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**EMPLOYMENT RIGHTS AND PRIVILEGES OF PERSONS WITH DISABILITIES**

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**ARTICLE  
INFO****ABSTRACT****Keywords:**

“persons with disabilities”,  
“subsidies”, “annual labor leave”, “medical examination”,  
“disability benefits”,  
“individual rehabilitation program”.

This article examines the rights and privileges provided by national legislation for persons with disabilities in employment. A comparative analysis was carried out with the legislation of foreign countries, such as the USA, Russia, Great Britain, Germany and France. The sharp points encountered in practice are touched upon. The results of the analyzes carried out were reflected in the proposal.

**Introduction**

Persons with disabilities, as a rule, have equal rights and opportunities in the exercise of all rights and freedoms for all citizens, regardless of nationality, race, gender and social origin. [1] However, if you “take off your rose-colored glasses,” you will notice that this is far from the case. Today there is reason to state that most countries

have not yet adopted laws regarding the dissemination of information in accessible formats, for example, the reason for the limited access of persons with disabilities to information and communication technologies, health problems of these persons, low level of education is: [2]

- lack of a sign language interpreter and a limited number of



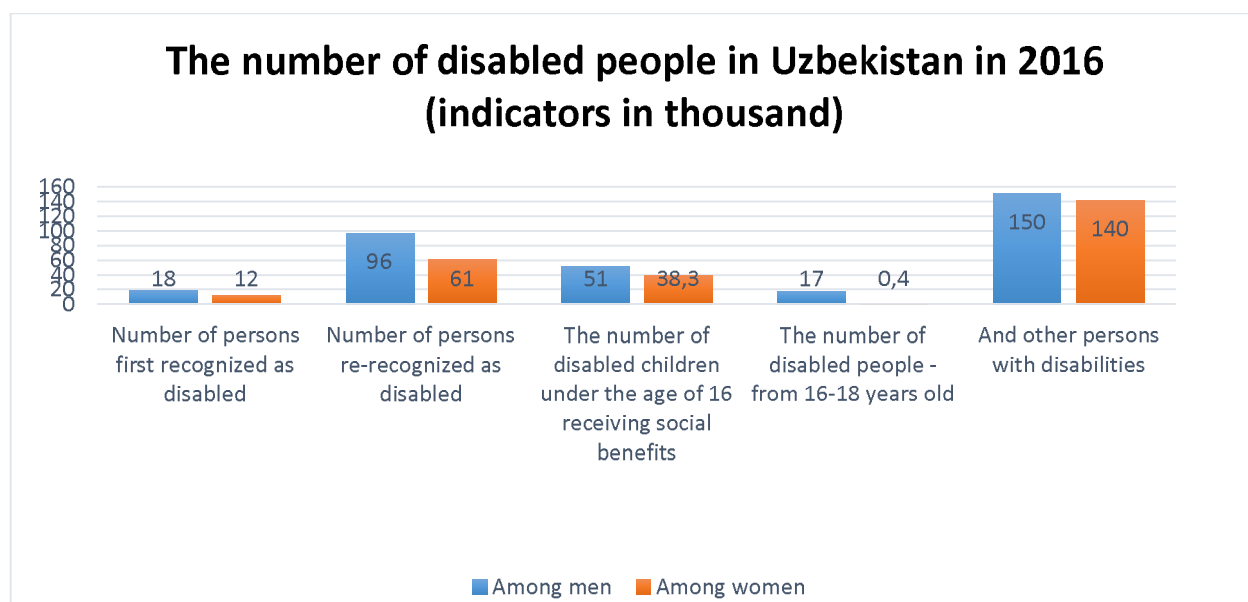
books in Braille; sound recordings or sign language; and website accessibility regulations.

- the absence of a single sports complex that could play a significant role in participation in all types of sports competitions;

- a limited quota in universities of Uzbekistan for persons with disabilities. Also among the many obstacles they face in their lives are problems with employment.

According to the author of the analytical article "Invisible People," a member of the Buyuk Kelajak expert council, Dilmurod Yusupov, in Uzbekistan in 2017, only 2% of the population were registered as persons with disabilities.

In this graph, you can see reliable statistical data on the disability of the population of Uzbekistan. In order to establish their social status, it is necessary to pay attention to quantitative data.



### Problem

Currently, there are cases in the country when not only persons with disabilities face difficulties in finding a job, but also the rest of the population as well. Among citizens, discontent often flares up as a result of illegal refusal to hire or illegal termination of an employment contract, or other types of labor disputes. All this, of course, has a

negative attitude, but imagine how a person with a disability feels in such cases ?! Outrageous!

In general, the labor legislation of Uzbekistan does not need radical change or improvement; rather, the question is about the mechanism for implementing the relevant legislative acts. Any normative legal act in the world of work contains such a rule as "creating favorable conditions for

workers", but in fact, in some organizations, the conditions created leave much to be desired. Let us recall, at least, the situation in public places (metro, library, public catering places), where there are no ramps, no elevators, no special toilets for workers with disabilities in wheelchairs.

In sanitary rules and norms, approved by the Chief State Sanitary Doctor of the Republic of Uzbekistan

B.I. Niyazmatov dated June 4, 2009 No. 0266-09 stipulated that entrances to underground transport communications, crossings through highways, metro entrances should be equipped with ramps, and mechanical ladders were installed on internal stairs to provide conditions for disabled people for free access and movement.

A huge number of spectacular cases have been undertaken in Uzbekistan, however, no matter how bitter and painful it may be, we must admit that the most effective measures have been taken only in the last couple of years.

Labor legislation of the Republic of Uzbekistan imposes an obligation on the employer to unconditionally hire persons with disabilities. Perhaps the majority of leaders consider the existence of this norm to be of some kind, punitive, but this is a wrong judgment. The most

striking justification is the Resolution of the President of the Republic of Uzbekistan "On additional measures of state support for public associations of persons with disabilities" dated August 23, 2019 No. PP-4423. This resolution establishes that legal entities, the only participants of which are public associations of persons with disabilities, in the total number of which persons with disabilities make up at least 50 percent and the wage fund of persons with disabilities is at least 50 percent of the total wages fund, are exempt from the calculation and payment of corporate income tax, value added tax and property tax of legal entities.

In addition, let us pay attention to paragraph 3, paragraph 1 of the first part

Article 14 of the Draft of the new edition of the Law of the Republic of Uzbekistan "On Employment of the Population", which establishes the provision of subsidies to organizations that have recruited persons from among socially vulnerable groups of the population in excess of the established minimum quota.

It is no secret that the Government of Uzbekistan approved the draft Law "On the Rights of Persons with Disabilities" for submission to Parliament. This draft

Law is the first adopted document on the rights of persons with disabilities and, in essence, fully complies with the requirements of the UN Convention on the Rights of Persons with Disabilities.

The main objectives of the draft law are to prevent discrimination on the basis of disability, respect the rights and freedoms of persons with disabilities, ensure their participation in public life as full members of society, create a barrier-free environment and their unhindered movement in the physical environment, and ensure full participation in public life.

And so, let's remember what benefits and privileges in accordance with the law are provided for persons with disabilities in the world of work in Uzbekistan;

- in accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to further improve the procedure for establishing and reserving the minimum number of jobs for the employment of persons in need of social protection and having difficulties in finding a job and unable to compete on equal terms in the labor market" jobs for those in need are provided for organizations in which the average number of employees is more than twenty

people. The total number of the established minimum number of jobs in accordance with the decisions of the khokims of districts (cities) cannot exceed 10 percent (including at least 3 percent for disabled people) of the average number of employees in the organization; [3]

- taking into account their age, health status, working conditions, the specifics of labor functions and other circumstances, as well as the terms of the employment contract, a reduced duration of working hours is established without reducing wages (Article 116 of the Labor Code of the Republic of Uzbekistan);

- at their request, an annual basic leave is granted until the expiration

### **Foreign experience**

When employing persons with disabilities, the parties to labor legal relations face certain problems, such as:

- the emergence of additional costs in connection with the creation of favorable conditions for them, as well as the need to devote time to their preparation or retraining; [4]

- the occurrence of cases of downtime or regress in production arising as a result of failure to meet the deadlines or improper fulfillment of obligations imposed on persons with disabilities; [five]

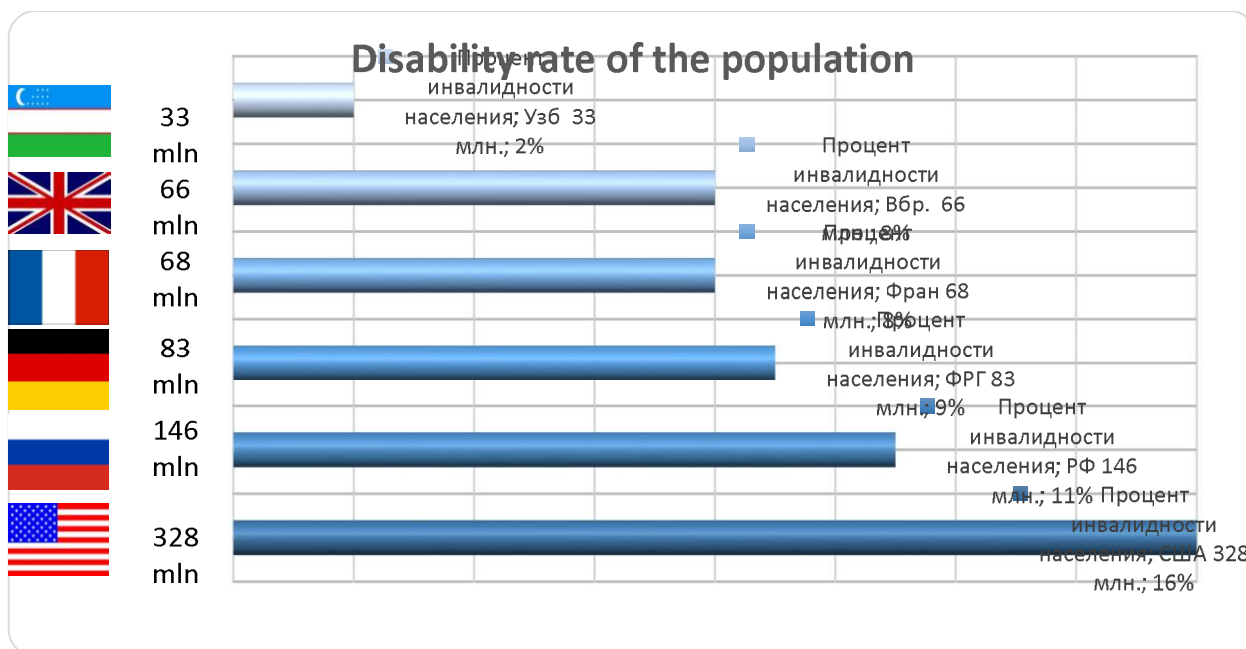


the formation of an unhealthy work environment due to limited communication skills among persons with disabilities and their difficult adaptability in society. [6]

At the same time, for this category of persons, the understanding of the need for a responsible attitude to work as a possible way of integration into society levels out, which has a positive effect on labor productivity.

According to international legal norms, the policy of states in relation to persons with disabilities should be aimed at preventing infringement of their human dignity and social exclusion, at creating conditions for the equal and full participation of persons with disabilities in the life of society. [7]

In most states, legislation does indeed provide for measures aimed at encouraging people with disabilities to work.



*In this table, you can see the percentage of people with disabilities in the above countries for 2017.*

It should be noted that the practice of job quotas for people with disabilities is similar to that introduced in foreign countries.

Country						
Quotes in percentages	-	4	-	5	6	3
Number of employees	-	100	-	20	20	20

The labor laws of the United States and Great Britain do not provide for the mandatory employment of people with disabilities in quota jobs. However, the state, represented by their authorized bodies, provides assistance in the employment of

### **Sentence**

When hiring persons with disabilities, employers in accordance with Article 80 of the Labor Code of the Republic of Uzbekistan. require the necessary documents, among these documents it is necessary to add other important documents that would be issued by certain organizations. The question arises as to what type of document must also be provided to persons with disabilities in employment and where to get them. For the employer, hiring these persons seems to be part of the losing streak, and for the employee, finding a suitable job is equal to winning the lottery. In order to resolve this issue, it is considered expedient to study foreign experience.

So, in Art. 11 of the Law of the Russian Federation "On social protection of disabled people in the Russian Federation" established a set of rehabilitation measures "Individual program of rehabilitation or rehabilitation of a disabled person." It includes certain types,

persons with disabilities. In particular, in the United States, companies that employ people with disabilities are provided with tax benefits, and employers who refuse to employ a disabled person are subject to significant fines. [8]

forms, volumes, terms and procedure for the implementation of medical, professional and other rehabilitation measures aimed at recovery, compensation for impaired body functions, formation, recovery, compensation for the disabled person's ability to perform certain types of activities [6].

The introduction of this program would significantly ease the situation of both the employee and the employer. Workers are hired with pre-acquired skills, and employers are skilled workers. After the candidate has completed the rehabilitation course, the center, at the request of the employee, issues him a certificate of successful completion of the rehabilitation course.

The primary goals of the program should be set as follows:

control over the establishment in organizations, regardless of organizational and legal forms and forms of ownership, of quotas for hiring persons with disabilities;

search for reserved jobs in the professions most suitable for the employment of persons with disabilities;

monitoring the implementation by organizations of the norm providing for the creation of working conditions for persons with disabilities in accordance with individual rehabilitation programs;

organization of training for disabled people in new professions.

An individual program for the rehabilitation or habilitation of a disabled person is mandatory for implementation by the relevant state authorities, local authorities, as well as organizations, regardless of organizational and legal forms and forms of ownership. [8]

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