

WORKING TIME AND REST TIME OF REMOTE EMPLOYEES

Ruziyev Dostonbek

Trainee Teacher, Department of "History and Social Sciences"

University of Economics and Pedagogy

Abstract

It is dedicated to the study of the introduction of this method of remote work, the features of interaction between the remote employees and the employer, the procedure and specific aspects of the regulation and organization of the work of remote employees.

Keywords: Remote employee, remote work, vacation time, working time, network, network employee.

Introduction

Working hours and rest time of remote workers

Today, due to the development and popularization of information technologies, there is a need to ensure proper legal regulation of the work of remote workers, which is a new form of labor relations. The draft Labor Code of the Republic of Uzbekistan in the new edition includes a chapter on the concept of remote work, which is a new form of labor, which provides for the conditions ensuring the legality of remote labor relations, the specific features of concluding and terminating an employment contract with remote workers, guarantees for the protection of the rights of such employees, in particular, ensuring the safety of working conditions, monitoring labor discipline, etc.

When it comes to regulating the work of remote workers, special attention should be paid to the working time regime of the remote worker, its features and forms, since working time is directly related to the employee's performance of his labor duties. Working time is the time during which the employee must perform his labor duties in accordance with the work order or schedule or the terms of the employment contract. Proper organization of working time and rest time of a remote worker serves to increase the efficiency and productivity of work, and at the same time plays a major role in increasing the satisfaction and sense of interest of both the employee and the employer with the result. In particular, the transition to remote work, on the one hand, reduces the costs for the employer through more rational working hours and rest periods (such as renting a building, creating working conditions for employees in the building, paying various fees and taxes) and allows attracting specialists from different countries without problems such as space and borders, while on the other hand, employees will have the opportunity to be independent in their work, plan their work activities, and more successfully combine work and rest, taking into account psychophysiological characteristics. From this perspective, the legal regulation of the working hours and rest periods of a remote employee shows the relevance of the study.



Working hours for remote workers can be defined as a certain labor standard, that is, the period during which an employee must work during calendar periods established by law. The mechanism for determining the norm of working hours for specific calendar periods is the working time regime. Article 461 of the draft Labor Code of the Republic of Uzbekistan in the new edition states that when determining production tasks for remote workers, the employer must take into account the time standards for performing certain types of work, and the total duration of working hours for the entire set of work scheduled for one month should not exceed the normal or reduced duration of working hours. It is noted that when assigning specific tasks and assignments to a remote employee, the employer must adhere to the time standard based on the nature of the work performed.

Part three of Article 461 of the draft Labor Code of the Republic of Uzbekistan in the new edition states that a remote employee independently determines the duration of his working hours, the work schedule and work order based on the volume of the production order and other conditions established in the employment contract. It is precisely the possibility of independently determining the working hours that should be specified in the employment contract that is a distinctive feature of the working hours of remote employees. Therefore, the employer's working hours, that is, the working hours established in the internal regulations of the enterprise, do not have any impact on determining the working hours for remote workers. It is also important that, based on the ability of a remote employee to independently determine his working hours, the employee freely chooses the type of working hours (daytime, nighttime, etc.).

N.L. Lyutov noted that the working hours of a remote employee differ from the general rules applicable to this employer, therefore, working hours should be specified in the employment contract as one of its mandatory conditions [1].

According to Part 2 of Article 461 of the draft Labor Code of the Republic of Uzbekistan in the new edition, the fixed time during which a remote employee must be in contact (directly cooperate) with the employer is also considered working time, and the period of online communication of this employee may be determined in the employment contract itself. If the employer does not have a need to communicate with a remote employee online, then not a specific time required to be online, but another general working time regime, for example, a rotating work week with days off or other similar regimes, can be established, through which the employee can be controlled. It may be agreed between the remote employee and the employer that he will perform his duties in a mixed regime, that is, by working certain days of the week or certain hours of the working day at a stationary workplace directly under the control of the employer, and the remaining part of the time at a place convenient for him. According to the second part of Article 461, the period during which an employee working in such a mixed mode performs tasks both at a stationary workplace and remotely via the Internet is included in working hours and may be specified in the employment contract.

According to O.A. Vorobyova, if the employer needs a remote employee to participate in the production process online at the same time as those working at stationary workplaces and the employee agrees to this, the contract may stipulate a five-day (40-hour) working week with two or one regular day off (Saturday and Sunday). If the working hours of a remote employee are established by agreement of the parties (taking into account the opinion and consent of the



employee), then failure to comply with this condition of the employment contract shall be grounds for disciplinary action against the employee. When establishing a specific working time regime for a remote employee, the employer has the opportunity to know at what time it is possible to discuss business issues with the employee and involve him in a video conference. N.V. Yazikov notes that the following typical types of accounting for working hours for employees are distinguished: daily, shift, weekly and generalized. Based on the specifics of remote work and the specifics of establishing the working time regime, generalized accounting of working hours is considered the most effective. Its peculiarity is that the employee, when calculating the duration of working hours for himself, can set work schedules (shifts) for himself, which are more than the weekly norm on some days (weeks) and less than on others. Of course, it is important to pay attention to the fact that the average daily duration of working hours does not exceed 12 hours.

An irregular working day may be provided for in the employment contract of a remote employee. As N.V. Zakalyuzhnaya notes, “this does not mean that the remote employee is obliged to systematically work outside the working hours established for him”.

It should also be noted that the employment contract may also indicate that certain parts of the internal labor regulations that do not contradict the essence of the employment contract concluded with him apply to the employee. We explain this as follows. On the one hand: in accordance with Article 176 of the Labor Code of the Republic of Uzbekistan, the employee must comply with the internal labor regulations of the organization. on the other hand, he has the right to independently distribute working time, as well as rest time. It follows that the parts that the employee can determine himself are regulated by the employment contract. In all other general procedures, compliance with the internal regulations is required.

In turn, there are some difficulties associated with controlling the start and end of a remote employee's working day, breaks during the working day, and accordingly entering data on the time worked into the table. In this case, methods of controlling a remote employee include being online on the employer's electronic website, and mandatory and timely responses to messages sent by the employer via e-mail or phone calls. The employer has the right and obligation to control the employee's work and rest in any case, because control is one of the differences between labor and civil law relations.

According to the draft, if a remote employee independently determines the working time regime based on his or her needs, desires, and capabilities, this employee will be paid a monthly salary in a lump sum, i.e. the same amount as the salary received by an employee working at a stationary workplace, as specified in the staffing table, and the conditions for payment of labor for overtime work, work on weekends and non-working holidays, as well as night work, will not apply to this employee.

However, in certain cases, it is allowed to cooperate with the employer during the rest period of a remote employee and to involve the employee in work on rest days and non-working holidays. This situation is formalized by the employer's order, and the remote employee is paid additional money in accordance with the established procedure for involvement in work during rest days and non-working holidays, at night, as well as for working hours outside the working hours specified for the remote employee.



There is some misunderstanding and ambiguity in the procedure for paying for overtime work in the draft. According to it, if an employee independently determines the working time regime, the conditions for paying for overtime work, work on weekends and non-working holidays, and work at night do not apply to him. However, a rule has been introduced that if the employer involves him, additional payment will be made. According to observations, it is usually necessary to work overtime due to the employer's initiative and the large workload. Based on this point, it is necessary to clearly indicate the cases in which additional payment is paid to employees and when it is not.

It is also necessary to clearly define the circumstances in which the employer may contact the employee during off-hours. According to the labor legislation of the Russian Federation, an employer may interact with an employee during the rest period without prior written consent in the following cases:

prevention of a disaster, industrial accident or elimination of its consequences;
prevention of accidents, loss or damage to employer property, state or municipal property;
performing urgent work in emergency situations such as fire, flood, famine, earthquake, epidemic and other similar situations that threaten the life or normal living conditions of the entire population or part of it, or in connection with the introduction of martial law.

In other cases, the employer's interaction with the employee during the rest period is allowed with the employee's written consent. When concluding an employment contract, the employee must familiarize himself with the procedure for interaction between the employer and the employee during the rest period established by the employer.

According to the draft Labor Code of the Republic of Uzbekistan in its new edition, a remote employee has the right to use paid annual basic leave and various other holidays.

If a teleworker is not entitled to a longer annual leave in accordance with labor legislation, other labor legal acts, or an employment contract, the duration of his annual leave cannot be less than twenty-one calendar days.

The procedure for granting annual leave and other types of leave to a remote employee must be specified in the employment contract for remote work.

In conclusion, remote workers represent a fundamentally new category of employees in labor relations. This is due to the use of information and communication technologies and the presence of a number of features that provide individual opportunities that other categories of employees do not have. However, these additional opportunities create certain difficulties in their practical application and legislative regulation. In this regard, it is necessary to determine the specific types of working hours that remote workers can work, and to improve the system of accounting and monitoring working hours.

REFERENCES

1. Лютов Н. Л. Дистанционный труд: опыт Европейского Союза и проблемы правового регулирования в России //Lex russica. – 2018. – №. 10 (143). – С. 30-39.
2. Языков Н. В. Особенности режима и учета рабочего времени в отношении дистанционных работников: дис. – Белорусский государственный экономический университет, 2020.



3. Ismoilov Sh.A. Ayrim toifadagi xodimlar mehnatini huquqiy tartibga solishning xususiyatlari: Avtoref... y.f.d. - Toshkent: TDYU, 2020. - 43 b.
4. Raximov M.A. Xodimlarning mehnat huquqlarini himoya qilish (qiyosiy-huquqiy tahlil): Avtoref... y.f.f.d. - Toshkent: TDYU, 2018. - 45 b.
5. Скачкова Г.С. Расширение сферы действия трудового права и дифференциации его норм. Дис. ... д-ра юрид. наук. – Москва, 2003.
6. Рогалева И.Ю. Дифференциация норм трудового права. Дис. ... канд. юрид. наук. – Москва, 2010.
7. Ro'ziyev Dostonbek, Rustam o'g, R. Z. D. (2024). ISHLAB CHIQARISH TA'LIMI SHARTNOMASINING BELGILARI VA TASHKILIY SHAKLLARI. ITALY" ACTUAL PROBLEMS OF SCIENCE AND EDUCATION IN THE FACE OF MODERN CHALLENGES"., 17(1).
8. Ro'ziyev Dostonbek, [08.11.2024 9:07] oglu Roziyev, D. R. Ishlab chiqarish ta'limi shartnomasini raqamlashtirishning ahamiyati.

