



LABOR DISPUTES AND STRIKES

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Abstract: This article analyzes labor disputes and strikes from socio-legal and economic perspectives. The introduction highlights the importance of labor relations in the development of society, the factors leading to disputes, and the historical as well as contemporary role of strikes. The research methods include the analysis of legal and regulatory documents, comparison of statistical data, and review of scholarly literature. The findings indicate that the main causes of strikes are insufficient wages, unsatisfactory working conditions, and weak social protection mechanisms. In the discussion section, these results are compared with international practices, emphasizing both their positive and negative aspects. In particular, while strikes serve as a means of protecting workers' rights, they can also negatively affect economic stability. The study concludes that mediation and the development of social dialogue are essential factors in resolving labor disputes.

Keywords: labor disputes, strikes, labor law, trade unions, mediation, social dialogue, economic impact, working conditions, legal protection, social stability.

Introduction: Labor disputes are conflicts that arise over the application of existing labor laws and other regulatory acts, the establishment of new working conditions, or the modification of existing ones. Such



disputes are resolved in accordance with procedures established by law. All issues related to the resolution of labor disputes are regulated by the Labor Code of the Republic of Uzbekistan (Articles 259–281) and the Civil Procedural Code (Articles 1, 5, 6, 31, 110, 149, 158, 185, 219, 239, 259). Labor disputes are classified into individual labor disputes and collective labor disputes. Individual Labor Disputes — are disagreements that arise between the employer and an employee regarding the application of labor laws, other regulatory acts, or the conditions stipulated in the employment contract.

Collective Labor Disputes — are conflicts that occur between the employer and groups of employees concerning the establishment or modification of working conditions, as well as the negotiation, amendment, and implementation of collective agreements and contracts.

Disagreements between employers and employees may result from the actions or inaction of either party to the employment contract. However, not every disagreement escalates to the level of a labor dispute. Differences that emerge may be interpreted differently by subjects of labor law, and deficiencies in such interpretations may lead to a dispute once the matter is referred to the relevant dispute resolution body.

Methods and Materials: Labor disputes are examined by the Labor Disputes Commission and by the courts. An employee has the right, at their own discretion, to submit the case either to the Labor Disputes Commission or directly to the court. Labor disputes typically arise either from violations of employees' labor rights or from unfounded claims. The most common causes of labor disputes include: Violations of labor legislation; Failure or negligent



performance of job duties by employees (e.g., absenteeism, lateness, etc.) and their negative reaction to disciplinary measures taken by the employer; Differing interpretations of existing legal norms by employers and employees; Misunderstanding of rights by employees, and other related issues. Labor disputes are, therefore, unresolved conflicts between employers and employees (or their representatives) regarding the application of labor legislation, other legal documents regulating labor, occupational safety rules, employment contracts, or the establishment and modification of working conditions. Disputes arising from the application of labor legislation, other legal acts on labor, occupational safety rules, and employment contracts are classified as claims-related disputes (disputes of rights). Both individual and collective disputes of a claims-related nature are considered by the relevant labor dispute resolution bodies. At any stage of reviewing such disputes, the parties, by mutual consent, may resolve the conflict through mediation procedures, with the assistance of a mediator, in order to reach a mutually acceptable solution.

Disputes concerning the establishment of new working conditions, modification of existing ones (including remuneration), the negotiation or amendment of collective agreements, collective contracts, or internal documents adopted in accordance with the law in consultation with employees' representatives, are classified as non-claims disputes (disputes of interests). Both collective and individual non-claims disputes are resolved through conciliation procedures or mediation with the involvement of a mediator. The Labor Disputes Commission operates directly within enterprises, institutions, or organizations. This commission is formed on the



basis of equality by the employer and the trade union committee or other representative body of employees (Article 262). The time limits for applying to resolve labor disputes are as follows: Reinstatement disputes: within one month from the date the employee receives a copy of the dismissal order; Material damage disputes: within one year from the date the employer becomes aware of the damage caused by the employee; Other labor disputes: within three months from the day the employee knew or should have known that their rights were violated.

Discussion and Results: The first stage in resolving a labor dispute is discussion and negotiation between the parties without the involvement of external agents. Debates and negotiations over contract provisions are part of the process in which both sides (employees and management) present their perspectives. The success of applying this approach to labor dispute resolution largely depends on the willingness and commitment of the parties to achieve stability in labor relations without appealing to external actors. Therefore, the effectiveness of this method can be considered an indicator of the maturity of the relationship between the parties.

The Republic of Uzbekistan has adopted a draft decision on the legislative proposal to amend certain legal acts. The purpose of the draft law is to harmonize national legislation with the requirements of International Labour Organization (ILO) Conventions No. 87 on Freedom of Association and Protection of the Right to Organise, and No. 98 on the Right to Organise and Collective Bargaining. The document envisages regulating the right to strike through legislation. By filling the existing gaps in national law, the draft



aims to ensure the full protection of citizens' labor rights in line with international standards.

Demands and Protests: According to historical records, the first workers' strike took place in ancient Egypt. At that time, harsh working conditions were imposed during the construction of the Pharaoh's tomb. More than 50 workers were separated from their families while working. In addition, they were dissatisfied with the long working hours and other unfavorable conditions. The honorable craftsmen of that era found only one way out of this humiliating situation: they refused to work until the ruler took appropriate measures. With no other choice, the Pharaoh was compelled to address the shortcomings and ordered that the workers' families be relocated to a nearby settlement. Thus, the first recorded labor protest occurred.

On March 6 of this year, several employees of UzAuto Motors in Asaka expressed their dissatisfaction with low wages by engaging in a collective strike. Following this incident, one of the gaps in national legislation once again became evident. Although more than 25 years have passed since the adoption of the Labor Code of the Republic of Uzbekistan, the issue of strikes—considered a fundamental right of workers in developed democratic countries—remains a sensitive and underdeveloped matter in Uzbekistan's legal framework.

A strike is one of the methods of resolving labor disputes. It represents a collective suspension of work, either fully or partially, by employees of an enterprise or organization in response to a collective labor conflict with the employer. The aim is to ensure that employees' socio-economic and



professional demands are met, whether at the enterprise level or through government intervention.

Conclusion: The widespread application of mediation in dispute resolution would also greatly benefit the courts. An excessive caseload is a common problem for judicial systems in many countries. For example, in India, each judge is assigned an average of 2,147 cases, with a total backlog of 31,280,000 cases, which could only be resolved by the year 2330 at the current pace. In the People's Republic of China, more than 200,000 cases were pending in 2012. In South Africa, between 2004 and 2005, the courts received 128,000 claims, of which only 62% were resolved during that period. In Germany, out of cases reviewed by 4,771 lower-level judges, only 1,416 were appealed to higher courts.

International experience demonstrates that mediation can significantly reduce the caseload of courts. For instance, the mediation centers in Delhi and Bangalore managed to resolve 39,969 cases within two months of their establishment, while the Dubai Mediation Center handled one-third of court cases in just one month through mediation procedures. This shows that mediation has a positive impact not only on disputing parties but also on the judiciary.

In the Republic of Uzbekistan, mediation activities are organized on both a professional and non-professional basis. According to Article 12 of the Law on Mediation, a professional mediator must (1) complete a special training course based on a program approved by the Ministry of Justice of the Republic of Uzbekistan, and (2) be included in the Register of Professional Mediators. Non-professional mediation, on the other hand, may



be carried out by any individual over the age of 25 who consents to perform mediator functions.

For comparison, in the Russian Federation, mediation activities are also carried out on both professional and non-professional bases. However, unlike Uzbekistan, Russian legislation establishes age requirements for both categories: to become a professional mediator, a person must be at least 25 years old, and to serve as a non-professional mediator, a person must be at least 18 years old and possess full legal capacity.

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