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PROBLEMS AND SOLUTIONS IN THE SYSTEM OF COMPENSATING MATERIAL AND MORAL DAMAGES CAUSED TO EMPLOYEES BY OCCUPATIONAL ACCIDENTS

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Abstract. This article provides a comprehensive legal and practical analysis of the mechanisms for compensating damages caused to the life and health of employees due to occupational accidents. Within the framework of labor legislation, the conditions of employer liability, compensation frameworks, and the efficacy of the compulsory insurance system are critically examined. Furthermore, by evaluating the current legal foundations of the Republic of Uzbekistan in comparison with international standards, this study proposes actionable frameworks for digitalizing the compensation system and mitigating bureaucratic bottlenecks.

Keywords: Occupational injury, compensation for damages, recourse claim, employment contract, social protection, employer's liability.

Annotatsiya. Maqolada ishlab chiqarishdagi baxtsiz hodisalar oqibatida xodimlarning hayoti va sog‘lig‘iga yetkazilgan zararni qoplash mexanizmlarining kompleks huquqiy va amaliy tahlili taqdim etilgan. Mehnat qonunchiligi doirasida ish beruvchining javobgarlik shartlari, zararni qoplash tuzilmalari, shuningdek, majburiy sug‘urta tizimining samaradorligi tanqidiy ko‘rib chiqilgan. Bundan tashqari, O‘zbekiston Respublikasining amaldagi huquqiy asoslarini xalqaro standartlar bilan qiyoslagan holda baholash asosida, tadqiqotda kompensatsiya tizimini raqamlashtirish va byurokratiya to‘siqlarini kamaytirishning amaliy mexanizmlari taklif etilgan.

Kalit so‘zlar: ishlab chiqarish jarohati, zararni qoplash, regressiv talab, mehnat shartnomasi, ijtimoiy himoya, ish beruvchi majburiyati.

Аннотация. В статье представлен комплексный правовой и практический анализ механизмов компенсации вреда, причиненного жизни и здоровью работников в результате несчастных случаев на производстве. В рамках трудового законодательства критически рассматриваются условия ответственности работодателя, структуры возмещения ущерба, а также эффективность системы обязательного страхования. Кроме того, на основе оценки действующих правовых основ Республики Узбекистан в сравнении с международными стандартами, в исследовании предлагаются

ISSN 3030-3907

практические механизмы цифровизации системы компенсации и снижения уровня бюрократических барьеров.

Ключевые слова: производственный травматизм, возмещение ущерба, регрессное требование, трудовой договор, социальная защита, ответственность работодателя.

INTRODUCTION.

Against the backdrop of modern industrial expansion and increasingly complex technological processes, occupational accidents and diseases remain among the most pressing challenges within the global labor market. Human life, health, and dignity in the workplace fundamentally transcend any economic interests. The Constitution of the Republic of Uzbekistan explicitly guarantees that "everyone has the right to decent work, to free choice of profession and activity, and to favorable working conditions that meet safety and hygiene requirements." Grounded in this constitutional norm, ensuring occupational safety and hygiene standards constitutes a primary and mandatory obligation for employers. Nevertheless, statistical data indicate that hundreds of individuals in our republic sustain injuries or lose their lives due to workplace accidents each year [1]. This grim reality underscores the critical need to analyze and improve the mechanisms for fairly compensating the damages inflicted upon affected employees and their families.The objective of this study is to examine the mechanisms for compensating damages resulting from workplace accidents within the framework of labor legislation, identify legal and practical gaps in the existing system, and develop scientifically grounded recommendations to enhance the national framework in alignment with international standards.

RESEARCH METHODOLOGY.

This study utilizes a comprehensive methodological framework, integrating a systemic approach, comparative-legal analysis, and logical and statistical methods. The regulatory foundation of the research is grounded in the Labor Code of the Republic of Uzbekistan, the Law "On Occupational Safety," and relevant resolutions of the Cabinet of Ministers. Furthermore, to evaluate international legal standards, a comparative analysis method was applied to the International Labour Organization (ILO) Employment Injury Benefits Convention (No. 121), as well as the occupational safety models of advanced foreign nations, including Germany, the United States, and Japan.

RESULTS.

1. Legal Foundations of Compensation Payments in National Legislation. According to the legislation of the Republic of Uzbekistan, occupational accidents and professional diseases must undergo mandatory investigation and registration [2, 3]. In accordance with Article 352 of the Labor

ISSN 3030-3907

Code, ensuring safe working conditions is a strict obligation of the employer, and the employer is deemed liable for injuries sustained due to the non-fulfillment of this duty.

Under the current mechanism, the components of damage compensation are categorized into the following groups:

1. Temporary Disability: Pursuant to Article 291 of the Code, in addition to paying temporary disability benefits, the employer must cover all verified expenses incurred for the employee's medical, social, and professional rehabilitation, in an amount not less than the actual expenditures incurred [2].

2. Monthly Payments: These are paid monthly as a percentage of the employee's pre-injury average monthly wage, calculated in accordance with the degree of loss of professional capacity for work (based on the findings of the Medical-Labor Expert Commission – MLEC).

3. Lump-Sum Allowances:

- In the event of employee injury: Paid in the amount specified in the collective bargaining agreement, but not less than the employee's average annual wage.
- In the event of employee death: A one-time allowance is paid to the dependents of the deceased in an amount not less than six times their average annual wage.

Furthermore, the legislation stipulates that if gross negligence on the part of the victim is established, the compensation amount may be reduced in proportion to their degree of fault; however, this reduction cannot exceed 50 percent.

2. Comparative Analysis with International Standards

The ILO Employment Injury Benefits Convention (No. 121) defines progressive principles for the social protection of workers [9]. A comparative analysis of the core criteria between national legislation and the ILO Convention is presented in the table below:

Table 1.

Evaluation Criteria	**Legislation of the Republic of Uzbekistan [2, 11]**	**ILO Convention No. 121 Standards [9]**
Survivor's Benefit Amount (Loss of Breadwinner)	Calculated as a percentage directly proportional to the lost earnings.	Must constitute at least 60% of the monthly wage in the event of total disability.

ISSN 3030-3907

Survivor's Benefit Amount (Loss of Breadwinner)	A lump-sum payment of at least 6 times the annual wage + proportional shares for dependents.	Must be provided in the form of regular periodical payments equal to at least 50% of the monthly wage.
Dependence on Insurance Record	Independent of the record; the employer's liability is subject to compulsory insurance.	Independent of the record. The worker is entitled from day one, even if no contributions have been paid.
Long-Term Occupational Diseases	Compensated upon the diagnosis of an occupational disease, supported by MLEC conclusions.	Covered even if the latent damage manifests after decades (e.g., 20–50 years due to asbestos exposure).
Commuting Injuries (To and From Work)	Considered a material liability only if transported by the employer's vehicle.	Accidents occurring on the direct route between the residence and the workplace are equated to occupational accidents.

DISCUSSION

Examining international experience reveals that compensation systems in developed nations operate under distinct, well-established models:

- Germany: The occupational safety and insurance systems are comprehensively integrated. Specialized sectoral cooperatives (*Berufsgenossenschaften*) cover all medical expenses, thereby guaranteeing long-term financial stability.
- United States: The "Workers' Compensation" system functions through dedicated legal and insurance programs, where disputes are predominantly expedited via specialized judicial frameworks.
- Japan: The social insurance system is strictly regulated by the state, providing comprehensive medical and financial assistance to employees through an integrated approach.

Compared to these advanced frameworks, specific legal and institutional gaps become evident within Uzbekistan's current practice.

First, the mechanism for recognizing commuting accidents (whether occurring on private or public transport) as work-related is significantly narrower than ILO standards, as it is strictly limited to instances involving the employer's provided transport.

ISSN 3030-3907

Second, the legal algorithm for identifying long-term latent occupational diseases and allocating subsequent compensation remains underdeveloped.

Third, substantial bureaucratic hurdles persist in gathering the required documentation (e.g., invoices, official certificates) for compensation claims, which inherently delays the social protection of the affected employee.

CONCLUSION AND RECOMMENDATIONS.

The analyses conducted in this study demonstrate that while a system for the social protection of employees exists within Uzbekistan's labor legislation, enhancing its practical efficiency remains an imperative demand of the contemporary era. Based on the findings of this research, the following recommendations are proposed:

1. Digitalization of Insurance Mechanisms: Fully digitalizing the system of compulsory employer civil liability insurance and establishing a unified electronic database integrated between the Medical-Labor Expert Commission (MLEC) and insurance companies to dramatically reduce paper-based red tape and bureaucracy.

2. Economic Incentivization of Employer Liability: Drawing on the experience of developed nations, implementing a dynamic insurance tariff system where premium rates are reduced for enterprises with low workplace accident rates, and conversely, increased for those with poor safety records.

3. Streamlining Compensation Procedures: Establishing strict, expedited timeframes for payment of benefits to affected employees and their families, and legally institutionalizing a mechanism to continuously index compensation amounts in correlation with inflation rates.

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ISSN 3030-3907