



DATA UPDATE – Women, Business and the Law 2024

Uzbekistan

Committee on Family and Women

1. Workplace

1. *Is there legislation on sexual harassment in employment?*

Comment received from Government:

Code of Administrative Responsibility of the Republic of Uzbekistan by Law No. ORQ-829 dated April 11, 2023. 41 was supplemented by Article 1 and the concept of “sexual immorality” was introduced. Accordingly, insults of a sexual nature, that is, against a person, inappropriate for him/her and insulting his/her honor and dignity, are expressed in a description of the appearance or height of a person; gestures, touches, and calls are of a sexual nature. It has been proven that committing these actions one or more times entails administrative liability. 2. The Law of the Republic of Uzbekistan dated September 2, 2019, “On the protection of women from harassment and violence” No. ORQ – 561 was adopted; this law prohibits harassment and violence in relation to legal relations in the field of protection from all forms of violence. Article 9 of this Law provides for the powers of labor authorities to protect women from harassment and violence, according to which labor authorities are responsible for preventing harassment and violence against women in the workplace and when working with women. It was determined to carry out preventive measures in organizations, regardless of their form of ownership, to improve the culture of relationships. Article 3 of this Law defines the concept "pressure" as “an act (inaction) that humiliates the honor and dignity of a woman, for which there is no administrative or criminal liability, harassment, oppression.”

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Date of entry into force:

4/11/2023

Legal basis:

41-1 Code of Administrative Responsibility, Articles 9 and 3 of Law No. ORQ-561 “On the Protection of Women from Harassment and Violence.” Basis : <https://lex.uz/docs/97661>. Basis : <https://lex.uz/docs/5147718>

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law specifically protects against sexual harassment in employment. Specifically, three elements are necessary for a law to trigger a “Yes” answer: 1) a conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another; 2) this conduct must occur at the workplace or in connection with employment; 3) the law must provide some form of redress, either in the form of criminal penalties or civil remedies. A law stating that the employer has a duty to prevent sexual harassment, but no provisions impose sanctions or any other form of redress exist, is not sufficient for a “Yes” answer. If any of these three components are absent in the law, the answer is “No.”

Law No. ZRU-829, which introduces Art. 41-1 on Sexual Harassment into the Code of Administrative Responsibility, defines sexual harassment but does not address sexual harassment in employment/workplace settings.

Law No. ORQ – 561 of 2019 “On the protection of women from harassment and violence” provides, in article 9 “Power of labor bodies in the field of protecting women from harassment and abuse” “Labor bodies shall: 1) participate in developing and implementing state and territorial programs and legislative acts in the field of protecting women from harassment and abuse; 2) take measures to register unemployed women, ensure their employment and social support; 3) conduct preventive measures in organizations, regardless of their form of property, to prevent cases of harassment and abuse of women at workplaces and to improve the culture of relations with women. Cooperate with relevant authorized bodies and organizations that protect women from harassment and abuse.”

Because these provisions: 1) address sexual harassment in general but not in the context of employment; and 2) only provide for measures to prevent harassment, without providing any redress mechanisms, such as penalties or civil remedies specifically for sexual harassment in employment, the answer is “No.”

2. *Are there criminal penalties or civil remedies for sexual harassment in employment?*

Comment received from Government:

into the Code of Administrative Responsibility of the Republic of Uzbekistan by Law No. ORQ-829 of April 11, 2023. Based on Article 41, liability for “sexual harassment” was introduced. According to the law, sexual harassment is punishable by a fine of two to five times the basic amount or administrative arrest for up to five days. In case of repeated violation within a year after the application of an administrative penalty, a fine in the amount of five to seven times the basic calculation or administrative imprisonment for up to fifteen days is imposed.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Date of entry into force:

4/11/2023

Legal basis:

to the Code of Administrative Responsibility 41 Article 1 Source: <https://lex.uz/docs/97661>

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law imposes either criminal penalties or civil remedies for sexual harassment in employment. Specifically, three elements are necessary for a law to trigger a “Yes” answer: 1) a conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another; 2) this conduct must occur at the workplace or in connection with employment; 3) the law must provide some form of redress, either in the form of criminal penalties or civil remedies.

Art. 41-1 of the Code of Administrative Liability, introduced by Law No. ZRU-829 provides that sexual harassment is punishable by a fine of two to five times the basic amount or administrative arrest for up to

five days. This provision imposes administrative penalties for sexual harassment in general, and not criminal penalties for sexual harassment in employment. Therefore, the answer is “No.”

2. Pay

1. Can a woman work in a job deemed dangerous in the same way as a man?

Comment received from Government:

According to Article 393 of the new edition of the Labor Code, adopted in Uzbekistan on October 28, 2022, additional measures have been established to protect women’s labor, according to which the employer, taking into account the recommendations of relevant organizations, has the right to determine the list of individual jobs in which the use of female labor is limited labor in unfavorable conditions. That is, the mandatory norm prohibiting female labor included in the previous Labor Code was excluded, and this norm is defined as having a recommendatory nature. In addition, paragraph 1 of the Resolution of the President of the Republic of Uzbekistan dated March 7, 2019, No. PQ-4235 “On measures to further strengthen guarantees of women’s labor rights and support for entrepreneurship”, from May 1, 2019, prohibitions on the use of female labor in certain areas or professions were canceled and the approval of a list of industries or professions that may have a negative impact on women's health of a recommendatory nature is defined. The decision of the Ministry of Poverty Alleviation and Employment of the Republic of Uzbekistan, the Ministry of Health of the Republic of Uzbekistan, “The list of jobs with unfavorable working conditions in which the full or partial use of female labor is prohibited” was declared invalid” (registered by the Ministry of Justice on June 10, 2019, list No. 865-1) and the list was cancelled.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Legal basis:

Labor Code (October 28, 2022), Article 393 Source: <https://lex.uz/uz/docs/6257291> Presidential Decree of March 7, 2019 No. PQ-4235, paragraph 1 Source: <https://lex.uz/docs/4230938> Reason: Registered by the Ministry of Justice on June 10, 2019, registration number 865-1. <https://lex.uz/docs/-4369903>

Response from Women, Business and the Law team:

The *Women, Business and the Law* team takes note of the amendments to the Labor Code. The team understands that article 225 which previously stipulated that it is prohibited to employ women in jobs with adverse working conditions was amended by article 393 of the new Labor Code. The updated analysis will be reflected in the upcoming *Women, Business and the Law* report.

2. Can a woman work in an industrial job in the same way as a man?

Comment received from Government:

According to Article 393 of the new edition of the Labor Code, adopted in Uzbekistan on October 28, 2022, additional measures have been established to protect women’s labor, according to which the employer is created unfavorable working conditions, taking into account the recommendations of relevant organizations. the right to determine the list of individual jobs in which the use of female labor is limited. That is, the previous Labor Code established a prohibition of female labor. The mandatory norm was excluded, and this norm was given a recommendatory nature. Also, by the Decree of the President of the

Republic of Uzbekistan dated March 7, 2019, “On measures to further strengthen guarantees of women’s labor rights and support of entrepreneurship” PQ-4235, bans on the use of female labor in certain areas have been introduced since 2019. or professions are canceled from May 1 and are advisory in nature, may have a negative impact on women's health. The list of specialties and professions is subject to approval. The decision of the Ministry of Poverty Alleviation and Employment of the Republic of Uzbekistan, the Ministry of Health of the Republic of Uzbekistan, “The list of jobs with unfavorable working conditions in which the full or partial use of female labor is prohibited” was declared invalid” (registered by the Ministry of Justice on June 10, 2019, list No. 865-1) and the list was cancelled.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Legal basis:

Labor Code (October 28, 2022), Article 393 Source: <https://lex.uz/uz/docs/6257291> Presidential Decree of March 7, 2019 No. PQ-4235, paragraph 1 Source: <https://lex.uz/docs/4230938> Reason: registered by the Ministry of Justice on June 10, 2019, registration number 865-1. <https://lex.uz/docs/-4369903>

Response from Women, Business and the Law team:

The *Women, Business and the Law* team takes note of the amendments to the Labor Code. The team understands that article 225 which previously stipulated that it is prohibited to employ women in underground work was amended by article 393 of the new Labor Code. The updated analysis will be reflected in the upcoming *Women, Business and the Law* report.

3. *Does the law mandate equal remuneration for work of equal value?*

Comment received from Government:

In accordance with Article 21 of the Law “On Guarantees of Equal Rights and Opportunities of Women and Men” (O’RQ-562), adopted in 2019, the Employer is equal to women and men in labor relations to realize rights And capabilities. It aims to provide the following: equal opportunities for women and men in employment; equal pay (remuneration) to women and men for equal work and an equal approach to assessing the quality of work of women and men. 2. On October 28, 2022, a new edition of the Labor Code was adopted, the most important document in regulating labor relations of the Republic of Uzbekistan. This Code establishes the equality of labor rights, prohibition of discrimination in the field of labor and training, freedom of labor and forced labor, social partnership in the sphere of labor, guarantees of labor rights and fulfillment of labor duties, prevention of deterioration of the legal status of the employee, especially the wife – several norms are explained in detail, relating to the equal treatment of women with men in matters such as labor relations and payment of wages. In particular, Article 244 of the Code establishes that men and women must be guaranteed equal remuneration for work of equal value.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Legal basis:

Article 244 of the Labor Code (October 28, 2022), Article 21 of the Law on Guarantees of Equal Rights and Opportunities for Women and Men (ORQ-562) Source: <https://lex.uz/uz/docs/6257291>
Source: <https://lex.uz/docs/5167654>

Response from Women, Business and the Law team:

The *Women, Business and the Law* team takes note of the amendments to the Labor Code. The team understands that article 244 of the new Labor Code provides for equal pay for men and women for work of equal value, with article 248 of the same law outlining the pay structure. The updated analysis will be reflected in the upcoming *Women, Business and the Law* report.

3. Marriage

1. *Is there legislation specifically addressing domestic violence?*

Comment received from Government:

Resolution of the Republic of Uzbekistan dated April 11, 2023 “On introducing amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with further improvement of the system of reliable protection of the rights, freedoms and legitimate interests of women and children” Law No. ORQ-829 was adopted. Article 126 of the Criminal Code with this Law. Family (domestic) violence "and the Code of Administrative Responsibility" Article 592. “Family (domestic) violence” was filled with articles.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Date of entry into force:

4/11/2023

Legal basis:

“Article 126 1 of the Criminal Code of the Republic of Uzbekistan, Source: <https://lex.uz/docs/111457>
Article 59 2 of the Code of Administrative Responsibility Source: <https://lex.uz/docs/97661>

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team takes note of the amendments introduced by Law No. ZRU-829, and specifically Article 3(14), which has introduced Article 1261 to the Criminal Code to address domestic violence. The team understands that prior to his amendment, domestic violence was not addressed in the Uzbek legislation, and that article 1261 now addressed physical, psychological and economic violence in the context of an intimate relationship and establishes criminal penalties for such conduct. The updated analysis will be reflected in the upcoming *Women, Business and the Law* report.

4. Parenthood

1. *Does the government administer 100% of maternity leave benefits?*

Comment received from Government:

According to Article 404 of the new Labor Code of Uzbekistan, adopted on October 28, 2022, a woman has the right to seventy calendar days before childbirth and fifty-six calendar days after childbirth (in connection with difficult childbirth or the birth of two or more children (seventy calendar days in the case of maternity leave) pregnancy and childbirth) and payment of benefits in the amount established by law, but not less than seventy-five percent of the average monthly salary. Resolution No. PF-175 of July 25,

2022, “On approval of the Strategy for Social Protection of the Population of the Republic of Uzbekistan”, and the Cabinet of Ministers No. 515 of September 20, 2022, “State social insurance in accordance with the “Regulations on the appointment and payment of maternity benefits” minimum requirements for an employee (a woman who has continuous work experience for the last 6 months based on an employment contract in a legal entity) before the birth of a child is subject to payment of 4 times the cost of the goods.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Legal basis:

Labor Code (October 28, 2022), Article 404. Presidential Decree No. PF-87 (March 7, 2022) Presidential Decree No. PF-175 (07/25/2022) Government Decree No. 515 (September 20, 2022)

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if leave benefits are fully administered by a government entity, including compulsory social insurance schemes such as social security, public funds, government-mandated private insurance or employer reimbursement of any maternity leave benefits paid directly to an employee. The answer is “No” if any of the cost is shared by the employer; or if contributions or taxes are mandated only for female employees, if the social insurance scheme that provides maternity leave benefits is optional or if no paid leave is available to expectant and new mothers.

Article 404 of the Labor Code mandates that women are paid not less than seventy-five percent of the average monthly salary during maternity leave. Article 2 of the Presidential Decree No. PF-87 establishes that State Budget pays maternity benefits based on the minimum amount of monthly consumer expenditures in all legal entities, except for budgetary organizations. It also provides that the obligations of these legal entities to the employees are reduced in proportion to the amount of maternity benefits paid from the State budget, which establishes that the employer is liable for the portion that is not paid by the government. Therefore, the answer to this question is “No.”

2. *Is there paid parental leave?*

Comment received from Government:

Article 401 of the new edition of the Labor Code of Uzbekistan, adopted on October 28, 2022, “ One of the parents of children under twelve years of age or a disabled child under sixteen years of age” has two or more children under the age of twelve years or a disability under the age of sixteen years, in accordance with “additional paid leave” it is established that one of the child’s parents (substitute parent) is granted additional paid leave in the amount of at least four calendar days per year. Also, in accordance with Article 405, “Parental leave for a child under two and three years of age”, the father of the child, it is established that the grandmother, great-grandfather, or other relatives who care for the child can use it in full or in parts.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Legal basis:

Labor Code (October 28, 2022), Article 404. Presidential Decree No. PF-175 (07/25/2022) Government Decree No. 515 (September 20, 2022)

Response from Women, Business and the Law team:

The *Women, Business and the Law* team has noted the above-mentioned legal texts and will review and update these in our records where relevant. The answer for this question is already “Yes” and will remain “Yes”.

5. Pension

1. *Is the age at which men and women can retire with full pension benefits the same?*

Comment received from Government:

According to the law, an old-age pension is granted to men upon reaching 60 years of age and at least 25 years of service and to women upon reaching 55 and at least 20 years of service. Decree of the President of the Republic of Uzbekistan dated March 15, 2022, “On comprehensive support for Ukrainians, additional measures to improve their standard of living ” Clause 3 of Resolution No. 167 prohibits termination of an employment contract concluded with an employee at the initiative of the employer in connection with reaching retirement age. Therefore, paragraph 7 of Article 100 of the old Labor Code, which was in force until April 30, 2023, establishes a rule on termination of an employment contract at the initiative of the employer if the employee reaches retirement age, and the New Labor Code also provides that at the initiative of the employer (Article 161) Dismissal of female or male employees who have reached retirement age is not allowed.

Suggested data modification:

- The response should change from no to yes in order to reflect the changes introduced by the amendment.

Legal basis:

Presidential Decree No. PQ-167 (03/15/2022) Article 161 of the Labor Code Source: <https://lex.uz/docs/5910513> Source: <https://lex.uz/docs/-6257288>

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the statutory age at which men and women can retire and receive irrevocable minimum old-age pension is the same. The answer is “No” if there is a difference in the statutory age or if there is no mandatory pension scheme implemented for private sector workers.

According to article 7 of Law on State Pension and as mentioned in the comment, men have the right to an old-age pension upon reaching 60 years of age and with at least 25 years of work experience; women have the right to an old age pension upon reaching 55 years of age and with at least 20 years of work experience. Due to the difference in the statutory age at which men and women can retire with full pension benefits, the answer to this question is “No.”

Communications

For questions on this note, please contact:

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