the court or the employer reinstates the employee, the employer is obliged to pay compensation for the damage caused to the employee.
to show

2. Damage compensation consists of the following:

- mandatory payment of time of forced absence from work in the amount of not less than the lost salary;
- compensation for additional costs related to the complaint about illegal transfer to another job or dismissal (expert advice, court costs); - the possibility of compensation for moral damage.

3. The amount of moral damage compensation is determined by the court taking into account the assessment of the employer's actions, but it cannot be less than the average monthly salary of the
employee. **Article 56. Invalidity of the employment contract**

1. The employment contract is considered invalid by the court, if closed in the following cases:

- by deception, violence, threat, malicious agreement of a representative of one party with another party or serious conditions;
- clearly against the law, principles of legal order and ethics; - superficial and fake;
- with a person under the age of fifteen without the written consent of the father or mother and other persons replacing them according to the legislation of the Republic of Tajikistan;
- with a person who has not reached the age specified by this Code; - with a recognized incapacitated person; - beyond the legal capacity of a legal entity; - with the consequence of limiting authority; - as a result of error.

2. Invalidation of the employment contract due to the fault of the employer shall not be the reason for non-payment of salary, compensation for paid annual leave and other benefits to the employee.

3. Recognizing the invalidity of certain terms of the employment contract the full cancellation of all terms of the employment contract does not happen.

CHAPTER 4. DATA COLLECTION, PROCESSING AND PROTECTION

PERSONALITY OF THE EMPLOYEE

Article 57. Obligation of the employer related to collection, processing and protection of employee's personal data

1. The employer is obliged to:

- collection, processing and protection of personal data of the employee according to provide legislation of the Republic of Tajikistan;
- in order to ensure compliance with the requirements of this Code and other regulatory legal acts of the Republic of Tajikistan, support for employment, training and advancement in work, ensure personal safety, collect, process and protect the employee's personal data;

- when determining the volume and content of the employee's personal data, take into account the requirements of the Constitution of the Republic of Tajikistan, this Code and other regulatory legal acts of the Republic of Tajikistan;

- process personal data provided by the employee personally or by authorized state bodies with prior notification and obtaining his/her consent;

- at the request of the employee, changes and additions to personal data to enter the employee according to the legislation of the Republic of Tajikistan;

- ensure the procedure for storing personal data of the employee in compliance with the requirements established by the legislation of the Republic of Tajikistan;

- according to the provisions of the legislation of the Republic of Tajikistan to the documents the employer shall ensure familiarization of the employee;

- not to inform third parties about his personal data without the written consent of the employee, except for the cases stipulated by this Code and other legislative acts of the Republic of Tajikistan;

- allow access to personal data of the employee only to authorized persons. In such a case, these persons have the right to receive only those personal data of the employee that are necessary for the performance of specific actions and in compliance with the confidential procedure;

- to implement the distribution of personal data of the employee within the territory of the organization in accordance with the requirements established by the legislation of the Republic of Tajikistan;

- to notify the persons who have been given access to the employee's personal data about the use of such data in accordance with the requirements of the legislation of the Republic of Tajikistan and not to give them to third parties, except for the cases established by the legislation of the Republic of Tajikistan.

2. The employer does not have the right to:

- to request information from the employee about his political, religious and other opinions, as well as about his personal life;

- request information from the employee about his membership or activity in public associations, including trade unions.

3. Collection, processing and protection of personal data of the employee the head of the organization is appointed.

Article 58. Rights of the employee in order to ensure the protection of personal data kept by the employer

In order to ensure the protection of personal data that the employer keeps the employee has the right to:

- access to his personal data, as well as the right to receive a copy of records containing his personal data, except for the cases provided by the legislation of the Republic of Tajikistan;

- to the demand for changes and additions, destruction of personal data, the collection and processing of which is carried out in violation of the requirements of this Code and other regulatory legal acts of the Republic of Tajikistan have become

- on actions (inaction) of the employer to collect, process and protect his personal data is related, to file a complaint with the court.

CHAPTER 5. LABOR PROCEDURE. LABOR DISCIPLINE Article 59. Rules of internal labor procedures

1. The rules of internal labor procedures based on this Code and other regulatory legal acts of the Republic of Tajikistan are approved by the employer in agreement with the representatives of the employees.

2. In the rules of the internal labor procedure, the procedures for hiring, firing, working time, rest time, incentive measures, employee discipline, basic rights and obligations and responsibilities of the parties to the labor contract and other issues regulating labor relations are established.

3. For certain groups of employees, the internal labor procedures are regulated by statutes and regulations, which are approved in accordance with the procedure established by the legislation of the Republic of Tajikistan.

4. The employer and employees must comply with the rules of the internal labor procedure.

Article 60. Ensuring labor discipline

Labor discipline by the employer by creating the necessary organizational and economic conditions for individual and collective work, the conscious attitude of employees to work, methods of persuasion, motivation for faithful work, as well as the application of disciplinary punishment provided for violation of labor discipline.

Article 61. Incentives for work

1. The employer has the right to various incentives for apply labor achievements.

2. The types of incentives for employees and the procedure for their implementation are determined by the legislation of the Republic of Tajikistan, acts of the employer, labor contract, agreement and collective agreements.

Article 62. Disciplinary punishment

1. For violation of labor discipline by the employee, the employer has the right to apply the following types of disciplinary punishment:

- scolding;
- reprimand;
- strict reprimand;
- termination of the employment contract at the initiative of the employer in the cases provided for by this Code and other legislative acts of the Republic of Tajikistan.

2. Other types of disciplinary punishments can be provided for certain groups of employees by the normative legal acts of the Republic of Tajikistan, the charter and regulations of labor discipline.

3. It is prohibited to apply disciplinary punishments that are not provided for in this Code, other legislative acts of the Republic of Tajikistan, charter and regulations on discipline for certain groups of employees.

Article 63. The procedure for applying disciplinary punishment and appeals against it

1. Disciplinary punishment applied by the employer by means of an act is done

2. The employer is obliged to demand a written statement from the employee before applying disciplinary punishment. If the employee refuses to give

Statements are drawn up in a relevant document. The employee's refusal to give a written statement cannot prevent the application of disciplinary punishment.

3. When determining the type of disciplinary punishment, the employer must take into account the content, nature and severity of the committed disciplinary action, the circumstances of its commission, the previous and subsequent behavior of the employee and his attitude to work.

4. Apply only one disciplinary punishment to the employee for each act will be

5. The act of the employer on disciplinary punishment to the employee the following periods are not applicable: - when

the employee is temporarily unfit for work;

- when the employee is free from work while performing state or public duties;

- when the employee is on vacation or temporary rest; - when the employee is on a business trip.

6. The act of the employer on the application of disciplinary punishment to the employee who has been given disciplinary punishment shall be announced by obtaining his signature within three days after the adoption of the act. In the event of the employee's refusal to put a signature on the document for familiarization with it, a corresponding note will be made about this in the document on the application of this penalty. When it is impossible to familiarize the employee with the document, the employer is obliged to send the document to him by means of a notification letter.

7. Regarding the document on the implementation of disciplinary punishment, the employee can appeal in accordance with the procedure established by this Code and other legislative documents of the Republic of

Tajikistan. **Article 64. Period of application of disciplinary punishment**

1. Disciplinary punishment shall be given to an employee when committing a disciplinary act, no later than one month from the day of its discovery, except for the cases provided for by Part 5 of Article 63 of this Code and other normative legal acts of the Republic of Tajikistan. In the cases stipulated by Part 6 of Article 323 of this Code, disciplinary punishment shall be imposed no later than one month from the date of entry into legal force of the court document declaring the strike illegal.

2. Disciplinary punishment cannot be applied six months after the disciplinary act was committed. In the cases established by this Code and other legislative acts of the Republic of Tajikistan, or when a disciplinary action is determined as a result of an inspection or investigation of the financial and economic activity of the employer, within two years of the disciplinary action, the employee will be subject to disciplinary punishment. These periods do not include the time of criminal proceedings.

3. The period of disciplinary punishment is suspended when the employee is absent from work due to temporary incapacity, absence from work to fulfill state or public obligations, vacation and business trip. **Article 65. Duration of disciplinary punishment**

1. The duration of the disciplinary punishment, except for the cases specified in the fourth paragraph of part 1 of article 62 of this Code cannot exceed six months. If during this period the employee is subject to a new disciplinary punishment if it is not applied, then he is considered not to be subject to disciplinary punishment.

2. An employer who has imposed a disciplinary punishment on an employee, on his own initiative, at the request of the employee or his immediate supervisor, or at the request of the employees' representatives, has the right to postpone it.

CHAPTER 6. WORKING TIME

Article 66. Working time

1. Duration of working time can be normal, shortened and incomplete.

2. The working time also includes preparatory and final work (obtaining task (professional) tasks, materials, tools and equipment, familiarization with equipment, documents, preparation and cleaning of the workplace, delivery of finished products and other situations), breaks, according to the technology of labor organization regulations and labor protection rules, time to be present or waiting for work, employee not using free time at work, duty on non-working holidays and rest days and other periods stipulated by labor contract, agreement and collective agreements, employer's documents or are defined by the normative legal acts of the Republic of Tajikistan.

Article 67. Normal length of working time

1. Normal working hours in organizations should not exceed 40 hours per week.

2. In the labor contract, agreement and collective agreements it is possible to provide a shorter working time with the payment of wages for normal working hours. **Article 68. Reduced duration of**

working time

1. For a certain group of employees, taking into account the age, state of health, working conditions, the nature of their work obligations and other circumstances, this Code and other normative legal acts of the Republic of Tajikistan, as well as the terms of the labor contract, establish a shortened duration of working time without reducing wages.

will be

2. The duration of reduced working time is established for the following persons is done:

- employees who have not reached the age of eighteen;
- women and other persons with family obligations; - disabled employees;
- employees who are engaged in harmful working conditions or

have a special nature of work.

Article 69. Short duration of working time for employees engaged in work with harmful working conditions

1. The duration of short working time is established not more than 35 hours per week for employees who in the process of work are exposed to

physical, chemical, biological and other production factors are harmful to health.

2. The Government of the Republic of Tajikistan approves the list of industries, workshops, professions and tasks in which work gives the right to short working hours.

Article 70. Short duration of working time for employees whose work is of a special nature

1. For a certain group of employees (doctors, teachers, and others) whose work is associated with high emotional, intellectual, and nervous tension (has a special feature), the duration of working time per week is set at no more than 35 hours.

2. The list of such employees and the specific duration of their working hours are determined by this Code and other regulatory legal acts of the Republic of Tajikistan. **Article 71.**

Part-time working time

1. By agreement between the employee and the employer upon hiring and during work, a part-time day or a part-time work week with the payment of wages depending on the volume of production or in proportion to the working time is established.
will be

2. The employer is obliged to establish part-time working hours in the cases stipulated by this Code and other normative legal acts of the Republic of Tajikistan.

3. When introducing the part-time working time system, the length of working time cannot be less than half of the monthly rate of working time, and the salary cannot be less than the minimum amount established by the legislation of the Republic of Tajikistan.

4. Part-time work for an employee does not lead to any limitation of the duration of annual leave, seniority account and other labor rights.

Article 72. Types of working week and working time system

Types of working week (five-day working week with two days off or six-day working week with one day off, working week with variable days off) and working time system (duration of daily working time (shift), start and end time of work, break time, number of shift in one day, change of working and non-working days, the procedure for transferring employees from one shift to another) in the organization according to the rules of the internal labor procedure, other internal (local) regulatory documents, and in their absence, according to the agreement between the employee and the employer are done **Article 73. Construction work**

1. In the case of package work, the duration of daily work (shift) is according to the package schedule, which is approved by the employer after prior consultation with the representatives of the employees and within a period of up to one month before the current it will be reported to employees.

2. Employees alternate each other in shifts. From one shift to another shift is carried out according to the batch work schedule.

3. It is prohibited to employ an employee consecutively during two shifts.

Article 74. Duration of working time

1. In the case of a five-day working week, the duration of daily work (shift) is determined by the rules of the internal labor procedure or the shift schedule, which is approved by the employer after prior consultation with the representatives of the employees, taking into account the nature of the work and compliance with the duration of the established working week.

2. The duration of daily working time (shift) cannot be more than:

- for employees from 15 to 16 years old - 5 hours and from 16 to 18 years old - 7 hours;
- for students of general educational institutions, educational institutions of primary vocational education and educational institutions of secondary vocational education who study and work during the school year - from 14 to 16 years old - 2.5 hours and from 16 to 18 years old - 3.5 hours ; - for normal working conditions - 8 hours; -
for the disabled - 6 hours;

- to employees who work in two (several) places - half of the normal duration of working time specified in articles 66 - 73 and this article of this Code.

3. During a six-day working week, if the weekly rate is 40 hours, the duration of daily work is more than 7 hours, if the weekly rate is 35 hours, than 6 hours, if the weekly rate is 24 hours, it is more than 4 hours.

can't

Article 75. Dividing the working day into parts

1. In cases of special nature of labor, when necessary, the working day can be divided into parts with the consent of the employee, if the total duration of working time does not exceed the established duration of daily working time.

2. The type of work in which the working day is divided into parts, the amount and duration of work breaks, as well as the types and amount of compensation to employees for work in such conditions, collective agreements and contracts, if it has not been concluded, the employer after consultation determines in advance with the representatives of the employees.

3. For creative employees of professional organizations of art and culture, mass media, athletes, coaches, other duration of working time may be established in accordance with this Code, collective agreements and contracts, employer documents.

Article 76. Duration of working hours on the eve of non-working holidays

1. The duration of daily working time (shift) on the eve of non-working holidays (Article 89 of this Code) is shortened by at least one hour for all employees.

2. The duration of daily working time (shift) before a non-working holiday in cases where there is a day off before the holiday, as well as if a shorter working week is established for employees, is reduced.

does not happen

3. In continuous production and certain types of work, where according to the conditions of production (work) it is not possible to shorten the duration of daily work on the days before the non-working holiday, work overtime with additional rest time according to the procedure established by the employer determined after prior consultation with the representatives of the employees, is compensated or with the consent of the employee is paid as overtime work. **Article 77. Duration of night working time**

1. From 22:00 to 6:00 in the morning is considered night time, unless otherwise established by the legislation of the Republic of Tajikistan.

2. The duration of night working time is shortened by one hour by proportionally shortening the duration of the working week, if at least half of the daily work duration (shift) established for the employee falls on night time.

3. In continuous production and certain types of work, where it is not possible to shorten the duration of daily work (shift) at night, according to the conditions of production, work overtime with additional rest time in accordance with the procedure established by the employer after preliminary consultation with employee representatives will be compensated.

4. Recruiting disabled employees, women, persons with family obligations and minors to night work is carried out in compliance with the restrictions established by this Code.

Article 78. Joint accounting of working time

1. In organizations where, according to the conditions of production (work), it is not possible to observe the established weekly duration of working time, joint accounting of working time can be introduced, if the duration of working time within the scope of accounting does not exceed the normal number of working hours. In this case, the accounting period should not exceed one year, and the duration of daily working time (shift) should not exceed 12 hours.

2. The procedure for implementing joint accounting of working time shall be established by the collective agreement and, if it has not been concluded, by the employer after consultation with the employees' representatives. **Article 79. Overtime**

1. Overtime is used in exceptional cases established by Article 80 of this Code, with the consent of the employee on the basis and according to the procedure established by the employer with the agreement of the representatives of the employees.

2. The employer is obliged to ensure labor safety during overtime and to provide normal production and social and living conditions.

3. Recruitment of employees to overtime in compliance with the restrictions set by this Code for employees with disabilities, women, persons with family obligations and minors, it takes place.

4. When the duration of the shift is 12 hours, as well as in jobs with particularly difficult and particularly harmful conditions, overtime is prohibited.

is

5. Overtime should not be more than this for two consecutive days:
 - two hours in jobs where working conditions are difficult or harmful; - four hours in other work.
6. Overtime for each employee should not exceed 120 hours per year. **Article 80.**

Exceptional cases of using overtime

Exceptions to the use of overtime are:

- performance of work necessary for the defense of the country, prevention and elimination of the consequences of natural disasters and general danger; - performance of work to eliminate accidental and unexpected situations that disturb the normal activity of production;
- the need to finish the started work, the implementation of which is impossible due to technical, unexpected reasons, accidental delay of production during the normal working time (if the stoppage of the started work leads to the destruction of materials and equipment);
- execution of temporary works on repair and restoration of equipment and structures, the damage of which will cause the termination of the work of most of the employees;
- continuation of work in continuously operating production if the replacement employee does not show up for work, in this case the employer is obliged to take immediate measures to replace the on-duty employee with another employee;
- carrying out loading and unloading works and related works in the transport in case of need to empty the warehouses of the transport organization, as well as for loading and unloading the cargo of the vehicle in order to prevent the accumulation of cargo at the points of cargo transfer and reception and idleness of vehicles.

Article 81. Procedure for calculation of working time

1. Korfamo is obliged to pay the working time performed by each employee. including accurately calculating overtime hours.
2. The calculation of working time includes the working time performed and not performed by the employee.
3. The composition of the time of the performed work includes the calculation of another period of time that belongs to the working time. Calculation of overtime hours, work on night shifts, weekends, holidays, business travel days taken separately.
4. Calculation of paid and unpaid work time due to the fault of the employee or the employer is included in the composition of the time of unfulfilled work.
5. Calculation of working time on the basis of documents provided by the employer rules of the internal labor procedure are carried out.
6. In cases where during the employee's working time periods of work are carried out outside the workplace or the time of its performance cannot be precisely determined by the employer, these periods are recorded in the documents as performance of the scope of work according to the provisions of the labor contract.

CHAPTER 7. REST TIME

Article 82. Types of rest time

Rest time consists of the following types:

- breaks during the working day (rest, meals, intra-shift and special); - breaks between working days (shifts); - days off (uninterrupted weekly rest); - non-working holidays; - vacations. **Article 83.**

Break for rest and food

1. During the working day (shift), employees should be given a break for rest and meals. The specific duration of these breaks is established in the rules of internal labor procedures, the work schedule of shifts or the contract between the employee and the employer. A break should be given no later than four hours after the start of work.

2. Breaks for rest and meals are not included in working time and are not paid for, and their duration should not exceed two hours.

3. In cases where it is not possible to give breaks for rest and meals due to production conditions, the employer is obliged to provide conditions for rest and meals for the employee during working hours. The list of such jobs is defined in the collective agreement (if the collective agreement has not been concluded - by the employer with prior consultation with the representatives of the employees), the place of rest and meals is established by the employer. **Article 84. Intra-shift and special breaks**

1. In some types of work, employees are provided with intra-shift breaks during working hours, which are required by the technological nature, organization of production and labor. The nature of such work, the duration and the procedure for giving such breaks are in the collective agreement are determined (if a collective agreement has not been concluded - it is established by the employer with the agreement of the representatives of the employees).

2. For employees who work in the cold or hot seasons, in the open air or in closed unheated buildings, employees who are engaged in loading and unloading, as well as for other groups of employees in accordance with the conditions and procedures stipulated by this Code and other legal acts of the Republic of Tajikistan, labor contracts, agreements and collective agreements provide for special breaks for rest, warming up, cooling down, drying clothes, industrial sports and babysitting.

3. Intra-shift breaks and special breaks are included in the calculation of working time and their wages are paid. The employer is obliged to provide the facilities provided for breaks in parts 1 and 2 of this article.

Article 85. Duration of breaks between working days (shifts).

The duration of breaks between working days (shifts) of an employee should not be less than 12 hours. **Article 86. Days**

off

1. All employees are given days off (uninterrupted weekly rest).

2. In a five-day working week, employees are given two days off a week, and in a six-day working week, one day off.

3. The public holiday is Sunday. The second day off, in a five-day working week, is set according to the organization's work schedule. Every two days of rest are given one after the other.

4. In organizations where it is not possible to stop work due to production and technical conditions or due to the need for continuous supply of the population, as well as in other continuously working organizations, days off on different days of the week for each group of employees according to the shift schedule, which the employer, with prior consultation confirmed with the representatives of the employees.

Article 87. Prohibition of work on weekends. Exceptional cases of engaging an employee to work on weekends

1. It is forbidden to work on weekends.

2. Employment of employees on weekends is allowed with the agreement of employee representatives on the following grounds and exceptional cases becomes:

- to prevent and eliminate the consequences of natural disasters, industrial accidents or immediate elimination of its consequences;
- to prevent accidents, damage and loss of property;
- for the implementation of the previously planned urgent tasks, the further normal work of the organization or its separate departments generally depends on their urgent implementation;

- in other cases provided by the legislation of the Republic of Tajikistan and internal (local) regulatory acts.

3. Recruitment of employees on weekends is carried out in compliance with the restrictions set by this Code and other normative legal acts of the Republic of Tajikistan for employees with disabilities, women, persons with family obligations and minors. **Article 88. Compensation for work on weekends and rest time**

Work on weekends and during breaks is compensated at the request of the employee by giving another day off or in the form of money in the amount prescribed by Article 154 of this Code. **Article 89. Rest on non-working holidays**

1. Rest on non-working holidays is defined in accordance with the Law of the Republic of Tajikistan "On Holidays".

2. On non-working holidays, work that cannot be stopped due to production and technical conditions (continuously working organizations), work that is necessary for public service is allowed.
are necessary, as well as urgent repairs, unloading and loading.

3. Work on non-working holidays in accordance with the provisions of Article 154 of the Code this will be compensated.

4. The Government of the Republic of Tajikistan determines the procedure for transferring the day off to another working day in order to effectively use working time on non-working days.

5. If the day off falls on a non-working holiday, the day off shall be the first working day after the non-working holiday.

Article 90. Types of leave

1. Leave consists of the following types: - paid annual work leave; - social leave; - unpaid leave; - temporary unpaid or partially paid leave;

- other types of leave established by the legislation of the Republic of Tajikistan.

2. Annual paid vacations include:

- minimum annual basic work leave; - extended annual basic work leave; - annual additional work leave.

3. Social leave consists of the following: - leave for pregnancy and childbirth; - child care leave; - study leave; - creative leave.

4. Leave is formalized with the employer's document.

Article 91. The right to paid annual leave and social leave

1. Employees have the right to paid annual leave and social leave when there are grounds provided for in this Code.

2. It is not possible to replace work leave with monetary compensation, except in cases where the employee to be dismissed has not used his leave.

Article 92. The right to minimum annual basic work leave and extended annual basic work leave

Employees have the right, regardless of the employer and the type of employment contract concluded with them, the organizational and legal form of the organization and salary, to the minimum annual basic labor leave or extended annual basic labor leave.

Article 93. Duration of the main annual leave the least

1. The duration of the basic annual leave is at least 24 days forms a calendar.

2. The minimum annual basic leave for all employees is compulsorily granted.

3. The employer has the right to use his own funds to extend the duration of the minimum annual basic leave in accordance with the procedures and conditions specified in the labor contract, agreement and collective agreements. exceed 24 calendar days.

4. Non-working holidays, temporary incapacity, as well as vacations for pregnancy and childbirth are not included in the paid annual leave.

5. When non-working days fall during the period of paid annual leave, the duration of the employee's leave is extended to the number of non-working days.

Article 94. Duration of extended basic annual leave

1. Taking into account the conditions and nature of labor obligations, age, work experience, health status and other circumstances, extended basic leave may be established for certain groups of employees in accordance with the legal regulations of the Republic of Tajikistan.

2. Annual extended basic leave is established:

- to employees of scientific organizations - from 28 to 56 calendar days;
- to library staff of scientific organizations, educational institutions and other libraries - from 28 to 56 calendar days;
- to employees - teachers of full-time and part-time departments of educational institutions of higher vocational education, including training, retraining and professional development of personnel of educational institutions of primary vocational education and educational institutions of secondary vocational education - from 28 to 56 calendar days;
- to employees of educational institutions of general education and preschool educational institutions - from 28 to 56 calendar days;
- to employees of institutions in the field of culture and social protection from 28 to 42 calendar days;
- 42 calendar days for medical nurses who are engaged in education of children under three years of age, teachers of breastfeeding groups of preschool educational institutions and children's homes;
- to permanent employees of forestry - 28 calendar days;
- for athletes - at least 30 calendar days;
- for journalists - at least 30 calendar days;
- to employees under the age of eighteen, including those for carrying out received industrial experience (industrial training) - 30 calendar days;
- to disabled employees of groups I and II - 42, group III - 35 calendar days;
- to employees who work in the field of agriculture - at least 28 calendar days;
- to other groups of employees according to the legislation of the Republic of Tajikistan.

3. The list of organizations, professions and tasks listed in paragraphs one to five of part 2 of this article shall be established by the Government of the Republic of Tajikistan.

Article 95. Additional annual leave

The employer is obliged to provide additional annual leave to the following persons:

- to employees who work in harmful and difficult conditions

they do;

- to employees whose work is of a special nature;
- to employees who work in unfavorable natural and climatic conditions

they do; -

to non-regular day employees;

- in other cases provided for by legislative acts and other normative legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements.

Article 96. Additional annual leave for work in the conditions

Harmful and hard work

1. Additional annual leave for work in harmful and difficult working conditions with a duration of at least 7 calendar days is granted to employees who work in underground mining, in open-pit mines, cutting and quarries, in radioactively contaminated areas, in other works harmful to human health, which have unfavorable physical, chemical, biological and other factors.

2. List of productions, works, professions and tasks (positions) in which work is subject to additional annual leave for health-related working conditions Harmful and serious rights are granted, as well as the duration of the leave, the procedure and conditions for its issuance are determined by the Government of the Republic of Tajikistan.

3. Additional annual leave is granted only according to one of the bases provided in the list.

Article 97. Additional annual leave for special nature of work

1. Additional annual leave for a special nature of work with a duration of not less than 3 calendar days is given to separate groups of employees whose work is related to high nervous and emotional tension or has a special nature of work performance.

2. The Government of the Republic of Tajikistan shall determine the list of professions and duties (positions) of employees for whom additional leave is granted for special nature of work, as well as the specific duration and terms and conditions of granting such leave.

Article 98. Additional annual leave for work in special natural and climatic conditions

1. Additional annual leave for work in special natural conditions climate with a duration of at least 8 calendar days.

2. The specific duration of additional annual leave and the conditions for granting it are provided by legislative acts and other regulatory legal acts of the Republic of Tajikistan, labor contracts, agreements and collective agreements. determine

Article 99. Additional leave not taken into account with working days

1. Employees whose working days are not included in the norm for performing work beyond the duration of normal working hours shall be given an additional leave of at least 10 calendar days.

2. Specific duration of such leave for employees of organizations financed from the state budget by the Government of the Republic

Tajikistan and for employees of other organizations shall be established in the labor contract, agreement and collective agreements, and in their absence, according to the agreement of the parties to the labor contract.

3. The list of non-regular employees of state organizations is established by the Government of the Republic of Tajikistan and employees of other organizations with labor contracts, agreements and collective agreements or other internal (local) regulatory documents of the organization.

Article 100. Additional leave for continuous work experience

1. Employees who have worked in the same field or in the same organization for a long time and have a continuous work experience are granted additional leave of up to 10 calendar days.

2. The Government of the Republic of Tajikistan approves the list of industries, production, work, profession and tasks (positions), conditions of provision and duration of leave for long-term work experience.

Article 101. Calculation of duration of annual work leave

1. The duration of annual vacations is calculated by calendar days, regardless of the system and work schedule.

2. Non-working holiday days that coincide with the vacation period, according to Article 89 of this Code, are not taken into account when determining the duration of the vacation.

3. When calculating the total length of annual work leave, additional leave, the term of which is established by this Code and other legislative acts of the Republic of Tajikistan, is added to the main annual leave (including extended).

4. When calculating the duration of annual vacations in proportion to the time of work completed, their duration is calculated by dividing the amount of each vacation by 12 and multiplying it by the number of full working months is determined.

5. In addition, overtime equal to 15 calendar days or more is calculated as one month, but less than 15 days is not taken into account.

Article 102. Record of work experience, which entitles to annual leave

1. The length of service, which gives the right to annual leave, includes: - actual working time

during the working year;

- when the employee did not actually work, but his workplace (position) kept for him;

- unavoidable absence from work during illegal dismissal or transfer to another job with reinstatement to the previous job;

- other times when sectoral (tariff), collective and other internal (local) regulatory documents of the organization, terms of the labor contract provided.

2. If the legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements provide otherwise

If not, to work experience, which is entitled to annual leave

gives, the following are not included: - the time of

the employee's absence from work without good reason;

- the time of leave for taking care of the child until he reaches the age specified by the

legislation of the Republic of Tajikistan;

- the time of unpaid leave, at the request of the employee, with a duration of more than 15 calendar days are given.

3. Legislative acts and other normative legal acts of the Republic of Tajikistan may provide for special rules for accounting of work experience that give the right to receive additional work leaves.

to represent

Article 103. The right of the employer to change the working year of the employee

If the set of periods according to Article 102 of this Code is a working year included, are less than 12 full calendar months, the employee's working year is changed to the time of its absence.

Article 104. Conditions for providing work leave for the first working year

1. Labor leave (main and additional) for the first working year is granted by the employer not earlier than 11 working months.

2. Until the completion of 11 working months, the employer is obliged to request the employee should offer him a leave of absence in the following cases:

- to women before or after maternity leave; - to employees under the age of eighteen;

- to the employees who were hired by the transition procedure;

- to employees who, according to a medical report, have a referral for sanatorium treatment;

- to employees who work in two (several) places, if their work leave at the main place of work in the period of up to 11 months is suitable for working in two (several) places;

- to teachers of educational institutions;

- to the participants of the Great Patriotic War and their equals;

- to women and other persons with family obligations who are raising two or more children under the age of fourteen or a disabled child under the age of eighteen have;

- training for employees who are not separated from production in educational institutions of general education (evening departments), educational institutions of primary vocational education, educational institutions of secondary vocational education, educational institutions of special education, educational institutions of higher professional education and postgraduate schools (evening and part-time departments) take;

- in other cases according to the legislation of the Republic of Tajikistan, employment contract, agreement and collective agreements.

3. Military servicemen who have been sent to active duty and sent to work in an organized manner will be given a leave of absence after three months have passed.

4. Labor leave for the wife (husband) of a military serviceman at their request it is given at the same time with the permission of her husband (wife).

5. In addition to the cases specified in the first to ninth paragraphs of part 2, parts 3 and 4 of this article, leave is given in proportion to the days worked during the year, but not less than 14 calendar days.

Article 105. Conditions for granting work leave for the second and subsequent working years

Labor leave (main and additional) for the second and subsequent working years is granted at any time of the working year in accordance with the order of labor leave, unless otherwise provided for in this Code and other legislative acts of the Republic of Tajikistan.

Article 106. Granting annual leave to persons who therapeutic and labor clinics have returned

Annual leave for the period of actual work at the last place of work was granted to the persons who returned from medical and labor preventive examinations.
will be

Article 107. Time and sequence of granting work leave

1. The time and order of giving work leave are determined by the procedure stipulated by the labor contract, agreement and collective agreements, the rules of internal labor procedures, the schedule of leave agreed with the representatives of the employees or by agreement between the employer and the employees.

2. The schedule of work holidays for the calendar year is drawn up according to the terms established by the agreement and collective agreements, which is agreed upon with the employer and the trade union or other representatives of the employees, and is presented to the information of all employees.

3. When determining the time and order of leave submission, the rights of the following employees who have the privilege to receive leave must be ensured:

1) During summer and other suitable time:

- to employees under the age of eighteen;
- to teachers of educational institutions of general education, teachers of educational institutions of primary vocational education, educational institutions of secondary vocational education, educational institutions of special education and professors and teachers of educational institutions of higher vocational education;

- to the participants of the Great Patriotic War and their equals;

- to women and other persons with two or more family obligations have a child under the age of fourteen or a disabled child under the age of eighteen;

- to employees who have or have experienced radiation sickness and other diseases related to the spread of radiation dependent;

- to the employees who participated in the elimination of the consequences of the Chernobyl accident and other poisoned areas or elimination of the consequences of natural disasters;

- in other cases established by the legislation of the Republic of Tajikistan, labor contract, agreement and collective agreements.

2) In a certain period:

- to employees who are not separated from production, in educational institutions of general education (night departments), educational institutions of primary vocational education, educational institutions of secondary vocational education, educational institutions of special education, educational institutions of higher professional education and postgraduate studies - before or during the state of conducting the prescribed trainings, performing laboratory or educational work, passing exams or tests are engaged in learning;

- to employees who work in two (several) places - at the same time with Labor leave of the main job.

4. The employee should have 15 days before the start of the vacation to notify the offer of leave.

5. Annual work leave is offered to men, according to their wishes, during the leave for the period of pregnancy and childbirth of their spouse.

Article 108. Annual work leave and exceptional cases

another year to spend it

1. The employer is obliged to pay the employee during each working year (every year) to submit work leave.

2. In exceptional cases, when the provision of full-time leave to an employee in the current year may have an adverse effect on the normal work process of the organization, an individual entrepreneur, with the consent of the employee, his leave may be fully or partially transferred to another year.

3. Labor leave transferred to another year at the request of the employee shall be added to the leave of the next working year or used separately, no later than one year after the right to leave.

4. Employees under the age of eighteen and employees engaged in heavy work and in heavy or harmful working conditions are working, as well as in other cases provided by the legislation of the Republic of Tajikistan, it is not allowed to extend the leave to another year.

5. It is forbidden to not give work leave for two consecutive years.

Article 109. The employee's right to reschedule and extending the period of leave during the working year

1. In the following cases, the employee can use his leave delay or prolong:

- in case of temporary malfunction;

- when the period of leave for pregnancy and childbirth is over;

- when annual work leave coincides with leave for study without separation from production (if the employee takes such leave before

leave of absence or during leave of absence and after being invited by the educational institution);

- during the performance of state or public duties, if the normative legal acts of the Republic of Tajikistan provide for the dismissal of the employee for the performance of such duties;

- in the event of non-payment of the employee's salary within the prescribed period for leave;

- with the agreement of the parties, as well as in other cases provided for by the normative legal acts of the Republic of Tajikistan, agreements and collective agreements.

2. If the reasons specified in part 1 of this article arise during the leave period, the leave is extended for the duration of those days or with the agreement of the employee and the employer, the unused part of the leave is transferred to another period of the current working year with the consent of the employer.

3. If the reasons specified in part 1 of this article arise before the start of the work leave, the leave will be transferred to another time of the working year at the request of the employee and with the consent of the employer.

4. The employee is obliged to inform the employer about the reasons that prevent the use of leave in the specified period and the time of extension of the leave.

Article 110. Rejection without legal basis and consent of the employer use of work leave by the employee

If the vacation is provided in compliance with the established requirements, but the employee refuses to use it within the specified period until the end of the working year without a legal basis, the employer has the right not to transfer the employee's vacation to another time and not to compensate the non-use of the vacation with a monetary amount, except from the cases provided for in part 1 of article 118 of this Code.

Article 111. Separation of work leave into parts. Withdrawal from work leave

1. Labor leave can be divided into parts with the agreement of the employee and the employer, one part of which should not exceed 14 calendar days. be less.

2. Withdrawal from work leave is possible only with the consent of the employee.

3. When withdrawing from work leave, the unused part of the leave must be given to the employee during the same working year at a time convenient for him, or added to the leave of the next working year in compliance with the requirements stipulated in Article 108 of this Code, if there are other cases in collective agreements and contracts not intended.

4. It is not possible to withdraw from work leave employees under the age of eighteen and employees who work in conditions harmful to health, dangerous and difficult or whose work is of a special nature, as well as other persons in the cases provided for by the legislation of the Republic of Tajikistan. **Article 112.**

Payment of

basic annual leave

1. During the period of the main annual leave to the employee in the amount of Payment is guaranteed not less than the average wage.

2. Payment of the main annual leave shall be made within the terms established by the collective agreement, but no later than one week before its commencement.

3. The employer has the right to pay an additional payment (allowance) to the employee during the provision of the basic annual leave in accordance with the internal (local) regulations and the collective agreement.

Article 113. Funds for payment of vacations

1. Paid labor and social holidays (except vacation for pregnancy and childbirth (Article 223 of this Code) and for child care (Articles 224 and 225 of this Code) at the expense of the employer's funds and in organizations financed from the state budget, at the expense of the funds included in the cost estimate for their maintenance and wages labor is provided, paid.

2. Leave for pregnancy and childbirth, leave for child care are paid from the state social insurance funds. **Article 114. Social leave**

1. Social leave to employees for creative activity, pregnancy and giving birth, child care and education without separation from production will be

2. The right of employees to social leave for duration, place and type work, name and organizational and legal form of the organization are not related.

3. During social leave, the previous job is kept and in the cases specified in this Code, agreements and collective agreements expected wages are kept.

4. Social leave is granted in addition to work leave.

5. Social leave is granted for the same calendar year to which the employee is entitled.

6. If social leave is not used in the current calendar year, it will not be transferred to another working year and with a monetary amount shall not be compensated, including in case of dismissal.

Article 115. Creative leave

1. Creative leave with maintenance of salary is granted to employees for the performance of dissertation work, writing textbooks and in other cases provided for by the normative legal acts of the Republic of Tajikistan.

2. The procedure and conditions for providing and duration of creative leave legal regulations of the Republic of Tajikistan. **Article 116. Unpaid leave**

1. Due to the family situation and other good reasons, the employee is granted unpaid leave according to his application, the duration of which is determined by agreement between the employee and the employer. The employer assesses the reasonableness of the reasons for granting such a leave, unless otherwise stipulated in the collective agreement and contracts.

2. Unpaid leave according to the employee's application is mandatory

are given:

- to the participants of the Great Patriotic War, persons equal to them, as well as to working pensioners - up to 14 calendar days every year;
- to the parents and spouses of military servicemen and law enforcement officers who were injured, contused or injured during the defense of the Motherland and the performance of official duties, or as a result of an illness related to their participation in war and political confrontations died - every year up to 14 calendar days;
- to disabled people who work - up to 2 months a year;
- to the employees regarding the birth of a child, closing ceremony marriage, death of relatives - up to 7 calendar days;
- to employees who treat a sick person as a family member according to a medical opinion take care (without issuing a certificate of incapacity for work or a document replacing it) - up to 14 calendar days;
- to employees who, according to a medical opinion, have a sanatorium-resort pass for treatment, the term of which exceeds the duration of the work leave - for the missing time (plus commuting time), if all the work leave period has been used, with the full term of the pass (plus travel time);
- 10 calendar days for employees who are allowed to pass entrance exams to educational institutions of secondary vocational education, 15 calendar days to educational institutions of higher vocational education and educational institutions of special education, except for the time of travel to the location of the educational institution;
- to those entering post-graduate and doctoral studies and studying without separation from production - for the time of commuting to the location of these institutions during the period of passing entrance exams and thesis work;
- in other cases where the normative legal acts of the Republic Tajikistan provides collective agreements and contracts.

3. The holidays provided for in the first, second and third paragraphs of part 2 of this article are granted when the employee has agreed with the employer.

Article 117. Temporary unpaid or partially paid leave

1. When there is a need to temporarily stop production (work) or reduce the amount of work for a period of not more than one month, the employer in order to prevent the right to release employees due to reduction in the number or work unit has, with the consent of the employee (employees), give him (them) leave without maintenance or partially with maintenance of salary, if the agreement and collective agreements do not provide otherwise.

2. In this case, the size of the salary to be paid is determined by agreement between the employer and the employee, and it cannot be less than the size of the employee's monthly salary.

Article 118. Exercising the right to annual leave upon dismissal

1. In case of dismissal, regardless of the existing grounds, compensation shall be paid to the employee who did not use his or her vacation in full or in part.
2. When the employment contract is canceled at the request of the employee, the unused annual leave is given to him with the condition of dismissal after the end of the leave. In this case, the date of dismissal is considered the last day of leave.
3. In the case of dismissal due to the expiration of the employment contract, leave can be granted with the condition of dismissal after the leave, if the leave period in whole or in part exceeds the term of the employment contract. In this case, the employment contract is considered to be extended until the end of the leave.
4. Compensation for full-time leave is paid if the employee has worked for the entire working year until the day of dismissal. If the employee is part of the working year before the day of dismissal if he worked, the compensation will be paid in proportion to the time worked.
5. Compensation for unused vacation leave upon dismissal release is paid on the day of release.

Article 119. Employer's rights when granting leave

1. The employer, in accordance with the preliminary consultation with the labor team, can give leave to a large number of employees during the summer, to employees who are engaged in repair, restoration and renewal of production during this period, at another time convenient for them.
2. From the amount saved (income), in accordance with the contract labor agreements and collective agreements, the employer has the right:
 - additional leave for at least 7 calendar days for work according to the schedule of a continuous work week (in the case of a multi-shift work system) to establish;
 - to achieve high work results, to perform especially complex and especially important tasks for a period of at least 10 calendar days to establish additional leave;
 - establish a high salary for all types of social leave, including leave during pregnancy and childbirth, child care, creative and educational activities;
 - to encourage employees who spend their vacations in resorts and other health care facilities, increase their working capacity and improve their health, by fully or partially paying the cost of travel and transportation to the place of rest and treatment.

CHAPTER 8. PROFESSIONAL TRAINING, RE-TRAINING, PROFESSIONAL IMPROVEMENT AND EXPERIENCE OF EMPLOYEES

Article 120. Rights and obligations of the employer regarding professional training, retraining, professional development and training of employees

1. Necessity and volume of professional training, retraining, professional development and training of employees in order to ensure the effective operation and development of the organization is determined by the employer.

2. Professional training, retraining, professional development and training of employees or other persons who are in labor relations are carried out directly in the organization or outside it in organizations established for this purpose.
are done

3. The employer is obliged to provide conditions for employees undergoing training, professional training, retraining and professional development to combine work with education, which is provided for by this Code, other regulatory legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements. to show

4. The employer is obliged to conduct professional training, retraining and improvement of knowledge of employees to acquire additional skills, for direct employment in production or in educational institutions of professional education.
to provide conditions for their professional development.

5. After graduating from educational institutions of vocational education, the employee is given the relevant professional qualification (group, degree) and is offered a job according to the specialty he received.

6. The general professional knowledge of the employee is taken into account when increasing the professional qualification (group, degree), determining the salary and promoting them to a higher position (position).

7. Guarantees and compensations for employees along with work students are provided only in the main workplace.

8. Employers to educational institutions that have technical education programs and apply professionalism, promotes professional training, retraining, professional development and training of personnel.

Article 121. Professional training, retraining, professional development and training of employees

1. Professional training, retraining, professional development and training of employees with the employer's permission are carried out in educational institutions at the expense of the employer's funds or other sources not prohibited by the legislation of the Republic of Tajikistan, in accordance with the education contract.

2. For employees who study in educational institutions, according to the labor contract, agreement and collective agreements, other internal (local) regulatory acts, additional benefits may be established at the expense of the employer who sends them to study.

Article 122. Form and general requirements for professional training, retraining, professional development and training of employees

1. The form of professional training, retraining, professional development and training of employees is determined by the employer.

2. General requirements for professional training, retraining, professional development and training of employees in state organizations are determined by the Government of the Republic of Tajikistan.

Article 123. Rights and obligations of employees regarding professional training, retraining and professional development

1. Employees have the right to professional training, retraining and professional development, including professional education and new specialties.

2. Employees undergoing professional training, retraining and professional development may be exempted from work or work under part-time conditions in agreement with the employer.

3. Employees undergoing professional training, retraining and professional development enjoy the guarantees provided for by this Code, regulatory legal acts of the Republic of Tajikistan, labor contract, agreement and collective agreements.

4. The employee is obliged to work for the employer after the completion of professional training, retraining and professional development for the period agreed by the parties in the education contract.

5. In the case of cancellation of the employment contract before the term established by the education contract at the initiative of the employee or at the initiative of the employer due to the fault of the employee, the employee must pay the expenses related to education to the employer for the corresponding period of work. **Article 124. Content of the**

education contract

1. The study contract should include: - the date and place of drawing up the contract; - the parties to the contract;

- name of the organization where the employee works, surname, first name and first name of the employer's father or a person authorized by it, power of attorney, name of the educational institution, last name, first name and first name of the father of its head, last name, first name and first name of the father of the employee (apprentice, student), if the contract is tripartite;

- name of the organization, place of work of the employee, surname, name and patronymic of the employer or his authorized person, power of attorney, surname, surname and patronymic of the employee (apprentice, student); -

subject of the contract;

- information about paid and free education, form of education, profession specifically, the level of educational specialization that the student receives;

- rights and obligations of the employer and student;

- period of study and period of additional work for the employer after graduation

education; - guarantees and compensations related to education; -

unexpected circumstances (force majeure); -

special conditions;

- procedure for consideration

of disputes; - term of validity and procedure for canceling the contract; - address of the parties.

2. The study contract may include other conditions agreed upon by the parties are defined, include

Article 125. Privileges for employees studying in educational institutions

1. Employees who are studying in educational institutions along with working, based on the invitation of educational institutions to participate in

educational activities in the specified period are exempted from the performance of service obligations or production with retention of wages.

2. In collective agreements and contracts, other internal (local) regulatory documents of organizations for employees working in educational institutions are studying, additional allowances may be set at the expense of the employer who sent them to study.

Article 126. Privileges for employees in institutions are studying general education

1. A working day of no more than four hours is established for employees who study in educational institutions of general education and at the same time work in organizations.

2. Students of educational institutions of general education shall be dismissed for at least 42 calendar days during the academic year, when the working week is six days, or according to the same number of working hours in the case of a five-day working week. If the working week consists of five days, the total number of hours of dismissal of the employee changes depending on the duration of the work shift while remaining the number of hours of dismissal.

3. During the period of dismissal of the employee, he is paid at least 50% of the salary from the main job, but not less than the established minimum wage.

4. Students of educational institutions of general education have the right to additional paid leave from the main place of work to pass exams for a period not less than the amount established by the normative legal acts of the Republic of Tajikistan with maintenance of the average salary during the leave period.

Article 127. Privileges for students of educational institutions of professional education

1. To the employees who, along with working in educational institutions of vocational education, to prepare and pass exams, and employees who, along with working in educational institutions of general education and educational institutions of higher vocational education, for performing laboratory work, passing tests and exams, preparing and defending a diploma thesis, additional leave and average salary are given from the workplace for a period not less than the amount established by the normative legal acts of the Republic of Tajikistan (Law of the Republic of *Tajikistan* dated 19.07.2022 No. 1897).

2. Employees who are studying in vocational educational institutions are entitled to at least one day off from work every week of their working days, consisting of six days for preparation for training during ten academic months before writing a thesis or passing graduation exams, and the average salary. labor is given.

3. If the working week consists of five days, the number of days off from work changes depending on the duration of the work shift, and the number of hours off work remains the same.

4. To employees working in part-time departments of educational institutions of secondary vocational education, educational institutions of special education and

are studying in educational institutions of higher professional education, an allowance is given for paying travel expenses to the place where the educational institution is located, in accordance with the procedure established by the normative legal acts of the Republic of Tajikistan.

CHAPTER 9. DISCHARGE

Article 128. State guarantees of labor supply

The state provides the following guarantees to citizens in the field of public employment:

- protection from all forms of discrimination and provision of equal opportunity to obtain a profession and work;
- professional training, retraining, professional development of the unemployed, employees and poor people who take care of children under 3 years of age, as well as organization of social work for the unemployed;
- professional training, retraining, professional development, organization of public works for employees who have a part-time working system, taking into account changes in production in the organization, as well as during reorganization and (or) reduction of the volume of work by the employer;
- support for the development of small and medium business activity;
- organization of mediation in the field of labor and employment;

- provision of professional services and guidance, information on vacant jobs;

- guidance of the professional education system for the training of specialists according to the requirements of the labor market;
- development and implementation of measures to reveal and legalize labor relations;

- in investment agreements, establishing the investor's obligation regarding professional training, creation and maintenance of new jobs having existing jobs;
- creation of conditions for the development of professional training, retraining and professional development directly in the organization;
- mutual cooperation of authorized bodies with employers employment issues;
- provision of conditions for the rehabilitation of persons provided for by the legislation of the Republic of Tajikistan.

Article 129. Rights of citizens in the field of employment

Citizens have the right to:

- free choice of the type of activity and profession by applying directly to employers, as well as through the mediation of authorized state bodies in the field of labor and public employment;
- independent search for work and employment, including abroad;
- receiving advice and information from authorized state bodies in the field of labor and public employment;
- participation in public affairs.

Article 130. Rights and obligations of the employer during dismissal

1. The employer has the right to:
 - select personnel;

- from authorized state bodies in the field of labor and employment provide accurate, complete and immediate information on the state of the labor market and the possibility of professional training.

2. The employer is obliged to provide the following information to the authorized state bodies in the field of labor and employment:

- about dismissal of employees due to liquidation legal entity or termination of activity of a natural person, reduction of the number or work unit, as well as the number and groups of employees affected by this reduction can intervene in their activities, indicating the position (position), profession, specialty, degree and salary of the employees to be dismissed and the period during which the employees will be dismissed, but not less than two months before the dismissal;

- about changes in working conditions, transition of employees to the part-time working system due to changes in production in the organization, including during reorganization and (or) reduction in the volume of work, at least one month before the occurrence of such situations;

- about the availability of vacant jobs (vacancies), in a period of three working days from the day of their occurrence;

- on the acceptance and non-acceptance of citizens to work (by indicating the reasons for it through appropriate notes in the passport), within five working days from the day of their dispatch by the authorized body.

Article 131. Mediation in labor relations

Mediation in labor relations is carried out by authorized state bodies in the field of labor and employment in the following ways:

- informing citizens about the possibility of finding a job and employers about the possibility of providing labor force; - assisting citizens in choosing a job;

- issuing the unemployment certificate to the citizens and presenting it to the employer for a vacant job; - creation

of a source of information about the labor market; - registration of appeals of citizens; - services in

career determination;

- interaction with employers on issues maintenance on the basis of the contract.

CHAPTER 10. ADJUSTMENT OF LABOR

Article 132. Standards of labor

1. In the conditions of the collective form of organization and payment of wages, higher and aggregate labor rates may be used.

2. When paying time-based wages to certain groups of employees, standardized assignments may be established. In order to fulfill separate obligations and the amount of work, the employer can determine the service standards or the number of employees.

Article 133. State guarantees for the organization of labor evaluation

The state guarantees of the organization of labor evaluation include:

- ensuring the development of technically exemplary standards justified on labor by state authorities;
- control of employers on the development, implementation and revision of labor standards.

Article 134. Establishment, replacement and revision of labor standards

1. Establishing, changing and revising labor standards are carried out by the employer with the participation of employee representatives.

2. Regarding establishment, replacement and revision of labor standards should be notified to employees no later than one month.

Article 135. Requirements for the development of labor standards

When developing labor standards, the following requirements should be met to be:

- the quality of labor standards, their appropriate approximation to the necessary labor consumption;
- determination of standards for the same work in the conditions

Similar organizational and technical implementations are carried out;

- improvement of labor standards based on scientific and technical achievements;
 - evaluation of types of work for which criteria are determined
- work is necessary and purposeful; - technical

(scientific) validity of labor standards. **Article 136. Features of regulation of labor standards**

The procedure for submitting, reviewing and agreeing labor standards in the organization, regardless of the organizational and legal form for services (goods, work), through which the state regulation of tariffs (prices, volume of payments) is introduced, by the authorities state authorities in the field of labor and employment are established.

Article 137. Determining the wage rate of the employee

1. The salary schedule of the employee is determined based on the established levels of work, tariff rates (salary) and performance rates (time rates).

2. The salary schedule of the employee by dividing the hourly (daily) tariff rate by the level of work performed in accordance with the hourly (daily) processing rate or by multiplying the hourly (daily) tariff rate by the level of work performed according to the established rate of time in hours or day is determined.

Article 138. Provision of normal conditions for the fulfillment of labor standards

1. The employer is obliged to create stable conditions for the employees to fulfill the labor standards.

2. Normal working conditions include: - provision of orders and volume of work; - working condition of machines, devices and other tools; - timely provision of technical documents;

- the appropriate quality of materials and items for performance and use are necessary and their timely provision;

- timely supply of production with electricity, gas and other sources;

- safe and favorable working conditions (observance of rules and standards of safety equipment, provision of personal protective clothing, necessary lighting, heat, ventilation, elimination of the effects of harmful sounds, light, vibration and other factors that have a negative impact on the health of employees deliver).

CHAPTER 11. WAGE

Article 139. Determination of salary of employees

1. The salary of employees is determined depending on the quantity and quality of the labor spent. The measure of labor consumption is the labor rate (rate of processing, rate of time, rate of service), which are set by the employer in agreement with the representatives of the employees based on the minimum wage, tariff rates and inter-level coefficients, according to the level of technical and technological achievements and production organization in the case of employees establish normal working conditions.

2. The wage rate is determined by agreement between the employee and the employer. The salary cannot be less than the minimum amount established by the state and cannot be limited by any maximum

does not happen

3. Determine the wage payment system, tariff rates, salaries and other types of payment: - for employees of organizations

financed from the state budget

- legislative acts and other normative legal acts of the Republic of Tajikistan;

- for employees of organizations with mixed funding (partly funded from the state budget and partly from business activity) - legislative acts and other regulatory legal acts of the Republic of Tajikistan, as well as labor contracts, agreements and collective agreements, internal (local) regulatory acts of organizations;

- for employees of other organizations - labor contract, agreement and collective agreements, internal (local) regulatory acts of organizations.

4. The employer has the right, in agreement with the representatives of the employees, to define a different system of rewards, paid incentives and additional payments.

Article 140. Guarantee of salary payment

1. The employer, regardless of his financial situation, is obliged to the employee to pay the fixed salary for the work performed.

2. Discrimination in payment of wages is prohibited. The employer is obliged to pay the employee the same salary for the performance of equivalent work. It is forbidden to change the terms and conditions of payment of wages to the detriment of the employee.

3. The amount of wages determined by the parties in the labor contract cannot be lower than the minimum wage.

Article 141. State guarantee for payment of wages of employees

1. The state guarantee system for the payment of wages of employees includes the following:

1) The tariff system, which consists of the following elements: -
tariff rates (wages); - tariff schedule; -
tariff coefficients; -
the minimum wage in the
Republic of Tajikistan;
- the size of the tariff rates of the first level of the Unified Tariff Table of
employees of the budgetary sector of the Republic of Tajikistan;
- republican wage rates - hourly or monthly tariff rates (salaries) that set the wage
level for specific groups of professional and qualified employees of organizations funded
by the state budget
are financed and use state subsidies, determine;

- increasing the amount of wages for work in conditions that differ from standard
conditions, including night work, work on weekends and holidays, working overtime,
places with unfavorable natural and climatic conditions, work in conditions harmful and
heavy work;

- measures to maintain the actual level of wage provision on the basis
legislation of the Republic of Tajikistan;

- limiting the maintenance of salary, including the amount of income taxation;

- State control of full and timely payment of wages and salaries
providing state guarantees regarding its size;

- liability of the employer for violation of the terms of the contract
labor, agreement and collective agreements on wages.

2. Difficulties in performance of work are determined on the basis of their
tariffization. Tariffing of work and assigning tariff levels to employees are carried out
according to the Unified Tariff and Qualification Guide for the Work and Profession of
Employees and the Unified Qualification Guide for the Positions of Managers, Specialists
and Civil Servants, which are approved by the Government of the Republic of Tajikistan.

3. State guarantee for payment of wages to employees with
The employer is in an employment relationship. **Article 142.**

Composition of wages

1. Salary consists of fixed and variable contributions.

2. Permanent share of wages from hourly or monthly share
includes tariff rates (salary).

3. The variable share of wages depending on work results
and includes various bonuses, bonuses, compensations (for qualification level, work
experience, according to the results of annual work, scientific degree, etc.) and bonuses
(for high quality of work, for producing products in excess quantity).

Article 143. Minimum wages

1. The minimum wage is established by the President of the Republic of Tajikistan.
2. To establish the level of state wage rates in the territory of the Republic of Tajikistan is the basis of the minimum wage.
3. The minimum wage does not include additional payments, overtime, incentive payments, social payments, as well as overtime payments, which are given for working longer than the normal duration of working hours.
4. In districts and localities, district coefficients, coefficients for work in the desert, waterless and high-altitude areas are established, the minimum wage is determined using these coefficients and overtime.
5. In the labor contract, agreement and collective agreements a higher minimum wage may be provided, except for an organization that is financed from the state budget and uses state subsidies.

Article 144. Indexation of wages

The wage increase includes wage indexation, which is implemented by the employer in accordance with the procedure established by the labor contract, agreement and collective agreements or employer's documents, taking into account the inflation rate of the relevant period determined by the legal regulations of the Republic of Tajikistan.

Article 145. District coefficients and salary supplements labor

1. In districts and localities with unfavorable natural, climatic and living conditions, coefficients and allowances are set for wages.
2. The list of regions where coefficients and surcharges are used, as well as their size and payment procedure shall be established by the Government of the Republic of Tajikistan.

Article 146. State tariffs for the payment of wages

1. State wage rates in the Republic of Tajikistan consist of hourly or monthly rates and salaries by position (position), which determine the minimum salary for specific groups of employees with professional qualifications of budgetary organizations.
2. Other employers must use fixed rates for the wage differential of employees as a minimum wage guarantee.
3. State wage rates based on the minimum wage according to the tariff coefficients of the Unified Tariff Table of the Republic of Tajikistan and first-class wage tariffs by the Government of the Republic of Tajikistan with the participation of trade unions and other employee representatives for the difference in the minimum wage of groups of professional and qualified employees. are determined.
4. State wage rates, as well as hourly, daily and other rates, calculated taking into account these rates.

are not reduced, and they are considered as the basis for setting the specific amount of wages in the labor contract, agreement and collective agreements, as well as in the relevant estimates of the costs of means for the maintenance of organizations financed from the state budget.

5. State wage rates will change if the minimum wage increases. **Article 147.**
Procedure for payment of wages to employees

1. Employees' wages are paid based on hourly and (or) monthly tariff rates, which are determined by the labor contract, collective agreement and contracts and in organizations from the state budget.

to be funded, the President of the Republic of Tajikistan or the Government of the Republic of Tajikistan shall determine.

2. Attributing the performed work to a specific tariff level (task) and assigning the appropriate qualification level to employees is carried out according to the procedure established by collective agreements and contracts or the employer in accordance with the Unified Tariff and Qualification Information for the Work and Profession of Employees, the Unified Qualification Information for Managerial Positions, specialists and civil servants, other qualification certificates approved in accordance with the established procedure.

3. Employees who fulfill their labor standards are given a relatively high degree of qualification in the first place.

4. If an employee has successfully performed work of a higher qualification level for at least three months within a year, he has the right to request from the employer in accordance with the established procedure that he be given a higher qualification level.

Article 148. Salary in special conditions

For heavy work, work in harmful and especially harmful working conditions, according to the procedure determined by the Government of the Republic of Tajikistan or authorized state bodies in the field of labor and public employment, as well as according to the labor contract, agreement and collective agreements, high wages are established. **Article 149.**

Form, system and amount of wages

1. The form, system and amount of wages of employees, including payments of incentive and compensatory nature, are established by the employer on the basis of the labor contract, agreement and collective agreements.

2. The form and system of wages of civil servants and persons equivalent to them shall be established by the legislation of the Republic of Tajikistan.

3. The form and system of wages of employees of other organizations financed from the state budget by the employer, the amount of wages they are established by the President of the Republic of Tajikistan or the Government of the Republic of Tajikistan.

4. Differentiation (differentiation) of wages depends on the complexity and gravity of work, its conditions and professional level of employees.

Article 150. Change of wage conditions

1. Wage conditions are changed in the same manner as they were established.

2. It is not allowed to change the terms of wages to the party that is unfavorable for the employee, without his consent, if changes in production technology and labor organization do not allow maintaining the old terms of wages.

3. The employee should be informed about the changes in terms of wages no later than two months notice.

Article 151. Salary during performance of degree works of different qualifications

1. During the performance of work of different qualification levels, the wages of part-time employees, as well as other employees, are paid according to the work of a higher qualification level.

2. Pay employees according to the price list of the performed works will be

3. In the place where, due to the nature of the production, the employees are assigned to perform tasks with a tariff lower than the levels given to them, the inter-level ratio is paid.

Article 152. Salary when combining professions (tasks) and temporarily fulfilling the obligations of absent employees

1. To employees working in the same institution along with their main work confirmed by the labor contract according to their specialty, degree and position (position) for the duration of the working day (work shift) established by the normative legal acts of the Republic of Tajikistan without release from the main job perform additional work in a different specialty, for combining professions (tasks), expanding the scope of services (increasing the amount of work to be performed) or fulfilling the obligations of employees who are temporarily absent from work, an additional payment is given.

2. The amount of additional payment for combining professions (tasks), expanding the range of services (increasing the amount of work to be performed) or fulfilling the obligations of employees who are temporarily absent from work by the employer with the consent of the employee, for organizations financed from the state budget, by the Government of the Republic of Tajikistan is established. In such cases, the amount of additional payment should be at least fifteen percent of the salary of the combined work.

Article 153. Salary for temporary replacement of an employee do something else

1. During temporary work in place of another employee in organizations funded from the state budget, the salary for the replacement employee is paid in the amount of the duty (professional) salary of the replacement employee with the work unit (without additions and increases).

2. The replacement employee is motivated according to the conditions and in the amount established for the position (position) of the replacement employee.
will be

3. The conditions and procedures for payment of wages during temporary work in place of another employee in other organizations, established by the employer, are stipulated in the labor contract, agreement and collective agreements.

Article 154. Payment of overtime, work on weekends and holidays

1. Every working hour overtime is paid as follows
becomes:

- to employees with salary - not less than twice the price of the employee;

- to hourly salaried employees, as well as to those who receive a position (professional) salary - not less than twice the hourly (salary) rate.

2. According to the agreement with the employer to the employee who is overtime worked normally, another day off can be given.

3. In order to work on non-working holidays and weekends, wages shall be paid in accordance with the rules stipulated in part 1 of this article, not less than twice the amount. In this case, employees who work within the limit of one month's working time and receive a monthly salary in addition to the monthly salary shall not be less than one time of the hourly or daily rate, and if the work is performed in excess of the monthly limit, the salary shall be at least it is paid at double hourly or daily rate in addition to monthly.

4. For overtime work, on non-working days and holidays, the reward is calculated according to the one-time rate of the employee's time or according to the one-time tariff rate.

5. In the labor contract, agreement and collective agreements, other amounts of overtime pay can be established, but not less than the amounts provided in parts 1, 3 and 4 of this article.

Article 155. Salary of employees who work in two (several) places

1. The salary of the employees who work in two (several) places shall be paid in proportion to the time worked according to the results of the work or other conditions stipulated by the labor contracts.

2. When setting standard assignments for part-time employees working in two (several) positions, wages are paid for the final result of the actual work performed.

3. To the persons working in two (several) places in the districts where the district coefficient and allowances have been set for wages, wages will be paid taking into account these coefficients and allowances.

Article 156. Payment of wages for night work

1. The salary for each hour of night work is paid at least one and a half times the established rate.
2. The increased payment of night wages is not included in the tariff rate (service salary).
3. The specific amount of payment shall be determined by the agreement and collective agreements, if they have not been concluded, by the employer after prior consultation with the representatives of the employees.

Article 157. Payment of wages in case of non-fulfillment of the norm processing, production of defective products, idleness, as well as in the case of mastering new production (products).

1. In case of non-fulfillment of processing standards, production of defective products and idleness, which were not caused by the fault of the employee, his average monthly salary is paid.
2. In the case of non-fulfillment of processing standards due to the fault of the employee, the salary is paid according to the actual work performed.
3. Wages will not be paid for complete product defects and downtime caused by the fault of the employee. For a partial defect caused by the fault of the employee, the salary will be paid at a lower price, depending on the level of efficiency of the cost of the product, which the employer determines after agreement with the representatives of the employees.
4. Defect of the product as a result of the presence of a hidden defect in the processed material, as well as a defect without fault of the employee, which became known after the acceptance of the product by the technical control body, equal to working product is paid.

5. The salary of employees during the period of development of new production (products) is defined in the labor contract, agreement and collective agreements. **Article 158. Periods of salary payment**

1. The term of payment of wages is established by the labor contract, agreement and collective agreements or other internal (local) regulatory documents, but it is less than once every half month.
can't
2. If the day of salary payment falls on a weekend or a non-working holiday, the salary will be paid on the eve of such days.
3. When dismissing an employee, all his funds on the day are paid at the end of the work.
4. Salary, which the employee did not receive until the day of death, to the family members it is given to him or to the person who has taken care of the funeral expenses.
5. If the salary is paid later than the established deadline through the fault of the employer, he is obliged to pay an additional amount for each day of delay in the payment of the salary in the amount of the percentage of the bank rate that is available in the place of performance of the work on the day of salary payment.
6. The employer is responsible for not paying wages on time in accordance with the legislation of the Republic of Tajikistan.

Article 159. Forms of salary payment

1. Salary paid in the national currency of the Republic of Tajikistan will be

2. With the consent of the employee, in exchange for a partial payment of the original payment (combined form of payment) is allowed, but it cannot exceed 20% of the total amount of his monthly salary.

3. The original payment instead of monetary payment should be equal to the monetary value of the salary, suitable for personal consumption and beneficial to the employee and his family.

4. It is not possible to pay the actual salary with the goods, the free movement of which is restricted or prohibited according to the list approved by the Government of the Republic of Tajikistan.

5. Payment of wages in the form of debt obligations, letters and coupons are prohibited.

Article 160. Place of salary payment

1. The salary is paid to the employee directly at the workplace (in the organization).

2. If the employee fulfills the employer's order in another place (at the client's organization, on a business trip, in training courses, etc.) on the day of the payment of the salary, then at the request of the employee, the employer must send the salary to him from his own account. or transfer the money to his trustees with the consent of the employee.

3. At the request of the employee, full or partial salary to the account his banking is carried out.

4. Salary can be paid through bank cards.

The employee is not charged for such services. **Article 161. Source of means for wages**

The source of funds for the wages of employees of organizations that operate according to the economic account is a part of the income received from their economic activities, and for organizations that are financed from the state budget, it is the funds allocated from the relevant budget. **Article 162. Salary reserve fund**

1. To ensure the payment of wages due to the employee as well as guaranteed payments and compensation in accordance with the legislation of the Republic of Tajikistan, the labor contract, agreement and collective agreements provided for in cases of bankruptcy of the employer, liquidation of the organization, termination of the activity of an individual entrepreneur and in other cases established by the legislation of the Republic of Tajikistan, the employer is obliged to provide a reserve fund of wages establishment

to give

2. The size of the salary reserve fund, the basis and procedure for its use it is determined by the Government of the Republic of Tajikistan.

Article 163. Withholding money from wages

1. Withholding money from wages only in cases established by the legislation of the Republic of Tajikistan.

2. Withholding money from the employee's salary to pay off debts to the employer according to the order of the employer in the following cases is done:

- to return unprocessed advance payments to the account salary paid to the employee;

- to refund the amount due to an incorrect account surplus

given;

- for the compensation of the unused and not returned on time advance payment, which was given for a business trip or for transfer to another job, another place, and household needs, if the employee does not express dissatisfaction with the basis and amount of withholding of funds. In such cases, the employer has the right to order the retention of funds for a period of at least one month from the last day of the specified deadline for the return of advance payments, compensation of debts or from the date of wrong transfer of funds;

- when dismissing an employee until the end of the working year in which the employee has already taken leave, for the unused days of the leave. If the employee was dismissed on the basis of the first, second, and fifth paragraphs of part 1 of Article 42 and the first paragraph of Article 48 of this Code, as well as when the employee is sent to study, retires, and in the event that on the day of dismissal, the employee does not have the amount calculated for payment, the amount for these days will not be withheld from the salary;

- when compensating the damage caused to the employer by the fault of the employee, in an amount not higher than the average monthly salary of the employee (Article 189 This Code).

3. Salary paid by the employer to the employee. overpaid, including when the legislation of the Republic of Tajikistan is used incorrectly, except for the cases of incorrect calculation, the employee cannot be charged.

4. The employer is obliged to pay the amount based on the written application of the employee withhold from his salary in the order of a non-cash account.

5. The total amount to be withheld from the salary and other types of income of the employee cannot exceed 20%, and in the cases stipulated by the legislation of the Republic of Tajikistan, it cannot exceed 50% of the employee's salary.

6. When deducting from the salary for several performance documents, at least 50 percent of the salary planned for payment should be left for the employee.

7. Limitations established in parts 5 and 6 of this article for withholding money from wages during the implementation of correctional works and payment of alimony, compensation for damage to health, compensation for damage to persons who were harmed as a result of the death of the employee and compensation for the damage caused as a result of the crime has been applied they do not In these cases, the withholding amount cannot exceed 70 percent of the salary.

8. It is not allowed to keep funds from one-time allowances, compensations and other payments, which are prohibited to be collected according to the legislation of the Republic of Tajikistan.

CHAPTER 12. WARRANTIES AND INDEMNIFICATION

Article 164. Guarantees during the performance of state and public duties

The employer is obliged to dismiss the employee during the performance of state and public duties stipulated by the legislation of the Republic of Tajikistan, to keep his job (position) and average salary.

has

Article 165. Guarantees to dismissed employees related to call for temporary military service

Employees who are dismissed due to being called up for temporary military service (the first paragraph of Article 48 of this Code) will be provided with their previous job or an equivalent job after the end of the service period in accordance with the legislation of the Republic of Tajikistan.

Article 166. Guarantees during performance of obligations for the benefit of employees of the organization

The conditions for the dismissal of the employee in order to fulfill the obligations that are in the interest of all the employees of the organization, as well as the amount of guaranteed payments during this period are established by collective agreements and contracts or by the employer with the agreement of the employees' representatives.

Article 167. Guarantee when transferring an employee to another job permanently underpaid

1. When an employee is transferred to a permanent low-paid job in the same organization, his previous salary will be kept for two months from the day of the transfer.

2. When an employee is discharged in accordance with a medical report due to an occupational injury, occupational disease or other work-related injury, which has caused damage to his health, the employee's previous salary will be kept for the entire period of work or until the disability is determined.

Article 168. Guarantee for an employee who is sent to a medical institution for examination

1. During the period of examination, if the employee is in a medical institution, who must undergo such an examination, his monthly salary will be kept at his place of work. will have

2. During the examination of the employee in the centers of occupational diseases, his monthly salary is kept for the entire period of his stay in the center.

Article 169. Guarantees and benefits for dismissed employees to be released

1. The following guarantees are given to employees who are released from the organization due to the reduction of the work unit or changes in working conditions. are:

- unemployment allowance in the amount of not less than the average monthly salary;

- retention of the average monthly salary during the period of employment during the second and third month of dismissal by the decision of the authorized state body in the field of labor and employment, if the employee timely reports to these bodies within ten days after the dismissal applied and was not employed;

- the right to retire one year earlier than the period established by the legislation of the Republic of Tajikistan for persons of retirement age who have a working history and it gives the right to retire by age.

2. Persons due to an accident in production or occupational disease those who have lost their ability to perform their previous work will be treated as dismissed employees.

3. Legislative acts and other regulatory legal acts of the Republic of Tajikistan may provide for a longer period of retention of average wages for dismissed employees during their employment.

to represent

Article 170. Guarantee for the heads of the organization and employees who perform the general task of managing the organization

Upon termination of the contract with the head of the organization and the employees who perform the general management function of the organization, the new owner is obliged to pay compensation to each of them not less than six months' salary depending on the change of the owner.

Article 171. Guarantees for certain groups of employees

Guarantees are given to a separate group of employees: donors, inventors, innovators, employees sent for professional development and other employees in accordance with the procedure established by the legislation of the Republic of Tajikistan.

Article 172. The procedure

for calculating the average salary . , in addition to the average wage

when determining the pension, the Government of the Republic of Tajikistan sets.

Article 173. Reimbursement of work performance costs

Additional costs of the employee, which are related to the performance of labor obligations, must be reimbursed by the employer in accordance with the terms and procedures established by the regulatory legal acts of the Republic of Tajikistan and the labor contract. **Article 174. Business trip**

1. By the order of the employer, the employee is required to perform official duties outside the place of permanent work, he is sent on a business trip to another place for a certain period of time.

2. The trip of an employee whose work is permanently on the road or is mobile and portable, as well as within the territory of the settlement where the employer is located, is not considered a business trip.

Article 175. Regulation, system of working time and rest time during a business trip

1. Business trip with the document of the employer and issuance of the travel certificate service of the prescribed form is formalized.

2. During a business trip, the system of working hours and rest established in the place of the business trip shall apply.

Article 176. Duration of being on a business trip

1. The actual duration of being on a business trip is determined by the date of arrival and departure from the business trip certificate.

2. Sending on a business trip for more than 30 calendar days only with the consent of the employee.

3. The day of going on a business trip is considered the day of departure from the permanent place of work, and the day of return is the day of arrival at the permanent place of work. When leaving until 24 o'clock, the day of departure is counted as the current day, and after 00 o'clock it is included in the next day.

Article 177. Guarantee and compensation during a business trip

1. Reimbursement is made during a business trip:
- expenses related to residence outside the place of permanent residence (daily);

- travel expenses; -
housing rental costs; - other expenses
incurred by the employee with the consent of the employer.

2. The procedure and amount of compensation for business travel expenses in organizations financed from the state budget shall be determined by the Government of the Republic of Tajikistan.

3. The amount of compensation for business travel expenses in other organizations is determined by the agreement of the employee and the employer and cannot be less than the amount established by the Government of the Republic of Tajikistan.

4. Place of work (position) and salary of employees on a business trip will be kept for the entire duration of the business trip.

Article 178. Compensation for movable and portable works

1. For employees engaged in construction, electricity production, processing and production of oil and gas, communications, forestry and water, road and railway transport, exploration, geological exploration, topography and geodesy, scientific expeditions, as well as oil and gas transportation, permanent works on the road, work outside the place of permanent residence and other work of a mobile and temporary nature, an additional allowance is paid.

2. The Government of the Republic of Tajikistan shall determine the conditions, procedure and amount of additional payment for the works provided for in part 1 of this article.

Article 179. Reimbursement of employee's expenses when hiring, transferring and sending to another place

1. For employees, persons who have completed their studies and are moving to another place to work or have come to work from another place with a referral, in the manner

organized or by prior agreement with the conclusion of a contract or application, the following compensations are determined:

- the cost of transportation for the employee, persons who have completed education and their family members (spouses, children and parents of spouses who are in their care and accompanied them), under the same conditions as when the employee is sent on a business trip;

- the cost of transporting property by road or rail (general use) in the amount of 500 kilograms for the employee himself, graduates and up to 150 kilograms for each companion of a family member (according to the agreement of the parties, the cost of transporting property in a higher amount can be paid (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*);

- daily expenses for each day of travel - as much as for a business trip is planned;

- a one-time allowance for the employee, a person who has completed education - in the amount of the monthly tariff salary at the new place of work, and for each family member - in the amount of a quarter of the allowance of the employee himself, persons who have completed education.

2. To the employee and persons who have completed education, the salary depends on the tariff salary at the new place of work, for the days of departure and settling in the new place of residence, as well as while on the road, but not more than six day is given.

3. If it is not possible to determine the certain amount of compensation that is due to the employee ahead of time, then he will be paid in advance will be

4. The cost of transporting family members and bringing their property, as well as a one-time allowance to them, is calculated in the event that they arrive at the new place of residence of the employee before one year has passed from the date of actually allocating housing to them.

Article 180. Compensation for going to work with prior agreement to another place

1. When an employee goes to work in another place with a prior agreement with the employer, he will be compensated in accordance with the provisions of Article 179 of this Code, with the exception of a one-time allowance that is paid only by agreement of the parties.

2. If the employee is transferred to another place for a period of not more than one year and his family does not come with him, then with the consent of the parties, he can be paid temporary living expenses in the new place, and the amount of compensation in this case should be not more than half of the daily amount.

3. The specific amount of compensation is determined by the agreement of the parties, but it cannot be less than the established amount of the employees of the organizations financed from the state budget.

Article 181. Cases of return of compensations when working in another place

1. Compensations, the payment of which is provided for in Articles 179 and 180 of this Code, are purposeful, and the responsibility for them is borne by the employer to whom the employee is transferred, directed or accepted.

2. The compensations paid for the purpose of coming to work in another place must be fully returned to the employer who financed them, if the employee: - does not come to work or does not start it without a valid

reason;

- until the expiration of the term of employment provided for by the legislation of the Republic of Tajikistan and the labor contract, or provided for by the conditions of transfer, transfer or acceptance of work, in the absence of a specific term - until the completion of one year of work at will without a valid reason or for actions has been acquitted of guilt that they are justified in accordance with this Code and other legislative acts of the Republic of Tajikistan for the termination of the employment contract.

3. When not coming to work or refusing to work for valid reasons, the employee is obliged to return the money he received, except for travel expenses.

Article 182. Reimbursement of expenses for the use of the employee's personal property

1. If the employee's personal property is used for the benefit of the organization with the permission of the employer, it must be compensated for its use and wear and tear. to become

2. The amount of compensation is determined by agreement between the employer and the employee is done

CHAPTER 13. FINANCIAL RESPONSIBILITY OF THE PARTIES TO THE LABOR CONTRACT

Article 183. Financial responsibility of the parties to the labor contract when compensating for damages

1. The party to the labor contract who caused damage to the other party shall compensate this damage in accordance with this Code and other regulatory legal acts of the Republic of Tajikistan.

2. In the labor contract, agreement and collective agreements it is possible to specify the financial responsibility of the employer and the employee.

3. Termination of the employment contract after causing damage does not release the party to the labor contract from material responsibility for the payment of compensation for the other party's damage.

Article 184. Conditions for the emergence of material liability of the parties to the labor contract when causing damage

1. The material responsibility of the parties to the labor contract arises when damage is caused to the other party to the contract as a result of a culpable illegal act (action, inaction), if this Code and other regulatory legal acts of the Republic of Tajikistan provide otherwise.

not done.

2. The employer is materially responsible for the employee:
- for damage caused to the employee as a result of illegal deprivation he provided opportunities to work; - for the damage caused to the employee's property; - for damage caused to the life or health of the employee.

3. The employee is financially responsible to the employer:

- for damage caused due to loss or destruction of the employer's property;

- for damage caused to the employer as a result of movement (immobility) of the employee.

4. The employer and the employee have equal financial responsibility in other cases established by the labor contract, agreement and collective agreements.

Article 185. Material responsibility of the employer for the damage caused to the employee as a result of his illegal deprivation of opportunities to work

1. The employer is obliged to transfer unpaid wages and other payments to the employee in illegal situations.

compensation for not being offered a job, unilaterally changing the terms of the employment contract, dismissal from work and unjustified termination of the employment contract.

2. In the labor contract, agreement and collective agreements, acts of the employer in agreement with the representatives of the employees, other cases of compensation by the employer for the damage caused to the employee as a result of the illegal deprivation of the opportunity to work may be established.

Article 186. Financial responsibility of the employer for damage to property property of the employee

The employer is responsible for the damage caused to the employee's property to fully compensate in accordance with the terms of the labor contract, agreement and collective agreements.

Article 187. Financial responsibility of the employer for damage to life or the employee's health

1. During the performance of labor obligations, the employer is obliged to compensate the damage caused to the life or health of the employee in the amount established by the civil legislation of the Republic of Tajikistan.

2. The damage specified in part 1 of this article shall be fully compensated to the employee in the absence of insurance payments. If there is an insurance payment, the employer is obliged to compensate the employee for the difference between the insurance amount and the amount of the actual damage.

3. The procedure for compensating the employer for the damage caused to the life or health of the employee is determined by the legislation of the Republic of Tajikistan.

Article 188. Financial responsibility of the employee for the damage caused to the employer

1. This Code and other legislative acts of the Republic of Tajikistan determine the cases and amount of financial responsibility of the employee for the damage caused to the employer.

2. The employee is obliged to compensate the actual direct damage caused to the employer.

3. The employee shall be exempted from material liability when causing damage to the employer, if the damage occurred as a result of force majeure or final necessity, as well as the employer's obligations to provide the necessary conditions for the protection of the employee's property were not fulfilled.

4. Assigning responsibility to the employee for the damage caused by risk It is not allowed to have a normal production-farm relationship.

5. The employer is obliged to provide the employee with the necessary and stable conditions for the maintenance of the entrusted property.

6. Actual reduction of the cash property of the employer or deterioration of the condition of this property (in particular, the property of a third party under the employer, if the employer is responsible for the maintenance of this property), as well as the need for the employer to spend or pay additional sums for the purchase, restoration of property or compensation for damage caused by the employee to third parties, is considered direct real damage. **Article 189. The limit of financial responsibility of the employee**

The employee is materially responsible for the damage caused within the scope of his average monthly salary, except for the cases stipulated by this Code.

Article 190. Cases of full financial responsibility of the employee for causing damage to the employer

1. The employee bears full financial responsibility for damage to provided by the employer is assigned in the following cases:

- failure to ensure protection of property and other assets on the basis of a written agreement on full financial responsibility entrusted to the employee;
- failure to ensure protection of property and other assets based on one-time documents accepted as a sub-account by the employee;
- causing harm while intoxicated, due to consumption of alcohol, narcotic drugs, psychotropic substances or other intoxicating substances;

- shortage, intentional destruction or destruction of materials, semi-finished products, products (products), including during their preparation, as well as tools, special clothes and other items given to the employee for use;

- causing damage by the employee with illegal actions established by the legislation of the Republic of Tajikistan;
- causing damage during non-fulfillment of labor obligations;
- intentional disclosure of professional and commercial secrets, if the conditions for its preservation are provided for in the legislation of the Republic of Tajikistan and the labor contract;
- in cases where the full responsibility for the damage caused during the performance of duties is assigned to the employee in accordance with the legislation of the Republic of Tajikistan.

2. The full financial responsibility of the employee for the damage caused during the performance of duties is established in the labor contract concluded with the head of the organization, his deputies and the chief accountant.

3. Material responsibility of the employee is possible only if the damage was caused to the employer by his fault.

Article 191. Collective financial responsibility for damage

1. When employees collectively perform certain types of work related to storage, processing, sale (transportation), transportation, acceptance or other use of assets, in case of causing certain damage failure to hold each of them accountable and conclude an agreement with them on full compensation for damages, collective financial liability may be formalized.

2. Between the employer and all members of the team on responsibility A written collective agreement is concluded.

3. In the event of voluntary compensation for damage, the degree of guilt of each member determined with the consent of all team members and the employer.

4. During the judicial recovery of damages, the degree of guilt of the members of the team is determined by the court.

Article 192. Determining the amount of damage

1. The size of the damage caused to the employer according to the actual loss The basis of accounting information is determined.

2. In case of shortage, intentional destruction or destruction of materials, semi-finished products, products (products), including during their preparation, as well as tools, special clothes and other items given to the employee for use by the employer, which belong to the funds (means) are the main ones, the size of the damage is calculated according to the market price of the place on the day of the damage (but not less than the balance value, taking into account the degree of wear and tear of the property).

3. In other cases, the size of the damage is at the local market price it is calculated as existing on the day of damage.

4. Special procedure for determining the amount of compensation for damage caused to the employer by the reduction, intentional destruction or destruction of materials, semi-finished products, products (products), including during their preparation, as well as tools, special clothes and other items for use given to the employee by applying the karat to them, as well as in cases where the actual size of the damage exceeds its original size, the Government of the Republic of Tajikistan establishes.

Article 193. Obligation of the employer when determining the amount of damage and the cause of its occurrence

1. The employer is obliged to conduct an inspection to establish the extent of the damage and the reasons for its occurrence before the decision to restore compensation for damage is made by a specific employee.

2. For such inspection, the employer has the right, with the participation relevant specialists to establish a commission.

3. Requiring a written statement from the employee to establish the cause of the damage is mandatory.

4. The employee has the right to participate in the inspection and, with all get to know the test material.

Article 194. Voluntary payment of damages to the employee

1. An employee who has caused damage to the employer may voluntarily provide full or partial compensation.

2. Voluntary compensation of damages is carried out within the scope provided by this Code.

3. With the agreement of the employee and the employer, the compensation can be paid later. In this case, the employee submits a written commitment to the employer about the compensation of the damage, specifying the specific payment period.

4. If the employee has a written commitment on the voluntary compensation of damages provided, does not compensate for the damage due to the termination of the employment relationship, in this case, the compensation for the damage will be collected by court.

5. With the consent of the employer, the employee can give him property of equivalent value or restore the damaged property to compensate for the damage. **Article 195. Procedure**

for recovery of damage compensation

1. The amount of damage, which does not exceed one month's salary of the guilty employee, is collected by order of the employer. The order is accepted no later than two weeks after the discovery of the damage.

2. In case the employee is not satisfied with the amount of damages collected, he has the right to appeal to the court.

3. If the amount of damages to be recovered from the employee exceeds his average monthly salary or two weeks have passed since the discovery of the damage, the employer shall recover the damages through a court process.

Article 196. Compensation for damage caused by the leader to the state organization delivered

1. Compensation for damage caused to the state organization due to the fault of its head shall be collected in accordance with the rules established by this Code and other legislative acts of the Republic of Tajikistan.

2. The decision to collect damages from the head of the state organization is made by the body that has the property rights. This status is also a right has the right to recover damages from the leader through court (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

Article 197. Reducing the amount of damages due from the employee be collected

1. Taking into account the provisions of the legislation of the Republic of Tajikistan, the amount of compensation to be collected from the employee can be reduced.

2. If the damage was caused as a result of a crime committed with malicious intent, it is not allowed to reduce the compensation for the damage that should be collected from the employee.

CHAPTER 14. REVIEW OF INDIVIDUAL LABOR DISPUTES

Article 198. Individual labor disputes

Personal labor disputes arise as a result of the lack of agreement between the employer and the employee when there are disagreements in the implementation of legal regulations of the Republic of Tajikistan on labor and working conditions.

come, and the procedure for solving them is provided in the labor contract, agreement and collective agreements.

Article 199. Body reviewing individual labor disputes

1. Individual labor disputes are considered by conciliation commissions or courts they do

2. Conciliation commissions resolve individual labor disputes by application

The parties to the labor dispute are discussed.

3. To resolve individual labor disputes between the parties to the labor contract can apply directly to the court.

Article 200. Establishment of the conciliation commission and organization of its work

1. The conciliation commission shall be established on the basis of equal rights, at the expense of equal representatives of the employer and employees.

2. The number of members, the working procedure and the term of office of the conciliation commission are established at the general meeting (conference) of the employees with the agreement of the employer and the employees.

3. The members of the conciliation commission are elected from among the employees at the general meeting (conference) of the employees. The members of the conciliation commission are appointed at the expense of the employer by the act of the employer. The members of the conciliation commission elect the chairman and the secretary of the commission at their first organizational meeting with a majority of votes from among their members.

Article 201. Term of appeal to the authorities that consider individual labor disputes

1. An employee may apply to the commission for individual labor disputes within three months after learning that his labor rights have been violated or should have been informed about it.

2. The following deadlines are established for applying to the court for consideration of individual labor disputes:

- for disputes on reinstatement - one month from the date of submission

a copy of the employer's document on termination of the employment contract;

- for other labor disputes - three years from the day the employee or employer became aware of the violation of their rights.

Article 202. Powers of conciliation commission on labor disputes

1. The conciliation commission is the body for consideration of labor disputes in organizations, except for disputes that are regulated by this Code and other normative legal documents of the Republic of Tajikistan.

2. If the employee does not reach an agreement directly or with the participation of his representative during negotiations with the employer, the labor dispute will be considered by the conciliation commission.

Article 203. The procedure for consideration of labor disputes in the commission agreement

1. The application submitted to the conciliation commission must be registered by this commission.

2. The conciliation commission is obliged to consider labor disputes within 7 calendar days from the date of receipt of the application.

3. The dispute is considered in the presence of the applicant or his authorized representative. Consideration of the dispute in the absence of the employee or his representative is allowed only on the basis of the written application of the employee. If the employee or his representative does not appear at the meeting of this commission, consideration of the labor dispute will be postponed. In case of non-attendance of the employee or his representative for the second time without good reason, the conciliation commission may make a decision to review the disputed issue, depriving the employee of the right to re-submit an application for re-review of the labor dispute within the time limit established by this Code and other legislative acts of the Republic of Tajikistan have been revoked

can't

4. The conciliation commission has the right to invite witnesses and experts to the meeting. At the request of the commission, the head of the organization is obliged to submit the necessary documents within the specified period.

5. The meeting of the conciliation commission is considered competent if at least half of the employees' representatives and not less than half of the employer's representatives participate in it.

6. At the meeting of the conciliation commission, a protocol is drawn up, which is signed by the secretary, the chairman of the commission or his deputy.

Article 204. The procedure for making a decision by the conciliation commission and its content

1. The conciliation commission makes a decision with the majority of votes of the members participating in the commission meeting. If the relevant decision is not taken, the issue will be reviewed again and again. At the request of the applicant or one of the members of the commission, a secret ballot is held.

2. The decision of the conciliation commission shall include:

- name of the organization (structure), surname, first name, patronymic, position (position), profession and specialty of the employee applying to the commission;
- date of application to the commission and review of the dispute, essence of the dispute;
- Surname, name and father's name of commission members and other persons at the meeting participant;
- the essence and rationale of the decision (with reference to legislative acts and other normative legal acts of the Republic of Tajikistan);
- voting result.

3. A copy of the signed decision of the conciliation commission within three days after its acceptance is handed over to the employee and management of the organization.

Article 205. Implementation of the decision of the conciliation commission

1. To implement the decision of the conciliation commission within the time limit set by it will be

2. In case of non-implementation of the decision of the commission within the specified period, the employee or the employer has the right to settle the labor dispute in court.

Article 206. Reinstatement of an employee by the body reviewing individual labor disputes

1. In the event of termination of the employment contract without legal grounds or illegal transfer to another job, change of workplace, change of working conditions, dismissal, the body for consideration of individual labor disputes shall issue a decision on reinstatement of the employee, except for the cases established by part 3 of this article.

2. An employee who has been reinstated to his former job shall be paid his average monthly salary for the entire period of his unavoidable absence from work (dismissal) or the difference in salary for the period of performing low-paid work.

3. The decision of the body reviewing individual labor disputes to restore the employee to the previous job should be implemented immediately. When the employer postpones the implementation of the decision on reinstatement, the individual labor dispute review body issues a decision on paying the employee the average monthly salary or the salary difference during the period of delay.

SECTION III CHARACTERISTICS OF REGULATION OF GROUP WORK PERSONNEL SEPARATION

CHAPTER 15. CHARACTERISTICS OF LABOR REGULATION OF BA EMPLOYEES UNDER EIGHTEEN AGE

Article 207. Rights of employees under the age of eighteen in labor relations

The rights of employees under the age of eighteen in labor relations are equal to the rights of other employees, and they use the additional guarantees established by this Code and other legislative acts of the Republic of Tajikistan in terms of labor protection, working time, rest time and other working conditions.

Article 208. Works in which the use of labor of employees under the age of eighteen is prohibited

1. It is prohibited to use the labor of employees under the age of eighteen in heavy, underground works and in harmful and dangerous working conditions, as well as in works whose performance harms their health and moral development.

2. The Government of the Republic of Tajikistan approves the list of works in which the use of labor of employees under the age of eighteen is prohibited and the maximum limit of the loads that are allowed to be lifted and transported by hand.

3. It is forbidden to transfer employees under the age of eighteen from one place to another and from one job to another.

Article 209. Termination of employment contract at the request of parents, guardians (guardian) or authorized body

If the continuation of work is harmful to the health of employees under the age of eighteen or related to other harm, parents, guardians (guardians) or authorized bodies have the right to demand the termination of the employment contract.

Article 210. Mandatory medical examination of employees under the age of eighteen not reached

With employees under the age of eighteen, the employment contract is concluded only after their mandatory medical examination. From then on, employees undergo a mandatory medical examination every year until they reach the age of eighteen.

Article 211. Length of working time for employees up to age not yet eighteen

For employees under the age of eighteen, the length of time is short is set to work:

- for employees from fourteen to sixteen years old - no more than 24 hours a week;
- for employees from sixteen to eighteen years old - no more than 35 hours a week;

- for students of educational institutions who work and study together during the academic year, from fourteen to sixteen years old - 2.5 hours a day and from sixteen to eighteen years old - 3.5 hours a day.

Article 212. Payment of wages and rates of processing for employees under the age of eighteen

1. Payment of wages to employees under the age of eighteen will be implemented taking into account the shortened working day.

2. The standards of processing for employees under the age of eighteen are established according to the general standards of processing equal to the employees of the reduced working day provided for in Article 127 of this Code.

3. For employees under the age of eighteen, who entered work after graduating from educational institutions of general education and educational institutions of vocational education, as well as passed vocational training in production, it is possible to set a low rate of processing.

4. The employer may pay additional allowances to employees under the age of eighteen up to the salary level of full-time employees.

Article 213. The nature of the work schedule and rest of the employees under the age of eighteen

Recruiting employees under the age of 18 to night work, overtime, joint calculation of working time, sending them on a business trip and performance of temporary work, as well as their withdrawal from annual paid leave is prohibited.

Article 214. Limitation of financial liability of employees under age not yet eighteen

Signing a contract with employees under the age of eighteen full material liability is prohibited.

CHAPTER 16. CHARACTERISTICS OF WOMEN'S LABOR REGULATION AND OTHERS PERSONS WITH FAMILY OBLIGATIONS

Article 215. Restrictions on termination of employment contracts with women and other persons with family obligations

1. Termination of the employment contract at the initiative of the employer with a pregnant woman, women and other persons with family obligations, who are raising themselves

it is not allowed to have a child under three years of age or a disabled child, except for the case provided by the first paragraph of part 1 of article 42 of this Code, in which case it is allowed to terminate the employment contract after providing them with work. The successor of the liquidated organization provides employment to the mentioned persons, and in the absence of successors, the authorized state bodies in the field of labor and public employment provide them with mandatory assistance in choosing a suitable job and providing them with employment, and during this period provide them with the allowances established by the legislation of the Republic of Tajikistan. . The employer must also provide employment to these persons in case of termination of the employment contract due to its expiration. During this period, but not more than three months after the end of the employment contract, their wages are kept.

2. If a woman submits a medical certificate on the day of the end of the employment contract that she is more than twelve weeks pregnant, the employer is obliged to extend the term of the employment contract until the end of the leave to take care of the child until he reaches the age of three.

Article 216. Work in which the use of women's labor is prohibited

1. In heavy, underground works and harmful working conditions the use of women's labor is prohibited.

2. The Government of the Republic of Tajikistan approved the list of works in which the use of women's labor is prohibited and the maximum limit of the loads that women are allowed to lift and carry by hand.
does

Article 217. Characteristics of the work and rest system for women and other persons with family obligations

1. The employer does not have the right to involve pregnant women in night work, work on weekends and non-working holidays, overtime, on a business trip. send them, as well as withdraw them from the paid annual leave.

2. The employer does not have the right to involve the following persons in night work, overtime work and work on a temporary basis, as well as send them on a business trip, without their written consent:

- women who have a child under the age of fourteen, as well as other persons who a child under the age of fourteen is brought up without a mother;
 - employees who take care of sick family members or raise disabled children, if sick family members and disabled children need constant care based on a medical opinion.
- #### **Article 218. Break for feeding the child**

1. In addition to rest and meal breaks, inter-shift and special breaks, women who have a child up to one year and six months, the father or other legal representative of the child, who is raising a child up to one year and six months without a mother, to feed the child after each three hours of work are given a break with the following duration: - for one child - each break is not less than thirty

minutes;

- for two or more children - each break is not less than one hour.

2. The break for feeding the child (children) based on the application of the employees indicated in part 1 of this article, is added to the break for rest and consumption of food, or it is combined in the beginning or at the end of the working day (shift) with the corresponding reduction. working time is given.

3. The break for feeding the child (children) is included in the working time, and during this period the average salary of the wife or other legal representative of the child is kept.

Article 219. Establishing part-time working hours for women and other persons with family obligations

The employer is obliged, based on the application of a pregnant woman and other persons with family obligations, who take care of a child under the age of fourteen or a disabled child, as well as an employee who takes care of a sick family member in accordance with a medical opinion, a part-time working day or a part-time working week. to establish

Article 220. Restrictions on the use of total working time accounting for pregnant women

Allowed to use the total working time account for pregnant women does not happen if the duration of the working day (working shift) exceeds eight hours.

Article 221. Temporary transfer of pregnant women and women with children up to one year and six months to another job

1. On the basis of a medical opinion, the employer is obliged to transfer the pregnant woman to another job while maintaining the average salary, and to exclude the influence of harmful and dangerous production factors.

2. Until another job is given to a pregnant woman, which excludes the influence of adverse production factors, she will be released from work with the maintenance of the average salary for all working days spent at the employer's expense.

3. Women whose children are up to one year and six months old, in cases where it is forbidden for the mothers of their children to breastfeed or do not allow them to follow the breastfeeding regime, will be transferred to another job until their child reaches the age of one year and six months, and their average monthly salary will be based on their previous job. is given

Article 222. Guarantees for women and other persons with family responsibilities, when establishing the order of submission of paid annual leave

1. Before the leave for pregnancy and childbirth or immediately after it or after the end of the leave to take care of the child with the spouse, regardless of the length of service in this organization, paid annual leave is granted.

2. Women who have two or more children under the age of fourteen or a disabled child, as well as single mothers and other persons with family obligations who have a child under the age of fourteen or a disabled child, are granted annual leave at their request in the summer or other time for them. is given accordingly. **Article 223. Leave for pregnancy and childbirth**

1. Pregnant women are entitled to 70 calendar days before childbirth and 70 calendar days after childbirth (eighty-six in the case of difficult births, one hundred and ten in the case of two or more children) before giving birth and on the basis of a certificate of incapacity for work issued in accordance with the established procedure. and paid benefits from the state social insurance will be

2. Leave for pregnancy and childbirth is given to women, regardless of the days of actual use until the birth and the duration of work in the organization as a whole.

Article 224. Child care leave

1. After the end of the leave for pregnancy and childbirth, at the request of the woman, leave to take care of the child until it reaches one year and six months, during this period at the expense of the state social insurance funds allowance is given.

2. Unpaid leave to take care of a child up to the age of three the request of the following employees is

granted: - at the choice of the parents - to the mother or to the father of the child; - to a single father or mother who brings up a child; - grandmother, grandfather, other legal representative of a child who is an orphan parents educate the rest; - to an employee who took a newborn child into custody (adoption).

3. Unpaid leave to take care of a child up to the age of three can be used in whole or in part based on the employee's written application, which is provided for in part 2 of this article, according to his choice.

4. At the request of a woman or the persons mentioned in part 1 of this article, while on maternity leave, they can work part-time or at home at the expense of state social insurance funds. get a subsidy.

5. During the leave without pay to take care of the child until he reaches the age of three, the employee will be given a job (position). will be

6. Time off without pay to take care of a child up to the age of three is included in the general, uninterrupted and specialized work experience, unless the legislation of the Republic of Tajikistan provides otherwise.

7. The employee is obliged to notify the employer one month before the start of work about the desire to go to work until the end of unpaid leave for taking care of a child under three years old.

Article 225. Guarantees for pregnant women and women with children during their employment

1. It is forbidden to not hire women and reduce their wages due to pregnancy or childbearing. When not hiring a pregnant woman, women or other persons with family obligations who have a child under three years of age or a disabled child, the employer is obliged to provide the reasons for the employment.

not to do so in writing. These persons can appeal to the court against the employer's refusal to accept work.

2. The employer is obliged to employ the women sent by the authorized state bodies in the field of labor and public employment for the purpose of providing them with work, at the expense of the established quota.

Article 226. Leave of absence of employees who have adopted infants or are their guardians

To employees who have adopted newborn children according to the legislation of the Republic of Tajikistan or are their guardians, for the period of adoption (establishment of guardianship) and until the end of seventy (in case of adoption of two newborn children - one hundred and ten) calendar days from the day of the child's birth. allowance paid from the state social insurance for this period, at their request, to take care of their child until they reach the age of one year and six months and three years (Article 224
This Code) leave is granted.

Article 227. Guarantees and privileges for those who raise children without a mother

Guarantees and privileges of a woman with a child to fathers who raise a child without a mother (in case of death of the mother, loss of maternal rights, long stay in a medical institution and in other cases of inability of the mother to take care of the child), as well as guardians (caregivers) of minors apply.

CHAPTER 17. CHARACTERISTICS OF EMPLOYEES' LABOR REGULATION WORKING IN TWO (SEVERAL) PLACES

Article 228. General regulations on working in two (several) places

1. In order to work in two (several) places, the consent of the employer from the main place of work is not required, except for the cases specified by the legislation of the Republic of Tajikistan.

2. When hiring an employee to work in two (several) places, he must submit to the employer the documents specified in the second and fourth paragraphs of part 4 of article 26 of this Code. When in another organization to hard work or work in conditions for health

Harmful and dangerous working conditions are accepted in the order of working in two (several) places, the employee is obliged to provide information about the nature and conditions of work at the main place of work.

3. The nature of working in two (several) places for certain categories of employees (employees in the fields of education, medicine and pharmaceuticals, culture and other fields) is determined by the Government of the

Republic of Tajikistan. Article 229. Restrictions on working in two (several) places

1. In organizations whose activity is related to public service, it is not allowed to work in two (positions) of management positions under the conditions of two (several) places, unless other cases are defined in the legislation of the Republic of Tajikistan.

2. Working in two (several) places of persons under the age of eighteen, pregnant women, as well as working in harmful working conditions, if the main job it is forbidden to have the same conditions.

3. It is prohibited for close relatives to work together in two (several) places as provided for in part 1 of article 27 of this Code in state organizations whose activities are related to public service.

4. For a separate group of employees, the Government of the Republic of Tajikistan establishes restrictions on employees working in two (several) places, as well as on the issue of payment of wages for work leave or payment of compensation for unused work leave.

Article 230. Labor contract for working in two (several) places to do

1. An employee, in addition to his main workplace, who is already in labor relations with the employer, has the right to conclude an employment contract with several employers to work in two (several) places, except for the cases established by the legislation of the Republic of Tajikistan.

2. In the labor contract, the employee must work in two (several) places be shown.

Article 231. Additional documents for concluding a contract It is necessary to work in two (several) places

In order to conclude an employment contract with another employer for working in two (several) places, in addition to the documents provided for in Article 26 of this Code, the employee submits a certificate on the nature and working conditions of the main workplace (workplace, position (job), working conditions). .

Article 232. Duration of working time of working in two (several) places

The total duration of the working day of the main workplace and working in two (several) workplaces should not exceed 4 hours of the daily work duration established by Article 74 of this Code.

Article 233. Paid annual leave for working in two (several) places

1. Employees who work in two (several) places according to the labor contract are offered annual paid leave at the same time as the leave of their main place of work.

2. If the duration of paid annual leave according to if the labor contract for working in two (several) places is less than the duration of the leave of the main workplace, the employer, at the request of the employee who works in two (several) places, offers him the difference in the duration of leave days as unpaid leave.

Article 234. Restrictions on concluding an employment contract for working in two (several) places

It is not allowed to conclude an employment contract for working in two (several) places for employees under the age of eighteen, employees who work in difficult, harmful or dangerous working conditions.

Article 235. Additional grounds for terminating the employment contract on working in two (several) places at the initiative of the employer

The labor contract for working in two (several) places, regardless of the grounds established by Article 42 of this Code, will be terminated at the initiative of the employer if the labor contract is concluded with the employee as the main job.

CHAPTER 18. CHARACTERISTICS OF LABOR REGULATION OF EMPLOYEES WHO ARE ENGAGED IN HEAVY, UNDERGROUND WORKS AND WHICH ARE HARMFUL TO THEIR WORKING CONDITIONS

Article 236. Length of working time and additional paid annual leave of employees engaged in heavy, underground work and their working conditions are harmful

1. For employees who are engaged in heavy, underground work and harmful working conditions, the duration of working time shall not exceed 35 hours per week.

2. The list of industries, workshops, professions and tasks (positions), the list of heavy, underground works and harmful working conditions, in which work gives the right to short working hours and additional paid annual leave, is determined by the Government of the Republic of Tajikistan. .

Article 237. Salary of employees engaged in heavy work, They are engaged in underground or harmful working conditions

The salary of employees who are engaged in heavy, underground work or whose working conditions are harmful, in contrast to the salary of employees who work in normal working conditions, by increasing the official salary or additional pay, but not less than the provisions of the legislation of the Republic In Tajikistan, sectoral agreements or collective agreements are established based on the size of the minimum wage.

Article 238. Ensuring employee health and safety conditions labor

Depending on the working conditions, special clothes and shoes, other means of personal protection, washing and cleaning substances, milk, therapeutic and preventive food are provided to the employees of the organization at the expense of the employer's funds, which cannot be less than the standards established by this Code and other regulatory legal acts of the Republic of Tajikistan. .

CHAPTER 19. CHARACTERISTICS OF EMPLOYEES' LABOR REGULATION WHO ARE ENGAGED WITH SEASONAL WORK Article

239. Seasonal work

The works that are performed due to climatic conditions or other natural conditions in a certain period (season), for a period of no more than six months, are considered as seasonal works.

Article 240. Features of concluding an employment contract with employees seasonal

1. The employment contract must specify the conditions for concluding a contract for seasonal work and the period of its performance.

2. When concluding an employment contract for seasonal work, a probationary period is not established for the purpose of the employee's suitability for the work assigned to him.

Article 241. Additional grounds for canceling the employment contract with initiative of the employer with employees engaged in seasonal work

An employment contract with employees engaged in seasonal work may be canceled at the initiative of the employer in the following cases, other than the grounds provided for in Article 42 of this Code:

- suspension of the employer's work for a period of more than two weeks due to the nature of production;

- failure of the employee to show up for work consecutively for a period of one month due to temporary incapacity.

Article 242. The nature of canceling the employment contract with a seasonal employee

1. A seasonal employee has the right, on his own initiative, in writing up to Notify the employer within 7 calendar days and cancel the employment contract.

2. The employer is obliged to notify the seasonal employee in writing about the cancellation of the employment contract based on the provisions of the first and second paragraphs of part 1 of article 45 of this Code within 7 calendar days.

3. Upon cancellation of the employment contract with a seasonal employee, the employer shall compensate the unused leave for the correspondingly performed work.

4. Upon cancellation of the employment contract with a seasonal employee due to the dissolution of the organization, reduction in the number or work unit of employees, a severance allowance in the amount of the average monthly salary is paid.

CHAPTER 20. CHARACTERISTICS OF LABOR REGULATION OF EMPLOYEES WITH TIME WORKING METHOD

Article 243. Characteristics of temporary work

1. The work performed by the temporary method is a special form of the labor process, it is performed outside the place of permanent residence of the employees, and they do not have the opportunity to return to their permanent place of residence after work.

2. The employer is obliged to provide the employees who work on a temporary basis with a place to sleep, food, transport to the place of work and bring them to the place of residence, as well as suitable conditions for work and rest, when they are at the place of work.

3. In accordance with the labor contract, agreement and collective agreements, the employer provides conditions for the stay of employees at the place of production (work). **Article 244.**

Limitation in the work of the periodic method

Employees under the age of 18, pregnant women, disabled persons of groups I and II are not allowed to work on a temporary basis. Other employees can work on a temporary basis

be involved, if such work is not prohibited to them on the basis of a medical opinion.

Article 245. Duration of time

1. The duration of time cannot exceed 15 calendar days.
2. The duration of the working hours in the facilities can be increased up to 30 calendar days with the written consent of the employee in accordance with the labor contract, agreement and collective agreements.

Article 246. Calculation of working time and rest time when working with periodic method

1. When working with the periodic method, the total working time for one month, three months or more time, but not more than one year.
2. The accounting period includes working time, rest time, time on the way to the employer's place or from the point of gathering of employees to the place of work and back. At the same time, the total length of working time for the reporting period should not exceed the limit established by this Code.

3. Partial granting of paid annual leave is not allowed during the interim rest period.

4. The employer is obliged to calculate the working time and rest time of the employee who works on a temporary basis, every month, separately and during the entire reporting period.

5. An additional fee is paid for the performance of temporary work in accordance with the procedure established by the Government of the Republic of

Tajikistan. **CHAPTER 21. CHARACTERISTICS OF LABOR REGULATION OF HOUSEHOLD STAFF**

Article 247. The nature of concluding and canceling an employment contract with house staff

1. Domestic workers are persons who perform work (service) in the household of the employer - a natural person.
2. The employer shall not enter the decision to hire or terminate the employment relationship with domestic workers and information on his/her work in the labor book.

3. Types of household chores are determined by the Government of the Republic of Tajikistan.

4. Labor activity of the domestic worker confirmed by the labor contract is done

5. The term of written notice on the cancellation (termination) of the employment contract, the amount of compensation and the procedure for its payment with the domestic worker are established in the employment

contract. **Article 248. Working time and rest time of domestic workers**

1. The norms of the duration of working time and rest time established by this Code and other legislative acts of the Republic of Tajikistan are extended to domestic workers.

2. Work schedule, procedure for granting rest days, paid annual leave, overtime, night work, days off

rest and non-working holidays, recruitment of domestic workers are regulated by the labor contract. **Article**

249. Application and cancellation of disciplinary punishment

The application and cancellation of disciplinary punishment against a domestic worker is established by the labor contract, the sample of which is approved by the authorized state body in the field of labor and

employment. Article 250. Resolution of individual labor disputes

Individual labor disputes between the domestic worker and the employer are settled by agreement of the parties or by court.

Article 251. Termination of an employment contract with a domestic worker

Termination of an employment contract with a domestic worker is carried out on the basis of the provisions stipulated in the employment contract in compliance with the requirements of this Code.

CHAPTER 22. CHARACTERISTICS OF LABOR REGULATION OF HOUSEHOLD EMPLOYEES

Article 252. Domestic workers

1. Persons with an employer to perform work at home with personal labor using their own materials, equipment, tools and instruments or with tools and equipment provided by the employer or purchased with the employer's funds are considered as domestic workers

will be

2. The work performance of a domestic worker can be established when concluding an employment contract, as well as during the term of the employment contract by making appropriate changes to the employment contract. **Article**

253. Labor conditions of domestic workers

1. Domestic work is performed only in cases where it does not disturb the employee's health and safety and labor protection requirements are met for their performance.

2. Mandatory procedure for doing work at home in the employment contract the following conditions must be established:

- performance of work using materials, equipment, tools and personal tools of the employee or with tools provided by the employer or purchased with the employer's funds;

- procedures and deadlines for providing employees for work with raw materials, materials and semi-finished

- materials; - order and time of release of finished products; -

- compensation and other payments to the employee.

Article 254. Schedule of working time and rest time, conditions of provision safety and labor protection of domestic workers

The schedule of working hours and time off, features of the employer's control over working hours, conditions for ensuring safety, labor protection and compliance with these conditions for domestic workers are established by the employment contract.

CHAPTER 23. CHARACTERISTICS OF LABOR REGULATION OF EMPLOYEES ENGAGED IN REMOTE WORK

Article 255. Remote work

A special form of the labor process, which is performed outside the location of the employer using information and communication technology, is considered remote (remote) work.

Article 256. Working conditions of remote workers (remotely) engaged

1. The employer provides communication tools (communication tools) to the employee and assumes the costs of connection and maintenance. In cases where the employee constantly uses his communication tools, the employer will compensate him. The amount and procedure of its payment are established with the consent of the employee.

2. With the consent of the parties, the employer can hire a remote worker (remotely) to pay other expenses related to the performance of the work (electricity, water, etc.).

3. The procedure, term and other conditions of the employee's labor relations with the employer are determined by the labor contract.

Article 257. Accounting of working time and rest time, conditions ensuring the safety and protection of labor of employees with remote work (remotely) engaged

1. For employees engaged in remote (remote) work, the standard of duration of working time and rest time established by this Code shall be applied.

2. Accounting of working time for remote employees (remote) engagement and the nature of monitoring compliance with the working time schedule, conditions for ensuring labor safety and protection, and compliance with these conditions are determined by the labor contract.

CHAPTER 24. CHARACTERISTICS OF REGULATING THE WORK OF THE DISABLED

Article 258. Implementation of the right of disabled people to work

1. Disabled persons have the right to conclude an employment contract with an employer under normal labor conditions or in specialized organizations that use the labor of disabled persons in case of having labor recommendations issued by authorized state bodies.

2. It is not allowed to refuse to conclude an employment contract, to transfer a disabled person to another job, to change working conditions due to a disability, except in cases where, according to a medical opinion, his state of health is an obstacle to the performance of labor obligations, or his health and or the occupational safety of other persons is threatened. **Article 259. Working conditions of disabled**

employees

1. The conditions of standardization, payment and protection of labor, work schedule, the procedure for combining professions (positions), technical, sanitary, hygienic, production-living conditions, as well as other conditions with the agreement of the parties to the labor contract, agreement and collective agreements cannot worsen the condition of disabled employees. represent or limit their rights compared to other employees.

2. It is forbidden to use the labor of disabled people in heavy work, work with harmful and dangerous working conditions.

3. Disabled persons who work may be given additional guarantees established by this Code, other normative legal acts of the Republic of Tajikistan, labor contracts, agreements and collective agreements, acts of the employer.

4. A medical report on part-time working hours, reduced workload and other working conditions for disabled persons is mandatory for the employer.

is **Article**

260. Duration of short working time of disabled people

1. The duration of work for disabled persons of groups I and II shall not be too short from 36 hours per week without reduction of wages.

2. The duration of daily work (work shift) of disabled persons of groups I and II cannot exceed 6 hours.

Article 261. Limitation of the use of total working time for disabled employees

1. For disabled employees of groups I and II, it is not allowed to use the accumulated working time.

2. Employees with disabilities of group III shall not be assigned the total working time, if such a schedule is prohibited by medical indications.

Article 262. Limitation of night work, overtime work, work on weekends and non-working holidays, sending disabled employees on business trips

Recruiting disabled people to work at night, overtime, on weekends and non-working holidays, sending disabled employees on a business trip is allowed only with their written consent, if such work is not prohibited by medical indications.

Article 263. Provision of paid annual leave to a disabled employee

A disabled employee is given annual paid leave according to the leave schedule approved by the employer with their consent, in compliance with the provisions of Article 94 of this Code.

CHAPTER 25. CHARACTERISTICS OF THE REGULATION OF LIFE'S LABOR TECHNICIANS AND SERVANTS OF PUBLIC AUTHORITIES

Article 264. Admission to the technical and service staff of state bodies

1. Technical and service staff of state bodies (civil servant) - persons who, in accordance with the procedure established by this Code and other normative legal acts of the Republic of Tajikistan, hold a single paid position in state bodies for the exercise of official powers in order to fulfill their obligations and provide technical services and ensure the activities of state bodies

they do

2. Admission to civil service in state bodies is carried out in accordance with the procedure established by this Code and other normative legal acts of the Republic of Tajikistan.

3. Approval of the list of positions of civil servants (technical and service staff) in state bodies by the Government of the Republic of Tajikistan
it seems

Article 265. Limitation in civil service

1. A civil servant does not have the right to:
 - means of material and technical, financial and information provision, other state property and service information for non-service purposes to use;
 - to take part in an act that hinders the normal functioning of the civil service and the performance of official duties;
 - to use his official position for purposes unrelated to civil service;

 - to disclose information that is a state secret, service secret and other secret protected by law and which became known to him during his civil service.

2. A person who has committed a serious, especially serious crime and has not been convicted of a criminal offense cannot be accepted into the civil service for a position related to the performance of organizational, command and economic duties.

Article 266. Transfer of a civil servant to another state body

A civil servant, on the basis of his written application, can be sent to other government bodies by agreement between the heads of relevant organizations
be conducted. **Article**

267. Attestation of a civil servant

1. In order to determine the level of professional training, working qualities
Civil servant certification is conducted.
 2. The procedure and conditions for the attestation of a civil servant
the authorized state body determines the relevant field of activity. **Article 268. Advancement in civil service**
1. Service advancement of a civil servant is ensured by transfer to a higher position or to a higher authority.
 2. A civil servant who has a high degree of qualification and work experience and is constantly engaged in improving his qualification and professional skills has the priority right in career advancement.

Article 269. Professional development and retraining of civil servants

1. A civil servant can be sent to the relevant educational organization for the purpose of improving knowledge, skills and abilities, obtaining a profession and specialization.

2. Education, retraining and training of a civil servant, taking into account scientific experience, in the case of non-separation from production (work) are paid from the employer's funds.

3. A civil servant who has undergone professional development or retraining according to the specialty of the relevant field of civil service activity will be given a paid leave for education.

Article 270. Incentive of a civil servant

1. A civil servant is encouraged for conscientious performance of duties, high quality of work performance, including complex and urgent work, for initiative, creative activity and other achievements in work: - advancement in civil service; - material and moral stimulation.

2. The collective agreement may stipulate other incentive measures. **Article 271. Guarantees and compensations to civil servants**

Guarantees and compensations provided for in this Code and other normative legal acts of the Republic of Tajikistan apply to civil servants.

Article 272. Payment of civil servants' wages

The government of the Republic of Tajikistan determines the system of payment of wages of civil servants, which is carried out at the expense of the state budget.

CHAPTER 26. CHARACTERISTICS OF LABOR REGULATION OF INDIVIDUAL ENTREPRENEURS

Article 273. Individual entrepreneurs

Individual entrepreneurs are natural persons who are engaged in business activities from the moment of state registration as individual entrepreneurs without establishing a legal entity according to a patent or certificate.
will be

Article 274. Term of employment contract between individual entrepreneurs and employees

Individual entrepreneurs can conclude labor contracts with employees for the terms specified by this Code.

Article 275. Rules of internal labor procedures of individual entrepreneurs

Individual entrepreneurs have their own rules of internal procedure confirm the labor taking into account the requirements of this Code. **Article 276.**

Work schedule

Individual entrepreneurs have the right to establish the working schedule of employees, which provides for the recruitment of employees to work on weekends and non-working holidays in accordance with this Code. **Article 277. Terms of salary payment**

Conditions for payment of wages to employees by individual entrepreneurs with the agreement of the employee when concluding an employment contract is established. The employer does not have the right to unilaterally change the terms of the employment contract upon approval of the terms of payment of wages.

Article 278. Participation of individual entrepreneurs in social partnership

Labor relations with the participation of individual entrepreneurs are covered by agreements in cases where the employer and employees

a certain organization for the negotiation and signing of such agreements to be united.

Article 279. Characteristics of organization of safety and labor protection by individual entrepreneurs

Organization of safety and labor protection by individual entrepreneurs can be implemented on the basis of a contract with natural and legal persons.

CHAPTER 27. CHARACTERISTICS OF REGULATING THE WORK OF THE LEADER AND MEMBERS OF THE EXECUTIVE AUTHORITY OF THE COLLEGIATE LEGAL ENTITY AND EMPLOYEES APPOINTED (SELECTED) BY THE OWNER OF THE LEGAL ENTITY, PERSON AUTHORIZED BY IT (AUTHORITY) OR AUTHORITY AUTHORIZED BY THE LEGAL ENTITY

(Law of the Republic of Tajikistan dated 19.07.2022 No. 1897)

Article 280. Legal basis for regulating the work of the head of the executive body of a legal entity

Labor relations with the head of the executive body of the legal entity in accordance with this Code, other legislative acts of the Republic of Tajikistan, founding documents and labor contracts have been implemented will be

Article 281. Conclusion of an employment contract with the head of the executive body of a legal entity

1. The employment contract with the head of the executive body of the legal entity is concluded by the owner of the legal entity or the person authorized by it (authority) or the authorized body of the legal entity for the period established by the legislation of the Republic of Tajikistan, founding documents or the agreement of the parties (Law of the Republic of *Tajikistan* dated 19.07.2022 No. 1897).

2. The legislation of the Republic of Tajikistan or founding documents may establish additional procedures that facilitate the conclusion of an employment contract with the head of the executive body of a legal entity.

Article 282. The head of the executive body of a legal entity as working in two (several) positions

The head of the executive body of a legal entity may, in compliance with the requirements of this Code and other regulatory legal acts of the Republic of Tajikistan, hold a paid position (position) in another organization only with the consent of the authorized body of the legal entity or the owner of the legal entity or its authorized person (Law of the Republic of Tajikistan dated 19.07.2022 No. 1897).

Article 283. Premature termination of the employment contract at the initiative of the head of the executive body of the legal entity

The head of the executive body of a legal entity has the right to terminate the employment contract before the deadline by notifying the owner of the legal entity or the person (authority) authorized by the legal entity or the authorized body of the legal entity in writing at least two months in advance (Law of the Republic of Tajikistan dated 19.07.2022 No. 1897).

Article 284. Additional grounds for terminating the employment contract with the head of the executive body of the legal entity

1. With the exception of the grounds provided by this Code, the decision of the owner of a legal entity or a person authorized by a legal entity or an authorized body of a legal entity to prematurely terminate employment relations can be additional grounds for terminating an employment contract with the head of the executive body of a legal entity (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

2. In the case of termination of the employment contract with the head of the executive body of the legal entity until the end of its term, compensation to him for early termination of the employment contract, it is paid in the amount, terms and procedure determined by the employment contract.

Article 285. The nature of labor regulation of members of executive bodies collegiality of a legal entity and employees appointed (selected) by the owner of a legal entity or a person (authority) authorized by him or an authorized body of a legal entity

(Law of the Republic of Tajikistan dated 19.07.2022 No. 1897)

1. The nature of the labor regulation of the head of the executive body regulated by this chapter also extends to other members of the collegial executive body of the legal entity, unless otherwise provided for by the normative legal acts of the Republic of Tajikistan.

2. The nature of labor regulation of employees by the owner of a legal entity or a person (authority) authorized by him or an authorized body of a legal entity is determined (elected) by this Code and other legislative acts of the Republic of Tajikistan (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

CHAPTER 28. CHARACTERISTICS OF LABOR REGULATION OF THE SUPREME ASSEMBLY OF REPRESENTATIVES OF THE REPUBLIC OF TAJIKISTAN, JUDGES, CIVIL SERVANTS, MILITARY SERVANTS, LAW ENFORCEMENT AUTHORITY EMPLOYEES AND DIPLOMATIC, AS WELL AS OTHER EMPLOYEES OF GOVERNMENT AND NON-GOVERNMENT ORGANIZATIONS

Article 286. Labor regulation of representatives of the Majlisi namadyot of the Supreme Majlisi of the Republic of Tajikistan, judges and civil servants

Regulation of the labor of members of the Majlisi namadyot of the Majlisi Oli of the Republic of Tajikistan, judges and civil servants is this Code with the features provided for by legislative acts and other normative legal acts of the Republic of Tajikistan, which include conditions and special procedures for joining the service, serving and terminating it, special conditions of work, payment wages, as well as additional benefits, advantages and limitations are established and regulated.

Article 287. Labor regulation of military personnel, employees of law enforcement and diplomatic bodies

Work of people in military, law enforcement and diplomatic service are, this Code and other normative legal acts of the Republic

Tajikistan, which establishes special conditions and procedures for joining the service, serving it and terminating the service, special working conditions, terms of payment of wages, vacations, as well as additional benefits, advantages and additional restrictions.

Article 288. The nature of labor regulation of employees of other state and non-state organizations

The nature of work of employees of other state and non-state organizations is regulated by this Code and other regulatory legal acts of the Republic of Tajikistan.

Article 288(1). Restrictions on engaging in activities labor in the field of work with minors

(Law of the Republic of Tajikistan dated 19.07.2022 No. 1897)

To carry out labor activities in the field of work with minors admission of the following persons is prohibited, if:

- have committed a crime against sexual freedom and sexual integrity;
- criminal charges for committing terrorist and extremist crimes, other serious and especially serious crimes have;
- suffer from diseases whose list has been approved by the authorized bodies in the field of health and social protection of the population (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

SECTION IV. SOCIAL PARTNERSHIP AND RELATIONSHIPS COLLECTIVE IN THE FIELD OF LABOR CHAPTER 29. LABOR COLLECTIVE AND SOCIAL PARTNERSHIP IN THE FIELD OF LABOR

Article 289. Labor collective

1. All employees of the organization form a labor team
they give
2. The rights and obligations of the labor collective, the procedure and form of their implementation are determined by the legislative acts and other regulatory legal acts of the Republic of Tajikistan, the labor contract, collective agreements and contracts, the charter (regulations) of the organization.

Article 290. Employee representatives in the organization

1. Employee representatives in the organization are elected in order to protect the interests of employees in labor relations in accordance with this Code and other regulatory legal acts of the Republic of Tajikistan.
2. Trade unions and other representatives of employee interests represent employees in labor relations.
3. The rights of trade unions and other employee representatives in relations with state and economic bodies, employers are determined by the legislation of the Republic of Tajikistan, collective agreements and contracts.
they do
4. The employees themselves represent and protect the status
they believe and determine their interests.

5. All representative bodies of the organization's employees act within the scope of the authority given to them and use equal rights when protecting the interests of employees. Cooperation of various representative bodies of the organization's employees is encouraged.

6. The presence of various representative bodies in the organization should not their activities interfere with the implementation of tasks.

7. The interests of employees and employers cannot be the same to represent and protect the representative body of the organization's employees. **Article**

291. Rights of employee representatives in the organization

1. Employee representatives in the organization have the right to:

- conduct collective negotiations, sign collective agreements and contracts, participate in the development of other regulatory documents on labor in the organization and present drafts of such documents to the employer;

- in considering issues of socio-economic development of the organization participate;

- monitor compliance with legislative acts and other regulatory legal acts of the Republic of Tajikistan on labor, labor contracts, agreements and collective agreements;

- the interest of the employee in the labor dispute review bodies protect;

- complain to the court about the decision of the employer and his authorized persons, if the decision contradicts the legislative acts and other normative legal acts of the Republic of Tajikistan on labor or in some other way violates the rights of employees;

- declare a strike in accordance with the procedure provided by the legislation of the Republic of Tajikistan;

- perform other legal actions during the activity of the representative office.

2. All authorized representatives of employees have equal rights have

Article 292. Prohibition of interfering with the legal activities of employee representatives

1. It is forbidden to interfere in the legal activities of the employees' representatives in any form.

2. It is prohibited to terminate the activity of employee representatives at the initiative of the employer or his authorized persons.

Article 293. Obligations of the employer and his authorized persons in relation to employee representatives

The employer and his authorized persons are obliged to the representatives of employees:

- to support the activity of employee representatives and the rights follow them;

- before making decisions affecting the interests of employees, with consult their representatives;

- consider the proposals of the employees' representatives in a timely manner and provide reasonable information about the decisions made by them;

- to the representatives of the employees to go to the workplace without hindrance allow employees representing their interests;
 - to the representatives of employees on issues of labor and development to provide necessary socio-economic information free of charge;
 - to provide favorable conditions for employee representatives to fulfill their obligations;

 - to provide buildings, means of transport, communications, other conditions for the activity of employees' representatives, the procedure for which is defined in collective agreements and contracts;
 - in dealing with employees' representatives, fulfill other obligations stipulated by legislation and other normative legal acts of the Republic of Tajikistan, agreements and collective agreements
- to represent

Article 294. Additional labor guarantees for employee representatives

1. To the representatives of the employees related to the implementation of the activity Representation is guaranteed protection from any harassment of the employer.
2. Employees who have been released from production activity due to the election of the employee representative, after the completion of their election powers, will be offered their previous job (position), if such a job is not available, an equivalent job (position) in the same organization. is offered. **Article 295. Representatives of employers**

Employers have the right to join unions, associations and other public associations. Public unions of employers are established and operate as public organizations, and their main purpose is to promote economic development, increase the efficiency of the economy and business initiative, as well as by expressing the interests of organizations and property owners, protecting their rights in the field of economic and labor relations in the authorities. state, in mutual relations with the representatives of employees is the implementation of social partnership (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

Article 296. The purpose of concluding collective agreements and contracts

1. Agreements and collective agreements are concluded in order to supplement the legislative acts and other normative legal acts of the Republic of Tajikistan in order to establish the conditions of work, employment and social security.

2. Procedures for development, conclusion, execution of agreements and contracts the collective is determined by the legislation of the Republic of Tajikistan.

Article 297. Purpose of social partnership

The purpose of social partnership is to:

- implementation of labor rights and protection of social and economic interests of citizens of the Republic of Tajikistan in accordance with the guarantees of the Constitution of the Republic of Tajikistan, this Code, legislative acts and other regulatory legal acts of the Republic of Tajikistan;

- assistance in the regulation of social and labor issues, with coverage the issue of determining the amount of wages;
- increasing the income of employees based on increased productivity labor and production efficiency;
- establishment of an effective mechanism for regulating social and labor relations;
- conducting collective negotiations, mutual consultations, drafting and concluding collective agreements and contracts in accordance with the legislation of the Republic of Tajikistan;
- preventing collective labor disputes and facilitating the resolution of social-labor disputes;
- strengthening and development of social and labor relations based on democratic principles;
- creation of favorable conditions for employment of the population of the Republic of Tajikistan and development of the labor market.

Article 298. Basic principles of social partnership

The main principles of social partnership are:

- mandatory conclusion of collective agreements and contracts in case of interest of the employees or the employer in the person of the authorized representatives in accordance with the procedure established by the normative legal acts of the Republic of Tajikistan; -
- equal rights of the parties; -
- authorization of representatives of the parties; - respecting the interests of the parties;
- free choice in consideration of issues related to the content of the agreement and form collective agreements; - voluntary acceptance of obligations by the parties;
- mandatory implementation of provisions of the agreement and collective agreements accepted by the parties;
- liability of the parties for non-fulfillment of obligations, decisions, collective agreements and contracts;
- mutual control and sincerity (openness) in front of partners;
- the correctness and regularity of information on the issues of the parties' activities.

Article 299. Forms of implementation of social partnership

The forms of implementation of social partnership are as follows: -

- negotiations and consultations; -
- development, acceptance and implementation of joint decisions; - conclusion of agreements and collective agreements;
- mutual information of the parties regarding the fulfillment of accepted obligations.

Article 300.

The main bodies of the social partnership system

1. The main bodies of the social partnership system at all levels are tripartite (bilateral) commissions. Conducted collective negotiations by commissions, collective agreements and contracts are developed and closed, as well as the course of their implementation is discussed.

2. Republican, sectoral and regional commissions operate in accordance with the Regulation on tripartite commissions on the regulation of social and labor relations in the Republic of Tajikistan, which is approved by the Government of the Republic of Tajikistan with the agreement of the unions of employee representatives and the union of employers.

3. At the republican level, tripartite (bilateral) commissions for the regulation of social and labor relations, bodies for ensuring the harmonization of the interests of the state and the parties of social and labor relations in the Republic of Tajikistan will be established. The tripartite (bilateral) commissions consist of representatives of the Government of the Republic of Tajikistan, the Federation of Independent Trade Unions of Tajikistan and the Union of Employers of the Republic of Tajikistan.

4. At the sectoral level, tripartite (bilateral) commissions for the regulation of social and labor relations will be established. The composition of the sectoral commissions, which includes representatives of relevant executive bodies of state power, representatives of employees and employers, is organized by the parties.

5. At the regional level, tripartite commissions on the regulation of social and labor relations are organized at the expense of representatives of relevant executive bodies of state power, employers and employees.
will be

6. At the level of organizations, bilateral commissions will be established for the regulation of social and labor relations, development and conclusion of collective agreements. The commission includes representatives of employers and employees.

7. At the level of financial groups - industrial and multinational corporations bilateral (tripartite) commissions for conducting collective negotiations (consultations), drafting and conclusion of agreements are organized in the unions of these organizations, including organizations located outside the state. The commissions include representatives of employers and employees. **CHAPTER 30. PROCEDURE FOR CLOSING AN AGREEMENT BETWEEN**

PARTNERS OF SOCIAL PARTNERSHIP

Article 301. Types of agreement and its participants

1. Types of agreements are as follows: -
general; -
branch; -
regional.

2. The general agreement on the general principles of socio-economic partnership policy, the main processes of cooperation and mutual obligations of the Government of the Republic of Tajikistan, trade union associations, other representatives of employees and national associations of employers in the field of employment, increasing social guarantees of citizens, social protection of poor groups of the population, determines the increase in the income of employees depending on the stabilization of the economic situation.

3. The sectoral agreement defines socio-economic processes of the development of the sector, working conditions, employment level, wages, social guarantees of the employees of the sector and side issues of the sectoral level.

4. The regional agreement defines general labor conditions, guarantees and labor benefits in the region of the relevant territorial administrative unit, is taken into account when concluding the contract and is binding for the parties.

5. The agreement can be bilateral or tripartite by agreement of the parties. State authorities, local executive authorities participating in tripartite negotiations may refuse to conclude an agreement if requested by two other parties.

6. Agreements are concluded at the following levels:

- at the republican level - between the Government of the Republic of Tajikistan, the union of employers and representatives of employees of Tajikistan (general agreement);

- at the sectoral level - between relevant state bodies, employers' associations and sectoral bodies representing employees;

- at the regional level - between relevant local executive bodies of state power, employers' organizations and regional unions of employee representatives;

- at the city (district) level - between the relevant local executive bodies of state power, associations of employers (owners), representatives of employees (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*). **Article 302. Procedure and**

period of conclusion of the agreement

1. The procedure, the period of development and conclusion of the agreement and the composition of the commission determined by the parties and formalized with a protocol.

2. The draft agreement was prepared by the commission and signed by the relevant state administration bodies, employers' associations, trade union bodies or other employee representatives.
will be

3. The specific procedure for concluding agreements is determined by the Regulation on the procedure for the development and conclusion of general, sectoral and regional agreements in the Republic of Tajikistan, approved by the Government of the Republic of Tajikistan with the agreement of representatives of employees and employers' unions.

Article 303. Contents of the agreement

1. The contents of the agreement include:

- obligations in the field of salary payment, labor protection, hiring and dismissal of employees;

- implementation of a set of special measures on social protection of the population, activities on the development of the labor market, providing useful employment for the population, increasing the volume of products, including consumer goods and agriculture;

- establishing the basic standards of living standards and reducing the level of poverty;

- establishment of additional privileges and advantages for organizations, employers (owners) who create additional workplaces and from labor

are used by disabled people, women, young people, including teenagers (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*);

- participation of employees in the use of income from sales

acquire state-owned property;

- protecting the interests of employees during the privatization of housing stock;
- increasing the amount of compensatory surcharges, the minimum amount of which is established by the legislation of the Republic of Tajikistan; - ensuring

environmental safety and health protection; - issues of social welfare and social insurance;

- improving the conditions of social services of persons working in production, other issues related to the field of socio-economic development and labor relations, as well as obligations to prevent labor disputes and strikes, strengthening labor discipline, determining the responsibility of the participants of the agreement, ensuring control over process of execution of the agreement.

2. The parties may also establish additional conditions in the agreement that do not conflict with the legislation of the Republic of Tajikistan. **Article 304. Implementation of the agreement**

1. The agreement comes into force from the date of its signing by the parties or from the date specified in the agreement. The period of validity and the period of conclusion of the agreement are determined by the parties.

2. The agreement covers the range of employees defined in the agreement.

Article 305. Amendments to the agreement

Amendments to the agreement according to the procedure for its conclusion established by the agreement of the parties.

CHAPTER 31. COLLECTIVE AGREEMENT

Article 306. Decision on the need to conclude a collective agreement

The decision on the need to conclude a collective agreement in the organization, regardless of the organizational and legal form and the type of activity, is made by the trade union or other representatives of the employees and the employer.

Article 307. Parties to a collective agreement

1. Collective agreement in the organization, regardless of the organizational and legal form and type of activity, in educational institutions of primary vocational education, educational institutions of secondary vocational education and educational institutions of higher vocational education, as well as in constituent units of organizations on issues related to the competence of these units. are structural, closed.

2. The parties to the collective agreement are the representatives of the employees, the employer (owner) or the bodies authorized by them (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

3. If there are several employee representatives in the organization, by agreement between them as a party to the collective agreement

representatives who unite the majority of employees of the organization or they represent all employees, party to the collective agreement are considered

Article 308. Procedure and term for concluding a collective agreement

1. The order and term of conclusion of the collective agreement, the members of the commission appointed to conduct the negotiations are determined by the parties, which are formalized by the employer's act.

2. The draft collective agreement must be discussed in labor collectives. The improved project is approved by the general meeting (conference) of the labor team.

3. The general meeting (conference) of the labor team of the organization obligates its representative to conclude (sign) a collective agreement with the employer by means of a protocol (decision).

4. The employee representative has the right to negotiate the signing of an addendum to the collective agreement concluded on behalf of the labor collective in accordance with the procedure and conditions for concluding a collective agreement established by this Code. The appendix is an integral part of the collective agreement and has legal validity.

Article 309. Content of the collective agreement

1. The content of the collective agreement includes the following provisions receives:

- about labor organization;
- about forms, salary payment system, bonuses, allowances, compensations and additional payments;
- about the tariff sizes of salaries and job (professional) salaries depending on the profession, level of qualification of employees, problems and working conditions that they perform;
- about the duration of working time and rest time;
- on the organization of safe labor conditions, improvement of health protection, guarantees of medical insurance for members of the labor team and their families, other types of insurance;
- about providing employment, personnel training, employment dismissed employees; - on regulation of internal labor procedures;
- about the procedure for establishment and activity of conciliation commissions for consideration and settlement of collective labor disputes;
- about the procedure for notifying the representatives of employees and conducting consultations in the event of public dismissal of employees due to the improvement of work organization, liquidation of the organization, complete or partial shutdown of production.

2. Taking into account the economic capabilities of the organization, other conditions may be included in the collective agreement, including preferential labor and socio-economic conditions in comparison with the norms and regulations established by the legislation of the Republic of Tajikistan and agreements (additional leaves, pension supplements, reimbursement of transportation costs and business trips, provision of free or partially paid food for employees in production

and their children have a place in educational institutions of general education and preschool educational institutions, benefits and other additional compensations).

3. The content of the collective agreement is determined by the parties within their jurisdiction. **Article**

310. Duration of collective agreement

1. The duration of the collective agreement is determined by the parties.

2. Collective agreement from the day of signing by the parties or from the day specified in the collective agreement comes into force.

3. In the case of a change in the management body of the organization, the change of the owner, the collective agreement is valid until the adoption of a new agreement (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

4. In the case of liquidation of the organization in accordance with the procedure and conditions established by the legislation of the Republic of Tajikistan, a collective agreement applies throughout the liquidation process.

Article 311. Amendments to the collective agreement

Changes and additions may be made to the collective agreement during its validity period with the agreement of the parties in accordance with the procedure established by the agreement.

Article 312. Guarantees in case of premature termination of the collective agreement

1. If the implementation of the collective agreement becomes difficult or due to the reorganization (merger, merger, division, separation, transformation) of the organization or the change in the type of its activity, it is impossible to continue its operation, the owner must retain all the individual privileges of the employees specified in the agreement. (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

2. Within three months from the date of transfer of ownership of the organization to the new owner, a new collective agreement will be concluded between him and the employees' representatives, and until its conclusion, all the provisions of the previously valid collective agreement will be observed (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

3. In the case of liquidation of the organization before the expiration of the term of the collective agreement, the owner or the authorized body of the founder of the organization is obliged to pay the employees during the liquidation period. to pay the amount for solving the issues of social development of the collective, individual benefits stipulated in the collective agreement (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

Article 313. Obligation of officials in collective negotiations

1. Officials are obliged to participate in collective negotiations to represent

2. Officials who refuse to participate in collective negotiations and the invitation of the commission to conduct negotiations for the purpose of concluding collective agreements and contracts, or who have not fulfilled the obligations stipulated by collective agreements and contracts, shall be prosecuted in accordance with the legislation of the Republic of Tajikistan.

CHAPTER 32. CONTROL AND REGISTRATION OF COLLECTIVE AGREEMENTS AND AGREEMENTS

Article 314. Control over the implementation of collective agreements and contracts

1. The control of the implementation of collective agreements and contracts is carried out by the relevant commissions on the regulation of social and labor relations, the parties (their representatives), as well as the bodies authorized by the Government of the Republic of Tajikistan.

2. Control of the implementation of collective agreements and contracts based on the Regulation of the tripartite republican commission on social partnership and the regulation of social and labor relations approved by the Government of the Republic of Tajikistan is implemented.

Article 315. Registration of agreements and collective agreements

1. Agreements and collective agreements are sent to the relevant labor authorities for registration with the representative of the employer (employers) within ten days after they are signed.

2. Registration does not affect the legal validity of collective agreements and contracts.

3. Agreement terms and collective agreements, which worsen the situation of employees in relation to legislative acts and other normative legal acts of the Republic of Tajikistan, are not valid and applicable are not done.

Article 316. Responsibility of parties to collective agreements and contracts

In case of refusal to negotiate and non-fulfillment of the terms of the agreement and collective agreements due to the fault of one of the parties, the other party has the right to file a claim for compensation of material damage caused as a result of this action in accordance with the legislation of the Republic of Tajikistan.

CHAPTER 33. REVIEW OF COLLECTIVE LABOR DISPUTES

Article 317. Procedure for consideration of collective labor disputes

The procedure for consideration of collective labor disputes is regulated by this Code, other legislative acts of the Republic of Tajikistan, collective agreements and contracts.

Article 318. Submission of employee requirements

1. Employees and their representatives have the right to submit demands.

2. The requirements of the employees are presented at the meeting (conference) of the employees. Employees choose their authorized representatives to participate in the consideration of a collective labor dispute along with submitting a request.

3. Employee representatives present their demands in accordance with the procedure established by the charter or the decision of the meeting (conference) of employees that established the representative body.

4. Requirements are submitted in writing and sent to the employer.

Article 319. Representatives of employees and employers in collective labor disputes

1. Bodies of trade unions and their associations, which according to their charters are authorized representatives, other representatives of employees, elected and authorized by the assembly (conference) of employees, are representatives of employees.

2. Employers' representatives are heads of organizations or other authorized persons according to the charter of the organization, authorized bodies of employers' associations or unions.

Article 320. Mediation

1. The mediator is chosen by the agreement of the parties and mediates in conducts negotiations to reach an agreement between the parties.

2. The mediator has the right to obtain information from the parties to fulfill his obligations request the necessary documents.

3. The mediator does not have the right to confidential information for the execution to disclose his obligations.

4. Mediation rules are determined by the parties with the consent of the mediator. After trying to reconcile the parties, the mediator gives them written recommendations on the consideration of the dispute and its resolution.

5. If the parties have not rejected the mediator's recommendation within ten days, or if the parties have previously signed an agreement on the implementation of the recommendation, it becomes binding for the parties.

Article 321. Labor arbitration

1. If the parties to the collective labor dispute do not reach an agreement in the conciliation commission within ten days, a labor arbitration will be established with the participation of a representative of the local executive body of the state power.

2. The composition and number of the labor arbitration panel are determined by the parties for each dispute. The chairman of the labor arbitration is approved by the agreement of the parties from among the members of this labor arbitration.

3. People's deputies, representatives of trade unions or other representatives of employees, authorized state bodies in the field of labor and employment, expert specialists and other persons may be included in the labor arbitration panel.

4. Labor arbitration considers collective labor disputes with the mandatory participation of representatives of the parties and, if necessary, with representatives of other interested bodies.

5. Labor arbitration must make a decision within ten days of its establishment.

6. If the parties previously signed an agreement on the implementation of the decision However, the decision of the labor arbitration is binding.

7. The parties and the conciliation bodies are obliged to use all possibilities to eliminate the cause of the circumstances that led to the collective labor dispute.

8. If the conciliation commission and the labor arbitration cannot settle the disagreement of the parties, the reasons for this will be sent in writing to the labor collective, trade union or other representatives of the employees. In this case, the labor collective, trade union or other employee representatives have the right have to fulfill the requirements according to Article 318 of this Code

have been introduced, use all the means provided by the legislation of the Republic of Tajikistan up to full or partial termination of work (failure to work, failure to fulfill labor obligations) in the organization, institution, organization of strikes.

Article 322. Judicial review of collective labor disputes

1. Collective labor disputes regarding the implementation of legal regulations of the Republic of Tajikistan on labor (non-implementation or violation of them) are considered in court with the application of representatives of one of the parties.

they become

2. During the consideration of applications in the court and execution of its decisions, the rules and deadlines established for individual labor disputes in this Code shall be used.

Article 323. Strike

1. If collective labor disputes are not considered and resolved by means of conciliation, or the employer refuses to take conciliation measures, or does not fulfill the agreements reached during the discussion of the dispute, employees have the right to use other final measures of discussion and settlement of the dispute - strike.

2. The decision to strike at the meeting (conference) of the labor collective or employee representatives is made by secret ballot, and if at least two-thirds of the collective members are in favor of the decision. present at the meeting (representatives of employees) or two-thirds of the delegates of the conference of representatives of the labor collective, if the meeting (representatives of employees) is competent, it is accepted.

3. A strike by a person or a group of persons by the collective labor or employee representatives are authorized to lead.

4. The employer is at least one from the start of the strike and its possible duration must be notified in writing one month in advance.

5. If the strike poses a serious threat to the life and health of people, the security and defense capability of the state, the right to strike may be limited in accordance with the legislation of the Republic of Tajikistan.

6. The legality or illegality of the strike shall be determined by the court.

Article 324. Guarantees and compensations for employees who strike they do

1. The company is voluntary in the strike. No one can be forced to participate or not to participate in the strike.

2. An employee's participation in a strike (except for participation in illegal strikes) cannot be considered as a violation of labor discipline or a reason for the termination of an employment contract.

3. The salary of the employees who did not participate in the strike, but because of it, could not perform their work, shall be paid no less than the amount due to the absence for which the employee is not guilty.

4. The wages of the employees participating in the strike will not be withheld for the period of the strike, unless otherwise stipulated in the dispute settlement agreement.

5. Trade union committee and other employee representatives right have to establish a strike fund, a special insurance fund from voluntary payments and donations.

Article 325. Obligations of the employer in resolving collective labor disputes

1. The employer is obliged to participate in the work of the reconciliation commission and implement its decisions without delay.

2. At the request of the trade union or the representatives of the employees, the relevant body of the organization is obliged to take measures to relieve the leader from the position (position) due to his fault, a collective labor dispute took place.

Article 326. Liability of employees for illegal strikes

1. The organization of a strike, which the court has deemed illegal, or participation in it is recognized as a violation of labor discipline, may lead to the implementation of disciplinary measures provided by the legislation of the Republic of Tajikistan.

2. It is forbidden to force an employee to strike by force or threat.

3. The damage caused to the owner due to the illegal strike, carried out by the decision of the labor collective, at the expense of the organization through the court will be compensated (*Law of the Republic of Tajikistan dated 19.07.2022 No. 1897*).

4. If the illegal strike was initiated by a trade union or other employee representatives, the damage shall be compensated at the expense of the trade union or other employee representatives.

5. Persons who represent the interests of the parties and do not comply with the requirements of this Code and other normative legal acts of the Republic of Tajikistan shall be held liable in accordance with the legislation of the Republic of Tajikistan.
are drawn.

SECTION V. LABOR SAFETY AND PROTECTION

CHAPTER 34. STATE MANAGEMENT OF LABOR PROTECTION

Article 327. State management of labor protection

1. Implementation of the principles of state policy in the field of labor protection, development of legislative acts and other regulatory legal acts of the Republic of Tajikistan, as well as requirements for means of production, technology and labor organization that guarantee safe and healthy working conditions for all employees, organization and implementation of control State administration of labor protection is the state administration of compliance with legislative acts and other regulatory legal acts of the Republic of Tajikistan on labor protection.

2. State management of labor protection is carried out by the Government of the Republic of Tajikistan, authorized state bodies on labor protection and local executive bodies of state power.

Article 328. Authority of the Government of the Republic of Tajikistan on labor protection

To the authority of the Government of the Republic of Tajikistan on labor protection include:

- implementation of the main directions of state policy on labor protection;

- adoption of normative legal acts on labor protection within own authority;
- determination of the basics of state management of labor protection;
- assistance in the development and implementation of targeted national, sectoral and regional programs on the improvement of conditions and labor protection and monitoring of their implementation;
- determination of costs for labor protection from the funds of the republican budget;
- determining the powers of authorized state bodies on labor protection;
- ensuring the cooperation of state authorities and local executive bodies of state authorities, employers, employers' associations, as well as trade unions, their associations and other authorized representative bodies of employees in the implementation of the state labor protection policy; - international cooperation on labor protection; - other powers on labor protection.

Article 329. Powers of authorized state bodies on labor protection

Powers of authorized state bodies on labor protection include:

- preparation of draft legal acts of the Republic of Tajikistan on labor protection and submitting them to the Government of the Republic of Tajikistan in accordance with the established procedure;
- development and approval of regulatory legal acts of the Republic of Tajikistan on labor protection within the scope of its authority; - coordination of work of ministries and agencies on labor protection;
- organization and certification of work on labor protection in organizations;
- state examination of labor conditions in existing and newly established organizations, regardless of their organizational and legal form;
- implementation of state control of compliance with legal regulations of the Republic of Tajikistan on labor protection;
- in agreement with the state statistical authorities, development and adoption of forms of state statistical reports on indicators of conditions and labor protection, accidents in production and occupational diseases;
- development of procedures for investigation of accidents in production and occupational diseases;
- development and approval of interdisciplinary rules and organizational and methodological documents on labor protection;
- approval of industry model standards free of charge for employees providing personal protective equipment;
- coordinating and carrying out scientific and research work on conservation labor;
- development of national and regional programs for the improvement of working conditions and their protection;
- other powers on labor protection in accordance with the procedure established by the normative legal acts of the Republic of Tajikistan.

Article 330. Powers of local executive bodies of state power on labor protection

Local executive bodies of state power ensure the implementation of the main directions of the state policy on labor protection within the scope of their powers they do

CHAPTER 35. LABOR SAFETY AND PROTECTION

Article 331. Labor protection requirements

1. The employer is obliged to provide working conditions that meet the requirements of safety, sanitation and hygiene in all organizations, regardless of the organizational and legal form.

2. Labor protection requirements with legislative acts and other acts legal norms of the Republic of Tajikistan are established.

3. The employer is responsible for non-compliance with labor protection requirements.

Article 332. The employee's right to receive information about labor protection

1. At the time of concluding an employment contract, the employer must inform the employee about the working conditions, including harmful or dangerous factors of production, the risk of occupational diseases and other diseases, about the benefits and compensations that this employee is entitled to receive, and about provide information on personal protective equipment.

2. The employer is obliged to inform the employees or their representatives at least once a year about the state of labor conditions in production and workplaces, about the results of inspection of labor conditions by the supervisory authorities, taking measures to ensure healthy and safe labor conditions. , to leave such information at the disposal of the employee at his request.

Article 333. Medical examination of certain groups of employees

1. The employer is obliged, in advance, when concluding an employment contract and periodically during the work process, employees whose working conditions are difficult, harmful or dangerous, including in underground and night work, as well as working with vehicles, in order to identify suitability of the performed work to their health and prevention of occupational diseases must undergo a medical examination.

2. Employees who work in the food industry, general food industry, trade and other sectors that are directly engaged in public services, in order to protect public health, prevent the occurrence and spread of diseases, undergo medical examination.

3. In work with particularly dangerous conditions, employees undergo a medical examination before starting work.

4. If the employee believes that the deterioration of his health condition is related to the working conditions, he has the right to undergo a medical examination outside of duty. to demand its passage.

5. The list of harmful production factors and work during which the employees undergo preliminary and periodical medical examination, the procedure and period of their conduct is established by the Government of the Republic of Tajikistan.

6. When the employee refuses to undergo a medical examination or does not follow the recommendations given as a result of the medical examination, the employer has the right to prevent the employee from performing his work duties.

7. Medical examination of the employee is carried out at the expense of the employer.

Article 334. Privileges and compensations for employees whose working conditions are harmful

1. Milk or other necessary products are given to employees free of charge in accordance with the established norms and procedures in cases where the conditions are harmful.

2. The standards for providing milk or other necessary products, the procedure for providing them, the list of chemical substances that are recommended when working with them for the purpose of preventing the consumption of milk or other necessary products, are established by the normative legal acts of the Republic of Tajikistan.

3. In accordance with the norms of especially dangerous work prescribed, preventive and curative food is provided free of charge.

4. The list of productions, specializations and duties, the occupation of which gives the right to receive therapeutic and preventive food, the list and rate of such food, the order of its provision are approved by the Government of the Republic of Tajikistan.

5. In addition to these benefits and compensations, the employer is obliged to provide the employee with other benefits and compensations provided by the legal regulations of the Republic of Tajikistan.

Article 335. Provision of special clothing and other means personal protection and hygiene

1. The employer is obliged to employees who work in harmful and dangerous conditions, as well as in unfavorable temperature conditions or pollution. are engaged in related activities, according to the established standards, provide special clothes and shoes and other means of personal protection and hygiene free of charge.

2. Special clothes and shoes and other means of personal protection provided to employees are maintained, washed, cleaned, disinfected and repaired by the employer.

3. If special clothes and shoes and other means of personal protection were not given to the employee, or if the period for providing these means has passed, or if the employee has no choice but to buy them with his own money, the employer is obliged to compensate the employee for the cost of purchasing these means. In case of premature wear of special clothes and shoes, personal protective equipment without fault of the employee, the employer is obliged to replace them.

4. If the employee's life and health are threatened due to failure to provide personal protective equipment and hygiene, the employee may stop working. For the period of termination of employment as for unemployment paid without fault of the employee.

Article 336. Giving instructions to employees on the rules of protection labor and safe work methods

1. The employer is obliged to give instructions on labor protection and training of safe work methods to employees who are hired or transferred to another job.

2. Labor protection training should be organized for the workers in production whose working conditions are particularly dangerous, and they should pass an exam after completing the training and be re-examined periodically.

3. Instruction, training and periodic testing of the knowledge of employees, including specialists and managers who are responsible for the state of labor protection, in the order and within the time limits established by the relevant regulatory act. are left

4. Persons who, according to the established procedure of labor protection and methods those who have not been instructed and trained in work safety are not allowed to work.

5. Knowing the rules and standards of safety and labor protection part
It is part of the professional requirements that are required from employees.

Article 337. Termination of work of an employee in case of death and to threaten his health

1. If an employee notices a danger to his life and health during the work process and cannot eliminate it with the means at his disposal, he has the right to stop work.

2. The employee is obliged to inform the immediate supervisor (team leader, foreman, section head) or the labor protection authorities of the organization about the dangerous situation of the work process. During the risk elimination period, the average salary of the employee is kept.

Article 338. Transfer to lighter work due to health condition

1. The employer is obliged to temporarily or indefinitely assign employees who, due to health conditions, including disability, occupational disease, or other ill-health related to the performance of labor duties, need lighter work, with their agreement and in accordance with a medical opinion. carry out work and create new jobs if possible.

2. The wages of employees who are transferred to another job due to health conditions or their social insurance benefits are paid in accordance with the procedure established by the legal regulations of the Republic of Tajikistan.

3. In cases where there is a need to change the profession due to occupational disability, occupational disease or other ill-health related to the performance of labor obligations, the employer is obliged to retrain the employee in need of retraining while maintaining the average salary in this period, but not more than twelve months

organize.

4. If the conditions of production do not make it possible to provide employment to an employee who is disabled in the process of work, has an occupational disease or another reason for health damage due to the fulfillment of labor obligations, the employment contract with him will be terminated and he will be paid a severance pay. will be

5. The amount of severance pay is determined by the agreement of the parties, and its amount should not be less than the average salary of the employee for six months.

Article 339. Additional measures to protect the labor of the disabled

1. The employer is obliged to employ the disabled persons sent by the authorized state bodies for the purpose of providing them with work, at the expense of the established quota.

2. It is mandatory for the employer to implement the recommendations of the authorized state medical and social examination bodies regarding the system of part-time work, easing of work and other working conditions of the disabled.

3. Other additional labor protection measures for the disabled are established by this Code and other normative legal acts of the Republic of Tajikistan.

Article 340. Sanitary, domestic and medical services of the employee

1. Depending on the type of activity of the organization and taking into account the requirements of the employees, the

employer is obliged to: - provide them with drinking water; - organize their food;

- in the organization there are sanitary and living rooms, dressing rooms, bathing areas, special rooms (special places to relieve physical and mental fatigue), personal hygiene room for women, first aid delivery points.

in case of an accident or illness of the employee at the workplace make

2. The employer is obliged to organize relevant health authorities and institutions (medical point, medical and sanitary department, hospital) and social protection of the population in accordance with the procedure determined by the Government of the Republic of Tajikistan.

CHAPTER 36. GUARANTEE OF EMPLOYEE AND EMPLOYER RIGHTS REGARDING LABOR SAFETY AND PROTECTION

Article 341. Right of employees to compulsory social insurance

All employees are covered by the employer in accordance with the procedures and conditions provided for by the legislation of the Republic of Tajikistan, the labor contract, agreement and collective agreements to compulsory social insurance against accidents at work and occupational diseases or other health damage.
related to the fulfillment of labor obligations should be covered.

Article 342. Accounting and verification of accidents in production

1. The employer is obliged to immediately check the causes of the accident in the production, draw up a document according to the established model and register the accident in the production in a timely manner.

2. The employer is obliged to provide a copy of the document of the incident at the request of the victim give it to him no later than three days after the end of the inspection.

3. If the employer refuses to draw up a report of an accident or the victim agrees with the circumstances indicated in the report of an accident
If not, the victim has the right to appeal to the representatives of the employees or to the court.

4. The procedure for recording and checking accidents in production is approved by the Government of the Republic of Tajikistan.

Article 343. Guarantee of compensation for damage due to ill health or death of the employee

1. If the employer cannot prove that the employee suffered damage from a source of high risk due to force majeure or the victim's intention, he must compensate this damage in accordance with the procedure provided for by the normative legal acts of the Republic of Tajikistan.

2. If the employer proves that the damage was not caused by his fault, when the damage occurred under normal conditions (not due to the influence of a high risk source), he can be exempted from compensating the damage.

3. Lost wages, costs of ill health, as well as damages spiritual should be compensated.

4. Salary, stipend, pension and other income of the employee are not taken into account when determining and paying compensation.

5. The organization or its legal successor is obliged to pay an employee who was disabled as a result of an accident in production, in addition to the amount of compensation established for such cases, a one-time allowance in the amount of not less than the average twelve-month salary of the victim.

6. In the event of the death of an employee as a result of an accident in production, his family will be given a one-time benefit, in addition to the amount established for dependents, in the amount of not less than sixty months' salary of the deceased. The procedure for providing such assistance is established by the regulatory legal acts of the Republic of Tajikistan.

7. In the case of the death of the victim, the right to receive compensation for damages is transferred to the disabled persons who were under the care of the deceased or had the right to receive money from this employee until the day of his death, as well as the child of the deceased who was born after his death.

8. The pension, which is determined due to the death of the breadwinner of the family, to Damage compensation is not included.

9. The employer compensates moral damage in the event that he is guilty of the damage in the amount determined with the consent of the victim or a citizen who has the right to receive compensation for damage due to the death of the victim. When a dispute arises, the amount of moral damage is determined by a court.

Article 344. State guarantees of ensuring the employee's right to labor protection

In order to ensure the right of employees to labor protection, the state guarantees gives:

- it is forbidden to make changes to the legislation of the Republic of Tajikistan in order to impair the established rights on labor protection;

- development and implementation of targeted state programs on labor protection aimed at improving working conditions and raising the level of production safety;

- introduction of mandatory social insurance of employees against accidents in production and occupational diseases;

- judicial protection of employees' rights to labor protection against illegal actions of employers and officials;

- implementation of state control over compliance with labor protection requirements;

- implementation of material liability against employers who violated the requirements of the legislation of the Republic of Tajikistan on labor protection;

- recognizing and ensuring the protection of the rights of trade unions and other employees' representatives in relation to their activities on the protection of employees' labor.

CHAPTER 37. RIGHTS AND OBLIGATIONS OF EMPLOYEE AND EMPLOYER ON LABOR SAFETY AND PROTECTION Article 345.

Employee's right to labor safety and protection

The employee has the following rights: - the

workplace meets the requirements of safety and labor protection;

- provision of a sanitary building, personal and collective protective equipment, special clothing in accordance with the requirements of safety and labor protection, as well as labor contract, agreement and collective agreements;

- appeal to authorized state bodies in the field of labor and social protection of the population or its local bodies to conduct an inspection of conditions and labor protection at the workplace;

- personally or through his representative in the inspection and investigation of issues that participate in the improvement of conditions and labor protection;

- in the event of a situation that threatens his life or health, he refuses to perform work and informs his direct supervisor or employer about this;

- to information and professional training for the security of performance of labor obligations necessary in accordance with the procedure established by the legislation of the Republic of Tajikistan;

- to receive accurate information from the employer about working conditions, including harmful or dangerous production factors, the risk of occupational diseases and other diseases, about personal protective equipment and sanitary-hygienic equipment, benefits and compensations that this employee receives they have the right;

- to maintain the average salary during the suspension of work organization due to non-compliance with safety and labor protection requirements;

- to file a complaint against the employer's illegal action or inaction on labor safety and protection.

Article 346. Obligations of the employee in the field of labor protection

The employee is obliged to:

- to immediately report to his direct manager about any unfortunate event that occurred in production, factors of occupational disease (poisoning), as well as related to situations that threaten the life and health of people;

- mandatory preliminary medical examination (upon hiring), periodic medical examination (during employment), as well as medical examination in cases stipulated by the legislation of the Republic of Tajikistan (diagnosis) pass;

- to accept personal and collective protective equipment, sanitary hygiene, shoes and special clothes provided by the employer and use them purposefully;

- to carry out the indications of health institutions regarding the implementation of treatment and rehabilitation measures when they are financed by the employer;

- to observe the requirements of labor protection established by the normative legal acts of the Republic of Tajikistan;

- undergo instructions and trainings on labor protection and safe methods of work performance, on-the-job training and continuous testing of knowledge of labor protection requirements.

Article 347. Employer's right to safety and labor protection

The employer has the right to:

- encourage employees to create favorable working conditions at the workplace, offer rationalization related to safety and labor protection;

- dismiss employees who violate the requirements of safety and labor protection, in accordance with the provisions of this Code and other normative legal acts of the Republic of Tajikistan, and subject them to disciplinary liability

draw

Article 348. Obligations of the employer to ensure labor safety and protection

1. Obligations for ensuring safety and labor protection are assigned to the employer.

2. The employer is obliged to provide the following activities:

- appropriate safety and labor protection conditions in each workplace

provide;

- to eliminate any risk in the workplace and technological process, by carrying out preventive measures, replacing it with safe production equipment and technological process;

- safety of employees in the use of buildings, facilities, equipment, practice technological process, as well as raw materials and materials used in production;

- use of personal and collective protective equipment of employees; - the labor and rest system of employees in accordance with the legislation of the Republic of Tajikistan;

- teaching methods and safe ways of doing work, instructions on labor protection, training in the workplaces of employees and testing their knowledge of labor protection requirements;

- not allowing to work persons who, in accordance with the established procedure, have not passed training, instruction, practical training and testing of knowledge on labor protection requirements;

- not less than once in five years to carry out attestation of workplaces on labor conditions with further certification of work on labor protection in the organization;

- to provide information and documents necessary for the implementation of their powers to state labor protection management bodies, state control bodies for compliance with labor protection requirements;

- inspection of accidents in production and occupational diseases in accordance with the procedure established by the Government of the Republic of Tajikistan;

- sanitary and household and curative and preventive services employees in accordance with labor protection requirements;

- unrestricted access to the officials of the state management bodies of labor protection, state control of compliance with the requirements of labor protection, social insurance, as well as representatives of public control bodies in order to conduct inspections of conditions and labor protection in organizations and to investigate accidents in production, occupational diseases;

- to carry out the instructions of the officials of the state control bodies regarding compliance with labor protection requirements and consideration of the proposals of the public control bodies within the time limits established by the legislation of the Republic of Tajikistan;

- provide mandatory social insurance of employees against accidents in production and occupational diseases;

- familiarize employees with labor protection requirements;

- to prepare and print the result of attestation of workplaces and instructions on working conditions and labor protection in the organization in electronic form and on a board within a period of one month;

- at his own expense, conduct mandatory preliminary medical examination (upon hiring), staged (during labor activity), as well as medical (diagnostic) examination in cases provided for by the legislation of the Republic of Tajikistan.

3. In the legislation of the Republic of Tajikistan, the labor contract, agreement and collective agreements, taking into account the nature of the activity and types of work, the existence of sources of serious risk, additional obligations may be provided for the employer.

4. Knowledge of the rules and regulations on labor safety and protection is considered an integral part of the qualification requirements offered to the employee and is noted in the duty (career) manual approved by the relevant state authorities.

CHAPTER 38. PROVISION OF LABOR

PROTECTION Article 349. State regulatory requirements for labor protection

1. State regulatory requirements stipulated by legislative acts and other regulatory legal acts of the Republic of Tajikistan on labor protection establish rules, procedures and requirements aimed at protecting the life and health of employees in the process of labor activity.

2. Fulfillment of state regulatory requirements of labor protection for individuals and legal in carrying out any activity, including design, construction (reconstruction) and operation of facilities, design of machines, mechanisms and

other equipment, technological process development, production and labor organization are mandatory.

3. The employer is responsible for the constant monitoring of compliance with all requirements, rules and standards of safety and labor protection by the employees.

Article 350. Mandatory special and professional training on labor protection

1. The authorized state body provides training of specialists in educational institutions of secondary vocational education and educational institutions of higher vocational education to work in labor protection services.

it seems

2. Educational institutions of primary vocational education, educational institutions of secondary vocational education and educational institutions of higher vocational education should organize the training of the "Labor Protection" course for trainees and students, taking into account the production characteristics of various sectors of the economy.

3. It is forbidden to give employment to persons who do not have the necessary professional training and who have not passed training and certification on labor protection in accordance with the established procedure.

4. The administration of the organization is obliged to organize a system of regular training on labor protection and improving the qualifications of employees.

5. Heads of organizations, their deputies, who are responsible for the organization of labor protection, leaders, specialists of labor protection services, at least once every five years, must undergo professional development courses on labor protection issues. **Article 351.**

Protection of labor of

minors, women and disabled. Protection of labor of minors, women and disabled with this Code and other

regulatory legal acts of the Republic of Tajikistan are implemented.

Article 352. Compliance of production facilities, equipment, processes technological and product to labor protection requirements

1. Projects of construction and renovation of production facilities, as well as machines, mechanisms and other production equipment, technological processes must comply with labor protection requirements.

2. Construction, renovation, technical restructuring of production facilities, production and implementation of new equipment and technology without the conclusion of the state inspection of labor conditions on the compliance of the projects specified in part 1 of this article with the requirements of labor protection, as well as without the permission of the relevant state control bodies on compliance labor protection requirements are prohibited.

3. New or renovated production facilities cannot be put into use without the conclusion of the relevant state control bodies on compliance with labor protection requirements.

4. It is prohibited to use dangerous or harmful substances, materials, products, goods and services for which metrological control methods and tools have not been developed and toxicological (sanitary-hygienic, medical-biological) assessment has not been carried out.

5. In case of use of new dangerous or harmful substances not previously used in the organization, the employer is obliged to

these articles take measures to protect the life and health of employees and coordinate them with the relevant state control bodies on compliance with labor protection requirements.

6. Machines, mechanisms and other production equipment, vehicles, technological processes, materials and chemical substances, means of personal and collective protection of domestic and foreign production of employees must comply with the requirements of labor protection established in the Republic of Tajikistan and have a certificate of conformity. .

Article 353. Funding sources of labor protection

1. Funding of labor protection is carried out at the expense of the estimated annual funds of the state budget, employers and other sources that are not prohibited by the legislation of the Republic of Tajikistan.

2. Funding for labor protection, which is allocated in the relevant budgets with a separate paragraph, is used for maintenance of labor protection management bodies, conducting scientific and research activities, implementation of targeted state programs on labor protection.

3. Every year, each organization allocates the necessary funds for labor protection in the amount determined on the basis of collective agreements and contracts. Employees of the organization do not incur any additional costs for this purpose
they don't give

4. The amount of expenses related to the activities provided for in part 1 of this article is determined in the collective agreement and the employer's document.
will be

Article 354. State diagnosis of labor conditions

1. For the purpose of monitoring conditions and labor protection, the quality of certification of workplaces according to working conditions, accuracy of payment of compensation for heavy work and work with dangerous or harmful working conditions, as well as preparation of proposals to include the organization in the occupational hazard group, in accordance with the results of certification of work on labor protection in organizations by the authorized state bodies in the field of labor and employment of the population, examination of labor conditions in accordance with the procedure established by the regulatory legal acts of the Republic of
will be

2. Conclusion of examination of labor conditions for consideration by the court the issue of liquidation of the organization or its structure in case of detection of violations of labor protection requirements becomes a real basis
is

3. Diagnosis of labor conditions in workplaces during the design of construction and renovation of production facilities, during licensing of certain types of activities, as well as at the request of judicial authorities, labor protection management bodies, employers, employers' associations, employees, trade unions, their associations and other employee representatives is implemented.

Article 355. Labor

protection in the organization

1. To organize labor protection in an organization with more than 50 employees, the labor protection service, which directly reports to the head of the organization

is subordinate, organized. If the number of employees is less than 50, the employer makes a decision on the establishment of a labor protection service or the introduction of the position (position) of a labor protection specialist depending on the nature of the organization's production activity, or assigns labor protection obligations to another specialist. The model regulation of labor protection services in the organization was approved by the authorized state bodies in the field of labor and public employment
is done

2. Depending on the nature of the production or if the number of employees is more than 500, the position of doctor on labor hygiene will be introduced in the labor protection service of the organization, and an industrial and sanitary laboratory will be established. In the case of a small number of employees, but the presence of harmful production factors, such laboratories can be operated by several organizations according to the sectoral principle.

be organized.

3. Termination of labor protection services of organizations is possible only in case of termination of their activity. Issues related to the establishment or reorganization of the labor protection service are resolved by the administration, the trade union committee, or the representatives of the employees.

Article 356. Committees (commissions) on labor protection

1. A committee (commission) on labor protection is established in the organization on the initiative of the employer or employees or trade unions or other representatives of employees. Its members include, on an equal footing, representatives of employers, trade unions or other employee representatives.

2. The committee (commission) on labor protection prepares the section of collective agreements and contracts on labor protection, joint actions of the employer and employees to ensure the requirements of labor protection, prevention of industrial disabilities, occupational diseases, as well as conducting inspections of conditions and labor protection in organizes workplaces and informs employees of the results of this investigation.

Article 357. Public control of compliance with labor protection requirements

1. Public control of compliance with labor protection rules and regulations is carried out by trade unions and other employee representatives, who have the right to establish their own inspection for this purpose, as well as elect authorized persons for labor protection.

2. Inspectors and authorized persons for labor protection of trade unions and other representatives of employees have the right:

- compliance with legal regulations by employers
- monitor the Republic of Tajikistan on labor protection;
- independent examination of working conditions and ensuring safety
- transfer employees of the organization;
- in the investigation of accidents in production and occupational diseases
- participate, as well as check them independently;

- get information from managers and other officials of the organization on conditions and labor protection, as well as on all accidents in production and occupational diseases;
 - on suspension of work in cases of threat to life and health employees submit requests;
 - to employers to eliminate detected violations
- labor protection requirements provide orders, the implementation of which is mandatory;
- inspection of conditions and labor protection, fulfillment of employers' obligations on labor protection, according to the agreement and collective agreements provided, provide;
 - participate as independent experts in the work of commissions on inspection and commissioning of production facilities and production tools;
-
- participate in the development of draft legal acts of the Republic of Tajikistan on labor protection, as well as agree on them in accordance with the established procedure;
 - to apply to the relevant authorities to bring to justice the persons who did not comply with the requirements of labor protection, who hide the unfortunate incidents that occurred in the production;
 - to participate in the settlement of labor disputes related to the violation of the provisions of this Code and other regulatory legal acts of the Republic of Tajikistan, the obligations stipulated by the agreement and collective agreements for labor protection, as well as changes in labor conditions;
-
- has other rights and obligations stipulated by regulatory acts be legal of the Republic of Tajikistan.
3. Trade unions and other representatives of employees have the right to freely check compliance with labor protection requirements in the organization, and to submit to the officials a proposal for a mandatory review on the elimination of discovered violations of labor protection requirements. **Article 358.**
- Rights of public inspectors on labor protection** Public inspectors on compliance with labor protection have the following rights:
- to protect the rights of employees on labor protection before the employer through public control for compliance with legal regulations of the Republic of Tajikistan, agreements and collective agreements to ensure labor safety, labor conditions and safety equipment in organizations;
 - participation in the inspection of accidents in production and overall inspection of the state of safety and labor protection carried out by state labor inspectors;
 - receiving information and explanations, including in writing, from the employer and other officials of the organization in order to fulfill their obligations;
-
- monitor the fulfillment by the employer of the obligations stipulated in the agreement and collective agreements in the field of labor protection;

- depending on the result of the inspection, sending to the names of the officials proposal to eliminate existing deficiencies;
- participation in the work of the commission on inspection and acceptance production facilities and production tools for use;
- participation in the development of the project of normative legal acts of the Republic Tajikistan on labor and labor protection and submission of proposals;
- appeal to the relevant state authorities to prosecute the employer and other officials of the organization for violating the legal regulations of the Republic of Tajikistan on labor, safety and labor protection, the provisions of collective agreements and contracts, including the concealment of accidents in production and occupational diseases represent;

- to participate in the review of labor disputes related to changes in labor conditions, non-compliance with the provisions of legal acts of the Republic of Tajikistan on labor, safety and labor protection, non-fulfillment of obligations stipulated in labor contracts, agreements and collective agreements;

- filing a claim with the court with an employee's application to protect the rights of employees for compensation for damage caused by disability or other damage to health related to the performance of labor obligations and other cases of violation of the rights of employees regarding labor, safety and labor protection.

SECTION VI. FINAL PROVISIONS

CHAPTER 39. SOCIAL INSURANCE

Article 359. Forms of social insurance

1. Implement social insurance of employees in the following forms becomes:

- state social insurance; -
- voluntary social insurance.

2. State social insurance applies to all persons working under an employment contract, without exception. The amount of state social insurance is formed due to contributions paid by the employer, funds from the state budget and other sources not prohibited by the legislation of the Republic of Tajikistan.

3. Employees pay their share to the authorized state bodies in the field of social insurance and pensions in accordance with the procedure and amount determined by the legislation of the Republic of Tajikistan.

4. Voluntary social insurance through non-state insurance funds provided by organizations, groups of citizens and public associations. are established, implemented.

Article 360. Types of provision due to state social insurance

1. State social insurance amount for allowances (temporary disability allowances, pregnancy and birth allowances, funeral allowances, family allowances and other allowances provided by the legal acts of the Republic of Tajikistan), in the case of family unemployment, for the length of service of some groups of employees, for medical treatment

sanatorium-resort and organization of rest of employees and their family members, dietary food, medical services according to the insurance contribution for other payments for health-promoting and preventive measures defined by the legislation of the Republic of Tajikistan. Expenditure of the amount of state social insurance for purposes not provided for by the legislation of the Republic of Tajikistan is prohibited.

2. The employer's indebtedness to the state social insurance fund deprives the employee of the right to provide for him at the expense of the state social insurance amount does not deprive.

3. The labor contract, agreement and collective agreements provide for higher payments due to the employer's own amount and voluntary contributions of employees, as well as additional social payments.
can

CHAPTER 40. SUPERVISION IN THE FIELD OF LABOR

Article 361. Control of compliance with the legislation of the Republic of Tajikistan on labor

Control of compliance with the legislation of the Republic of Tajikistan on labor is carried out by authorized state and non-state bodies in accordance with the procedure provided for by this Code and other regulatory legal acts of the Republic of Tajikistan.

Article 362. State control of safety promotion in industry and mining

The state control of compliance with the rules for the promotion of work safety in industry and mining is carried out by the authorized state bodies of the Republic of Tajikistan in the field of control of work safety in industry and mining and its local bodies.

Article 363. Public control of compliance with the legislation of the Republic of Tajikistan on labor

1. Public control of compliance with the legislation of the Republic of Tajikistan on labor and labor protection rules is carried out by trade unions, inspectors and commissions of the relevant election bodies of the trade union of the organization or other employees' representatives.

2. Public sanitary control is carried out by public sanitary inspectors of the organization. **CHAPTER 41.**

FINAL PROVISIONS

Article 364. Liability for non-compliance with the requirements of this Code

Individuals and legal entities are prosecuted for non-compliance with the requirements of this Code in accordance with the legislation of the Republic of Tajikistan.

Article 365. On annulment of certain acts legislation of the Republic of Tajikistan

The Labor Code of the Republic of Tajikistan, adopted by the Law of the Republic of Tajikistan dated May 15, 1997, No. 417 (News of the Supreme Council of the Republic of Tajikistan, p. 1997, No. 9, art. 112, art. 113; p. 1998, No. 23 - 24 , article 340; p. 1999, No. 5, article 69; p. 2002, No. 4, paragraph 1, article 185; p. 2004, No. 5, article 337; p. 2006, No. 3, article .152, No. 4, Article 195; P. 2009, No. 5, Article 320; P. 2010, No. 7, Article 545,

Mod. 549; p. 2011, No. 3, art. 151, No. 12, Article 842; p. 2012, No. 8, art. 817; p. 2013, No. 7, art. 509), Law of the Republic of Tajikistan dated May 19, 2009, No. 517 " On Labor Protection" (News of the Supreme Assembly of the Republic of Tajikistan, p. 2009, No. 5, art. 324; p. 2012, No. 8, art. 819) and The Law of the Republic of Tajikistan dated July 28, 2006, No. 202 "On social partnership, collective agreements and contracts" (News of the Supreme Parliament of the Republic of Tajikistan, p. 2006, No. 7, Article 350) shall be repealed.

Article 366. Procedure for implementation of this Code

This Code shall be implemented after its official publication.

President of

the Republic of

Tajikistan,

Dushanbe, July 23, 2016 No. 1329

Emomali Rahmon