

**PROBLEMS OF GUARANTEES AND COMPENSATION PAYMENTS TO  
EMPLOYEES ENGAGED IN LABOR ACTIVITIES IN THE AGRICULTURAL  
SECTOR**

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**Annotation:** This article analyzes legal problems related to guarantees and compensation payments to employees employed in the agricultural sector. Issues of ensuring labor rights in the conditions of climate change, seasonality and informal employment are covered. Based on the norms of the Labor Code of the Republic of Uzbekistan and the Law "On Farming", shortcomings in the application of the current guarantee and compensation mechanisms are indicated. As a result of the research, proposals were put forward to formalize labor relations in agriculture, to strengthen social protection of employees and to ensure the implementation of legislation.

**Key words:** agriculture, labor rights, guaranteed payments, compensation, seasonal work, informal employment, farm, social protection.

## **INTRODUCTION**

Today, in the increasingly developing era, one of the sectors that has the greatest impact on the growth of the economy is agriculture. It is through this sector that we can see that the level of exports and imports in the countries of the world has reached high levels and the volume of products produced has increased. However, in recent years, the climate change factor has also had an impact on the amount of food produced in agriculture in many countries and on the lives of people working in this sector. At a time when the world's population is growing, it is important to conduct extensive scientific research into the problems of agriculture and comprehensively regulate relations in this area. According to data, by 2050, the world's population is expected to reach 10 billion people. This creates the need to provide the population with food, which is its most important need. This factor requires that more attention be paid to the agricultural sector than ever before. In order to provide the population with quality food products, including job creation, and solve various social problems, we must resolve legal issues arising in the activities of entities engaged in agriculture.

According to statistical data, as of September 1, 2024, the number of farms in the Republic of Uzbekistan was 89,990. The number of family enterprises registered as legal entities and operating as of September 1, 2024 was 43.1 thousand. Of these, 3,157 are family enterprises in the agricultural, forestry and fisheries sectors. The number of people employed in agriculture in the Republic of Uzbekistan is more than 3.5 million, in Poland it is more than 3.4 million, in

Turkey it is more than 10 million, in the USA it is 18.3 million, and in the world population this figure is more than 1.3 billion. These figures mean that the regulation of labor relations in the agricultural sector is The provision of guarantees and compensation payments to agricultural workers not only serves to ensure employment, but also has a significant impact on the development of the country's main economic indicators.

The current legislation of the Republic of Uzbekistan establishes the following norms for regulating the work of agricultural workers and providing them with guarantees and compensation payments. In particular, Article 23 of the Law "On Farming" states that "Remuneration for the labor of agricultural workers is determined by agreement of the parties in cash and in kind, in an amount not less than the amount established by law for the first category of the Unified Tariff Scale of Labor."

Article 35 of the Law states that "In the event of the absence or insufficient funds of the farm being reorganized or liquidated, the amounts to be recovered shall be paid by the state in accordance with the procedure established by law for the damage caused to the life and health of an employee in connection with the performance of his labor duties."

The Labor Code of the Republic of Uzbekistan provides information on compensation payments to agricultural workers, in particular;

Article 288 of the Code establishes the following minimum amounts for mobile work:

in cases where the trip from the location of the organization to the workplace (facility) and back takes no less than three hours during the day and is carried out outside working hours, - up to eighty percent and eighty percent of the daily rate established by law, and in cases where the trip takes less than three hours - up to forty percent and forty percent;

during travel related to the performance of work on the road - one and a half percent of the monthly tariff rate (salary) for each day spent on the road, and three percent for employees serving passenger trains, mail and baggage trains, restaurant cars (cafes-buffets) of passenger trains and mail wagons;

if employees are on the road for twelve or more days a month, - up to twenty percent of the daily norm established by law, if they are on the road for less than twelve days a month, - up to fifteen percent of the monthly tariff rate (salary) for one day of work in conditions of a mobile nature.

The surcharge for work of a mobile nature is set in the following minimum amounts:

on days of stay at remote facilities - up to thirty percent of the employee's daily rate for each full working day (shift);

on the days of travel to and from the location of the facility - in the amount of the employee's daily tariff rate.

Field allowance for work in field conditions is paid in an amount not less than the following amounts:

when working directly at facilities where field work is carried out, outside the organization's field base camp - seven percent of the minimum daily wage;

for work performed in the field base camps of organizations - two percent of the minimum daily wage.

For part-time work, a surcharge is established in an amount not less than fifty percent of the minimum monthly wage.

A collective agreement or an internal document agreed upon with the trade union committee, or an agreement between the employee and the employer, may establish compensation in an amount greater than that provided for in parts two, three and four of this article. In this case, payments exceeding the amounts established in this article shall be subject to tax in accordance with tax legislation.

According to Article 493 of the Labor Code, seasonal employees have the right to paid leave for each month of work at the rate of at least two calendar days. If a seasonal employee has worked the entire season, he is granted paid leave upon termination of the employment contract. In this case, the last day of the leave is considered the day the employment contract was terminated. Upon termination of the employment contract, instead of paid leave, the seasonal employee is paid monetary compensation at his discretion. If the employment contract with a seasonal employee is terminated before the end of the season, upon termination of the employment contract, he is paid compensation in proportion to the time worked for unused leave.

Agriculture, as one of the important sectors of the economy, has its own unique working conditions for employees working in this sector, in particular: seasonality, difficult and harmful working conditions, dependence on climate, and a high level of informal employment, which indicate the urgent importance of ensuring labor rights in this sector. The current labor legislation establishes guarantees and compensation payments for employees. However, there are a number of problems in their practical application in the agricultural sector.

Firstly, the seasonal nature of labor in agriculture leads to instability of employee income. Most workers are employed at a certain time of the year, and the rest of the time they do not have a stable income. This leads to the fact that the mechanisms for guarantee payments, including maintaining the average wage, do not fully function. Due to the lack of a permanent employment contract, employees cannot use payments for vacation and temporary incapacity for work, or guaranteed payments upon dismissal.

Secondly, in practice, labor relations with most employees are not formalized. Therefore, employees are deprived of the opportunity to demand guarantees and compensation payments provided for by law. In the absence of an employment contract, the employer does not comply with such norms as working hours, rest periods, and labor holidays.

Thirdly, in many cases, in agriculture, there are cases of payment of wages in kind, that is, with the products grown. Such a practice leads to a decrease in the real monetary income of the employee, aggravation of his social situation. This in the future will lead to a violation of pension and other social security rights.

Fourthly, the risk of adverse effects on the health of employees due to difficult working conditions, harmful field work, work with chemicals, toxic substances, and long periods of outdoor work is high. Therefore, despite the fact that the legislation provides for separate additional payments for difficult and harmful working conditions, reduced working hours or additional vacation, in practice these guarantees and compensations are not provided sufficiently or are not paid at all.

Fifthly, there are also problems with working hours and rest periods. Due to the large number of seasonal jobs, the working day is often extended, but there are cases where additional payment for overtime or holidays is not made. This situation contradicts the requirements of labor legislation and violates the rights of employees.

In addition, there are restrictions and practical difficulties in replacing extended labor holidays, which should be granted to certain categories of employees, with paid compensation. In cases where the right to vacation established by law is not fully provided, the balance of the employee's right to work and rest is violated.

The above problems indicate that the social protection of employees working in the agricultural sector is not sufficiently provided. To eliminate these shortcomings, it is necessary, first of all, to strengthen the formalization of labor relations, ensure full payment of wages in cash, effectively organize the activities of supervisory bodies, and increase the legal literacy of employers on labor legislation. It is also important to fully implement additional guarantee and compensation mechanisms for employees working in difficult and harmful working conditions.

Thus, the problems associated with guarantees and compensation payments in the agricultural sector require a systematic approach. By ensuring the practical implementation of legislative norms, it is possible to effectively protect the labor rights of employees.

### International Labor Standards (ILO)

The conventions adopted by the International Labor Organization (ILO) establish the following guarantees for agricultural workers:

**Occupational injuries:** In accordance with Convention No. 12, member states are obliged to introduce a system of compensation for accidents to all agricultural workers.

**Labor inspection:** Convention No. 129 requires the creation of a system of monitoring working conditions in agriculture.

**Safety and hygiene:** The employer is obliged to provide employees with special clothing, protective equipment and create safe working conditions.

### 2. European Union (EU) experience

The EU countries have introduced the principle of "social conditionality":

**Social protection:** Countries such as Germany, France and Sweden have special social insurance systems for agricultural workers, which guarantee pensions, sick leave and unemployment benefits in old age.

**Labor rights:** From 2025, farmers receiving funds from the EU's Common Agricultural Policy (CAP) will be required to provide their workers with written employment contracts and a safe working environment.

### 3. USA and other countries

**Minimum wage:** The US Fair Labor Standards Act (FLSA) sets the federal minimum wage (\$7.25 per hour) for most agricultural workers.

**Seasonal worker protection:** The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) through which employees are guaranteed accommodation, transportation and payment of wages.

**Accommodation and conditions:** In some Arab countries (for example, Jordan), the provision of free and decent accommodation to employees by employers is enshrined in law.

Main types of compensation:

For harmful working conditions: Additional payment and reduced working hours when working with chemicals (pesticides).

Seasonal compensation: Benefits provided upon termination of employment or during temporary unemployment.

Medical insurance: Insurance policies at the expense of the employer due to the high risk of occupational diseases.

### Conclusion

Guarantees and compensation payments provided to employees employed in the agricultural sector are an important institutional mechanism for ensuring their constitutional and labor law rights. This study revealed that factors such as the seasonal nature of labor in this sector, the high share of informal employment, insufficient legal formalization of labor relations, as well as the payment of wages in kind (products) create systemic problems. The above-mentioned circumstances significantly limit the ability of employees to fully and effectively use labor leave, temporary disability benefits, social insurance payments, and other social guarantees provided for in current legislation. As a result, the level of social protection of agricultural workers is decreasing, and a gap is emerging between the real provision of their labor rights and the normatively established guarantees. Also, the insufficient application or incomplete provision of compensation payments established for difficult, harmful, and unfavorable working conditions in practice hinders the full implementation of the principles of social justice in this sector. This is one of the main factors weakening the social protection of agricultural workers. In general, improving guarantee and compensation mechanisms in this area, increasing the level of formalization of labor relations, and expanding the coverage of the social insurance system remain one of the priority areas for effectively ensuring the labor rights of agricultural workers.

### Solutions and proposals

First of all, ensuring the full formalization of labor relations should be set as a priority task. In this regard, it is necessary to strictly control the conclusion of mandatory written labor contracts in agricultural entities, based on the requirements of Convention No. 122 of the International Labor Organization (ILO) "On Employment Policy" and Convention No. 129 "On Labor Inspection in Agriculture" and the Labor Code. The introduction of electronic labor contracts and a digital registration system, which are used in the experience of some European Union countries, will help reduce informal employment.

Secondly, it is necessary to gradually limit the payment of wages in kind and strengthen the mechanisms for their payment in cash. In accordance with ILO Convention No. 95 "On the Protection of Wages", wages should be paid mainly in cash. In the experience of Brazil and Turkey, the introduction of a mandatory payment system for agricultural workers through bank cards had a positive effect on reducing the "shadow economy" and ensuring the full collection of social insurance contributions.

Thirdly, it is necessary to strengthen the mechanisms for real provision of compensation and bonuses for workers working in difficult and harmful working conditions. In this regard, it is advisable to integrate the system of compulsory occupational risk insurance, which is used in the experience of Germany and France, into national legislation. It is necessary to improve the system for developing and monitoring labor safety standards in field conditions based on the requirements of ILO Convention No. 184 "On Safety and Health in Agriculture".

Fourth, it is important to expand the coverage of the social insurance system. In the experience of South Korea and Poland, simplified insurance mechanisms have been introduced for seasonal and temporary agricultural workers, which has expanded their access to pension and temporary disability benefits. On this basis, a flexible social insurance model should be developed, taking into account seasonal employment in agriculture. Fifth, it is necessary to strengthen the activities of the state labor inspectorate and ensure its institutional independence. In the experience of the United Kingdom and the Netherlands, a risk-based control system is used, and targeted inspections are carried out against entities with a high probability of labor violations. Such a mechanism is suitable for agricultural can also yield effective results in the field of labor law.

It is also necessary to strengthen social partnership mechanisms by increasing the legal literacy of employers and employees on labor law, expanding the participation of trade unions and civil society institutions, and developing the practice of collective agreements. The experience of Scandinavian countries shows that strong social dialogue is an important factor in the real provision of labor rights.

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