

IMPROVEMENT OF THE PROSECUTOR'S CONTROL OVER THE ENFORCEMENT OF LABOR PROTECTION LEGISLATION

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Annotation: *Ensuring the protection of labor in accordance with modern requirements is highly important in today's contemporary world. In this regard, the Prosecutor's Office of the Republic of Uzbekistan plays a significant role in monitoring compliance with the law in labor protection. The harmonization of laws on labor protection, their effective implementation, and the oversight of their enforcement hold great importance under the supervision of the prosecutor. The Prosecutor's Office ensures not only the equal and uniform application of laws but also their implementation in accordance with international standards, aiming to ensure their realization for the general welfare of society rather than solely for its own compliance.*

Key words: *Prosecutor, labor protection, law enforcement, prevention, Labor Code, inspection, prosecution, safety techniques, accidents, warning, protective equipment, occupational diseases.*

In the current modern society and conditions of socio-economic development, ensuring labor safety and protection is considered essential and important. To address this issue, the supervision of labor protection legislation by the prosecutor's office is required. It is known that the oversight of the prosecutor's office plays a fundamental role in ensuring compliance with labor protection and workers' rights under the law. The task of prosecutorial oversight is to monitor the implementation of laws and regulatory documents in the field, as well as to identify and eliminate violations of the law.

In the Republic of Uzbekistan, the fundamental principle of state policy in ensuring labor protection is to guarantee it in accordance with national legislation, ensuring the life and well-being of employees in their work activities. In addition, the preservation of labor is coordinated with other directions of the state's economic and social policy. In this regard, the recommendations and conventions of the International Labour Organization are also followed. The Labor Code of the Republic of Uzbekistan establishes the responsibility of the employer to ensure safe working conditions and labor protection as an obligation. However, in accordance with the laws of the labor market economy, the employer conducts entrepreneurial activities to benefit themselves. The protection of labor is evident in the interaction between market mechanisms and the organizational role of the state. In recent years, the state authorities, employers, and social organizations in the country have been working to improve the normative legal documents in the field of labor protection, increase the efficiency of the management system, and ensure compliance with labor legislation. These measures provide the possibility to reduce the number of unfortunate incidents that occur during the production

process. Consequently, the level of accidents and occupational diseases in the country remains relatively high compared to developed countries.

One of the challenges in organizing prosecutorial oversight of labor protection is the lack of effectiveness in supervision and the ability to identify violations of the law promptly. This may be due to the insufficient number of qualified specialists and the incorrect organization of oversight. Additionally, labor protection legislation needs continuous improvement to meet the requirements of modern labor conditions and technologies.

Currently, the failure to create healthy and safe working conditions by employers leads to unfortunate incidents in the workplace. The main reasons for the occurrence of accidents by employers are as follows:

- Lack of technological advancements, poor maintenance of equipment and tools, absence of safety devices and protective equipment, as well as failure to use personal protective equipment during work processes;
- Employment of individuals without proper education, lack of instructions and regulations, failure to check their qualifications, and non-compliance with mandatory medical examinations of employees;
 - Lack of assessment and creation of labor conditions and sanitary conditions;
 - Illegal employment of workers;
 - Lack of oversight.

During the period of 2019-2021, in order to protect the rights and legal interests of business entities in the presence of representatives, 114 orders were issued for inspections in business entities, of which 75 received a satisfactory response. In accordance with the Law "On Prosecutor's Office" and the Law "On Labor Protection," the prosecutor's office carries out the oversight of labor protection legislation in the Republic of Uzbekistan. The prosecutor's office is responsible for monitoring the implementation of laws and regulations in the field of labor protection, as well as identifying and eliminating violations of the law. The recommendations of international experts, based on the requirements of Convention No. 81 of the International Labor Organization on "Labor Inspection in Industry and Commerce," call for the following measures to be taken by the State Labor Inspection:

- 1) Conduct inspections (audits) to ensure compliance with labor laws, occupational safety, and the protection of workers' rights in construction organizations (including financial and economic activities and any other activities not subject to inspection) without prior notice;
- 2) Establish a system for conducting special inspections of all unfortunate incidents (group, serious, and fatal) related to production, without relying on the authority of a competent body, and provide the power to issue an inspection order.

In accordance with the recommendations of the International Labor Organization and Article 12 of Convention No. 81 on "Labor Inspection in Industry and Commerce," labor inspectors should have unrestricted access to business entities for the purpose of inspection, without prior notification, at any time and without hindrance. Furthermore, there are certain issues related to ensuring the employer's liability for compulsory insurance that have not been fully addressed by companies. In particular, due to the lack of compulsory insurance coverage for workers, employers may not pay the specified amounts and durations of compensation to

those affected by unfortunate incidents. The reasons for the insufficient coverage of compulsory insurance are:

- The lack of monitoring mechanisms to ensure that employers fulfill their liability for compulsory insurance;
- The current method of calculating insurance rates does not encourage employers to implement measures for the protection of labor (international experience suggests that the establishment of insurance rate deductions or additional premiums should be based on the employer's actions to create safe working conditions and ensure occupational safety);
- Ineffectiveness of measures to prevent the occurrence of insurance incidents in workplaces and the lack of effective mechanisms to attract insurers through taking measures to prevent them;
- Insufficient level of administrative penalties for the failure of employers to fulfill their liability for compulsory insurance.

To address these situations, it is necessary for employers to ensure the compulsory insurance of workers' liability and strengthen monitoring mechanisms based on:

- Establishing a real-time monitoring system through integration of insurance companies into the "Unified National Labor System" through the software-apparatus complex of management bodies;
- Providing information on the number and date of insurance policies to the software-apparatus complex of management bodies within the "Unified National Labor System" by employers to establish norms.

To ensure the continuous improvement of labor protection measures and the prevention of occupational hazards and occupational diseases, it is necessary to establish a system for identifying, evaluating, and addressing risks (as recommended by the International Labor Organization) that assists companies and organizations. Additionally, it is essential to create an online support and monitoring platform to enhance the effectiveness of prosecuting authorities in enforcing labor protection legislation and to provide assistance to citizens and employers in adhering to labor and occupational safety laws.

To facilitate compliance with labor and occupational safety legislation, the development of an "Electronic Labor Inspector" program that enables independent verification of compliance with the requirements of labor and occupational safety legal documents is recommended. The "Electronic Labor Inspector" program should include inspection questionnaires developed based on the requirements of labor and occupational safety legal documents, which employers would complete independently during inspections.

To support citizens and employers in complying with labor and occupational safety legislation, the creation of an "Online Labor Inspection" program is proposed. This program should provide the following functionalities:

- Independent verification of employers' compliance with labor norms, formalized documents related to labor relations, and implemented measures for labor protection and occupational safety, along with providing automated recommendations for addressing legal violations;

- Identifying whether labor rights have been violated for citizens and suggesting measures for their protection, including procedures and methods for safeguarding those rights;
- Enabling citizens and employers to receive online advisory and methodological support from state labor inspectors on an ongoing basis;
- Granting privileges to independently verified employers in the "risk analysis" system and exempting them from inspections within their respective companies.

By implementing these measures, not only will the enforcement of prosecutorial supervision be facilitated, but also the monitoring of compliance with legislation will be made possible for both citizens and employers. To improve the effectiveness of oversight in accordance with labor protection legislation, we consider the following measures:

1) Strengthening oversight measures and providing prompt responses to identified violations (It is necessary to strengthen oversight measures and provide prompt responses to identified violations to enhance the effectiveness of oversight. This includes adopting new methods and approaches in conducting inspections and identifying violations, such as implementing modern technologies and information systems);

2) Enhancing professional training and expertise (To ensure the quality of oversight, continuous professional training and development of specialists are necessary. Establishing centers for personnel training and retraining, organizing seminars and conferences on relevant issues in labor protection and oversight, creating educational and methodological centers, and exchanging experiences with foreign experts. For example, conducting workshops and seminars with the participation of foreign experts in the field of labor protection enhances the professional qualifications of prosecutors);

3) Improving the legal framework (One of the main directions for improving oversight is to update labor protection legislation and improve the legal framework. This includes regular analysis and correction of existing norms, considering international experience and consultations with experts and interested parties. Analyzing global trends and experiences of other countries, reviewing and updating norms and regulations, and considering new technologies and risks);

4) Combating corruption and strengthening cooperation with other oversight bodies (to enhance the effectiveness of oversight, it is necessary to implement measures to combat corruption, establish a reliable anti-corruption system. In addition, it helps to coordinate actions with other oversight bodies and provide comprehensive guidance in solving labor safety and protection issues);

5) Implementing modern technologies for data monitoring and analysis (creating information systems for monitoring and analyzing indicators in various industries and areas to monitor and evaluate compliance. For example, establishing a centralized database on industrial accidents and fatalities that is accessible to prosecutors and other oversight bodies);

6) Establishing communication and cooperation with society (the prosecutor's office actively cooperates with labor unions, business organizations, and social institutions in the field of labor protection. This includes involving them in the oversight process, coordinating activities, and ensuring the active participation of citizens in solving labor protection issues. For example, creating working groups that collaborate on discussing and resolving current issues);

7) Ensuring availability of information on labor protection rules and norms (creating dedicated information portals for employees, employers, and labor protection specialists. This enables quick access to current legislation, rules, and information related to labor protection. For example, creating a national portal on labor protection that contains current legal documents, methodological materials, news, and events related to labor protection and oversight).

Improving oversight of labor protection in accordance with the law requires comprehensive and significant efforts by the government, society, and professionals. Strengthening oversight measures, providing prompt responses to identified violations, enhancing professional training and expertise, improving the legal framework, and cooperating with other oversight bodies are essential. By comprehensively improving oversight, it contributes to the implementation of labor protection legislation, enhances the level of safety in the workplace, and improves working conditions for all citizens.

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