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# Remote work in Uzbekistan (including remote work of foreign workers)

Today, the situation with the COVID-19 pandemic around the world is making changes in almost all spheres of people's lives, which in turn leads to the need to adopt additional mechanisms in the regulation of labour relations aimed at solving employment problems and improving the welfare and safety of the population. To some extent, the coronavirus pandemic has become a shift for the further digitalisation of labour relations, as well as the massive introduction of remote work in our republic.

Currently, the regulatory legal act governing remote work in the Republic of Uzbekistan is the Regulation on the temporary procedure for transferring workers to work remotely, on a flexible working schedule or at home during the period of quarantine measures, approved by order of the Minister of Employment and Labour Relations Of the Republic of Uzbekistan No. 3228 dated March 28, 2020. This procedure was introduced during the period of quarantine measures associated with the COVID-19 pandemic.

In accordance with the said Regulation, the term “teleworking” means a mode of work in which the employee's obligations stipulated in the employment contract are performed outside the employer's location, permanent workplace, territory or facility, directly or indirectly under the control of the employer.

In the remote form of work, the employer and the employee are responsible for observing the safety rules and working conditions provided for by labour legislation. In addition to this, the employer, in the presence of an additional agreement to the employment contract, is obliged to provide the employee with equipment and office equipment for the performance of his job duties and provide communication means for interacting with him. The employee, in turn, bears the obligation to respect the provided equipment and machinery, and also bears the risk of compensation for any damage caused.

When an employee is temporarily transferred to remote work, the employer issues an appropriate order indicating the period for the temporary transfer. At the same time, the basis for the transfer of an employee to remote work is amending the employment contract by concluding an additional agreement. In this case, for the transfer of an employee to a remote mode of work, a prerequisite is mutual agreement of both parties.

According to the aforementioned Regulation, in the supplementary agreement to the labour contract, along with the conditions provided for in Article 73 of the Labour Code of the Republic of Uzbekistan, the following must be indicated:

- ▶ the procedure for interaction between the employee and the employer through electronic document management;
- ▶ the procedure for providing the employee with equipment and (or) office equipment necessary for the employee to perform his official duties, if there is an agreement between the parties on the use of the employee's equipment and (or) office equipment;
- ▶ the procedure for providing the employee with means of communication, including access to the Internet, to ensure constant interaction with the employer;
- ▶ conditions for compensation of harm by the employee to the employer in the event of harm caused by the employee to the equipment and machinery provided by the employer;
- ▶ conditions and procedure for reimbursement of expenses to an employee in the event that the employee uses personal equipment and (or) office equipment, as well as communication facilities, including the Internet, in order to fulfill their official duties;

- ▶ obligations of the employee and employer to comply with the necessary conditions and labour protection;
- ▶ conditions for the transfer of a remote worker from remote work to a permanent place of work, in the event of a production need.

In turn, the procedure for electronic document flow between an employer and an employee transferred to a remote mode of work is carried out in accordance with the Law "On electronic document flow" No. 611-II of April 29, 2004 and other legislative acts.

An employee transferred to remote work independently sets the duration of working hours and work schedule for himself based on the scope of the task and the terms of the employment contract. With this in mind, the work is compensated in a single amount, without observing the rules of payment for overtime work, night work, work on weekends and holidays.

As noted, at the expressed request of the employee and with the consent of the employer, the employee can also be transferred to a temporary mode of work at home. The grounds for working at home are also the order issued by the employer and the supplementary agreement to the employment contract concluded between the employee and the employer.

In addition, according to the said Regulation, in accordance with the concluded employment contract, the concept of "work at home" means work performed by an employee at his place of residence or in other premises belonging to him or his family members, for the production of goods or the provision of services on orders employer. This form of work is allowed if the employee has all the necessary conditions for doing work at home, including living quarters.

Moreover, the supplementary agreement to the employment contract must provide for the following conditions:

- ▶ the types of work that the employee must do at home;
- ▶ the procedure for the provision of equipment, inventory, components, raw materials, materials, semi-finished products, as well as production assignments for the performance of the employee's official duties;
- ▶ obligations of the employee and employer to comply with the necessary conditions and labour protection;
- ▶ conditions and procedure for reimbursement of expenses when an employee uses personal equipment, tools and inventory for the performance of official duties, as well as expenses for electricity, water and communications;
- ▶ other conditions in accordance with the legislation.

It should be noted that teleworking of foreign workers is also regulated by the above Regulation. According to the Labour Code of the Republic of Uzbekistan, the subjects of labour relations can be both citizens of the Republic of Uzbekistan, and foreign citizens, and stateless persons who have reached the established age and have concluded an employment contract with an employer.

One of the important requirements for foreign citizens to work on the territory of the Republic of Uzbekistan is to obtain a permit for the right to work (hereinafter referred to as a labour permit) in Uzbekistan, issued by the Agency for External Labour Migration under the Ministry of Employment and Labour Relations of the Republic of Uzbekistan in accordance with the Regulations on the Procedure attraction and use of foreign labour in the Republic of Uzbekistan, approved by the Resolution of the Cabinet of Ministers No. 244 of March 25, 2019.

To obtain a labour permit for an employee, the employer applies with an application to the Center for Public Services or registers on the Unified Portal of Interactive Public Services of the Republic of Uzbekistan to submit an application and relevant documents online. The term of validity of the labour permit is one calendar year with the possibility of extension by one calendar year an unlimited number of times.

In accordance with the Regulation, the priority right to transfer to the listed work modes is granted to pregnant women, the elderly, persons with disabilities and employees suffering from chronic diseases. It is also worth noting that the procedure for transferring workers to teleworking mode, flexible working hours or work at home, set out in the Regulation, is temporary. Nevertheless, developing IT technologies open up new opportunities and emphasize the need for the development of a remote mode of operation in the Republic of Uzbekistan.

Dilorom Yuldasheva, Senior Associate, GRATA International Uzbekistan

Parvina Bashirova, Associate, GRATA International Uzbekistan

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