

**MAIN FACTORS DETERMINING THE NEED FOR LEGAL REGULATION OF  
REMOTE WORK****Kabulov Doniyor Reyimberdi oqli**

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**Annotation:** During the period of globalization and the development of information and communication systems, new non-standard forms of employment are emerging, designed to meet the needs of modern society. One of these new flexible forms of employment is “remote work”, which has already found legislative support in most countries of the world. Innovations in labor legislation in this area are analyzed, and the main problematic issues of the remote work format in Uzbekistan are highlighted.

**Key words:** remote work, labor relations, innovations, problems, trends in the development of labor law.

The development of the labor market, the growth of informatization, and the large-scale introduction of information technologies into all spheres of public life favor the emergence of highly qualified specialists who are able to adapt to flexible working hours. These factors naturally lead to the spread of such an atypical form of employment as remote work, which is based on the opportunity provided by modern technologies to complete the employer’s task away from the workplace.

The basic conditions for remote work are established in an employment contract, additional agreement, collective agreement or local regulation adopted taking into account the opinion of the primary trade union:

- working hours (during temporary remote work, the duration and (or) frequency of the employee performing a labor function remotely can also be determined);
- the procedure for the employee to transfer the results of work and a report on it at the request of the organization;
- conditions and procedure for calling a temporary remote worker to the office or for such an employee to come to work on his own initiative;

- the procedure for providing annual paid leave and other types of leave to a permanent remote worker (for temporary remote work, the employee rests according to the general rules established by the Labor Code)<sup>1</sup>.

The time a remote worker interacts with the employer is included in working hours. Unless otherwise provided by a collective agreement, a local regulatory act adopted taking into account the opinion of the elected body of the primary trade union organization, an employment contract, or an additional agreement to the employment contract, the remote worker at his own discretion determines the working hours and rest time.

It is necessary to admit that the remote working procedure has increased development in the world after the pandemic. Including in our country. Until then, the order of the Minister of Employment and Labor Relations of the Republic of Uzbekistan No. 3228 was adopted on the approval of the regulation on the temporary procedure for transferring employees to remote work, flexible work schedule or work at home during the period of quarantine measures, since the remote work procedure was not regulated by law until then. This order was set to be implemented until the quarantine measures related to the coronavirus pandemic are lifted<sup>2</sup>. However, if we observe the foreign experience, we can notice that the remote work procedure was established much earlier in order to increase work productivity and save time. For example, we can see that the number of employees working from home in Russian companies: service provision (IaaS and SaaS), video conferencing, data centers, education, IT services, and of course information security has increased by 159 percent since 2005 (11 times faster than the rest of the workforce). In the world 16% of companies work remotely. 76% of office workers want to continue working remotely from home after Covid-19, and more than 80% of employees hope their employer will keep them working remotely. Let's focus on the general information about telecommuting: Most of the people who work remotely are highly educated. One in two people will not return to work unless they are offered to stay at the remote control. 75% of people work more efficiently from home. The main reason people prefer to work remotely is work-life balance. One in five employees is more productive remotely than in the office, 23% of employees are willing to take a 10% pay cut to work from home for at least some time, and 74% of CEOs of financial companies plan to shift at least 5% of employees to remote work after the pandemic. While 44% of companies worldwide do not allow employees to work remotely,

<sup>1</sup> ДИСТАНЦИОННЫЕ РАБОТНИКИ: ОСОБЕННОСТИ ТРУДОВЫХ ОТНОШЕНИЙ // [https://sz.gov45.ru/uploads/userfiles/file/05/0521/metod\\_02.pdf](https://sz.gov45.ru/uploads/userfiles/file/05/0521/metod_02.pdf)

<sup>2</sup> <https://lex.uz/docs/4776265>

approximately 65% of employees between the ages of 62 and 22 work remotely at least sometimes. 83% of employees who work remotely feel happier than if they work in an office<sup>3</sup>.

Taking into account the above information, Chapter 3, Article 452 of the new version of the Labor Code of Republic of Uzbekistan deals with the specific features of the legal regulation of the work of remote employees, according to which remote work is carried out from the location of the employer, from a separate structure of the organization ( including those located elsewhere) consists of performing outside a stationary workplace, territory or object under the direct or indirect control of the employer, in which the performance of this labor task and the implementation of cooperation between the employer and the employee on the issues related to its performance, from information and telecommunication networks , including the use of the Internet global information network<sup>4</sup>. The labor legislation and other legal documents on labor shall be applied to teleworkers, taking into account the specific features specified in this paragraph. Remote working mode can be defined in the following cases: when hiring an employee; in the course of work if the employee is transferred from the regular work mode to the remote work mode.

Remote work has become increasingly popular in recent years, offering both advantages and disadvantages for both employers and employees. Here's a breakdown of the pros and cons:

#### **Pros**

- **Increased Flexibility and Work-Life Balance:** Remote workers can often set their own hours and work around their personal schedules, leading to less stress and a better balance between work and personal life. No more commuting also frees up time and money.
- **Improved Productivity:** Studies suggest remote workers can be more productive due to fewer distractions in a customizable work environment. They can also avoid office interruptions and focus on tasks during their peak productivity hours.
- **Wider Talent Pool:** Companies can hire talent from anywhere in the world, not just those who live near their office. This opens up a wider pool of qualified candidates.
- **Reduced Costs:** Businesses save on overhead costs like office space, utilities, and even equipment. Employees save on commuting expenses.
- **Environmental Benefits:** With fewer people commuting, there are reduced traffic emissions, leading to a smaller carbon footprint.

#### **Cons**

<sup>3</sup> <https://inclient.ru/remote-work-stats/>

<sup>4</sup> Примкулова З. МАСОФАВИЙ ИШЛАШ ТАРТИБИНИ ҚОНУНИЙЛАШТИРИШ – БУГУНГИ ЗАМОН ТАЛАБИ. // <https://uzmarkaz.uz/news/masofavij-ishlash-tartibini-qonuniylashtirish---bugungi-zamon-talabi>

- **Communication and Collaboration Challenges:** Remote teams can find it difficult to communicate and collaborate effectively without face-to-face interaction. This can lead to misunderstandings and delays.
- **Isolation and Loneliness:** Remote workers can feel isolated and miss the social interaction that comes with working in an office. This can lead to feelings of loneliness and decreased morale.
- **Work-Life Balance Issues:** The flexibility of remote work can also be a double-edged sword. It can be difficult to switch off and maintain a healthy work-life balance when work is always accessible at home.
- **Distractions:** Working from home can come with its own set of distractions, such as family members, pets, or household chores. This can make it difficult to focus and be productive.
- **Difficulty Monitoring Performance:** Some managers may find it challenging to monitor employee performance remotely. This can lead to trust issues and decreased morale.

Overall, remote work can have significant benefits but also poses some challenges that companies and employees need to carefully manage<sup>5</sup>.

The rise of remote work presents both opportunities and challenges, and legal frameworks are needed to address these. Here are some key factors driving the need for legal regulation of remote work:

- **Protecting Worker Rights:** Traditional labor laws often don't cover remote work aspects like work hours, overtime pay, expense reimbursement, and breaks. Regulations can ensure remote workers have the same protections as in-office employees.
- **Data Security and Privacy:** With work happening remotely, companies need clear guidelines on data security, employee privacy, and acceptable use of company equipment and software.
- **Workplace Safety and Ergonomics:** While the traditional office has safety hazards, remote work introduces new concerns like musculoskeletal problems from poor home office setups. Regulations can encourage ergonomic practices and potentially hold employers accountable for related injuries.

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<sup>5</sup> Добрянская, Ю. В. Труд дистанционных работников: изменения в законодательстве, проблемы правового регулирования / Ю. В. Добрянская, Е. В. Бодаевская. — Текст : непосредственный // Молодой ученый. — 2021. — № 12 (354). — С. 109-111. — URL: <https://moluch.ru/archive/354/79297/> (дата обращения: 04.07.2024).

- **Fair Labor Practices:** Remote work can blur the lines between work and personal life. Regulations can address issues like "always-on" work culture, ensuring reasonable work hours and time off for remote employees.
- **Taxation and Jurisdiction:** Remote work across borders raises questions about taxation and which country's labor laws apply. Regulations can provide clarity on tax obligations, social security contributions, and jurisdiction for remote workers and employers.
- **Competition and Level Playing Field:** Without regulations, some companies might exploit remote workers or offer unfair advantages by avoiding certain costs or regulations. Clear rules help create a level playing field for businesses that adopt remote work models<sup>6</sup>.

These are some of the main factors driving the need for legal regulation of remote work. As this work style continues to evolve, legal frameworks will need to adapt to ensure fairness, protection, and a healthy work environment for both employers and employees.

Besides, employers must comply with the laws governing working hours and wage requirements. This includes minimum wage and overtime pay. They should also be aware of insurance and tax obligations depending on the employee's location. They should also be aware of insurance and tax obligations depending on the employee's location and they are also responsible for ensuring that the paystubs generated to their employees accurately reflect the hours worked, rates of pay, and any deductions made, as mandated by local or federal regulations. As for workspace and equipment requirements, many of these requirements are based on national standards and legislation.

The companies should understand their liability for workers' compensation in case of remote injuries or accidents. If an employee is injured at home while working, the employer must ensure that the proper paperwork is completed. This will ensure compensation in accordance with the laws and company policies. If an employee is injured while working on a computer at home, it may be considered a workplace injury. Therefore, employers should have insurance policies that cover such cases.

Employers should also consider how to deal with virtual misconduct. They should also consider how to prevent discrimination and harassment. The employer should have a policy on the use of email and social media by employees. Companies should also have procedures for

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<sup>6</sup> Грушин, Р. А. Проблемы и перспективы правового регулирования дистанционного формата работы в трудовом праве / Р. А. Грушин. — Текст : непосредственный // Молодой ученый. — 2021. — № 14 (356). — С. 188-191. — URL: <https://moluch.ru/archive/356/79748/> (дата обращения: 04.07.2024).

reporting any misconduct or behavior. It is important to provide training for all employees on how to behave and interact remotely to prevent discrimination and harassment<sup>7</sup>.

Analysis and clarification of the advantages and disadvantages of these systems allowed us to conclude that it is necessary to pay special attention when concluding an agreement and to discuss, in all detail, the constant and variable portions of fees. However, in any cases, when promoting, it is important to take into account the professional status of the remote employee, the complexity of the functions performed by him/her, and other factors that depend directly on the employee. It seems that in the organization of remote work, the principle of fair and decent payment for the final result and a significant contribution to the development of the company is crucial. So, for the successful development and use of distance labor, one of the conditions is a clear-cut legal regulation, legislative execution of the contract, which should reflect all the details of the work and responsibilities of both parties, the organization of payment and labor incentives, the creation of a transparent payment mechanism for the result, encouraging maximum use of its potential for effective functioning of the entire business system<sup>8</sup>.

Thus, an analysis of pros and cons of the use of remote work showed that first of all, remote work is considered as a positive trend, and, despite the problematic implementation, it is increasingly used by companies. A broader development of such practices can be predicted, considering the use of remote work on a large scale in the European world. One may disagree with what follows but, it seems necessary to take into account the mentality and psychology of citizens of Uzbekistan, for whom communication, comfort, recognition of their merits in the team, and the desire to show themselves to the best advantage has always been a stronger motivator. This quite often has been an incentive to achieve good performance and high results. A Uzbek employee is less traditionally individualistic than his European counterpart; he/she often has common interests with his co-workers not only at work, but also outside it. In this connection, it is necessary to develop its own national technology for introducing remote work into the company's activities, combining both traditional labor and more flexible, remote work, which will enhance the corporate culture and team spirit stimulate new ideas and quality of work. Remote work should be opted for only at will, and not at the suggestion, or even less insistence of the employer. Undoubtedly, remote work will increase in popularity in future and the legislation regulating it will improve, though it will probably not reach such a large scale, as it has reached in Europe.

<sup>7</sup> <https://www.workast.com/blog/maximizing-your-remote-work-strategy-essential-legal-and-hr-considerations/>

<sup>8</sup> Shendrik I. Magazine «Personnel service and personnel management of the enterprise». October 2011 // URL: <http://www.delo-press.ru/articles.php?n=8917>.

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