

CERTAIN ISSUES REGARDING THE PARTICIPATION OF PRIMARY TRADE UNION ORGANIZATIONS IN LABOR DISPUTE RESOLUTION

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Abstract. This article analyzes the participation of primary trade union organizations in resolving labor disputes and their role in protecting the labor rights and legitimate interests of employees. The article also examines the causes of labor disputes and the authority of trade union organizations to resolve them through negotiations, conciliation, and other legal methods.

Keywords: primary trade union organization, labor disputes, labor rights, employee interests, social partnership, labor relations.

In accordance with Article 73 of the Constitution of the Republic of Uzbekistan, trade unions represent and protect the socio-economic rights and interests of employees¹.

In accordance with Article 529 of the Labor Code of the Republic of Uzbekistan, in the event of an individual labor dispute, the employee is entitled to apply to the relevant body for the protection of their rights, including through the assistance of a trade union committee². This provision serves to clarify the legal status of the primary trade union organization within the mechanism for resolving labor disputes. This provision is interconnected with the provisions of the 2019 Law "On Trade Unions", in particular, Articles 34-35 specifying that "primary trade union organizations have the right to participate in the work of labor dispute commissions", as well as "primary trade union organizations have the right to participate in the settlement of collective labor disputes"³.

Labor disputes are divided into individual and collective disputes as a form of legal response to violations of current working conditions or disagreement with them. This classification is based on the number of parties to the conflict and the nature of the interests involved.

In accordance with Article 542 of the Labor Code, labor disputes are divided into individual or collective labor disputes depending on the composition of the subject.

¹ Қонунчилик маълумотлари миллий базаси, 01.05.2023 й., 03/23/837/0241-сон; 14.07.2026 й., 03/26/1158/0727-сон. <https://lex.uz/docs/6445145>.

² Ўзбекистон Республикасининг Меҳнат кодекси. <https://lex.uz/docs/6257288>.

³ Ўзбекистон Республикасининг Қонуни, 06.12.2019 йилдаги ЎПҚ-588-сон. <https://lex.uz/docs/4631281>.

Individual labor disputes are unresolved disagreements between the employer and the employee on the following issues:

application of labor legislation, other legal acts on labor and occupational safety rules, and the employment contract;

establishing new individual working conditions for the employee or changing existing individual working conditions (including remuneration).

Individual labor disputes also include:

a dispute between the employer and the person with whom the employer was previously in an employment relationship;

a dispute between an employer and a person who has expressed a desire to conclude an employment contract with said employer, if the employer has refused to hire said person.

In accordance with part four of this article, unresolved disagreements between employees (their representatives) and employers (their representatives) on issues of establishing new or changing existing working conditions (including labor remuneration), on issues of concluding and amending collective agreements, a collective contract, as well as other legal acts on labor adopted in coordination with the representatives of employees in accordance with the legislation, and on issues of applying labor legislation, other legal acts on labor, and labor protection rules are collective labor disputes.

Individual labor disputes arise between a specific employee and an employer. They are often related to issues of unlawful termination of an employment contract, untimely or incomplete payment of labor, the application of disciplinary sanctions, as well as the refusal to provide working conditions guaranteed by law or contract. These disputes are resolved in labor dispute commissions, and if an agreement is not reached, in court, with the participation of relevant representatives, including primary trade union organizations.

In both cases, primary trade union organizations play an important role, in which they can participate in various capacities:

- as initiators - for example, in cases where the primary trade union organization identifies violations of labor legislation affecting the rights of employees;
- as mediators - by facilitating negotiations between the parties to the dispute to reach a compromise solution;
- as representatives-acting on behalf of employees in labor dispute commissions, courts, state labor inspections, and other bodies to protect their interests.

Thus, the participation of trade unions in labor disputes not only ensures the legal protection of employees but also serves to maintain social balance at the enterprise, preventing the escalation of confrontation and contributing to the strengthening of legal culture in the labor sphere.

Given the active and multifaceted role of primary trade union organizations in resolving both individual and collective labor disputes, there is a need for a more detailed analysis of their powers and forms of participation in these processes.

One of the forms of participation of primary trade union organizations in the resolution of labor disputes is the negotiation process with the employer. Negotiations serve as the primary means of social dialogue, allowing the parties to labor relations-employees and employers-to reach a mutually acceptable solution to disputed issues without resorting to courts and other legal mechanisms.

According to the 2019 Law “On Trade Unions”, employees' representatives have the right to conduct collective bargaining, conclude collective agreements, and monitor their implementation. Depending on the nature of the dispute, negotiations may be initiated by the primary trade union organization or the employer. They often relate to disputes over working conditions, violations of labor law norms, remuneration, guarantees and compensations, as well as disciplinary sanctions.

The primary trade union organization plays various roles in this negotiation process. Specifically, in the event that systematic violations of labor rights are identified, it may initiate negotiations, formulate employee demands based on collective opinion or individual appeals, participate in conciliation commissions established to find compromise solutions, provide legal assistance and protection to employees lacking sufficient legal knowledge, and monitor the implementation of reached agreements.

The legitimate status of the primary trade union organization as a representative of employees gives the negotiations a formal character and strengthens their legal significance. Furthermore, practice shows that the timely intervention of trade unions at the conflict stage allows for the prevention of its escalation and the reduction of social tension within the collective.

Despite the recognition of negotiations as the primary and preferred method for resolving labor disputes, this mechanism is not free from a number of serious shortcomings that limit its effectiveness and stability.



Firstly, the imbalance of forces and resources between the parties may negatively affect the outcome of the negotiations. In most cases, the employer has greater financial, legal and administrative capabilities, while the trade union, especially at the level of the initial organization, may face a lack of professional training, legal support and expertise of negotiators. This creates an imbalance that can reduce the effectiveness of representing employees' interests.

Second, the negotiation process often suffers from red tape and delays. Employers may deliberately drag out negotiations in order to weaken union activity or “exhaust” employees, especially in situations where employees are at risk of dismissal or are already working in unfavorable working conditions.

Third, there is a possibility of employer pressure on members of the primary trade union organization, which is particularly evident in small private companies where the trade union movement is just beginning to take shape. Fear of administrative pressure (e.g., dismissal, demotion, psychological pressure) may limit the free expression of employees' interests and demands during negotiations.

This problem, related to the inequality of parties in labor relations, is also reflected in the scientific works of Uzbek researchers. In particular, the researcher M.A. Rakhimov, drawing attention to the imbalance in labor relations, notes that the activities of trade unions or other representative bodies of employees in protecting the labor rights of employees are represented in this process only by the collective of employees and employers, and a third party is not involved in resolving the dispute between the parties⁴.

Finally, it is important to note that the lack of a culture of constructive communication between the parties also complicates the process of reaching a compromise. In conditions of insufficiently developed social partnership, parties often perceive each other not as equal participants in the process, but as opponents, which leads to negotiations taking place in a spirit of confrontation.

Thus, while negotiations between employers and trade unions are a necessary tool for resolving labor disputes, their effectiveness largely depends on the institutional maturity of the parties, legal guarantees, and the overall level of legal culture. Eliminating these shortcomings requires improving the regulatory framework, improving the qualifications of trade union personnel, and strengthening law enforcement mechanisms.

⁴ Рахимов М.А. Ходимларнинг меҳнат ҳуқуқларини ҳимоя қилиш (қийсий-ҳуқуқий таҳлил). 12.00.05 – Меҳнат ҳуқуқи. Ижтимоий таъминот ҳуқуқи юридик фанлар бўйича фалсафа доктори (Doctor of Philosophy) илмий даражасини олиш учун тайёрланган Диссертация. Тошкент шаҳри – 2021 йил. -Б.134.



The next form of participation of the primary trade union organization in the resolution of labor disputes, logically arising from the negotiation process, is the representation of the interests of employees in judicial bodies. Despite attempts to resolve disputes through dialogue with the employer, not all disputes can be resolved at the negotiation stage or through conciliation procedures. In such cases, the trade union, acting in the interests and on behalf of its member, has the right to initiate judicial proceedings for the purpose of restoring violated labor rights.

Researchers V.A. Protsevsy and M.A. Moisenko, while studying the problems of regulating the activities of trade unions, noted that “the participation of trade unions in the resolution of labor disputes is the main organizational and legal form of their protective function, as well as the indirect protection of their rights as a result of the performance of their functional tasks”⁵.

In accordance with Article 559 of the Labor Code of the Republic of Uzbekistan, a primary trade union organization representing the interests of an employee, if the employee disagrees with the decision of the labor dispute commission, may initiate the consideration of an individual labor dispute in court or apply directly to the court, bypassing the labor dispute commission.

Articles 27 and 33 of the 2019 Law “On Trade Unions” establish that primary trade union organizations have the right to file a lawsuit in court to protect the labor rights of employees, as well as the right to compensation for harm caused by injury or other harm to the health of an employee in connection with the performance of labor duties, and in other cases of discrimination against the right to health and labor protection of employees.

The CPC adopted in 1997 and the current Civil Procedure Code of the Republic of Uzbekistan, unlike the code of the former Soviet Union, do not grant trade unions any special procedural rights, and this does not recognize the rights of primary trade unions to protect the legitimate interests and rights of employees, which led to the restriction of their participation in this regard.

Nevertheless, the primary trade union organization has the right to judicial protection. At the same time, the right of trade unions to judicial protection has its own characteristics. According to Article 52 of the Civil Procedure Code, in cases provided for by law, “organizations have the right to apply to a court (at the request of) other persons for the protection of their rights, freedoms, and legally protected interests”. According to Article 67 of this Code, authorized

⁵ Процевский В.А., Моисеенко М.А. АЗИАТСКО-ТИХООКЕАНСКИЙ РЕГИОН: экономика, политика, право · 2024 · Т. 26 · № 3



representatives act in court on the basis of the principle of contractual (voluntary) representation to protect the rights and legally protected interests of members of these organizations.

Thus, despite the absence of special procedural guarantees, the legislator still provides for certain mechanisms for the participation of trade unions in judicial proceedings, which allows them to effectively protect the rights of employees. This right may be exercised as follows:

- at the request of specific employees, by applying to the court to protect their rights;

- by applying to the court on their own initiative to protect the rights, freedoms, and interests of the members of their organization.

As A.N. Laput notes, the most universal mechanism for protecting the labor relations of employees in the modern world remains the court; it is true that in some countries, labor dispute commissions may operate effectively, but their rights and powers are not at the level of the court's powers, and circumstances related to the execution of adopted decisions also provide grounds for this opinion⁶.

According to official data from the Federation of Trade Unions of Uzbekistan, more than 8,000 instructions were submitted to employers in 2025, nearly 39,841 deficiencies were rectified, the rights of more than 478,000 individuals were restored, and 267.3 billion soums were recovered in favor of employees⁷.

When a primary trade union organization files a lawsuit in court on its own behalf to protect the labor rights of employees, it acquires all the rights and bears all the obligations specified in Article 40 of the Civil Procedure Code, specifically: to familiarize itself with the case materials, make extracts from them, make copies, file challenges, present evidence, participate in the verification of evidence, ask questions to other persons participating in the case and persons assisting in the administration of justice, make statements, file motions, provide oral and written explanations to the court, state its arguments on all issues arising during the trial, object to statements, motions, and arguments of other persons, appeal (protest) judicial acts, demand the compulsory execution of judicial acts, and be present when the state executor performs actions, thereby exercising its rights. In addition, the code provides for the obligation to exercise their rights in a fair manner.

⁶ Лапут, А.Н. Профсоюзы повышают эффективность общественного контроля на региональном уровне / А.Н. Лапут // Охрана труда. – 2019. – № 1. – С. 13–18

⁷ Ўзбекистон касабаси уюшмалари Федерациясининг 2025 йил 1 ноябрда ўтказилган IX Қурултойи материаллари. <https://kasaba.uz/wp-content/uploads/2026/data/9qurultoy1.pdf>



Analysis of the activities of a primary trade union organization as a defender of the labor rights of employees shows that applying to court has the following advantages for a primary trade union organization:

- if the requirement is met, the trust of members in the original organization will increase and lead to an increase in the number of members;

In cases involving the protection of individual rights of a large number of employees whose rights have been violated simultaneously or whose violations are essentially similar, it is easier and more convenient for a trade union to participate in court while simultaneously protecting the rights of an entire group of employees, as it is sometimes physically impossible or very difficult to summon a large group of people to court, hear their explanations, or ensure the possibility of exercising other procedural rights of plaintiffs (sometimes summoning a large group of employees of a single enterprise can suspend its activities and lead to unfavorable economic consequences). A representative of a primary trade union organization can participate in court proceedings in such cases more promptly and qualitatively.

According to official data from the Supreme Court of the Republic of Uzbekistan, a total of 86,3883 cases were considered in civil courts in 2022, a total of 94,3892 cases were considered in civil courts in 2023, a total of 149,7184 cases were considered in civil courts in 2024, and a total of 216,925 cases were considered in civil courts in 2025, and this statistical indicator shows that the number of appeals to the courts is increasing every year⁸.

This means that if this trend persists, the judicial system will not be able to handle such a flow of cases in the near future without a corresponding increase in the number of courts and an expansion of the staff of the judicial apparatus. However, the implementation of these measures will inevitably lead to an increase in budget expenditures. A way out of the current situation could be to draw the attention of participants in labor relations to the conciliation procedures directly provided for by the Labor Code; they will help significantly reduce the burden on the entire judicial system. In turn, the possibility of resolving the case through the application of conciliation procedures for the parties to the labor dispute reduces financial costs and saves time.

Among the main reasons leading to insufficient efficiency of primary trade union organizations, national and international experts indicate the following:

- dependence on enterprise administrations (especially in the private sector);
- lack of training on issues of legal assistance in labor disputes;

⁸ Fuqarolik ishlari bo'yicha sudlarning 2025-yil asosiy ko'rsatkichlari. <https://stat.sud.uz/civil>



low level of legal awareness of employees who do not apply to the primary organization for protection;

a formal approach to collective bargaining and weak participation in the judicial protection of employee interests;⁹

Thus, the data presented indicate that, despite the existence of a legal framework, the effectiveness of primary trade union organizations in resolving labor disputes remains limited. At the same time, international experts emphasize the importance of support from the state and the Federation of Trade Unions of Uzbekistan, as well as the need to strengthen the training of trade union personnel, expand access to legal assistance for primary trade union organizations, and improve the legal culture of employees. Consequently, to increase the effectiveness of primary trade union organizations as a real institution for the protection of labor rights, it is necessary to transition from the formal recognition of their powers to the practical implementation of mechanisms for the participation of trade unions in labor disputes.

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