
PARTIES TO A COLLECTIVE AGREEMENT, PROCEDURE FOR ITS FORMATION AND CONTENT

Sh. Muhammadjonov
Lecturer of the Department of Legal Education,
Fergana State University

Abstract:	Keywords
<p>A collective agreement, as a normative document regulating labor relations related to social partnership, can be concluded in all types of enterprises and organizations, regardless of the form of ownership, method of business management, and industry.</p> <p>According to Article 65 of the Labor Code, a collective agreement is concluded, on the one hand, by employees through trade unions or other representative bodies authorized by them, and on the other hand, directly by the employer or representatives authorized by him.</p>	

Introduction

The above norm provides for the conclusion of a collective agreement between two parties: the employer and the representative bodies of employees. According to the content of the article, branches and other components of enterprises operating in a territory other than the territory where the enterprise is located may also conclude a collective agreement on the basis of the authority granted by the employer (according to the authority granted by the employer of the parent enterprise to the head of the branch).

Labor legislation (the Labor Code and other labor legislation, laws regulating the activities of trade unions and other legislative acts) determines the legal status (powers and obligations) of the parties to a collective agreement as parties to the agreement.

A collective agreement is a regulatory document that regulates labor, socio-economic and professional relations between the employer and employees at an enterprise. The right to decide on the need to conclude a collective agreement with the employer is vested in the trade union through its representative body, another representative body authorized by the employees, or directly to the general meeting (conference) of the labor collective.

Collective agreements are concluded at enterprises, in their structural divisions that have the right to legal personality.

According to Article 41 of the Labor Code, each party has the right to initiate negotiations on the conclusion and amendment of a collective agreement or agreement.

A trade union or other representative body of employees shall have the right to conduct negotiations on behalf of the employees they represent, to propose and sign amendments to a collective agreement or agreement protecting the interests of the employees they represent.

In order to conclude, amend and supplement a collective agreement, negotiations shall be held between the employer, the association of employers (their representatives) and trade unions or other representative bodies of employees. If necessary, executive authorities shall participate in the negotiations. Employers and executive authorities shall be obliged to conduct negotiations on labor and socio-economic issues proposed for consideration by trade unions or other representative bodies of employees.

The party that has received the relevant written notice shall be obliged to enter into negotiations within a period of seven days.

Each party has the right to notify the other party in writing within three months before the expiration of the previous collective agreement or agreement or within the period established by these documents about the commencement of negotiations on the conclusion of a new collective agreement or agreement. The draft collective agreement is discussed by employees in the divisions of the enterprise and is submitted for further development, taking into account the opinions and proposals expressed.

The draft that has been submitted for further development is submitted for discussion at a general meeting (conference) of the labor collective.

To conduct negotiations and prepare a draft collective agreement or agreement, the parties shall establish a commission consisting of representatives with appropriate powers on an equal basis.

The composition of the commission, the term, place and agenda of the negotiations shall be determined by the decision of the parties. The parties participating in the negotiations shall be given complete freedom in choosing and discussing the issues that constitute the content of the collective agreement or agreement.

The content and structure of the collective agreement shall be determined by the parties.

The collective agreement may include mutual obligations of the employer and employees on the following issues:

form, system and amount of remuneration, bonuses, benefits, compensations, additional payments;

mechanism for regulating remuneration depending on price fluctuations, inflation rate, and the achievement of indicators established by the collective agreement;

conditions for employment, retraining, and dismissal of employees;

working hours and rest periods, duration of labor holidays;

improving working conditions and labor protection of employees, including women and persons under the age of eighteen, and ensuring environmental safety;

compliance with the interests of employees during the privatization of the enterprise and housing owned by the office;

benefits for employees who combine work with education;

voluntary and mandatory medical and social insurance; the amounts and terms of additional contributions by the employer to the personal savings pension accounts of its employees;

monitoring the implementation of the collective agreement, the responsibility of the parties, social partnership, creating appropriate conditions for the activities of trade unions, other representative bodies of employees.

The collective agreement may also include other conditions, taking into account the economic capabilities of the enterprise, including more favorable working conditions and socio-economic conditions than those specified in the norms and rules established by laws and other regulatory documents (additional holidays, pension bonuses, early retirement, compensation for transport and business trip expenses, free or partially paid meals for employees at work and their children at school and preschool institutions, other additional benefits and compensations).

If the current legislation directly stipulates that normative provisions must be fixed in a collective agreement, such provisions shall be included in the collective agreement.

The right to discuss and adopt a collective agreement is vested in the general meeting (conference) of the labor collective of the enterprise, and the meeting of the labor collective is considered authorized if more than half of the employees participate in it.

The conference of the labor collective is considered authorized if at least two-thirds of the delegates participate in it.

A collective agreement is considered approved if more than fifty percent of those participating in the general meeting (conference) vote in favor of it. If the draft collective agreement is not approved, the representatives of the parties shall improve it, taking into account the proposals and wishes expressed at the general meeting (conference), and resubmit it for discussion at the general meeting (conference) within fifteen days.

After approval at the general meeting (conference), representatives of the parties sign the collective agreement within three days.

The collective agreement enters into force from the moment of its signing or from the date specified in the collective agreement and is valid for the period determined by the parties.

Upon the expiration of the specified period, the collective agreement remains in force until the parties conclude a new agreement or amend or supplement the existing agreement.

In the event of reorganization of the enterprise, the collective agreement remains in force during this reorganization period, after which it may be revised at the initiative of one of the parties.

References

1. O‘zbekiston Respublikasining Konstitutsiyasi // Qonun hujjatlari ma’lumotlari milliy bazasi, 01.05.2023 - y.,.
2. O‘zbekiston Respublikasining Mehnat kodeksi // O‘zbekiston Respublikasi Oliy Majlisining Axborotnomasi, 1996-y., 1-songa ilova; Qonun hujjatlari ma’lumotlari milliy bazasi, 30.04.2023 -y.,.
3. O‘zbekiston Respublikasining “Aholini ish bilan ta’minlash to‘g‘risida”gi qonuni. (yangi tahriri) // O‘zbekiston Respublikasi Oliy Majlisining Axborotnomasi, 1998-y., 5-6-

son, 97-modda; Qonun hujjatlari ma'lumotlari milliy bazasi, 17.10.2018 y., 03/18/501/2056-son.

4. O'zbekiston Respublikasining "Kasaba uyushmalari to'g'risida"gi qonuni // O'zbekiston Respublikasi Oliy Kengashining Axborotnomasi; O'zbekiston Respublikasi qonun hujjatlari to'plami, 2019-y., 48-son, 546-modda.

5. O'zbekiston Respublikasining "Mehnatni muhofaza qilish to'g'risida"gi Qonuni (yangi tahriri) // O'zbekiston Respublikasi qonun hujjatlari to'plami, 2016-y., 38-son, 441-modda; Qonun hujjatlari ma'lumotlari milliy bazasi, 05.01.2018-y., 03/18/456/0512-son.