

Conditions And Features of The Application of Labor Legislation To Rescue Workers

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Abstract: this article describes the conditions and features of the application of labor legislation to labor relations of rescuers working under an employment contract of rescue services and professional rescue structures.

Key words: labor legislation, differential working conditions, certain categories of employees, special norms, civil servants, rescuers, recruitment, certification, working hours, remuneration, social guarantees.

According to Part Ten of Article 11 of the Labor Code of the Republic of Uzbekistan, labor legislation applies to labor relations of rescuers of rescue services and professional rescue structures, including those working under an employment contract, in the part not regulated by the Law of the Republic of Uzbekistan "On Rescue Services and the Status of Rescuers".

The application of special norms to rescuers, first of all, and the application of labor legislation to the part not regulated by special norms, is based on the principle of unity and differentiation of labor conditions, stipulated in Article 4 of the Labor Code of the Republic of Uzbekistan.

In the field of labor and training, justified differentiation, exclusion, preference, and restriction of the rights of employees in connection with the requirements inherent in a particular type of work shall also apply to rescuers, and such exclusions shall not be considered discrimination against this category of employees.

The Law of the Republic of Uzbekistan "On Rescue Services and the Status of Rescuers" dated December 26, 2008 establishes a number of specific features of the legal regulation of the work of rescuers. Chapter 4 of this Law is devoted to the status of rescuers, and Articles 19, 20, 21, 24, 25, 27 of it contain special norms regarding the use of the work of rescuers.

Rescuers constitute a separate category of employees, and justified differences in the legal regulation of their work arise depending on the conditions and nature of the employee's work.

Article 19 of the Law of the Republic of Uzbekistan "On Rescue Services and the Status of Rescuers" contains specific features of the recruitment of rescuers. In particular, this article provides that citizens of the Republic of Uzbekistan shall acquire the status of a rescuer by decision of the authorized certification body based on the results of certification after passing a medical examination, fulfilling physical fitness standards, and training according to the rescuer training program. It is worth noting that after the decision is made to grant the status of a rescuer to citizens of the Republic of Uzbekistan, the authorized certification body issues them a certificate of the established sample, a permit, a rescuer's book, and a badge with the rescuer's registration number..

It should be noted that in order to work as a rescuer, it is necessary to fulfill a number of additional requirements before concluding an employment contract. In particular, one must have an appropriate certificate, a booklet and a badge (token) that gives the right to engage in this activity. This certificate and badge are issued only after passing the appropriate certification. That is, rescuers pass certification in the prescribed manner. The procedure for certification of rescuers is established by the Regulation

on the procedure for certification of rescue services, rescue structures and rescuers, deregistration of rescue services and rescue structures, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 184 dated July 9, 2014. In accordance with this Regulation, rescuers must undergo initial, periodic and extraordinary certification. Periodic certification of rescuers is carried out once every 3 years.

The fact that a special procedure has been established for the recruitment of rescuers should be considered as a special feature of the regulation of their work. In addition, special rules have been established for providing rescuers with food standards. In particular, rescuers of professional rescue structures who are employees under an employment contract (contract) have the right to be provided with food during their shift at the expense of their employers, with reimbursement of their expenses or reimbursement of their expenses for food in an amount not less than the established standards. In order to prevent occupational diseases, rescuers of rescue services and professional rescue structures are provided with therapeutic and preventive food according to the appropriate rations and norms.

In addition to the above, special norms are also established regarding the working hours and rest periods of rescuers. According to Article 24 of the Law of the Republic of Uzbekistan "On Rescue Services and the Status of Rescuers", the working hours of rescuers, who are employees of rescue services and professional rescue structures under an employment contract (contract), are determined by the rules of the internal labor procedure, duty schedules, schedules of special training exercises or other events in daily activities. Also, the time spent on duty at home by rescuers of rescue services and professional rescue structures in the mode of waiting for and being ready to go out to eliminate emergency situations is taken into account at the rate of a quarter of an hour for each hour of duty. The time spent on duty by rescuers at home is reflected in the Rules for determining the working time (service) regime of rescuers and their remuneration for their work.

This Law also establishes special norms regarding the rest time of rescuers. In particular, rescuers of rescue services and professional rescue structures are granted a paid leave of thirty working days annually. Rescuers of rescue services and professional rescue structures are granted additional paid leave annually in accordance with the legislation for work in unfavorable and specific working conditions.

We can cite several more examples of such cases in the legislation. For example, according to Article 24 of the Law "On Rescue Services and the Status of Rescuers", rescuers of rescue services and professional rescue structures are granted 30 working days of paid leave annually.

Article 25 of the Law of the Republic of Uzbekistan "On Rescue Services and the Status of Rescuers" contains rules on the remuneration of rescuers. In accordance with this article, the remuneration of rescuers of rescue services and professional rescue structures, who are employees under an employment contract (contract), is determined in accordance with the terms of the employment contract (contract). The financial support of rescuers from rescue services and professional rescue structures, including military personnel, is determined in accordance with the established procedure. The remuneration of rescuers who are not part of rescue services and rescue structures is carried out in accordance with a civil law contract in accordance with the established procedure. The work of rescuers in personal protective equipment is taken into account and paid in accordance with the established procedure.

In conclusion, it is worth noting that the norms established by the legislation in this area related to the regulation of the work of rescuers are considered special norms and apply primarily to this category of employees. If the legislation in this area does not provide for special norms related to the regulation of the work of rescuers, the general provisions of labor legislation apply to this category of employees.

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