

**WORKING TIME REGIME:
NATIONAL AND FOREIGN EXPERIENCE**

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Abstract:

The article discusses regime of working hours and analyzed the regime of working time in Uzbekistan and in some foreign countries. The legal regulation of the regime of working hours, some types of working hours are considered, which are currently relevant and require special attention in order to properly the choice of working hours, which entails efficiency, competitiveness, economic viability and competitiveness enterprises. It is also proposed to make appropriate changes, additions to the norms labor laws to resolve disagreements between parties to labor relations.

Keywords: regime of working hours, working hours, legal regulation, current issues, labor law, irregular working hours, shift work, flexible working hours.

Introduction

Working time regime is one of the important factors in labor organization. The type of working time regime determines the level of productivity in each enterprise, institution and organization, including its economic efficiency. It can also show the processes that take place in the psychology and physiology of the human factor that occur during labor.

As a result of the effective use of the institution of working time in labor relations and the correct distribution of the mode of work, economic profitability, economic stability and competitiveness are achieved.

Currently, there is a growing need in our country to regulate working hours as elements of management of economic, social and technical development of organizations of any legal form, characterized by the transition from a centralized economy to a market economy. At the same time, we can see that the economic factor is growing in the development of the relationship between employer and employee, primarily in the process of material factors, ie production, profit and their distribution.

An employee who realizes his or her ability to work will strive to make the most of his or her working time and, at the same time, exercise his or her right to work under normal working conditions and be paid accordingly.

That is why in countries with developed market economies, employers are creating programs to optimize and standardize their working hours in order to effectively use the working capacity of employees.

The mode of work regime in labor relations is designed to ensure the effective use of employees in the maintenance of working capacity and health. These rules are reflected in the norms governing the labor relations of all states. In particular, the norms of regulation of working hours in our country are set out in the Labor Code of the Republic of Uzbekistan (hereinafter - the Labor Code).

A number of scholars have commented on this, describing the mode of working hours as follows:

According to the legal scientist M.Yu.Gasanov, in labor law the working time regime is the distribution of working time for employees within a certain calendar period (day, week, month, etc.)

The concept of working hours includes the following components: daily work (shift) duration, start and end time, breaks during work, the number of shifts per day, the number of non-working days, the order of transfer of employees from one shift to another, etc. [1].

Also, the type of work week (two-day five-day work week or one-day six-day work week) and working time mode (daily working time (shift) duration, start and end time, work breaks time, daily shifts) number, number of working days and non-working days, the order of shifts of employees) are determined by the rules of internal labor in the enterprise, other local regulations, and in the absence of these documents - by agreement of the employer with the employee [2].

The mode of operation of the enterprise is the time when the main production performs tasks and works (produces this or that product, provides this or that service to the population and performs other activities) for the purpose for which the enterprise was established.

The main tasks of the enterprise can take place in different operating modes.

The working hours for employees are determined by the local regulations of the enterprise, and in the absence of such documents, taking into account the working hours of the enterprise, by agreement of the parties to the employment contract. The established

mode of work implies, on the one hand, the fulfillment of the tasks assigned to it by the enterprise, and, on the other hand, compliance with the terms of working hours established for each employee by legislation, local regulations or employment contract [3].

When determining which of the options for the working time regime is necessary for employees to establish, it should be assumed that this regime should provide:

-firstly, the full and high-quality fulfillment by the enterprise of the tasks (functions) assigned to it by the charter or regulation (production and sale of products, provision of various services to the population, fulfillment of orders received from legal entities and individuals, etc.);

-secondly, the observance of the norms and rights of workers regarding the use of working time and rest established by legislative and other regulatory acts on labor (maximum working hours, minimum daily and weekly rest, etc.).

When establishing weekly rest days at the enterprise, it should be taken into account that Sunday is the common day off for both a five-day and a six-day work week [4];

-thirdly, providing employees with the opportunity to combine their interests (parenting, study and advanced training, etc.) with the proper performance of labor duties.

It is equally important to pay attention to the fact that the procedure for establishing a particular working time regime depends in many respects on the type of work time accounting established at the enterprise.

Therefore, it is advisable to consider the options for working hours used in enterprises by groups. In the first group, you can combine the options that are installed in enterprises with daily and weekly accounting of working time. In the second - the options used in enterprises where summarized accounting of working time is introduced.

In enterprises operating in multi-shift mode, in some industries, sections, workshops, as well as in performing certain types of work, it is not possible to comply with the working hours (shifts) established for this category of workers. In other words, the production conditions or the nature of the work performed requires the introduction of a summarized record of working time.

Summarized accounting of working time allows you to set other options for working hours at the enterprise. The essence of such options is as follows. During a certain calendar period, called the accounting, the working hours of employees can be increased on some days, and respectively reduced on the other, so that the total working time for the accounting period should not exceed the working hours calculated in the prescribed manner for each category of workers for the same period.

Working hours under this regime can be distributed not only by the internal labor regulations and shift schedules, but also by the corresponding situation, specially developed at the enterprise in a local manner.

Flexible working hours is a way of using working hours, in which for certain employees (employee) or groups of departments (units) of the enterprise, self-regulation of working

hours is allowed within certain limits. That is, depending on the option of flexible working hours established by the employee, he determines the start and end times of daily work or the number and duration of working days during a certain calendar period, provided that he will work out the established standard .

In practice, flexible working hours are often used for certain categories of employees engaged in sales (promoters, procurement agents, IT managers, creative workers (designers, artists), etc.). A flexible working time regime can also be established for many other employees if their fulfillment of their functional duties does not require constant and direct interaction with their colleagues.

The introduction of flexible working hours can be caused not only by the characteristics of the employee's labor function, the specifics of production, but also by various life circumstances. Thus, flexible working hours can be set at the request of the person raising the child in cases where the work schedule stipulated by the internal labor regulations for the employees of a given enterprise does not allow this person to send the child to school, sports section, etc.

In determining the regime of working hours, we analyze the labor legislation of another country, in particular, the regulation of working hours in accordance with the labor legislation of the Russian Federation.

Every day, both in Russia and in foreign countries, in connection with economic changes, the question of studying working hours with the aim of the efficient use of labor in various industries is becoming increasingly acute. The correct choice of the working regime provides for the efficient use of the working time fund, and as a result - positive economic profitability, economic viability, competitive ability [5]. Regardless of the field of activity and the legal form of organization, the enterprise, the employer establishes the features of the regime of working hours and rest time at the enterprise, taking into account the views of the representative body of workers. Most workers, both in foreign countries and in Russia, work according to a fixed schedule with a normal working week with a fixed working time regime. For example, in the People's Republic of China (hereinafter - the PRC), standard working hours cannot exceed 8 hours a day and 40 hours a week. However, Art. 39 of the Law of the People's Republic of China "On Labor" dated 05.06 1994 gives the employer the right to establish a different work schedule if it is impossible to use the standard work schedule [6; 8]. One of the types of working hours is - irregular working hours for a particular category of workers [5]. In Beijing and in other regions of the PRC, the rules for applying a free work schedule are established by the "Rules for approving companies when using a system of non-fixed time schedules and a system of cumulative time tracking". To introduce an irregular working day, you must:

Obtain the consent of the employee himself to introduce an irregular working day for him or obtain the consent of the trade union organization;
2) prepare all the necessary documents; 3) obtain consent from the district department of

labor resources and social security. Consent to the introduction of irregular working hours from the district department of labor resources and social security is mandatory for all types of workers, except for managers [8].

In Russia, unlike the PRC, irregular working hours are legally enshrined in Art. 101 of the Labor Code of the Russian Federation. An irregular working day is a special mode of work, according to which individual employees may occasionally, that is, if necessary, but by order of the employer, be involved in the performance of their labor duties beyond the established working hours.

The issues faced by the parties to the labor relationship — the concept of “occasionally” and “if necessary” - are legislatively vague and therefore the employer can try on any working situation for these concepts, and as a basis, they can attract the employee to excess of the norm of working hours. Positive in this mode is the moment of approval of the list of positions of workers involved in the irregular working hours regime in the mandatory manner both in foreign countries 87 and in Russia, taking into account the views of the representative body of workers [7].

A distinctive norm is the provision of additional leave for workers with such a regime, the duration of which must be enshrined in the collective agreement or internal labor regulations, as well as the provision on holidays and be at least three working days, which the legislator clearly stated in Art. 119 of the Labor Code of the Russian Federation, limiting the minimum quantity, made it possible to increase the days of vacation, if the employer has such an opportunity. The granting of such leave is connected with the fact that the employee has established such a regime of working hours, regardless of whether there was a need to involve such an employee during the year beyond the established duration and what was the frequency of involvement. In this regard, it is possible to consider the legislative consolidation of the increase in the minimum annual additional paid leave for irregular working hours up to 7 days. In case of an irregular working day, an unscrupulous employer may abuse his right to attract an employee to work outside the limits established for him by the length of working time.

Therefore, it is necessary to limit the duration of work on an irregular working day. Judicial practice shows that an employee can and has the right to challenge the actions of an unscrupulous employer, referring to the general legal principle of the inadmissibility of abuse of law in accordance with paragraph 27 of the resolution of the Plenum of the Supreme Court of the Russian Federation dated 17.03.2004 No. 2.

Flexible working hours are another of the most interesting varieties of working hours. Since 1973, in the Western countries, the legalization of new “flexible”, “on call” operating modes has occurred. The introduction of mobile work time schedules is currently embodied in the legislation of France, Belgium, and Finland.

Legal regulation of this regime in Russia is provided for by Article 102 of the Labor Code of the Russian Federation. The problem of the norm is that it provides only the

possibility of working in flexible working hours, without determining how and under which conditions the employer has the right to establish such a working regime, without also giving a clear definition of this working time regime. However, at the same time, this article gives the right to the parties to the labor agreement by mutual agreement to decide on the beginning and end of the working day, as well as its duration. Flexible hours are effectively used by employers to increase labor intensity.

Therefore, in order to protect the rights and interests of workers and regardless of the fact that this type of working hours is determined by agreement of the parties in Art. 102 of the Labor Code of the Russian Federation, it is necessary to amend as follows: "When working in flexible working hours, the beginning, end or total length of the working day (shift) is determined by agreement of the parties, taking into account the views of the representative body of workers". The use of shift work, both in foreign countries and in Russia is relevant. In cases where the technological features of production require the use of a continuous production process or a long production process and exceed the maximum allowable daily work duration, as well as in order to more efficiently use equipment and increase the volume of products or services provided, shift work in two, three or four shifts.

The number of workers in foreign countries employed in such jobs varies from 14 to 30% of the workforce. Multi-shift work provides greater efficiency and profitability of production by increasing the utilization of equipment [7].

Shift work, especially in the evening and night hours, is associated with significant inconvenience to employees. This required increased incentives for such work, which could compensate for the negative aspects of multi-shift and encourage workers to agree to such a regime of work. In many foreign countries, the main method of stimulation is increased payment. The premium is in various countries and industries from 10 to 30%.

Legislation and collective agreements stipulate additional leave for work in the evening or night shift, a shorter duration of the night shift, and exemption from such work for older workers, as a rule, over 60 years old. This working time regime in Russia is regulated by Article 103 of the Labor Code of the Russian Federation. An important element of shift work is shift schedules, which should be approved taking into account the opinion of the elected body of the primary trade union organization, the duty of which is enshrined in Art. 372 the Labor Code of the Russian Federation. In recent years, in Russia during employment, where shift work is provided, the shortage of labor resources has increased, therefore, as a measure of incentive for employment, one can offer foreign experience in providing additional paid leave for work in the evening and night shift of at least five calendar 88 days, provided that the employee was busy during the year at least 50 percent of the working time in the evening and night shifts.

Based on the above arguments, when studying the working hours in Uzbekistan and some countries of the abroad, also on the basis of the analyzed normative acts, the problems in the regulation of working hours are examined. However, on the basis of the foregoing, it

would be advisable to make appropriate amendments to the labor legislation to resolve disagreements between the parties to the labor relationship.

In recent years, new more flexible modes of working time (work on call, job sharing), which have not been legally enshrined in the Labor Code of the Republic of Uzbekistan, have become widespread and developed, therefore it is not enough to have only one article in the Labor Code of the Republic of Uzbekistan regulating the flexible working regime working hours. It seems necessary to include in the Code a special chapter on flexible working hours.

In addition, due to the absence of the concept of "shift schedule" in the Labor Code of the Republic of Uzbekistan, define it as a local regulatory act regulating the distribution of working hours of workers in shift mode. It fixes: the time of the beginning and end of work; work shift duration; the alternation of workers in shifts, days of work and rest; the sequence and number of shifts; transition from one shift to another; the procedure for replacing the changer, etc.

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