



## **RETROSPECTIVE CONCEPT LABOR PROTECTION, THE CONCEPT OF LABOR PROTECTION AND INDUSTRIAL ACCIDENTS**

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<b>Received:</b> 17 <sup>th</sup> August 2022 <b>Accepted:</b> 17 <sup>th</sup> September 2022 <b>Published:</b> 21 <sup>st</sup> October 2022	This article describes the historical origin of the concept of "labor protection", its subject and concepts. The scientific and theoretical views of foreign and national legal scientists on labor protection have been studied. A thorough analysis of the convention, the Agreement and the agreements of international organizations was also carried out. Based on these approaches, proposals and recommendations are made to national legislation.
<b>Keywords:</b> labor protection, workers' health protection, labor safety, accident at work, social insurance against accidents and occupational diseases	

Mankind consciously enters into business relations with each other, this consists in the dependence and need of one from the other in the material and sociological sense. Thus, defining the relationship between people by their participation in social work.

Labor legislation began to develop strongly and labor law became one of the main branches of law. The increase and expansion of production forced the working class to unite and create favorable conditions for themselves to work and establish a means of subsistence. Thus, in order to ensure international cooperation to ensure lasting peace throughout the world and eliminate social injustice by improving working conditions, as well as determining the main conceptual approaches to labor protection, the governments of a number of countries adopted the decision of the Paris Peace Convention <sup>1</sup>and created the International Labor Organization <sup>2</sup>(ILO). Its charter was prepared in January-April 1919 by the Peace Conference Labor Commission , established in accordance with the Versailles Peace Treaty.

The retrospective concept of labor law became the main reason for the creation of the ILO, the constant dissatisfaction of the working and labor class over the state of working conditions and social discontent. Frequent strikes and rallies, which turned into beatings of the working class by the government, as well as revolutions in many countries, began to express themselves very strongly in the discontent of this class. In order to counteract the spontaneous resolution of contradictions that arise in society in an explosive, violent, revolutionary way, the organizers of the ILO decided to create an international organization designed to promote social progress worldwide, establish and maintain social peace between different sectors of society, and contribute to the resolution of emerging social problems in an evolutionary peaceful way <sup>3</sup>.

Members of the ILO, regardless of their ratification of conventions, formulated four basic principles, these are: "1) freedom of association and effective recognition of the right to collective bargaining; 2) the abolition of all forms of forced labor; 3) the effective prohibition of child labor; 4) non-admission of discrimination in the field of labor and occupations" <sup>4</sup>.

It follows from the above principles that full-fledged labor activity requires the fulfillment of conditions expressed in the need for the presence of a labor community and their joint efforts to combat forced labor.

Labor protection in production has reached a new level, where the employer had to take responsibility for creating working conditions and workplaces. Cases of accidents at work began to be investigated under the supervision of trade unions and commissions, to identify violations from any side, regardless of status.

Thus, based on the foregoing, it can be concluded that labor protection and protection is part of labor relations, the regulation of relations between the employer and the employee is revealed in the mutual benefit of the parties of civil society, which satisfies the parties. Thus, labor relations include bilateral obligations, where the parties are obliged to fulfill the assigned obligations, and in case of non-fulfillment of such obligations, the party reserves the right to express its claims. The development of legal categories in various sectors makes it possible to form the most optimal

<sup>1</sup>-Paris Peace Conference 1919

<sup>2</sup>-International Labor Organization 1920

<sup>3</sup>- Labor Economics. Social and labor relations. Textbook. / M .: Exam, 2006 ,

<sup>4</sup>- See Declaration of the International Labor Organization 1998

ways of regulating the relevant groups of social relations, which is an integral part of the principles of the legal framework.

So, what is the concept of "labor protection"?

The introduction of the concept of "labor protection" into the science of labor law has become a logical consequence of using international experience. The concept of "labor protection" has become an instrument of ideological struggle directly aimed at protecting the life and health of workers in the workplace and the safety of workers. The concept of labor protection was considered in a broad and narrow sense, in a broad sense - as a set of all norms of labor law, since they are all established in the interests of workers, and in a narrow sense - as one of the institutions of labor law, combining legal norms directly aimed at ensuring safe and healthy working conditions for workers and workers. An opinion was also put forward that the meaning of "labor protection" does not seem to be entirely accurate, since it is not labor itself that is protected, but the life and health of the worker<sup>5</sup>. The subject of labor protection is primarily human health, and only then the preservation of labor tools. In foreign countries and in international legal practice, the term "workers' health protection" or "labor safety" is more specifically used. The first industrial developments immediately faced the problems of protecting the working class from industrial injuries and losses, as well as the further social position of the worker. The resulting injuries in the workplace required a human attitude towards the victim, his further fate, and if those who were lucky succeeded, then transfer to more or less easy work. Determining the decision of the future fate of the victim also concerned the trade union committees. In particular, the Code of Labor Laws<sup>6</sup> (hereinafter - Labor Code) defined labor protection as the protection of life, health and labor of persons engaged in any economic activity assigned to the labor inspectorate, technical inspectors and representatives of sanitary supervision<sup>7</sup>.

Complex legal institutions have, in terms of the subject, method and mechanism of legal regulation, the features inherent in several branches of law - these are labor, administrative and civil. However, it is decisive that the norms of other industries are specified in relation to the specifics of the subject of the labor protection industry.

It is no secret that production has advanced a lot, giant industries have appeared - these are transport, light and heavy industry, legal proceedings, metallurgy and many others. And no matter how humanity introduces robotics, all the same, manual labor and control remain with the person, that is, there remains a danger to the person.

Enterprises are responsible for ensuring regulatory requirements for labor protection, and officials, who are guilty of violating the requirements of regulatory enactments, or hindering the activities of representatives of state supervision and control bodies, are subject to disciplinary, administrative or criminal liability.

Security labor is a system of socio-economic, organizational, technical, sanitary, hygienic and therapeutic measures and means, operating on the basis of relevant legislative and other regulations, aimed at ensuring safety, maintaining human health and performance in the labor process<sup>8</sup>.

Occupational safety and health-measures aimed at preserving the safety, health and working capacity of a person in the process of work. The legislation establishes socio-economic, organizational, technical, sanitary-hygienic, therapeutic and preventive measures applied in the labor process<sup>9</sup>.

The social significance of labor protection contributes to the strengthening (preservation) of the health of workers exposed to harmful and hazardous production factors. The economic significance of labor protection is realized in the growth of labor productivity, economic recovery, and an increase in production. The legal significance of labor protection consists in the legal regulation of work according to one's abilities, taking into account the severity of working conditions, the physiological characteristics of the female body, the body of adolescents and the working capacity of disabled people. There is a refinement of a special assessment of working conditions, where classes are established - optimal, permissible, harmful and dangerous working conditions.

According to some scientists, labor protection is a system for preserving human life and health in the process of labor activity<sup>10</sup>.

From the above, we can conclude that in the above legislative documents, the consolidation of labor protection is given as a subjective human right, where state policy is aimed at creating conditions.

Two terms should be distinguished, these are "ensuring the life and health of an employee" and "labor protection", these terminologies are not distinguished at the legislative level, and they are used as a synonym. The normative fixing of the term "labor protection" implies both the preservation of the life and health of workers in the process of labor activity. The term "labor protection" includes a multifaceted definition, it includes various kinds of activities that are aimed at ensuring the health and life of workers in the process of labor activity. Occupational safety is considered as a synonym for labor protection and the institution of labor protection is understood as a set of legal norms and rules that establish measures to create safe working conditions, prevent injuries and occupational diseases, as well as regulate

<sup>5</sup>- Skobelkin, V.N. , Labor relations within the labor collective - Soviet state and law, 1989, No. 6, P-30

<sup>6</sup>- Labor Code, 1918,

<sup>7</sup>- Labor Code, 1918, art. 127

<sup>8</sup>- Law on labor protection of the Republic of Uzbekistan on September 22, 2016 No. ZRU-410

<sup>9</sup> - <https://medlife.uz/encyclopedia/m/mehnat-muhofazasi/>

<sup>10</sup>- M.S. Petrov , S.V. Petrov , S.N. Volkhin , Labor protection at work and in the educational process,

control (supervision) over compliance with labor protection legislation, carried out by the state when participation of trade union organizations <sup>11</sup>.

We believe that today labor protection has received a broader form of definition, the actual and fundamental direction of the state policy in the field of labor protection is the priority of the life and health of the employee proclaimed by law in relation to the results of production activities, as well as the coordination of labor protection activities with others. directions of economic and social policy.

Now consider the concept of "accident at work".

Experience shows that human labor activity is not only useful and beneficial for a person, but can also be a source of negative impacts or harm, which can lead to injury, illness, and sometimes disability or death. Economic damage from accidents in production and occupational diseases is expressed not only in the cost of compensation payments. It includes losses due to disruption of plans or reduction in output, damage to buildings and equipment. The largest Accidents can also have severe social and environmental consequences. And quite the loss of human life itself is irreparable <sup>12</sup>.

The need to investigate and record industrial accidents and occupational diseases is established in the Labor Code of the Republic of Uzbekistan. This article partially regulates labor relations between an employee and an employer, and it is established in order to protect the legitimate interests of employees who have suffered from accidents at work and occupational diseases (family members of the deceased), to identify persons that guilty of violating labor protection requirements, and to develop measures to eliminate the causes of industrial injuries.

What is the concept of "accident at work"?

In law Republic of Uzbekistan "On Compulsory State Social Insurance against Occupational Accidents and Occupational Diseases" provides a definition, "an accident at work – *is an event as a result of which the insured person received an industrial injury or other damage to health in the performance of duties under an employment contract (contract) on the territory of the insured or outside it, and which entailed the need to transfer the insured person to another job, temporary or permanent loss of his professional ability to work or his death*". <sup>13</sup> In our opinion, this terminology does not fully cover the entire extent of the event. The study of judicial practices shows that in the course of causal analysis, there should be a mandatory and full-fledged deployment of the event itself, covering a wider range.

The definition of an accident at work is an insured event, which should cover the following factors, this is if it happened to an insured person or another person subject to compulsory social insurance against accidents at work and occupational diseases. In other words, to recognize an accident as insured, the simultaneous presence of the following conditions is sufficient:

- the commission recognized the accident as having occurred at work;
- the victim is insured or the person to compulsory social insurance against accidents and occupational diseases.

In our opinion, we consider a more complete and revealing concept as "an accident at work is *an event as a result of which an employee or other person participating in the production activities of the employer, in the performance of their job duties or performing any work on behalf of the employer (his representative), as well as in the performance of other lawful actions due to labor relations with the employer or performed in his interests, received: bodily injury (injury); heatstroke; burn; frostbite; drowning; electric shock, lightning, radiation; bites and other bodily injuries caused by animals and insects; damage due to explosions, accidents, destruction of buildings, structures and structures, natural disasters and other emergencies, other health damage caused by external factors that necessitated the transfer of the victim to another job, temporary or permanent loss of his ability to work or his death* .

As can be seen from this definition, we can conclude that the main components are the participation of the employee in the production activities of the employer and the definition of the circle of persons whose accidents are subject to investigation and accounting. There is also an event of an accident at work.

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<sup>11</sup>-Borisov V.I. Responsibility for violation of safety rules at work. Kyev, 1984, p-28

<sup>12</sup>- Ivanov V. If work is harmful and dangerous // Law. 2003. No. 5, p-29

<sup>13</sup>- " On compulsory state social insurance against accidents at work and occupational diseases " No. ZRU-174 September 10, 2008, Article 3