

Labour Code

This Code regulates labor relations of persons working in enterprises, organizations and institutions, regardless of their organizational-legal form and Property (hereinafter - the Company), at separate individuals on conditions inmate labor contract.

SECTION I. GENERAL PROVISIONS

Article 1. Objectives and major tasks of the labor legislation of Turkmenistan

1. The objectives of the labor laws of Turkmenistan are the establishment state guarantees of labor rights, the creation of favorable conditions of work, protection of the rights and interests of workers and employers.
2. The main objectives of the labor legislation of Turkmenistan are creating the necessary social and legal conditions and guarantees for implementation of the constitutional citizens' right to work, the legal regulation of labor relations, as well as other relationship directly related to the difficulty to achieve economic growth, improving people's livelihood, to ensure the effective the functioning of the labor market, the development of social partnership between employees, employers, public authorities, local self-government.

Article 2. The legislation of Turkmenistan

1. Labor legislation of Turkmenistan is based on the Constitution and consists of this Code and other legal acts of Turkmenistan, containing norms of labor law.
2. The laws of Turkmenistan and other normative legal acts of Turkmenistan containing norms of labor law must not contradict this Code.
3. Collective agreements must not contain conditions that diminish the rights and guarantee workers established by the labor legislation of Turkmenistan.
4. In the event of any conflict between this Code and other normative legal acts of Turkmenistan, containing norms of labor law, and as if the collective contract (agreement) contains the conditions that reduce

the level of rights and guarantees of workers, then the norms of the present Code.

5. If an international treaty of Turkmenistan establishes rules other than contained in the Code, the rules of the international treaty.

Article 3. The existing labor legislation of Turkmenistan Time

Records of labor legislation of Turkmenistan applied to relations arising after their entry into force, and are not retroactive. Legal validity of the act of labor Turkmenistan's legislation applies to relations arising prior to the introduction its effect, in cases where it is expressly provided for by the act.

Article 4. Operation of the labor legislation of Turkmenistan in space

1. Labor legislation of Turkmenistan applies to labor relations, and and related matters arising in the territory of Turkmenistan, unless these acts of labor legislation provides otherwise.

2. Acts of local authorities and local self-government in the field of labor act within the territory of the respective administrative-territorial units We must comply with the labor legislation of Turkmenistan.

Article 5. Scope of the Code

1. The present Code applies to labor and related relations on the territory of Turkmenistan.

2. This Code applies to all employers and workers, labor agreement in the territory of Turkmenistan, unless otherwise provided Turkmenistan's legislation or international agreements of Turkmenistan.

3. This Code shall apply to employment and related Certain categories of workers (military, civil servants and other) in cases under the relevant laws of Turkmenistan on their activity or determine their legal status.

4. The rules of labor law established by this Code and other regulations legal acts of Turkmenistan, apply to the employment relationship Foreign citizens, stateless persons, employees of international organizations, as well as employees enterprises located in the territory of Turkmenistan, the founders or owned (wholly or partially) by foreign legal or individuals, unless otherwise provided by the legislation of Turkmenistan or an international treaty of Turkmenistan.

5. In cases where the contract civil law actually regulated the employment relationship between the employee and the employer, apply to such relations labor laws of Turkmenistan.

6. This Code does not apply to the following persons (if OK, established by this Code, they are not simultaneously act as employers or their representatives):

1) members of the board of directors (supervisory boards) enterprises (with the exception of persons have signed an employment contract with the enterprise);

2) working under contracts of civil law;

3) other persons, if it is established by the legislation of Turkmenistan.

Article 6. The state guarantees of labor rights

1. The right of citizens to work is guaranteed by the Constitution, including the right to choice of profession, occupation and place of work, to safe and healthy working conditions, to protection against unemployment.

2. Every citizen shall have the exclusive right to dispose of their abilities for productive and creative work and to carry out any activities not prohibited by the legislation of Turkmenistan.

3. Every citizen shall have the right to free choice of employment by direct refer to the employer or through government agencies (services) employment.

4. The State shall guarantee the protection of labor rights. The minimum level of labor rights and guarantees for workers established by this Code.

5. Public authorities (services) provide free employment assistance to the population in finding suitable work and employment.

Article 7. Prohibition of discrimination in labor relations

1. Do not limit labor rights or receive any benefits their implementation, depending on nationality, race, sex, origin, property and official status, place of residence, language, age, relationship religion, political convictions, party affiliation or lack belonging to any political party, as well as other circumstances related to business the quality and results of their work.

2. Differences in employment due to inherent in the job requirements or special care of the State to persons requiring enhanced social and Legal protection (women, minors, the disabled, and others.) installed Turkmen legislation does not constitute discrimination.

3. Persons who consider that they have been discriminated against at work, the right to apply to the the appropriate application to the court.

Article 8. Prohibition of forced or compulsory labor

1. Forced or compulsory labor is prohibited.

2. Forced or compulsory labor is considered to be all work (service) required by any person under the menace of any penalty and for which said person has not He offered himself voluntarily.

By the forced or compulsory labor also include the requirement on the part of employer to the employee to perform job duties in the absence of systems collective or personal protection or in the case where the required execution Work can endanger the life or health of the employee, as well as violation of the the timing of payment of wages or not paying the full amount, the increase in working hours without a corresponding pay.

3. It is not considered to be forced or compulsory labor:

1) Any work (service) required in virtue of compulsory military service and used exclusively for work of a military nature;

2) Any work (service), which is part of the normal civic obligations of the citizens;

3) Any work (service) performed in order to eliminate work-related accidents and other similar cases;

4) Any work (service) performed under extraordinary circumstances (in cases Offers of emergency or a state of war, calamity or threatened calamity: fires, floods, mudslides, earthquakes, epidemics or epizootic diseases), as well as in other cases, endangering the life or normal living conditions of all or part of the population;

5) Any work (service) required by any person as a result of a legally court judgment under the supervision of the public authorities responsible for compliance Turkmenistan's legislation with the enforcement of sentences of courts;

6) work performed in the order for administrative disciplinary punishment

offense;

7) small public works, ie the work performed for the direct benefit of the labor team members of the team, and can therefore be considered as normal civil responsibilities of team members.

Article 9 Regulation of the labor of members of farmers' associations and farms daikhan

Labour members of farmers' associations, daikhan farms and other agricultural companies regulated by this Code, their statutes and legislation Turkmenistan relating to the activities of farmers' associations, farm daikhan and other agricultural enterprises.

Section II. Labor relations, the parties to labor relations, their
RIGHTS AND OBLIGATIONS

Article 10. Labor relations

Under the employment relationship is the ratio, based on an agreement between employee and the employer of the personal performance of an employee for payment of labor functions (work in a certain profession, specialty, qualification or position) subordinate employee rules of the internal labor schedule at the enterprise providing the employer of working conditions stipulated by labor legislation Turkmenistan's employment contract, the collective contract (agreement).

Article 11. The subjects of labor relations

The subjects of labor relations are the employee, the employer representative workers, the employer's representative.

Article 12. Parties of labor relations

1. The parties to the employment relationship are the employee and the employer.

2. An employee is an individual who has entered into an employment relationship with employer. A worker carries out activities (doing the work, service) of particular profession, qualifications, rank, class or position on the basis of employment contract.

The terms of reference (work) performed by an employee on a particular profession, specialty, category, or class of positions determined tariff and skilled manual trades workers, post office workers, and job descriptions (duties) and the provisions approved in the order,

prescribed by law.

3. The employer is a legal entity, regardless of its organizational-legal the shape and form of ownership, or the physical person using hired labor and to join with the worker in the employment relationship.

For the purposes of this Code the employer-natural person admits:

1) a natural person duly registered as individual entrepreneurs engaged in entrepreneurial activity without a legal entity;

2) a natural person to enter into labor relations with employees for personal service and assistance in the household, not an individual entrepreneur.

4. Occurrence, change and termination of labor relations between the parties employment contract drawn up by order of the employer.

Article 13. The fundamental rights and duties of the employee

1. The employee has the right to:

1) conclusion, modification and termination of employment on such terms and conditions, established by the legislation of Turkmenistan;

2) granting him the work due to the employment contract;

3) a workplace corresponding to the conditions laid down by state Labour Organisation standards and safety requirements of sanitation and hygiene, collective agreement (the agreement);

4) complete and accurate information about the conditions of health, safety and occupational safety requirements in the workplace;

5) equal pay for equal work, without any discrimination, timely and in full receipt of wages in accordance with its profession, qualification, complexity of work, quantity and quality of work, but not lower than the minimum wage set legislation of Turkmenistan;

6) obtain information about his accrued wages and withholdings from it;

7) rest provided by the establishment of working hours, reduced working hours for certain professions and categories of workers, providing weekly rest days, public holidays and commemorative days, as paid annual basic and additional holidays;

8) training, retraining and advanced training;

9) scientific, intellectual property or authorship of innovation inventions, as well as remuneration for copyright;

10) association, including trade unions and join them for protection their labor rights, freedoms and legitimate interests, as well as other public association, unless otherwise provided by the legislation of Turkmenistan;

11) participate in the management of enterprises in the form provided by the legislation Turkmenistan, the collective agreement;

12) the remuneration is set for the authors of inventions and industrial designs, patents are issued by the employer or his successor in title, and which are used in social production, the developers (creators) of the object of scientific intellectual property, as well as in the cases provided for charters enterprises and the legislation of Turkmenistan, the share of income (profit) received the owner of the use of the object of scientific intellectual property;

13) the protection and defense of their labor rights, freedoms and legitimate interests, as well as protection personal data by all means not prohibited by the legislation Turkmenistan;

14) participate in the development and introduction of the collective contract (agreement);

15) guarantees and compensation, damages (harm), including moral, caused to his health or property in connection with the execution of labor duties in accordance with the law;

16) State social insurance and social security in old age, in the case of disability, loss of breadwinner and in other cases established legislation of Turkmenistan;

17) other rights provided by the legislation of Turkmenistan, labor contract, the collective contract (agreement).

2. The employee must:

1) conscientiously fulfill their duties;

2) comply with the established rules (standards) of labor;

3) comply with the labor discipline, internal regulations of the enterprise;

4) to carry out written and oral orders (orders) of the employer, not contradicting the legislation of Turkmenistan, the rules of the internal labor

regulations of the enterprise, employment contract, the collective contract (agreement);

5) comply with the rules, instructions, regulations, and orders to ensure the health and work safety;

6) observe the established procedure for storing documents, material, and money other valuables;

7) ensure compliance with the established requirements to the quality of products, work performed, services rendered, to avoid marriage in work to comply technological discipline;

8) care of the property of the employer (including the property of third parties, held by the employer if the employer is responsible for the safety of property) and other employees;

9) to support their workplace in order and cleanliness;

10) not to divulge information entrusted to him, state, commercial and other secrets in accordance with the law;

11) immediately inform the employer or supervisor about occurrence of a situation posing a threat to human life and health, safety the employer's property (including third party property in the possession of the employer, if the employer is responsible for the safety of the property);

12) perform other duties stipulated by the labor legislation Turkmenistan's employment contract, the collective contract (agreement).

Article 14. Basic rights and obligations of the employer

1. The employer has the right to:

1) enter into, modify and terminate employment contracts with employees in order, established by this Code and other normative legal acts Turkmenistan;

2) in employment to require an employee to submit documents stipulated by this Code, confirming the right and the opportunity to engage certain employment (work, services) and (or) to hold certain position;

3) issue within its competence acts of executive-administrative nature;

- 4) require employees to fulfill the conditions of the employment contract and the internal rules labor regulations of the enterprise, as well as respect for the property of the employer, including the property of third parties held by the employer if the employer is responsible for the safekeeping of the property;
- 5) establish the employee probationary period at the conclusion of the employment contract;
- 6) Encourage employees;
- 7) represent the employees to the state awards, nominate them in elected bodies;
- 8) on the reimbursement of costs associated with the training of workers;

- 9) Involve workers to disciplinary and material responsibility in the order, established by this Code and other normative legal acts Turkmenistan;
- 10) to transfer the issue of violation of labor discipline an employee for consideration workforce;
- 11) for damages (harm) caused to his employee;
- 12) to form and join employers' associations in order to represent and protect their rights and legitimate interests;
- 13) exercise other rights provided by the labor legislation Turkmenistan's employment contract, the collective contract (agreement).

2. The employer must:

- 1) comply with the labor laws of Turkmenistan, the terms of the employment contract, collective agreement (the agreement);
- 2) to provide employees working under an employment contract or agreement parties;
- 3) introduce modern means of labor protection, provide working conditions that meet safety and hygiene and to prevent occupational injuries, occupational diseases;
- 4) provide employees with a work place, the means necessary for the performance of employment;

- 5) create the necessary conditions for employment of disabled persons in accordance with the individual rehabilitation program;
- 6) ensure that workers equal pay for work of equal value;
- 7) timely and fully pay wages and make other payments provided by the legislation of Turkmenistan;
- 8) to give the employee the payment of wages of accumulated information about him wages and deductions produced from it;
- 9) provide the employee with information and documents relating to pensions in the terms established by the legislation of Turkmenistan;
- 10) to organize and keep a record of working time;
- 11) conduct collective bargaining, to conclude collective agreements (agreements) in the manner prescribed by this Code;
- 12) to provide trade unions and other representative bodies of the employees and the full reliable information necessary for collective bargaining (agreements) and monitoring its implementation;

- 13) to provide access trade unions and other representative bodies of workers to businesses and jobs, including in the investigation of accidents production (operation), as well as to assist them;
- 14) to establish and maintain an archive of documents confirming career employees, information on wages, deductions for State social insurance and contributions to pension and to transmit the relevant documents to the state storage in the order prescribed by law;
- 15) To ensure that the procedure for registering orders on hiring, firing, moving workers;
- 16) ensure the safety and consideration of workers' personal data, as well as According to Article 30 of the Code of safety and keeping work books, the correctness of entries in them;
- 17) not to disclose personal data of employees and information about them;
- 18) create conditions for the participation of workers and trade union bodies

enterprise management in the forms provided by the legislation of Turkmenistan;

19) to assist the authorities in trade union organization of their work in the enterprise, also provide the necessary conditions for their work, holding of general meetings (conferences), and other activities;

20) provide employees with social and domestic, medical and other services, related to the execution of their duties;

21) to implement state social insurance of workers in order prescribed by law;

22) to consider the requirements of public administration, public oversight and public scrutiny of the identified violations of labor law Turkmenistan, to take remedial measures and to report on the said bodies the measures taken;

23) to pay damages (harm) caused to a worker in connection with his employment duties in the manner and on the terms established by the legislation of Turkmenistan;

24) to suspend the operation if its continuation threatens the health and lives employee;

25) perform other duties stipulated by the labor legislation Turkmenistan's employment contract, the collective contract (agreement).

3. In labor relations the rights and obligations of the employer carried out the physical person management body of the legal entity or person authorized by him in the order, prescribed by law and founding documents.

Section III. Creation, change and termination of employment

RELATIONS

Chapter 1. The labor contract

Article 15. Grounds for the emergence of labor relations

1. The basis for the emergence of the employment relationship is a contract of employment, concluded between the employee and the employer in accordance with the present Code and other normative legal acts of Turkmenistan.

The actual admission of a person to work with the consent or at the request of the employer or his Representative regardless of whether the employment contract duly executed,

It is also the basis for the creation of employment.

2. The basis for the emergence of labor relations in cases and order, established by this Code and other normative legal acts

Turkmenistan or the charter (regulations) of the enterprise, is also:

- 1) election of persons to public office;
- 2) election of a person on a competition for the respective positions;
- 3) appointment of a person to the post office or approval;
- 4) direction of a person to work in the authorized state bodies expense the quota;
- 5) The appointment of a person to the post after the period of military service and Services in the internal affairs of the call, at the end of the term of office in elected authorities, completion of study or work in the direction of the employer, including abroad;
- 6) reinstatement by a court decision a person unlawfully dismissed.

Article 16. The employment contract and the procedure for its conclusion

1. The employment contract - an agreement between the employer and the employee setting out basic mutual rights and obligations of the parties to the employment relationship, in accordance with the which the employer undertakes to provide the employee with work (place of work) by given employment function; assure labor conditions provided for in this Code and other normative legal acts of Turkmenistan, timely and full pay wages and the employee agrees to perform certain that contract labor functions, observe the rules of internal labor regulations of the enterprise and other legal obligations stipulated by the labor contract, the collective contract (agreement).

The employment contract is through the issuance of an order the employer of hiring persons on the basis of a written application.

2. The conclusion of an employment contract between the employer-natural person applying wage labor, and the employee is made in accordance with Articles 288-300 of this Code.

3. At the conclusion of the labor contract with the persons referred to in the second part of Article 15 of this Code, the statement of the employee is not required.

4. It is not permitted to conclude an employment contract with a person, if entered into legal court judgment, he is deprived of the right to occupy a certain period certain office or engage in certain activities, until the end of this period.

Article 17. Signs of an employment contract

Hallmarks of an employment contract from other types of contracts are:

- 1) implementation of employee work performance in a particular occupation, profession, qualification or position according to the job descriptions;
- 2) the performance of duties according to the internal labor regulations enterprise;
- 3) receipt of employee salaries in accordance with the quantity and quality of labor, the complexity of the work;
- 4) availability of working conditions provided by the legislation of Turkmenistan.

Article 18. The term of the employment contract

1. Employment contracts may be:

- 1) for an indefinite period of time (unlimited);
 - 2) for a specified period (term), but not more than five years, unless otherwise established by this Code and other normative legal acts of Turkmenistan.
2. Fixed-term employment contract is concluded in cases when labor relations can not be established for an indefinite period depending on the nature of the work or the conditions of its execution, unless otherwise provided by this Code and other normative legal acts of Turkmenistan.
3. Fixed-term employment contract can be concluded:
- 1) to replace a temporarily absent employee, which was in accordance with the labor legislation of Turkmenistan kept open;
 - 2) to carry out urgent work on the prevention of accidents, accidents, epidemics, epizootic, and to eliminate the effects of these and other emergency;
 - 3) persons who are sent to work abroad;
 - 4) the duration of the time (two months) work, and seasonal work, when due to natural conditions the work can only be done within a certain period (season);

- 5) persons coming to work at the enterprises located in areas with severe or special climatic conditions (anhydrous, desert), where It linked with a move to a place of work;
- 6) persons coming to work for employers - to small entrepreneurship, as well as to employers, individuals;
- 7) for work beyond the ordinary course of business (reconstruction, installation, commissioning and other works), as well as for work associated with a known time (up to one year) or the expansion of production the volume of services provided;
- 8) persons coming to work in the enterprise, by a known specific the period of time or to perform clearly defined work;
- 9) from the makers deliberately to perform certain work in cases when its fulfillment (completion) can be determined by a specific date;
- 10) work directly related to the internship and training employee;
- 11) persons enrolled in full-time education;
- 12) persons working at the enterprise concurrently;
- 13) old-age pensioners, and persons whose state of health according to medical opinion allowed to work only temporarily character;
- 14) with creative media professionals, organizations Cinematography, theaters, theater and concert organizations, circuses and other persons participating in the creation and (or) execution of works by professional Athletes in accordance with the list of professions approved by the Cabinet Ministers of Turkmenistan;
- 15) scientific, pedagogical and other employees have concluded employment contracts for a certain period as a result of the contest, conducted in accordance with the procedure prescribed by law, regulatory legal act of the body State authorities, local government or local government;
- 16) if elected for a certain period of the elective body or elective the position of paid employment, as well as admission to the work related to the direct the functioning of the members of elective bodies or officials officials in government and administration, local authorities and local government, as well as political parties and other public associations;

17) persons aimed at the public temporary work agency (service) employment, including public works;

18) heads, deputy heads and chief accountants of enterprises, regardless of their organizational-legal form and form of ownership.

4. If the employment contract is not the stipulated period of validity, the contract is considered to be concluded for an indefinite period.

5. If none of the parties has demanded termination of fixed-term employment contract in connection with its expiration, and the employee continues to work after the expiration of the labor agreement, the employment contract is concluded for an indefinite period.

6. An employment contract concluded for a definite period in the absence of a sufficient
Besides the grounds established by the body carrying out state supervision and control over compliance with labor legislation of Turkmenistan or the court considered concluded for an indefinite period.

7. It is forbidden to conclude fixed-term contracts in order to evade of the rights and guarantees provided for employees, which is employment contract for an indefinite period.

Article 19. Prohibition of work is not due to labor duties

An employer may not require an employee to perform work, not due labor duties, except as otherwise expressly provided legislation of Turkmenistan.

Article 20. Entry into force of the employment contract

1. An employment contract shall enter into force upon signature by the employer order (decree) issued based on a written application of the person entering the work, unless otherwise provided by the legislation of Turkmenistan, labor contract, the collective contract (agreement), or from the date of the actual admission employee to work (service) with the consent or at the request of the employer (authorized Representative).

2. The employment contract concluded between an employer-natural person applying wage labor, and the employee shall enter into force on the day of its signing by the employer and worker.

Article 21. Invalidity of employment contract

1. An employment contract shall be deemed invalid if it is signed:
 - 1) under the influence of deception, threats, violence and other forms of coercion;
 - 2) for the species, without the intention to create legal consequences (the alleged contract of employment);
 - 3) a person who is not able to understand the significance of his actions;
 - 4) a person recognized in the established order due to mental incapacity disease or dementia.
2. The invalidity of the employment contract is recognized by the court.

Article 22. Restrictions collaborative (service) relatives

1. Any joint work (service) on the same state-owned enterprise persons employed between a closely related or property (parents, spouses, brothers, sisters, sons, daughters, as well as parents, brothers, sisters and children of spouses), if their work (service) is related to the immediate (direct) subordinates or controllability one of them other than the elected offices.
2. Exceptions to this rule may be established by the Cabinet of Ministers Turkmenistan.

Chapter 2. The conclusion of an employment contract

Article 23. Age at which allowed an employment contract

1. The conclusion of an employment contract may be a person who has reached the age of sixteen years.
2. The employment contract can be concluded with a person under the age of fifteen years, only with the consent of a parent (guardian).
3. Organizations cinematography, theaters, theater and concert organizations, circuses allowed with the consent of a parent (guardian) and permission of the guardianship and guardianship an employment contract with persons under the age of fifteen years, to participate in the creation and (or) execution of works do not cause harm their health or moral development.

The employment contract on behalf of the employee in this case, signed by its parent (guardian).

4. Consent and authorization to enter into an employment contract with the persons referred to in subsections second and third paragraph of this article, is given in writing.

5. Involvement of students allowed to work through the employment contract with condensed working hours in accordance with Article 60 of this Code.

Article 24. Guarantees at the conclusion of the employment contract

1. Any unjustified refusal to conclude an employment contract. For unjustified failure by employers or officials authorized by them shall be liable, the legislation of Turkmenistan.

2. The refusal to conclude an employment contract deemed unreasonable in relation to:

1) those aimed at the work of state bodies (services) employment quota bill jobs, if the conclusion of health care it is not forbidden to perform relevant work duties;

2) persons who have a written offer of employment (service) in order to transfer to another enterprise by agreement between the employer within one month from the date of dismissal from the previous place of work;

3) persons who arrived after graduation to work (service) in the direction in accordance with the application of the employer or the contract concluded with him;

4) persons who have the right to enter into an employment contract on the basis of collective agreement (contract);

5) women for reasons of pregnancy and having children under the age of three years (disabled child under sixteen years of age);

6) disabled, if the conclusion of the medical examination of their state of health is not obstruct the performance of professional duties and does not threaten the health and safety of others;

7) persons on the grounds of discrimination in labor relations in accordance with the first Article 7 of this Code.

8) conscripts who arrived within two months after dismissal stock in the company from which they were called up for military service.

3. At the request of the person who was denied an employment contract, the employer

shall no later than three days after his conversion to announce the reason for refusal in writing form. Refusal to issue a reasoned justification of the refusal to conclude an employment the contract may be appealed in court.

Article 25. Documents required at the conclusion of the employment contract

1. At the conclusion of the employment contract a person must submit to the employer:

1) identification document of a citizen of Turkmenistan (passport or other equivalent document, a birth certificate for persons under the age of sixteen years);

2) a document of military registration for military service and persons subject to military service;

3) work record, except in cases when the employment contract is for the first time or employee comes to time work;

4) diploma or a certificate of education, of qualifications or specific availability Knowledge for work required in accordance with the law special education or special training;

5) a medical report on the health and other documents for confirmation other circumstances relevant to the work if their presentation provided legislation of Turkmenistan.

2. At the conclusion of the employment contract the employer is not entitled to demand documents not under this Code.

3. In some cases, taking into account the specifics of state or other work (service) legislation of Turkmenistan at the conclusion of an employment contract may be provide for the necessary additional documents.

Article 26. Registration of employment

1. Hiring out by the order of the employer, issued on the basis of statements Persons arriving at work.

Design work to the worker's employer-natural person is the conclusion between an employment contract in accordance with the second part of Article 16 of this Code.

2. Order the employer of hiring an employee is declared by a receipt

a three-day period.

3. At the request of the employee the employer is obliged to give him a proper a certified copy of the order (instruction).

4. When hiring the employer must:

1) familiarize the employee with the work assigned to work in accordance with the job description, conditions and remuneration, to explain his rights and duties;

2) inform the employee collective agreements (agreements) and documents regulate the internal labor schedule;

3) instruct the employee safety, occupational health, fire safety and other safety regulations.

Article 27. Beginning of the employment contract

1. The beginning of the labor contract is specified in the contract the date on which the employee is obliged to proceed with the execution of their duties.

2. In the absence of a duly executed labor contract actually assumption of the employee to work with the consent or at the request of the employer or his authorized representative of the beginning of the employment contract. Order on reception employee must be issued no later than three calendar days from the date of the actual admission to work.

3. If the employee does not set to work after seven calendar days after the deadline without a valid reason, the employment contract shall be deemed not prisoners.

Article 28. An employment contract for a probationary period

1. At the conclusion of the labor contract agreement between the parties in order to verify compliance the worker assigned by the paper can be installed probation.

The probationary period shall not exceed three months, and for managers and their deputies, chief accountants and their deputies, heads of branches, representative offices and other structural units of enterprises -Six months, unless otherwise provided by the legislation of Turkmenistan.

In the trial period do not count towards the period of temporary incapacity of the employee

and other periods of his actual absence.

2. The condition of probation should be specified in employment. Absence order (instructions) the conditions of the probation means that the employee is adopted without preliminary tests.

3. During the probationary period the employee subject to labor legislation of Turkmenistan, as well as the conditions of the collective agreement (Agreement).

The probationary period is included in the seniority.

4. At the conclusion of the employment contract a probationary period is not set for:

1) persons who have not attained the age of eighteen years;

2) persons who have graduated from secondary vocational and higher education institutions, and for the first time coming to work in their specialty;

3) persons with disabilities;

4) temporary and seasonal workers;

5) pregnant women and women with children aged up to three years (child-invalid - sixteen);

6) persons, translated to another job in another region or to another employer;

7) persons who joined the competition for filling the relevant post, carried out in accordance with the legislation of Turkmenistan;

8) persons elected for public paid jobs;

9) persons invited to work in order to transfer from another employer agreement between the employers;

10) In other cases envisaged by legislation of Turkmenistan.

5. The employer may terminate an employment contract with the employee, could not resist test before the expiration of the probationary period, to inform him of this in writing no later than than three calendar days prior to the termination of the employment contract. Thus the employer shall state the reasons giving rise to the recognition of an employee is not stand the test. The employer's decision may be appealed to a court employee.

6. If the employment contract is not terminated during the probationary period, the employee deemed satisfactory, and the subsequent termination of employment It shall be permitted only on a general basis.

7. If the test period the employee comes to the conclusion that the proposed work is not it It is suitable for him, he has the right to terminate the employment contract of own request, notifying the employer in writing at least three calendar days.

Article 29. Medical examination at the conclusion of the employment contract

Obligatory preliminary medical examination at the conclusion of the employment contract shall be persons who have not attained the age of eighteen, as well as other person in accordance with Articles 187 and 251 of this Code.

Article 30. Work-book

1. The work book is the basic document of the employment of the employee.
2. Work-book has an established pattern. The form, procedure for issuing, maintaining and storage of work books, as well as the procedure for the production of forms of labor books and ensuring their employers are set by the Cabinet of Ministers of Turkmenistan.
3. The employer (excluding employer-individuals) must, in accordance with established procedures to conduct work records for each employee who has worked on company for more than five days, if the work (service) is for the employee basic.
4. The work book made information about the employee, hiring, transfer to another permanent job, on the election in the elected bodies, dismissal of the employee, as well as Termination of employment contract, of rewards and incentives for workers, other information in accordance with the law. Information about the penalties in work book is not made, except when disciplining a dismissal.

At the request of the employee information on part-time work are included in the work book major workplace on the basis of the document confirming the work on concurrently.

5. Where in the workbook filled all the pages of at least one of sections work record in the prescribed manner supplemented liner.
6. Records of the termination of the labor contract shall be entered in the work book in the exact accordance with the provisions of this Code with reference to the corresponding item and part of the article of the present Code and other legal acts of Turkmenistan.

Chapter 3: Working conditions. Changing the terms of the employment contract

Article 31 Working conditions

1. Under the terms of labor refers to a set of legal, social, domestic and production and technical factors necessary to implement employee employment (work, services). These include: the place of work (workplace) the size and terms of remuneration, benefits, job title, qualifications, positions,

duty and rest time, the combination of professions, vacation, compensation and benefits, occupational health and safety, production and domestic and other work conditions.

2. The working conditions are set by the labor legislation of Turkmenistan, as well as agreement between the parties of the labor contract and the collective agreement (Agreement).

Article 32. Changes in working conditions

1. allowed the change of working conditions established by agreement between the parties of the labor contract and collective bargaining agreement (Agreement), in connection with changes in the organization of production and labor while continuing to work in the same profession, qualifications or positions. To change the working conditions of the employee must be notified no later than one month prior to their occurrence.

If the previous labor conditions can not be saved, and the employee does not agree to continuation of the work under the new conditions, the effect of the employment contract is terminated accordance with paragraph 1 of Section 39 of this Code.

2. Changes in working conditions may be requested by one of the parties to the employment contract with the consent of the other party. To change the working conditions of the parties shall be It made aware in writing not later than one month.

3. The employer has the right to change the terms of employment with the continuation of his work (services) for the same profession, specialty, qualifications or position, which defined in the employment contract. To change the working conditions of workers should be It advised in writing not later than one month.

If the changes in the organization of production and labor, scope of work may entail mass dismissals of workers, the employer in order to preserve jobs may, at agreement with the trade union or other representative body of workers enterprise change working conditions without complying with the prescribed period prevention. This working time can not be less than half of the monthly norm of working hours and wages - less than the minimum wage established by the legislation of Turkmenistan.

4. The employee is entitled to require the employer to change working conditions in cases established by the legislation of Turkmenistan, as well as the agreement of the parties employment contract. Statement of change in employee working conditions should be considered by the employer no later than three days after its submission.

5. not impose changes in working conditions, worsening the position of the employee Compared with the terms of the collective agreement (Agreement).

6. Changes in labor conditions issued an order under the signature of the employer of the employee.

7. An employee has the right to appeal in court against the employer changing working conditions. The proof of the impossibility of preserving the old working conditions rests with the employer.

Article 33 Transfer to a permanent job and moving

1. Transfer to a permanent job in the same company on the initiative of the employer, ie change of employment functions or working conditions, or translated into a permanent job at another company or in another locality together now permitted with the written consent of the employee.

2. Transfer to another job in the same enterprise by the employer
It is carried out only with the employee's written consent, except in cases provided for in Articles 34 and 36 of this Code.

3. The employer must offer the employee corresponding to his profession and level jobs, while its absence -inuyu work at the plant if the transition to other employment linked to:

1) with the downsizing or staff due to changes in technology production, labor, reducing the volume of work;

2) reinstatement of the employee, previously held the full-time position.

4. Employees in need, in accordance with a medical report in the provision of other work, the employer must consent to his transfer to another job available, it is not contraindicated for health reasons.

5. In case of cancellation or transfer of the employee from the employer's lack of appropriate work contract of employment is terminated (terminated) in accordance with paragraphs 3-5 of the first paragraph of Article 39 of this Code.

6. Transfer to another company subject to the consent of the employee agreement between employers.

7. Transfer to another permanent job made by the order of the employer.

8. It is not a transfer to another job and does not require the consent of the worker's movement him to another position in the same company in different structural units the same area, the order of work on a different machine or unit in the same profession, specialty, qualifications or position, resulting from the employment contract.

9. It is not allowed transfer:

1) the employee to another job that contravenes that for health reasons;

2) a skilled worker - for unskilled work.

Article 34. Temporary transfer to another job due to production necessity

1. In case of production necessity the employer has the right to transfer an employee without his consent, for up to one month on the job, not due to labor contract (in another profession, qualifications, positions) on the same plant, in the same areas. By agreement of the parties the term of such a transfer could be increased, but not more than than up to three months of the year, except for the replacement of an absent employee.

Such transfer may be to prevent or eliminate the effects of immediate natural disasters, industrial accidents, accident prevention, downtime, destruction or damage to property, as well as for the replacement of the missing employee. At the same time an employee can not be transferred to a job that contravenes that for health.

2. Temporary transfer in connection with an industrial accident or liquidation of the consequences natural disaster may be made to another employer only with the consent employee and by agreement between the employer.

3. Temporary transfer in connection with the production necessity to another location only with the consent of the employee.

4. If the temporary transfer in connection with the production necessity wages made on the work carried out, but not less than the average wage in the previous work, and for workers who are not fulfilling the norms or transferred on a time paid jobs, retain their tariff rate (salary).

5. Temporary transfer to another job issued an order employer stating term translation.

6. Upon expiration of the temporary transfer of the employer must provide the employee old job (position).

7. The employee with the written consent may be temporarily transferred to a lower job qualifications.

8. In case of temporary replacement of an absent employee qualified translation

worker in unskilled jobs is not allowed.

Article 35. Temporary transfer to another job at the request of the employee

1. Temporary transfer to another job for a good cause can be promoted at the request of the employee, which is subject to the satisfaction of the employer.
2. The list of good reasons for the temporary transfer, and the procedure of remuneration when transferring to another job may be established in the collective agreement (agreement) or determined by the employer in consultation with a representative Authority employees.
3. Temporary transfer of employees to a lighter or eliminate exposure unfavorable factors of production work for health reasons, and temporary transfer to a similar job for pregnant women, women with children aged up to three years (disabled child - up to sixteen years), carried out with the preservation of the average wages for the same work.

Article 36. Temporary transfer to another job in the event of downtime

1. downtime recognized temporary lack of work due to the production or economic nature (failure of equipment, machinery, lack of raw materials, materials, electricity, etc.).
2. Temporary transfer to another job in the event of downtime must be based on profession, qualification, position the employee for the duration of downtime at the same the employer and for the term of up to one month to another employer, but in the same area.
3. When the temporary transfer in the event of downtime to a lower paid job for workers fulfilling production quotas, to an average salary in the previous work, and for workers who are not fulfilling the norms or transferred to time paid jobs, retain their tariff rate (salary).

Article 37. Labor relations in the change of ownership of the company, changing its jurisdiction (subordination), reorganization of the enterprise depositing rent

1. When a change of ownership the new owner of the company not later than three months from the date of the emergence of property rights he is entitled to terminate the employment contract with the director, his deputies and the chief accountant.
2. Change the owner of the enterprise is not grounds for termination of employment contracts with other employees.

3. Change of jurisdiction (subordination) of the enterprise, its reorganization (merger, acquisition, division, separation, transformation), renting enterprise
Rentals can not be grounds for termination of employment contracts with employees enterprise.

4. Termination of the employment contract by the employer in cases provided second and third parts of this article is only possible if downsizing or staff with the strict observance of guarantees, established by this Code.

Reducing the number of workers or staff in these cases is allowed only after changes in the data of the state registration of the enterprise.

5. In case of refusal of the enterprise employee to continue working in the cases provided second and third parts of this article, the employment contract is terminated in accordance with paragraph 5 of the first paragraph of Article 39 of this Code.

Article 38. Suspension from work

1. The employer is obliged to remove from work (avoid running) worker:

1) is not passed in the established procedure training and testing of knowledge and skills in the field of occupational health and safety;

2) are not passed in the established order a mandatory preliminary or periodic medical examinations;

3) Available in accordance with medical opinion contraindications to perform work due to the employment contract;

4) Do not use the necessary personal protective equipment when performing work associated with increased risk;

5) that appears to work in a state of alcoholic, narcotic or toxic intoxication;

6) did not receive the established medical institution vaccinated against dangerous diseases of the danger of proliferation in the area of activity of the employer;

7) violated the regime of special zones (border, customs and other);

8) has no tolerance in specially protected areas, where the object of work

Employer (border, protected, and others);

9) at the request of the authorized agency or official in cases provided by the legislation of Turkmenistan;

10) In other cases envisaged by legislation of Turkmenistan.

2. A person suspended from work (not allowed to work) for the entire period of time before elimination of the circumstances giving rise to suspension from work or prevent to work.

3. During the period of suspension from work (to avoid work) wages of workers not charged, except in cases specified by law.

In cases of suspension of the employee, not the past not their fault and training test of knowledge and skills in the field of occupational health and safety, or obligatory preliminary or periodical medical examination, it has not received approval in specially protected areas, then you pay for the time of suspension from work as a for the simple.

Chapter 4. Termination (termination) of the employment contract

Article 39. General grounds for termination (termination) of the employment contract

1. The grounds for termination (cancellation) of the employment contract are:

1) failure of the employee to continue working due to changes in the conditions of the employment contract in accordance with Article 32 of this Code;

2) the transfer of an employee at his request or with his consent to a permanent job to another employer in accordance with the sixth part of Article 33 of this Code;

3) failure of the employee to transfer to another job is not counter to it as Health on the basis of medical opinion, or the absence of the employer related work, provided the fifth part of Article 33 of this Code;

4) failure of the employee to transfer to work in another country, which moves the employer in accordance with the fifth part of Article 33 of this Code;

5) The refusal of the employee to continue working due to the change of the owner of the enterprise, a change in jurisdiction (subordination) company, its restructuring, turn-enterprise rent in accordance with Article 37 of this Code;

6) agreement of the parties in accordance with Article 40 of this Code;

7) initiative (own desire) of the employee in accordance with Article 41 of this Code;

8) the employer in accordance with Article 42 of this Code;

9) the requirement of the trade union body in accordance with Article 46 of this Code;

10) circumstances beyond the control of the parties, in accordance with Article 47 of this

Code;

11) the expiry of a fixed-term contract, as well as the grounds specified in part one of Article 48 of this Code, except in cases when labor relations factually continue and none of the parties has demanded their termination;

12) violation of the labor laws of Turkmenistan, that the violation excludes the ability to continue working in accordance with Article 49 of this Code.

2. The employment contract may be terminated on other grounds stipulated this Code and other normative legal acts of Turkmenistan.

Article 40. Termination (termination) of the employment contract by mutual agreement

The employment contract may be terminated (canceled) by written agreement between the parties the employment contract at any time.

Article 41. Termination of employment contract by the employee

1. The employee may, at its own initiative to terminate the employment contract concluded for indefinite period and fixed-term employment contract before its expiry, writing notifying the employer for two weeks. Upon expiration warning Dismissal of an employee shall have the right to stop work, and the employer must give the employee work record and make him account.

2. The parties agreed employment contract may be terminated before the expiry notice of dismissal.

3. During the period of notice provided for by part one of this article or by agreement of the parties, the employee may withdraw the submitted application.

If after the expiry of notice of labor contract with the employee is not It has been terminated and the employment relationship continues, the statement of termination of employment contract by the employee loses force and the termination of the employment contract and dismissal is not allowed.

4. In cases where the declaration of termination of the employment contract by the employee due to the impossibility of continuing his work (enrollment, for elected office and in other cases provided by law Turkmenistan), the employer shall terminate the employment contract within the period specified in a statement of the employee.

Article 42. Termination of employment contract by the employer

1. An employment contract may be terminated by the employer in the following cases:

1) liquidation or termination of the employer-physical person;

2) reducing the number of workers or staff, including in connection with the change production technology, work organization, the reduction of the volume of work;

3) non-compliance employee's position or work performed in connection with the insufficient qualifications, including the confirmed results of the certification;

4) The change of ownership of the enterprise (for the head of the company, its deputies and chief accountant) in accordance with the second part of Article 37 of this Code;

5) failure to appear for work for more than four consecutive months due to temporary disability, not counting the period of maternity leave, if the Turkmen legislation does not provide for long-term preservation of the place work (position) for a given disease. For workers who have lost the ability to work due to occupational injury or illness, the place work (position) is saved to the rehabilitation or establishment disability;

6) systematic failure to the employee without good reason of employment duties assigned to him employment contract or internal rules labor regulations of the enterprise, if an employee previously applied measures disciplinary action;

7) truancy, including absence from work without valid reason for more than three hours during the working day;

8) single gross violation of worker job duties;

9) appears on the work in a state of alcoholic, narcotic or other toxic intoxication;

10) disclosure of secrets protected by the legislation of Turkmenistan (the state, commercial, official and otherwise), which has become known to the employee in connection with the performance of employment;

11) committed in the workplace theft of property, embezzlement, its intentional destruction or damage, established by a valid court court or decision of the body competent to impose administrative penalties;

12) violation of worker safety and health requirements, that the violation has resulted in serious consequences (an accident at work, accidents, disasters) or knowingly created a real threat of such consequences;

13) for identifying the submission of forged documents employee employer or false information in the employment contract;

14) provided the labor contract with the director, the members of the executive body of the company;

15) in other cases prescribed by this Code.

2. The employer is under downsizing or state employees shall offer the employee other available job (vacant position) on the same enterprise, appropriately skilled employees.

3. Dismissal of the employee by the employer (except the case of liquidation or termination of the employer-physical person) during the period of his temporary disability and stay on vacation (except referred to in paragraph 5 of this Article).

4. In the event of termination of the branch or representative office, branch or other separate structural subdivision of the enterprise (hereinafter -podrazdelenie) located in another area, the termination of employment contracts with employees of the Units produced by the rules provided for cases of liquidation enterprise.

Article 43. Additional grounds for termination of the employment contract with the individual categories of workers

Additional grounds for termination of employment contracts with certain categories Workers are:

1) single gross violation of labor duties the director (division), his deputies and employees carrying disciplinary responsibility in accordance with their statutes;

2) the adoption of unjustified decision by the head of the enterprise (division), his deputies and the chief accountant, resulted in a violation of safety property, unlawful use of his or any other damages (harm) to the enterprise;

3) the commission of unlawful acts of employees directly serving

money or other valuables if these actions give rise to loss of confidence him by the employer;

4) the commission of an employee who performs educational functions, an immoral act, incompatible with the continuation of this work;

5) other grounds in accordance with the law and conditions employment contract.

Article 44. Warning of termination of the employment contract by the employer

1. The employer shall in writing (by hand) to warn the employee of its intention to terminate the employment contract in the following terms:

1) no later than two months before the termination of the employment contract due to liquidation Company or the termination of the employer-physical person, as well as downsizing or staff (including in connection with changes in production technology, work organization, the reduction of volumes of works);

2) no later than two weeks at the termination of the employment contract in connection with the mismatch worker job due to his lack of training;

3) no later than two weeks before the expiry of fixed-term employment contract.

2. By agreement between the employee and the employer a warning provided the first part of this article may be replaced by cash compensation in the amount of average wage corresponding to the duration of the notice period.

3. Prevention is not made at the termination of the employment contract in connection with the mismatch worker job due to health, if medical report from completing this work it is contraindicated.

4. Upon termination of the employment contract with the director, his deputy and the chief accountant in connection with the change of ownership the new owner of the enterprise shall in writing (by hand) for at least two months to warn the head of his deputies and the chief accountant of the impending termination of employment.

5. In the case of termination of the employment contract in connection with the commission of the illegal worker actions specified in paragraphs 6-13 of part one of article 42 of this Code, the employer no later than three calendar days shall notify the employee of termination labor relations.

6. The employer at least two months before the release of the workers in accordance with the paragraph 1 of this Article shall communicate to the union or other representative body of workers information about the upcoming release employees and conducting consultations aimed at mitigating the effects of release. The employer must also, not later than two months to bring to information, local government (services) employment data about the upcoming release each employee with reference to their age, gender, profession, qualifications and size wages.

Article 45. Approval of the termination (cancellation) of an employment contract on the initiative employer with the trade union body or other representative body of workers

1. Termination (termination) of the employment contract by the employer, except the cases provided for in paragraphs 1, 4, 10, 11, 13-15, the first part of Article 42 of this Code is not permitted without the prior consent of the trade union body or other employees' representative body.

2. Trade Union body or a body representing the employees must report the employer in writing of the decision on the agreement on the cessation the employment relationship with the employee within ten days from the date of receipt of the written submission of an official who has the right of termination (termination) employment contract.

3. The employer has the right to terminate (cancel) the labor contract within one month from the day the trade union body or other representative body of workers the decision to consent to the termination of the employment relationship with the employee.

4. When carrying out the certification, which may serve as grounds for dismissal workers in accordance with paragraph 3 of Article 42 of this Code, in the Attestation commission necessarily include representatives from the relevant trade union or other representative body of workers.

5. Termination (termination) the employer for breach of the employment contract worker labor discipline are not allowed on the deadline for application

disciplinary action.

Article 46. Termination of employment contract at the request of the trade union body

At the request of the trade union body (not below etrap), the employer must terminate employment contract with senior executives or to remove him from his post, if it violates the labor laws of Turkmenistan fails to fulfill obligations the collective contract (agreement).

1. An employment contract shall be terminated in the following circumstances beyond the will of the parties:

- 1) receipt of an appeal or an employee on military service, the direction of the employee to work, the implementation of which is due to the legislation of Turkmenistan on military duty and military service;
- 2) the reinstatement of an employee previously performed this work under the decision authorized body or the court;
- 3) the transition to elected office;
- 4) non-election to the post;
- 5) recognition of the employee totally disabled according to the medical imprisonment;
- 6) condemnation of the employee to the punishment, which excludes continuation of previous work, according to the court verdict, entered into force;
- 7) the death of the employee or the employer-natural person, the court classified their dead or recognition of their missing;
- 8) if a court employee or employer-physical person incapacitated or partially capable, if it excludes the possibility of continuing their previous work;
- 9) the onset of force majeure, preventing the continuation of labor relations (war, accident, natural disaster, major accident, epidemics and other exceptional circumstances) if this fact is recognized solution Cabinet of Ministers of Turkmenistan;
- 10) termination of access to state secret if the job requires such tolerance.

2. The date of termination of the employment contract on the grounds specified in points 6-8 Part One of this article, the date of entry into force of a judgment or the court's decision, the date of death or the date of announcement in the prescribed manner of death, or recognition as missing.

3. Termination of the employment contract on the grounds specified in paragraph 2 of the article is permitted if it is impossible to transfer an employee with his consent to another job.

Article 48. Termination of temporary employment contract

1. Fixed-term employment contract may be terminated on the grounds provided Articles 39-47 of this Code, as well as the date of return to work temporarily absent employee, which was saved job (position).

2. The employment contract, signed with the employee to clearly defined period of time or deliberately to perform certain work for the duration of fixed-term work on prevention of accidents, disasters, epidemics, epizootic and for eliminate the effects of these circumstances and other emergencies on the period of the work associated with the expansion in production or provision services for the period of reconstruction, installation, commissioning and other works, stopped (terminated) in accordance with the contract at the end of these circumstances.

Article 49. Termination of employment contract due to violation of the provisions of labor Turkmen legislation in the employment contract

1. An employment contract is terminated due to violations set forth in this Code or other normative legal acts of Turkmenistan its rules imprisonment if the violation of these rules exclude the possibility of further work in the following cases:

- 1) an employment contract in default of a court judgment on the deprivation of a particular persons the right to occupy certain positions or engage in certain activities;
- 2) an employment contract for performance of work contraindicated this person for health reasons in accordance with the medical certificate;
- 3) the absence of the document on education or qualification, if performance of work requires specialized knowledge and skills in accordance with the laws or other normative legal acts of Turkmenistan;
- 4) in other cases stipulated by the legislation of Turkmenistan.

2. Termination of the employment contract in the cases specified in part one of this article, It made, if it is impossible to transfer the employee to his or her written consent of the other available to the employer's work.

3. Upon termination of the employment contract in the cases specified in the first part of this article, the employer shall pay the employee an indemnity in the amount of two weeks the average wage, if the violation of the rules of the employment contract It admitted no fault of the employee.

Article 50. Preferential right to remain on the job upon termination of employment agreement in connection with the downsizing or staff

1. Upon termination of the employment contract due to downsizing or state

workers, including in connection with changes in production technology, companies labor, reducing the workload, the changing nature of work, the pre-emptive right to leaving at work available to workers with higher skills and productivity.

2. With equal qualifications and productivity preferential right to leaving at work is given:

- 1) a person recognized as a veteran in accordance with the law;
- 2) disabled since childhood;
- 3) employees who have worked at the enterprise for at least ten years;
- 4) a person approaching retirement age (two years before retirement);
- 5) the person receiving an occupational injury or disease at this enterprise;
- 6) the employee having two or more dependents;
- 7) The person who is the sole breadwinner in the family;
- 8) the employee, training on the job at the institution;
- 9) a person who participated in the liquidation of the consequences of radiation accidents and accidents;
- 10) Young professionals assigned to work after graduating from high or medium vocational school.

3. A collective contract (agreement) can be provided more the circumstances under which the preference in the abandonment of workers to work. These circumstances are taken into account if the employees in accordance with the first and Two of this article does not have a preferential right to left on the job.

Article 51. Registration of termination (cancellation) of the employment contract

1. Termination (termination) of the employment contract is performed by persons with the right to employment, or persons authorized by them, and issued their orders.

2. Day of termination (cancellation) of the employment contract is the last day of work. If the last day falls on a holiday or on a working day, the last working day shall be the first following working

day.

3. The order of the employer must indicate the grounds for termination (termination) employment contract in strict accordance with the provisions of this Code with reference to The relevant paragraphs of the article and the present Code and other legal acts of Turkmenistan.

4. Upon termination (termination) of the employment contract by the employee in connection with the

sickness, disability, retirement, call for military service enrollment secondary vocational or higher education, post-graduate or doctoral studies in and for other reasons with which the legislation of Turkmenistan ties the provision of certain benefits and privileges, in order to terminate (termination) employment contract specifies these reasons.

Article 52. Issue of work books and a copy of an order or instruction to terminate (termination) of the employment contract

1. On the day of termination (cancellation) of the labor contract, the employer is obliged to the employee's work record and a copy of the order on the termination (termination) of the labor contract.

2. If the date of termination (termination) of the employment contract is not possible issue a work record due to lack of an employee or his refusal to receive employment book in his hands, the employer shall send a notice to the employee obtain employment record.

Article 53. Issuance of documents on the work and wages

The employer shall, not later than five days at the request of the employee, including the former, to issue a certificate indicating the profession, specialty, qualification, or positions, working hours and wages, as well as other documents on the work of or duly certified copies.

Article 54 Severance Pay

1. Severance pay is paid at the termination (termination) of the employment contract:

1) by the employer, at the termination of the employment contract in the cases provided for in paragraphs 1 and 2 of Section 42 of this Code;

2) due to circumstances beyond the control of the parties provided for in paragraphs 1, 2, 5 the first part of Article 47 of this Code;

3) the refusal of the employee to continue working in the cases provided paragraphs 1, 3 and 4 of Section 39 of this Code.

2. Persons working part-time, severance pay is paid.

3. Severance pay amounting to two-week average wage paid employees at the termination of the employment contract due to:

1) receipt of an appeal or an employee on military service, focus on employee jobs that are caused by the legislation of Turkmenistan on military Duty and Military Service;

2) reduction of an employee previously performed this work;

3) failure of the employee to transfer to another job, it is not contraindicated for health on the basis of medical opinion, or the absence of the employer relevant work;

4) failure of the employee to transfer to work in another country, which moves the employer;

5) The refusal of the employee to continue working due to changes in conditions of employment agreement;

6) recognition of the employee totally disabled according to the medical imprisonment.

4. workers made redundant at the termination (termination) of employment contract the liquidation of the company, the termination of the employer-physical face, downsizing or staff employees:

1) shall be paid an allowance equal to the average monthly wage;

2) to an average monthly salary for the period of employment, but not more than two months from the date of dismissal, taking into account the payment of severance pay;

3) by decision of the employment to an average wage for the period employment as an exception, and in the third month from the date of dismissal at provided that the employee in advance (two weeks after the dismissal) addressed this body has not been employed.

5. Payment of severance pay and stores the average wage made by former place of work.

Article 55. Terms of payment by the employer due to the employee wages at termination (termination) of the employment contract

1. Upon termination (termination) of the employment contract by the employer, owed wages should be paid to the employee:

1) to continue to work until the day of termination (cancellation) of the employment contract, - per day its termination;

2) does not work on the day of termination (cancellation) of the employment contract, - per day requiring them to a calculation.

2. Upon termination (termination) of the employment contract by the employee owed wages should be paid to the employee:

1) are required by law or an employment contract to warn the employer of termination (termination) of the employment contract - not later than the day when the employee, according to Prevention, had the right to leave work;

2) are not required to notify the employer of the termination (termination) of the labor contract - not later than the day following the day of leaving work.

3. Upon termination (termination) of the employment contract in the event of a dispute the amount of the sum due to the employee the employer is required within the timeframe specified in subsections the first and second part of this article, to pay the undisputed amount of them.

Article 56. Recovery at work. Employer's liability for the unlawful illegal transfer or dismissal of an employee to another paid job

1. In cases of unlawful termination (cancellation) of the employment contract or illegal transfer to another paid job the employee must be reinstated previous work by the employer or by a court decision.

2. The employer is in the reduction of an Employee shall reimburse injury (damage) in the form of:

1) the mandatory payment of money in accordance with Article 381 of the Code;

2) compensation for additional costs (expert advice on keeping costs business and others.), related to the appeal of termination (cancellation) of the contract or transfer to another paid job on the corresponding representation

supporting documents.

3. At the request of the employee, the court may, instead of restoring it to recover from the the employer in favor of the employee added (in addition to provided the second part of this article) compensation in an amount not less than its three-month average wage board.

Article 57. Responsibility of officials guilty of unlawful termination (termination) of the contract or illegally transfer the employee to another paid job

Officials responsible for the illegal termination (termination) of the employment contract or illegal transfer the employee to another paid job, are material liability to the employer in the actual amount compensation payable in accordance with the first paragraph of Article 386 of the Code.

Section IV. WORKING TIME. Working hours

Chapter 1. Working time

Article 58 The concept of working time

Working time - time during which the employee in accordance with the internal rules labor regulations of the enterprise or work schedule, or the terms of an employment contract or collective agreement (the Agreement) shall perform their duties, and well as other periods of time, which in accordance with this Code and other normative legal acts of Turkmenistan are working time.

Article 59. The normal duration of working time

1. Normal working hours may not exceed 40 hours per week.
2. The employer must keep records of the time actually worked by each employee.

Article 60. Condensed working hours

1. Reduced working time is set:

- 1) for workers between the ages of sixteen and eighteen years - no more than 36 hours week, for persons under the age of sixteen years - no more than 24 hours a week.

The working time of persons referred to in the third paragraph of Article 23 of this

Code can not exceed half of the maximum working time stipulated by the present point for individuals of appropriate age;

2) for workers engaged in work with harmful, difficult conditions - not over 36 hours a week.

List of productions, workshops, professions and positions with harmful, especially heavy working conditions, work in which entitles you to a reduction of working time, approved by the Cabinet of Ministers of Turkmenistan.

2. Based on the recommendations of the medical and social expert commission (hereinafter - MSEC) a disabled group I or II can be mounted condensed working time, but not less than 36 hours per week without reduction of remuneration.

3. The law of Turkmenistan can be installed abridged hours of work for other categories of workers.

Article 61. The duration of the work on the eve of public holidays, commemorative and weekend

1. On the eve of public holidays and memorial days set by Article 81 of this Code, the duration of employees, except for employees specified in Article 82 of this Code, is reduced for 1 hour as in the five-day and a six-day workweek.

2. In a continuously operating enterprises and on certain types of work where conditions production (work) can not be a decrease in working hours (shifts) on the eve of public holidays and commemorative days, at the request of the employee recycling offset by the provision of additional vacation time or pay for standards established for overtime.

3. On the eve of weekend duration of work at the six-day working week is not exceed 5 hours.

Article 62. The duration of night work

1. Night is the time from 22 hours to 6 hours.

2. When working at night set the duration of the work (shift) reduced by 1 hour. This rule does not apply to employees for whom already It provided for a reduction of working time in accordance with paragraph 2 of the Article 60 of this Code.

3. The duration of night work is equalized with daily in those cases where appropriate conditions for the production, in particular, in continuous production, and

Shift work also on a six-day working week with one day off.

4. Attracting employees to work at night shall be subject to restrictions laid down in Articles 191, 242, 243, 255 of this Code.

Article 63. Part-time

1. By agreement between the employee and the employer can be installed part time or part-time working week as for employment, and in the future.

2. At the request of a pregnant woman, one of the parents (guardians), having a child under fourteen (disabled child - up to sixteen years), and persons caring for a sick family member in accordance with a medical conclusion, the employer is obliged to establish them part-time or part-time week.

3. Work on part-time work does not involve the worker of any limits length of leave, calculation of seniority and other labor rights.

Article 64. Overtime

1. Overtime is considered the work done by the employee by the employer in excess of the hours of work, daily work (shift), and also work in excess of statutory working hours for the accounting period (month, quarter, year).

2. Overtime work may be carried out with the written consent of the employee, taking into account the views of the trade union or other representative body of workers.

3. The employer may apply overtime works only in exceptional cases:

1) during the works needed to prevent the disaster, industrial accidents and the immediate elimination of their consequences, prevention accidents, emergency medical care personnel agencies health care;

2) the production of socially necessary work on the water supply, gas supply, heating, lighting, sewerage, transport and communications - to eliminate accidental or unexpected circumstances, violate their proper functioning;

3) if necessary, carry out or finish the job, which is due unexpected delays in the production of technical specifications could not be executed (completed) within the normal number of working hours, provided that non-compliance with this work may result in damage or destruction of public property and property the employer;

4) the production of temporary work to repair and restore mechanisms or structures in cases where their failure could cause the cessation of work for a significant number of employees;

5) to continue working with the non-appearance is replaced by the employee if the work does not allow

break. In these cases, the employer must take immediate steps to replace the changer another employee;

6) in other cases in accordance with the law.

4. overtime work is not allowed:

1) pregnant women;

2) employees under the age of eighteen years;

3) other categories of employees in accordance with the law.

Article 65. Maximum duration of overtime work

1. Overtime work shall not exceed for each employee four hours for two consecutive days and 120 hours per year.

2. The employer must keep an accurate accounting of overtime work performed by each worker.

Chapter 2. Working hours

Article 66. Working hours. Types of workweek

1. The regime of working time is a work week, working with irregular working hours for some categories of workers, the duration of daily work (shift) the start and end of work, during breaks at work, alternation of working and non-working days, the number of shifts per day and the order of transition of workers change from one to another.

2. Mode of working time is set by the collective agreement (the agreement), or internal regulations of the company or schedule of shifts, and at their absence - by the employer, together with the trade union or other representative Authority workers in coordination with local authorities or local government.

3. The company, taking into account the specifics of the five-day work can be installed week with two days off, or six-day working week with one day off or the working week to the provision of the weekend on a rolling basis.

4. The five-day or six-day working week is established jointly by the employer a trade union body or other representative body of workers, taking into account

the specifics of the work, opinions of the staff and in consultation with local authorities or local authorities.

5. Features of working time and rest periods for certain categories employees are determined in the manner prescribed by the Cabinet of Ministers Turkmenistan.

Article 67. The duration of daily work (shift)

1. In the five-day working week duration of daily work (shift) determined by internal regulations (shift schedule) enterprise.

2. When a six-day working week duration of daily work may not exceed:

1) 7 hours - in the 40-hour weekly limit;

2) 6 hours - at 36-hour weekly limit;

3) 4 hours - at 24-hour weekly limit.

3. For artists organizations Film, TV and videosemochnyh groups, theaters, theater and concert organizations, circuses and other persons, involved in the creation and (or) execution of works, media professionals information known athletes in accordance with the lists of professions approved by the Cabinet of Ministers of Turkmenistan, the duration of daily work (shift) can be installed in accordance with the law, employment contract or collective agreement (agreement).

Article 68. Irregular working hours

1. Irregular working hours - a special mode of operation, according to which individual employees may order the employer, if necessary, be involved to perform their job functions outside the normal hours working time. At the same time duration of daily work can not exceed twelve hours.

2. The list of posts of workers with irregular working day is set Cabinet of Ministers of Turkmenistan.

Article 69 The summary recording of working time

1. On a going concern, and in some industries, shops, sites, offices and some types of work, where the conditions of production (work) is not It can be followed established for this category of workers, and daily weekly working time permitted by agreement with the trade union or other representative body of workers maintaining the summed time and attendance so that the hours of work for an accounting period did not exceed the normal number of working hours laid down in Articles 59 and 60 of this Code.

2. Conduct of business summarized accounting of working time rules set internal labor regulations of the enterprise.

Article 70. The division of the day into parts

1. At work, where it is necessary due to the special nature of work, the working day may be divided into parts, with the proviso that the total duration of daily work does not exceed the length of the working day.

2. a break during the working day during working hours is not included.

3. The procedure for the separation of the working day to be determined by the employer, together with the workforce.

Article 71. Beginning and end of daily work

The start and end of the working day (shift) in the enterprises set internal regulations (shift schedule) enterprise.

Article 72. Shift work

1. Shift work - work in two, three or four shifts Entering in cases where the duration of the production process than the allowable duration daily work, as well as for more efficient use of equipment, increase the volume of products or services.

2. If shift work, each group of workers must produce work within fixed working hours of one shift, which should not be more than twelve hours.

3. Employees alternate shifts evenly. The transition from one shift to another determined by the shift schedule approved by the employer in consultation with the trade union or other representative body of workers, taking into account the specifics of the and the views of the staff. Shift schedule communicated to the employees not

at least one month prior to their action.

4. The breaks between shifts shall not be less than twelve hours.

5. Do not attract an employee to work in two shifts in a row.

SECTION V. LEISURE TIME

Article 73. The concept of leisure time

Time rest - time during which an employee is free to perform labor responsibilities and can use it at their own discretion.

Article 74. A break for rest and food

1. Employees are granted a break for rest and meals of at least one hour, but not more than two hours. The break is not included in working hours.

2. A break for rest and food, as a rule, should be given every four hours after the start of work. The start and end of the break is determined by the rules internal labor regulations of the enterprise.

3. Employees use a break on your own. At this time they may be absent workplace.

4. In those works, where the conditions of production interruption can not be established, the worker They must be given the time and place for rest and meals during working

time. The list of such works, the time and place of rest and a meal set the employer in consultation with the trade union or other representative body workers.

Article 75. The suspension or termination of the work in the hot (cold) season and the associated they transfer to another job

1. When working in hot (cold) season in the open air or in closed rooms without air-conditioning system (cooling, heating), air employees given breaks or work may be temporarily interrupted (discontinued). The start and end of the break is determined by the employer and issued appropriate order.

2. In the event of termination of the work in the hot (cold) season due to the high (low) temperature employer has the right to temporarily transfer an employee to another It works with more favorable conditions.

3. Temperature conditions under which employees given breaks or work may be temporarily interrupted (suspended), established by the Cabinet of Ministers Turkmenistan.

Article 76. Weekends at the five-day and six-day working week

1. In the five-day working week, employees are provided two days off week, and a six-day working week - one day.

2. A common day off is Sunday. The second day of a five-day holiday working week if it is not defined by the legislation of Turkmenistan set shift schedule of the enterprise, and should be provided with a total output day in a row.

Article 77. Holidays on a going concern

In enterprises, the suspension of operation of which is not possible for production and technical conditions or due to the need for continuity of service public (airports, stations, etc.), as well as other enterprises with continuous Production weekend are available on different days of the week each in turn a group of workers, according to the shift schedule of the enterprise.

Article 78. Weekends at enterprises related to public service

In enterprises where the work can not be interrupted in the overall day in connection with the the need for public services (shops, theaters, museums, consumer public services and others), weekends are set for employers coordination with local authorities or local government.

Article 79. The duration of weekly uninterrupted rest

The weekly rest period must be at least forty-two hours.

Article 80. Involvement of the weekend

1. Involve the weekend is permitted only with the consent of the employee, unless it is carried out:

1) to prevent a public or natural disasters, industrial accidents and immediate elimination of the consequences of accidents;

2) on the basis of a collective agreement (Agreement) or employment contract, concluded between the employer (natural person) and the employee.

2. Attracting employees to work during the weekend is performed by written order an employer subject to the restrictions provided for in Articles 191, 242, 243 and 255 of this Code.

Article 81. Holidays and Memorable Days

1. Work in enterprises, organizations and institutions are not made in the following holidays and memorial days:

- 1) New Year - January 1;
- 2) Memorial Day - January 12;
- 3) Day of State Flag of Turkmenistan - February 19;
- 4) International Women's Day - March 8;
- 5) The National Spring Festival - March 21-22;
- 6) Day of Victory in the Great Patriotic War of 1941-1945 - 9 May;
- 7) Day of Revival, Unity and Poetry of Makhtumkuli Fraga - 18 May;
- 8) National Day of Remembrance - 6 October;
- 9) Independence Day of Turkmenistan - 27-28 October;
- 10) National holiday Turkmenistan - Neutrality Day - December 12;
- 11) Kurban Bayram - Kurban Bayram specific date each year is determined by the act President of Turkmenistan;
- 12) Oraza - Oraza specific date determined by the act of the President Turkmenistan.

2. Turkmenistan are the following holidays and memorial days (excluding days of vacation if they fall on working days):

- 1) Defenders of the Fatherland Day - January 27;
- 2) Day of the diplomatic staff of Turkmenistan - February 18;

- 3) Holiday «Suw damjasy - altyn ddnesi" - the first Sunday in April;
- 4) World Health Day - April 7;
- 5) Holiday Turkmen Horse - the last Sunday in April;
- 6) Day of Workers of Internal Affairs - 29 May;
- 7) Holiday Turkmen carpet - the last Sunday in May;
- 8) International Children's Day - June 1;
- 9) World Environment Day - June 5;
- 10) Day of the textile industry - the first Sunday in June;
- 11) Science Day - 12 June;
- 12) Day of Workers of Culture and Arts - JUNE 27;
- 13) Galla Bayram - the third Sunday of July;
- 14) Border Guards Day - August 11;
- 15) Day of Turkmen Melon - second Sunday in August;
- 16) Day of Knowledge and Students - September 1;
- 17) Rukhnama Day - 12 September;
- 18) Day of oil and gas, energy and geological sectors - the second Saturday of September;
- 19) The International Day of Older Persons - 1 October;
- 20) Harvest Festival - last Sunday of November;
- 21) Neighbourhood Festival - the first Sunday of December;
- 22) Day of memory of the first President of Turkmenistan SA Niyazov (Saparmurat Turkmenbashi the Great) - December 21.

3. When the coincidence of holiday or commemorative day to day off (Sunday) is the day of the weekend following the holiday or commemorative day working day.

4. In order to output rational use of employees and public holidays days of Cabinet of Ministers of Turkmenistan shall have the right to carry the day off to another day weeks.

Article 82. Exceptional cases of involvement of the weekend outside

1. On weekends, public holidays and commemorative days allowed work suspension which is impossible for production and technical conditions (continuous action enterprise), work caused by the need to service the population, as well as urgent repairs and handling.

2. Payment for work on weekends, public holidays and commemorative days, produced in procedure established by Article 121 of this Code.

Section VI. RELEASE

Chapter 1. General Provisions

Article 83. Entitlement to leave

1. Working people in Turkmenistan are entitled to an annual basic paid Vacation (hereinafter - the main annual leave) in accordance with this Code.

2. Working people in Turkmenistan are eligible for other types of leave in compliance with this Code.

3. Foreign nationals and stateless persons as defined in Paragraph four of Article 5 of this Code, shall be entitled to vacation on a par with the citizens of Turkmenistan compliance with this Code.

Article 84. Types of holidays

In Turkmenistan, the following types of leave:

- 1) Annual basic leave;
- 2) additional paid leave (hereinafter -additional leave);
- 3) social leave;
- 4) leave without pay.

Article 85 guarantees the right to vacation

1. Annual basic leave and other types of leave provided to employees the manner and conditions established by this Code.

2. During the period of leave provided for by the legislation of Turkmenistan for are kept open (position).

Chapter 2.

The procedure and conditions of the annual basic and additional leave

Article 86. Duration of basic annual leave

1. Annual basic leave established thirty calendar days a year.

2. pedagogical staff and the heads of educational institutions of all types, also disabled the annual basic leave established lasting forty five calendar days.

3. academics working in scientific organizations, institutions and enterprises staff positions and having a degree of Doctor of Science, annual basic leave established lasting forty-five calendar days, having a degree of candidate of sciences - thirty-six calendar days.

Article 87. Order of submission of annual basic holiday

1. Annual basic leave must be granted to the employee every year. About time the beginning of the annual basic leave the employer must notify the employee not later than than fifteen days before the holiday.

2. The right to receive basic annual leave during the first year of operation It comes after eleven months of continuous work from the date of employment contract.

3. Annual basic leave before the expiration of eleven months of continuous work must be provided at the request of the employee:

1) woman - to maternity leave or after it;

2) persons with disabilities;

3) a minor;

4) The employee, with the release of the previous place of work due to reduced the number of workers or staff, liquidation or termination activities of the employer-physical person, as well as in the event of transfer to another work;

5) working part-time - unpaid leave at the same time with the annual major release of the principal place of work.

4. The annual basic leave for the second and subsequent years of work available in the according to a set schedule at the company holiday.

5. The teaching staff of educational institutions of all types of annual basic leave shall be granted, regardless of the time of receipt of their work in the period summer vacation.

6. The annual basic leave in the summer or other convenient time should be granted optional:

1) Women who have two or more children under the age of fourteen (rebënka-invalid - sixteen);

2) single parent or a person who replaces him, bringing up one or more children under the age of fourteen (disabled child - up to sixteen years);

3) conscripts wife having a child;

4) persons with disabilities;

5) a minor;

6) to the adopter (adopt) children under the age of three years;

7) The person who has suffered as a result of radiation accident or to take part in the elimination of its consequences.

7. Provision of basic annual leave in the summer or other convenient time certain categories of veterans is regulated in accordance with the legislation Turkmenistan.

Article 88. The periods included in the working year

1. The work refers to the first year and subsequent years of operation, calculated from the date to enter into an employment contract with the employee and the employer before the relevant day, following the first and each subsequent year.

2. The length of service for entitlement to annual basic leave shall be included:

- 1) the actual operation time;
- 2) the time when the employee did not actually work, but for him, in accordance with legislation of Turkmenistan remained a place of work (position), including time basic annual leave, except for the time leave to care for a child up to attainment of the age established by the legislation of Turkmenistan;
- 3) the time of enforced idleness in the wrongful dismissal or suspension from work and subsequent reduction in his previous job;
- 4) other time periods provided for in labor or collective agreement (agreement).

3. The length of service for entitlement to annual basic leave, time is not included absence of the employee from work without valid reasons, including because of its suspension from work in the cases provided for in Article 38 of this Code.

4. The length of service, entitling to additional leave for work with special (harmful especially heavy) working conditions, is included only in the actual hours worked appropriate conditions while.

Article 89. Transfer and extension of basic annual leave

1. An employee is entitled to a transfer of or an extension of the annual basic leave at:

- 1) temporary disability;
- 2) the provision of maternity leave;

3) coincides with the basic annual vacation leave in connection with training, additional leave for weddings or commitment ceremony funerals and remembrance;

4) the performance of public duties or in the elected bodies, provided for in Article 145 of this Code.

2. In the event of reasons preventing the use of basic annual leave, before it starts by agreement with the employer establishes a new term use vacation. In the event of such causes in the period of annual basic leave agreement with the employer or extended vacation on the number of unused days or is transferred to another term.

3. If the employer in a timely manner, within the period specified in Paragraph one of Article 87

of this Code, the employee is not notified about the start of the annual basic leave of the employee prior to the holiday not been paid for it, then leave request of the employee is transferred to another term.

4. The employer is an operational need shall be entitled to the consent of the employee postpone the annual basic leave the next business year, but within no more two years.

5. In case of temporary disability in the period of use of annual basic holiday last extended for a number of days of temporary disability.

At concurrence of basic annual leave with additional leave, annual basic leave shall be extended by the number of days of additional leave.

Article 90. Additional Leave for work with special working conditions

1. Additional leave for work with special (harmful, especially heavy) conditions
Labor granted to employees directly engaged in:

1) to work in hazardous working conditions - open cast mining and quarrying in cuts for the extraction of non-metallic building materials in the operation process transport providing said work in hot industries, as well as other work in hazardous working conditions - up to seven days;

2) in jobs with hard working conditions - up to fifteen calendar days.

2. The exact duration of the additional leave for work with special conditions Labor is set according to the results of certification of workplaces (work), taking into account the degree of employment of workers in the appropriate places (work).

3. additional leave for work with special working conditions in full
It provides workers employed in such work during the working years full working day.

4. In other cases, the duration of the additional leave for work with special working conditions determined in proportion to the time worked at such jobs during the working year.

5. Additional leave for work with special conditions granted annually
Only one of the grounds provided for in this article, without the right to transfer to next business year and at the request of the employee may be attached to the annual basic leave.

6. A list of jobs, professions and positions, as well as the conditions under which provided

additional leave for a job with special conditions of work, approved by the Cabinet Ministers of Turkmenistan.

Article 91. Additional leave for the special nature of the work

1. Additional leave for the special nature of the work available to workers employed in jobs with increased nervous, mental stress and other higher loads for a full recovery of their health.

2. The duration of the additional leave for the special nature of the work set:

1) employees engaged in air traffic control, having Certificate Manager - up to seven days;

2) Workers of flight and flight test composition depending on flight hours for work year - fifteen calendar days;

3) persons who have irregular working hours - three calendar days.

3. Additional leave for the special nature of the work is given annually, can not be postponed to the next business year and at the request of the employee can join basic annual leave.

Article 92. Calculation of the duration of the annual principal and additional vacations

1. Duration of the annual basic and additional leave of employees calculated in calendar days, and the maximum limit is not limited. Non-working holidays and memorial days occurring during the holiday period, in the number of calendar days holidays are not included, and are not paid.

2. The total duration of annual leave is calculated by summing the annual basic and additional leave.

3. When calculating the duration of holidays in proportion to the time worked their duration is determined by dividing the total size of each holiday on twelve and multiplying by the number of full months of operation. The number of days equal to fifteen or more calendar days taken for a full month, but less than fifteen calendar days - is not considered.

Article 93. Additional leave for weddings

1. The additional leave is granted to two heads of families for wedding celebrations (marriage of his son, the daughter of the marriage), as well as those who marry,

of ten calendar days, including five days before the wedding. The grounds to provide additional leave for weddings is certificate issued by the registry of civil status (hereinafter - registry office).

2. In the case of registration of marriage outside of Turkmenistan to persons specified in subsection One of this Article, at their request granted additional leave of ten calendar days. Purchase extra vacation made on presentation of a certificate issued by the registry office on Turkmenistan the basis of a duly certified copy of the document confirming the Registration of marriage in a foreign country.

Article 94. Additional Leave for the rite of burial and remembrance

1. Additional leave of ten calendar days for the commission funeral rites and remembrance on the basis of a certificate issued by the Civil Registry Office, It provided two close relatives of the deceased.

2. Close relatives are considered to be the parents (in their absence - guardians and trustees), spouses, children, grandparents of the father and mother, grandchildren, brothers and sister, daughter-in-law and.

3. Persons traveling outside Turkmenistan to carry out funeral rites and remembrance, the additional leave is granted on the basis of their statements and reports of the death of a close relative, certified in the prescribed manner. Payments additional leave is made on presentation of a certificate issued by the Civil Registry Office Turkmenistan on the basis of a duly certified copy of the document, confirming the fact of death registration in a foreign country.

Article 95. Additional leave citizens at the age of 62 years

An additional leave of three days is granted to citizens Turkmenistan at the age of 62 years and worked at the enterprises, regardless of ownership, or acceding to the annual basic leave for the working year, when the employee has reached the age of 62 years.

Chapter 3. Social vacation

Article 96. Maternity leave

Maternity leave is granted on the terms and conditions provided for by the legislation of Turkmenistan.

Article 97. Leave for child care

1. A woman, regardless of length of service, at the end of maternity leave He is entitled to unpaid leave to care for a child up to the age three years.

2. Leave for child care can be provided to a person, in fact, taking care of the child, including his father, the guardian of the child, as well as in cases

The order of these persons leave to care for a child is determined Cabinet of Ministers of Turkmenistan.

3. For the period of leave to care for a child for are kept open (position).

4. Leave for child care can be used in whole or in parts.

The person on leave for child care until the age of three years, He has the right to interrupt his vacation and get to work before the expiry of leave to care for child notice to the employer for two weeks before returning to work.

5. The person who is on leave to care for a child, is granted and paid State allowance for child care in accordance with the law Turkmenistan.

Article 98. Leave the workers tutoring on the job and in higher secondary vocational schools for part-time (evening) and correspondence Forms

Workers, students on the job in higher and secondary training institutions, including foreign states, in ochno-time (evening) and correspondence provided paid leave accordance with Articles 99, 100 of this Code.

Article 99. Vacation in connection with training in higher education for part-time (evening) and extramural

Employees who successfully studying the job in higher education schools for part-time (evening) and extramural, granted leave to time:

1) each of tests and examinations prescribed curriculum specialty - lasting twenty calendar days;

2) passing the state exams (passing final attestation) - thirty calendar days.

Article 100. Vacation in connection with training in secondary vocational schools for part-time (evening) and extramural

Employees who successfully studying on the job in the middle vocational schools, granted leave for the period:

1) each of tests and examinations prescribed curriculum specialties:

a) by correspondence courses - lasting twenty calendar days;

b) part-time (evening) form of education -Duration fourteen calendar days;

2) passing the state exams (passing final attestation) for part-time (evening) and extramural courses - thirty calendar days.

Article 101. Holidays for the preparation of the degree project (work)

The employer on the employee's request, the student on the job at last year at higher and secondary vocational schools for part-time (evening) and extramural and recommendations of the relevant educational institution is entitled to provide additional leave without pay thirty calendar days to prepare for the graduation project (work).

Article 102. sabbatical

1. A person who successfully combine production or teaching activities with scientific work, on the recommendation of an appropriate academic council provided sabbatical with preservation of average wages and positions within the major operation.

2. sabbaticals available to complete the master's thesis, as well as for writing textbooks and teaching aids for a period of three months for completion of a doctoral thesis - for six months.

3. Payment sabbatical at the place of work within the established payroll, as well as due to the provision for the training of scientific personnel.

Chapter 4. Leave without pay

Article 103. The procedure and conditions of leave without pay

1. Leave without pay at the request of the employee provided up to ten days during the year when the event

good reason.

2. In cases where an employee needs leave without pay lasting more than ten calendar days, it can provide extra days due to the annual basic leave or additional leave.

3. Leave without pay in excess of the duration of the worker's request provided:

1) single parent (or guardians), children under the age of fourteen, irrespective of their number, - fourteen days;

2) persons with disabilities - up to thirty days;

3) admitted to entrance examinations in higher education or vocational Educational Institution - respectively fifteen and ten days in graduate school -pyatnadsat days, while in the specified time does not include time of transportation to the place of the university and vice versa;

4) relative to care for a sick family member - a term set

health care institution;

5) working pensioners on age - up to thirty calendar days.

4. In the event of downtime for operational reasons an employer has the right to provide the employees leave without pay for a period of not more than thirty calendar days.

5. The duration of leave without pay to certain categories Veterans and persons equated to them in privileges, governed by the law Turkmenistan.

Chapter 5. Features of holiday

Article 104. Granting leave parts

Annual basic leave to join him additional and Social (except for the creative) leave, at the request of an employee can be divided into two parts available in different periods of the working year.

Article 105. Review of the holiday

Review of the holiday is allowed only with the written consent of the employee. Unused

part of the leave must be given to the employee at his request to another time
During this working on or attached to the release of the next business year.

Article 106. The right to use leave at dismissal

1. At the request of the employee in his dismissal (except in cases provided for in paragraphs 5
13 Article 42 of the Code), he may be granted an unused
whole or in part the annual basic and additional holidays with attachable
the subsequent dismissal or compensation for unused annual leave in accordance
Article 109.
2. If the dismissal in connection with the expiration of the employment contract, followed by holiday
dismissal may be provided and when-actually-employed and time
holiday in total extend beyond the term of the employment contract.
3. The date of dismissal on these grounds is considered to be the day following the end of the day
vacation.

Chapter 6. Vacation pay

Article 107. Funds for the payment of holiday

1. Payment leave enterprises is made by funds intended for payment
labor.
2. In calculating the amount of payments for vacation takes into account all types of remuneration, which
accrued contributions for state social insurance, except for wages
work part-time, lump-sum nature and benefits are not
due to the current system of remuneration.

Article 108 Calculation of holiday pay

1. For the holiday pay calculation is made of the average salary and average
wages for twelve calendar months preceding the month in care
vacation, whether for a working year shall be granted leave.
2. The calculation of the average salary and the average daily wage
made in the order established by Article 131 of this Code.
3. The amount of vacation pay is determined by multiplying the average daily wage
the number of days of annual basic, additional or special leave.

Article 109. Monetary compensation for unused vacation

1. In case of withdrawal from leave monetary compensation for unused portion of holidays made in exceptional cases.
2. All types of social leave may only be used in nature, and their replacement monetary compensation is not allowed.
3. Replacement vacation monetary compensation for pregnant women and workers aged eighteen years, as well as workers employed in jobs with special working conditions, and whose work is linked to the special nature of the work is not allowed.
4. If dismissal of the employee cash compensation is paid for all unused annual and Merging additional holidays.

Section VII. SALARY

Chapter 1. The form and dimensions of the system of remuneration

Article 110. Basic concepts and definitions

1. Payment of - the system of socio-economic and legal relations connected with establishing and providing employees compensation for their work accordance with the law, labor contracts, collective treaties (agreements).
2. Wages - cash remuneration depending on qualifications worker, complexity, quantity, quality and conditions of work, and the payment of the compensation and incentive-based.
3. The remuneration system - a way of linking the price of labor (wage rate, salary) to the results of employees, allowing to charge the employee's salary in According to the results of labor. The plant can be installed and piecework time-based wage system.
4. Payment Incentive - a kind of incentive pay, bonuses, allowances, used by employers to employees for additional compensation attainment of higher and sustainable results in their work compared with other workers.

5. The minimum salary - guaranteed by the legislation of Turkmenistan the smallest amount of remuneration for work, which is to get the employee, working with the normal intensity and coping with labor obligations, performing the simplest working under normal working conditions at his workplace.

6. The average salary - the average value of the employee's salary for the a certain period of time worked. The average salary for the month (the average monthly salary) and day (average daily wage) is defined in the procedure established by Article 131 of this Code.

7. The tariff rate (salary) - a fixed wage for the performance of the employee labor standards (job duties) specified complexity (skills) per unit time.

8. Compensation - a set of different types of co-payments to tariff rates (salary) employees to compensate them in some degree unfavorable the impact of working conditions on health or inconvenience to stay. Such payments include surcharges for work in the conditions deviating from normal; work multi-shift; at night time; for long working hours.

Article 111 Guaranteed remuneration

1. The employer, regardless of their financial status, the employee is obliged to pay work performed in accordance with the terms and conditions of payment labor.

2. The amount of payment, guaranteed by the employer can not be lower than the minimum wage established by the legislation of Turkmenistan.

Article 112. State wage rates

1. Government wage rates are monthly wage rates and salaries that determine pay levels for specific professional and qualification groups of workers of budgetary organizations and institutions.

2. The State shall not be lowering rates and the basis for the establishment of the specific size of wages and salaries in the budgetary organizations and institutions.

3. Some employers, if it is provided by collective agreements (agreements) may use government rates for wage differentiation workers.

Article 113. The shape and size of the system of remuneration

1. The form and dimensions of the system of remuneration of employees, including more incentive payments and compensatory character, royalties for rationalization proposals and inventions, established by the employer on under an employment contract, a collective agreement (the agreement).

Compensation payments made by the employer in the manner and amount established by this Code and other normative legal acts

Turkmenistan.

2. The shape and size of the system of remuneration of civil servants are set by legislation of Turkmenistan.
3. The wages of employees of budgetary institutions and organizations established by a body authorized by the Cabinet of Ministers of Turkmenistan.
4. Differentiation of wages is dependent on the level of training of employees, complexity and intensity of labor, its conditions, and the number and quality of labor input.
5. Salaries maximum size is not limited.

Article 114. Remuneration on the basis of annual work

1. In addition to the systems of remuneration may be established fee for workers of the enterprises on the basis of the annual work of the Fund, formed at the expense of profits, remaining at the disposal of the enterprise. The amount of remuneration is determined by taking into account the results of the employee and the length of his uninterrupted work on the enterprise.
2. Regulations on the procedure of calculation and payment of remuneration on the basis of annual work approved by the employer in consultation with the trade union body of the company or other representative body of workers.

Article 115. Form of payment of wages

Wages shall be paid in cash.

Article 116. wages in enterprises

1. wage worker governed by an employment contract, a collective contract (agreement) tariff agreement.
2. In order to increase the material interest of workers, as well as production efficiency and quality of work the employer may enter the system of bonuses and allowances for the results of labor.

Article 117. Remuneration of managers, professionals, employees and researchers

1. Remuneration of managers, professionals and employees and researchers is produced, as a rule, on the basis of salaries.
2. Salaries are set by the employer in accordance with the position and skills of the worker.
3. The employer may establish for managers, professionals and employees of a different kind remuneration and incentive payments (as a percentage of revenue as a proportion of profits

and others).

4. The scientific and pedagogical workers with academic degree, academic rank,

set allowances to wages in accordance with the legislation Turkmenistan.

Article 118. Remuneration of workers

1. When wage workers applied tariff rates, salaries.

2. Type, the wage system, wage rates, salaries, bonuses, incentives and other payments, as well as the ratio between the size of certain categories of workers Employers determine independently on the basis of collective agreements (contracts) or collective bargaining agreements.

Article 119. Change of the terms of remuneration

1. wage conditions vary in the same order in which they are established.

2. Changes in the individual terms of remuneration to the side unfavorable to the employee shall be allowed without the consent of the employee, as an exception when changing:

1) in the technologies of production, the organization of labor, when the former wage conditions are not can be stored;

2) the volume of works (services), standards (standards) development, provided legislation of Turkmenistan.

3. On the upcoming change in the conditions of payment of workers should be warned not later than one month.

Chapter 2. Special conditions of remuneration

Article 120. Payment for overtime work

1. Overtime is paid at double the rate.

2. For work overtime at the request of the employee, instead of pay increases It may be granted time off in an amount not exceeding the amount of overtime hours worked.

Article 121. Payment for work on weekends, public holidays and notable days

1. Work on weekends, public holidays and memorial days can be compensated for agreement of the parties providing the other days of rest or in cash at double size.

2. Payment for work on weekends, public holidays and commemorative days produced:

- 1) pieceworkers - at double piece-rates;
- 2) employees who are paid on an hourly or daily rate, - in the amount of double hourly or daily rate;
- 3) employees receiving salary - in the amount of a single hourly or daily

rates in excess of the salary, if the work performed in these days within the monthly rate working hours, and up to double hourly or daily rates in excess of official salary if the work was done over and above the monthly norm.

Article 122. Payment of special conditions

1. work under special conditions, in areas with heavy or special climatic conditions (anhydrous, desert areas), as well as having mobile and (or) traveling character, set pay increases.
2. The list of jobs, professions and positions, as well as areas, specific dimensions and the procedure for establishing pay rise in enterprises with these working conditions
The Cabinet of Ministers of Turkmenistan.

Article 123. Payment of night work

1. Every hour of night work is paid not less than the amount polutorakratnom hourly rate, if it is not due to the nature of work in which pay established taking into account the work at night.

The specific amount of payment for night work shall be established by collective contract (provision on wages) enterprises, but not lower than that provided this Code.

2. Increased payment for night work are not included in the rate, officials salaries, except as indicated in part one of this article.

Article 124. The procedure for payment of downtime and the development of new industries (product)

1. Idle time through no fault of the employee, if the employee has warned the employer (the foreman,

masters, other officers) of the beginning of the idle, to be paid at the rate of not less than two thirds of the tariff rate, rank, salary, set by the employee.

2. Downtime because of the worker is not paid.

3. During the period of development of new production (output), the employer may make additional payment to former employees of the average monthly salary for a period not exceeding six months.

Article 125. The procedure for payment of labor in manufacturing production, which turned marriage

1. In the manufacture of products, which turned marriage through no fault of the employee, payment of labor its manufacturing is done on a par with good products at the established rates.

2. Marriage products occasioned by latent defect in the material to be treated, and products and marriage are not the fault of the employee, discovered after the acceptance of the product body technical control, this employee is paid on a par with good products.

3. Complete the marriage, admitted the fault of the employee, payment shall not be.

4. Partial marriage, admitted the fault of the employee is paid according to the degree

life of products at reduced prices.

Article 126. The procedure for payment of labor in non-compliance with work norms

1. At default output norms are not the fault of the employee's salary is made for actually performed work. Monthly wages in this case can not be less than two-thirds of the tariff rate established his discharge (salary).

2. If non-compliance with output quotas at fault payment is made in according to the amount of work done.

Article 127. Remuneration when combining trades (positions) and implementation duties temporarily absent employee

1. An employee who performs with his consent on the same plant (in one and the the employer), along with their main job, due to the employment contract, further work on other professions (positions) or Acting temporarily absent employee without the release of its core operations, additional payment made for combining trades (positions) or performance of duty temporarily absent employee.

2. The combination of professions (positions) are allowed, as a rule, within that category personnel to which the employee (office, engineering

workers, employees, and others).

3. Allowances for combining trades (positions) or performance of duty temporarily absent employee shall be established by agreement with the employer enterprise union body or other representative body of workers an agreement with the employee in the amount of not more than fifty percent of the wages mating professions (positions).

4. On the establishment of co-payments for:

1) The combination of professions (positions) - can be sent to the savings fund wages received from the release of the number of employees against staff schedule approved by higher authority;

2) the performance of duties of temporarily absent employees - can be No more than fifty per cent of the tariff rate (salary) missing employee, regardless of the number of persons, between which the distribution of these additional payments.

5. This Article shall not apply to:

1) on the business leaders, their deputies and assistants; senior specialists; heads of departments, divisions, departments, services and their deputies;

2) on the scientific, engineering and technical personnel and other professionals and employees research institutions, with the exception of engineering and technical personnel and other professionals, civil servants employed in the test (experimental) manufactures, shops, workshops, sites and installations, in geological, exploration, prospecting exploration expeditions and lots of these institutions;

3) engineering and technical personnel and other professionals and employees of governance and management.

Article 128. Compensation for temporary Commercial representation

For temporary substitute Commercial representation of employee remuneration is made in the amount of the salary of the substituted worker, provided staff schedule.

Article 129. Payment of the performance of work of different qualifications

1. When carrying out the work of different qualifications of workers with hourly wage labor and employees paid on the higher qualifications.

2. Labor workers with piece-wage rates paid for the work performed. In those sectors where the nature of the production workers at piecework wages entrusted with the execution of works, tariffed below their assigned bits, work, perform such work shall be paid mezhrazryadnaya difference, if it is provided the collective contract (agreement). Payment is made in the performance of work output norms.

Article 130. Payment of part-time work at

Wages in the part-time work or part-time working week in accordance with Article 63 of this Code made in proportion to the time worked, or depending on the fulfillment of output norms.

Article 131 Calculation of the average wage

1. In all cases, determine the size of the average wage, provided this Code establishes a uniform procedure of its calculation.
2. To calculate the average wage it takes into account all types of earnings on which accrued contributions for state social insurance, except for wages work part-time, lump-sum nature and benefits are not due to the current system of remuneration.
3. In any mode, the calculation of the average employee's salary is made based on the fact he accrued wages and hours actually worked them Time for the twelve calendar months preceding the date of payment.
If an employee has worked for less than twelve months, the calculation of his monthly average wages shall be based on the amount they actually worked calendar months preceding the date of payment.
4. Average daily salary is calculated by dividing the average monthly salary board 29.7.
5. The laws of Turkmenistan may provide for different periods for calculation the average wage, if it does not worsen the situation of workers.
6. Specifics of the procedure for calculating the average wage, established by this

Article shall be determined by the Cabinet of Ministers of Turkmenistan.

7. An increase in wages in accordance with the acts of the President of Turkmenistan remuneration taken for calculating the amount of the amount of vacation pay, severance benefits, compensation and redress, indexed by a factor of wage increase

board.

Article 132. The procedure, place and terms of payment of wages

1. The employee's salary is paid at least every fortnight.
2. For certain categories of workers may be the legislation of Turkmenistan set other terms of payment of wages.
3. In cases where the pay day coincides with a weekend, holiday or a memorable day, wages are paid on the eve of these days.
4. Wages for all the holidays are paid no later than one day before the leave. In the case of non-payment of wages owed to the employee for all vacation by the due date provided by the number of holidays transferred days delay salary if the employee continued to perform labor duties.
5. Payment of wages to the employee is performed, as a rule, at the place of work or at the written request of the employee, it is transferred to the account of them bank of Turkmenistan.

Upon written request of the employee receives his wages may be transferred through the establishment of banks once a month.

6. The employer is obliged to, in a timely manner to pay employee wages in full, except in the cases provided legislation of Turkmenistan, as well as to provide information on its assessed wages and deductions produced from it.

Article 133. Issuance of wages not received by the day of death of the employee

Salaries are not received on the day of death of the employee, as well as other payments and remuneration prescribed by law, are issued to members of his families or individuals who were dependent on the deceased on the day of his death, on the basis of written application and relevant documents within two weeks from the date of filing application.

Article 134. Timing for calculating severance

1. Upon termination of the employment contract payment of all amounts due employee by the employer on the day of dismissal. If an employee on the day dismissal was not working, then the corresponding amount shall be paid not later than the next day after the presentation of the dismissed workers demands for calculation.
2. In the event of a dispute about the size of the sums owed to the employee severance, the employer shall within the period specified in this article, do not pay the disputed amount of it.

Article 135. Deductions from wages of workers

1. Deductions from wages of employees may be made only in cases provided by the legislation of Turkmenistan.
2. Deductions from workers' wages for the repayment of debt to the enterprise, where they work, can be carried out on the orders of the employer:
 - 1) to return the advances paid to the expense of wages, refund of unduly paid as a result of the computation errors, and timely repayment of the unspent not returned advances for official travel or transfer to another area, for economic needs, if the employee does not dispute the grounds and sizes retention. In these cases, the employer may make an order on hold is not later than one month after the end of the period established for the return of an advance, debt or from the date of the erroneous calculation of payments;
 - 2) the dismissal of employees before the end of the working year, on account of which he has already obtained leave for unearned vacation days.

Deductions for these days are not made if the employee is dismissed on the grounds stipulated in paragraph 3 of Section 39, paragraphs 1, 2, 4, or 5 of the first part Article 42, paragraphs 1, 2, 5, 7 or 9 of the first paragraph of Article 47 of this Code.

Deductions for unearned vacation days are not made in the event of dismissal employee due to retirement;

- 3) for damages caused to the company due to the fault of the employee.
3. The wages paid to the employee by the employer too (including the incorrect application of the legislation of Turkmenistan) can not be recovered from him, except as a result of the payment computation errors.
4. Salaries, wages and other sums unduly paid to the employee as a result of messages false information or presenting false documents to them, recovered from his a court decision.

Article 136. Limiting the size of deductions from wages

1. At each payment of wages the total of all deductions can not exceed twenty percent, and in the cases specifically provided for by the legislation of Turkmenistan, fifty percent of the wages due to be paid to the employee.
2. When deductions from wages for several executive documents for Workers should be stored for at least fifty percent of the wages.

Article 137. Prohibition of deduction of certain amounts payable to employees

Section VIII. Labor standards and piece-rates

Article 138. Labour rates

1. Labour rates (production quotas, time, service numbers) are installed for employees in accordance with the prior art, technology, organization of production and labor.
2. In the context of collective forms of compensation and benefits can also be used enlarged and complex rules.
3. Labour rates must be replaced with new as for certification and rationalization of jobs, introduction of new equipment, technology and organizational technical measures to ensure the growth of labor productivity.
4. Achieving a high level of production of goods (services) separate employee, a team through the application of its own motion new methods of work and best practices, as well as improving their own job is not the basis for the revision of standards.

Article 139. Introduction, replacement and revision of labor standards

1. Introduction, replacement and revision of labor standards carried out by the employer in consultation with the trade union or other representative body of workers.
2. Replacement and revision of uniform and model (intersectoral, sectoral, departmental) standards work carried out by bodies approved them.
3. The introduction of the new labor standards employees must be notified no later than one month. This explains why workers revision of labor standards and conditions under which the new rules should apply.
4. Disputes arising from the establishment or revision of the workload standards (norms time), service standards, and are resolved by higher trade-union bodies, court.

Article 140. Determination of rates at piecework pay

1. When piecework wage rates are determined based on the set of digits work, wage rates and output norms (norms of time).

2. The piece rate is determined by dividing the hour (day) tariff rate, the appropriate category of the work for hours (daily) performance standard.

3 piece-rates can be determined also by multiplying the hourly (daily) the tariff rate corresponding to the category of the work performed on the established norm the time in hours or days.

Article 141. Retention of employees in the implementation of previous quotations and inventions innovations

1. For the authors of inventions and innovations that change the technical rules and fees, the former prices are retained for six months from the time

the introduction of new labor standards and prices.

2. The previous rates are preserved in cases where the inventor or innovator previously performed work, labor standards and prices which changed in connection with the introducing his invention or rationalization proposal, and transferred to the After making a job offer.

3. For workers, exerting a Rationalizer inventor or assistance in the implementation an invention or rationalization proposal, the old prices are stored in the within three months.

Article 142. Establishing valuation assignments and service standards

When hourly wage workers are set normalized job. To the individual functions and scope of work (services) can be established norm service standards or number of employees.

Article 143. Ensuring normal working conditions for the implementation of production standards

Employer to perform staff work norms must provide normal working conditions, including:

- 1) software orders, the amount of work and the necessary raw materials;
- 2) good state machinery, machine tools, equipment and devices;
- 3) timely provision of technical documentation;
- 4) proper quality and quantity of the materials and tools needed for the performance, and timely submission;

5) the timely supply of the production of electricity, gas and other sources energy supply;

6) safe and healthy working conditions (compliance with rules and regulations Safety safety and industrial hygiene required lighting, heating, ventilation and the elimination of harmful effects of noise, emissions, vibrations, and other factors that adversely affect the health of employees).

SECTION IX. WARRANTY AND COMPENSATION

Article 144. The concept of guarantees and compensation

1. Guarantees - means, methods and conditions by which provides exercise the rights granted to workers in the field of social and labor relationship.

2. Payments - cash payments, established for the purpose of workers compensation costs, related to the performance of their work or other responsibilities conferred legislation of Turkmenistan.

Article 145. Guarantees for employees for the duration of state or

social responsibilities

1. At the time of execution of state or public duties, if for Turkmen law, these duties can be carried out during working hours, employees are guaranteed the preservation of the place of work (position) and average wage board.

2. Average wages and jobs (positions) are stored in cases of execution the next state or public duties during working hours:

1) Implementation of the right to vote;

2) the implementation of parliamentary powers;

3) the exercise of the powers of members of provincial, district and town people's councils, and gengeshes as members;

4) participate in the sessions of the Mejlis of Turkmenistan, gengesh, participated as delegates congresses, plenums, conferences convened by government agencies, public associations, as well as perform other duties established by the legislation Turkmenistan;

5) call the turnout to bodies of inquiry, preliminary investigation, the prosecutor and the court as a witness, victim, expert, specialist, interpreter, witness, and participate in the court sessions as lay judges, representatives of public associations and labor collectives;

6) participation in collective negotiations on the terms and conditions laid down collective agreements (agreements), and in their absence - by agreement between the parties to collective bargaining;

7) participate in the commissions of the local authorities and MSEK as dedicated trade union bodies of members of these committees;

8) the participation of members of volunteer fire brigades in the liquidation of fire or accident;

9) perform other state or public duties in cases established by the legislation of Turkmenistan.

Article 146. Guarantees for employees, elected on elective positions in the state and public bodies

Employees exempt from work as a result of their election for elective positions State and public bodies, after the end of their terms of office on the election positions available previous work (title), and in its absence - other equivalent job (position) on the same or, with the consent of the employee, on the other enterprise.

Article 147 business trips. Guarantees and compensation for service business trips

1. official business trip employee recognized, directed by

order the head of the company for a certain period in another locality for perform service assignments outside of its ongoing work. Business travel workers who have a permanent job runs on the road or is traveling or mobile nature are not considered official business.

2. Employees are entitled to reimbursement and receive other compensation in connection on official business.

3. The employees sent on business trips paid by: subsistence during business trip, the cost of travel to a destination and back costs hiring of premises in the manner and amount established by the Cabinet of Ministers Turkmenistan.

4. For business travelers are kept open, and the average position wages (salary, wage rate) at the time of his trip, including including travel time.

5. The specific amount of compensation expenses related to official business, determined employment or collective agreement (the agreement) and may not be less than sizes, established by the Cabinet of Ministers of Turkmenistan.

Article 148. Guarantees and compensation when moving to work in another locality

1. Employees are entitled to reimbursement and receive other compensation in connection with the transfer, reception or direction to work in another locality.

2. Employees in translating them to another job when it is due to move to another terrain is paid:

1) the cost of travel of the worker and his family;

2) the cost of transportation of property;

3) per diem for the time spent traveling to a new job the worker and his family;

4) wages for the days on the road and collect the device at the new place of residence, but not more than six days, as well as travel time;

5) a lump sum to the employee and for each member of the family to move.

3. Employees who move due to their reception (by appointment) to work in another country, paid compensation and provided guarantees specified in part two of this article, except for the payment of a lump sum, which these workers may be paid under the agreement of parties.

4. The amount of compensation, the order of payments and providing guarantees to the persons specified in the second and third parts of this article, as well as guarantees and compensation for persons at move them to another location due to job placement after graduation institutions, post-graduate, doctoral clinical internship either in order organized recruitment or public appeal established by the legislation Turkmenistan.

Article 149. Guarantees in the commission of an employee in the public interest

When making the employee acts in the public interest (elimination of the consequences accidents, natural disasters, the rescue of human life, and in other cases provided for

legislation of Turkmenistan) saved him on this period workplace (position) and average wages.

Article 150. Guarantees to employees in connection with the performance of military duty

Employees required to perform military duty, provided guarantees and facilities provided by this Code and other normative legal acts Turkmenistan.

Article 151. Guarantees for employees - inventors and innovators

1. For the authors of inventions and innovations to an average salary upon release from work to participate in the implementation of an invention or rationalization proposal on the same plant.

2. When implementing the invention or rationalization proposal on the other enterprise, the worker retains the post of the place of permanent employment, and work to introduce an invention or rationalization proposal payable on agreement between the parties in an amount not less than the average wage in the place of permanent operation.

Article 152. Compensation for the use of vehicles, equipment wear, tools and accessories belonging to the employee

The employer has the right to use the vehicles, equipment, tools and tools belonging to employees. The size and order of payment of compensation their use is determined by agreement with the employee.

Article 153. Guarantees in case of transfer to another permanent lower-paid work

When transferring an employee in need, in accordance with a medical report in the providing other work to another permanent paid job on this enterprise he retains his previous average salary for one months from the date of the transfer, and the translation in connection with the employment injury, professional disease or other health impairment related to the work - to establish persistent occupational disability, or until recovery of the employee.

Article 154. Guarantees to employees during temporary disability

1. When temporary disability the employer shall pay the employee State benefit for temporary disability in accordance with the legislation of Turkmenistan.

2. The amount of state benefits for temporary disability and the conditions payments established by the legislation of Turkmenistan.

Article 155. Guarantees and compensation in case of accident in the workplace and

occupational disease

1. In case of damage of health or death of an employee as a result of an accident at manufacture or occupational diseases (his family) shall be reimbursed its lost wages (income), as well as related health damage the additional costs of medical, social and vocational rehabilitation or related expenses in connection with the death of the employee.
2. Types, amounts and conditions for granting guarantees and compensations to the employees in these cases determined by this Code and other normative legal acts Turkmenistan.
3. The costs for reimbursement of lost wages, and (or) additional costs The company produces at its own expense and at the expense of the budget contained - at the expense of funds envisaged in the cost estimates for maintaining them.

Article 156. Guarantees for employees, the donor

1. On the day of delivery of blood and its components, as well as on the day of the associated medical Survey worker freed from work. The employer is obliged to freely let workers in health care on the day of the medical examination and day delivery of blood for transfusion.
2. If in agreement with the employer to the employee on the date of blood and blood components I went to work (except for work in harmful, hard working conditions, when the output of an employee to work on this day is not possible), it is available on its request another day of rest.
3. In the case of delivery of blood and its components in the period of paid annual leave, a weekend or public holiday or commemorative day of the employee at his request provided another day of rest.
4. After each date of blood and blood components is available to the employee an extra day of rest. This rest day at the request of an employee can be annexed to the annual basic leave, or used in other time during calendar year after the date of blood and blood components.
5. When blood donation and its components employer retains employee his average salary for the days of delivery and provided in connection with the day of rest.

Article 157. Guarantees and indemnifications to workers, sent by the employer to Training

At the direction of the employer for the employee training being discontinued Work him saved job (position) and average wage principal place of business. Employees sent for training to separation from work in another place, I pay travel expenses

the manner and amount established for persons sent on business trips.

Article 158. Guarantees to persons studying with a margin of production

Persons studying with a margin of production in vocational and higher education, postgraduate and doctoral studies, retained her job.

Article 159. Guarantees to the director, his deputy and chief accountant Due to the change of ownership of the enterprise

Upon termination of the employment contract with the director, his deputy and the chief accountant in connection with the change of ownership the new owner of the enterprise is obliged to pay the specified employee compensation in the amount of three-month average wages.

Section X. labor discipline

Article 160. The discipline of work and internal regulations of the enterprise

1. Labour discipline - mandatory for all employees subordination of the rules of conduct, determined in accordance with the legislation of Turkmenistan, labor contract, the collective contract (agreement).

Labour discipline of creating the necessary socio-economic and organizational and technical conditions for normal operation, methods and incentives rewards for hard work, the application of penalties for unscrupulous workers.

2. The employer shall, in accordance with the legislation of Turkmenistan, labor contract, the collective contract (agreement) to create the conditions necessary to comply with labor discipline employees.

3. The daily work at the company is determined by the internal labor regulations.

Internal regulations of the enterprise -normativny act of the enterprise, regulated in accordance with the present Code and other regulatory legal acts of Turkmenistan order reception and dismissal of employees, the main rights, duties and responsibilities of the parties of the employment contract, working hours, time leisure, incentives and penalties that apply to employees as well as other issues, regulating labor relations in the enterprise.

4. For certain categories of employees of the Charter, the provisions of the discipline,

approved by the Cabinet of Ministers of Turkmenistan.

Article 161. The procedure for the approval of internal labor regulations of the enterprise

1. The internal regulations of the enterprise shall be approved by the employer agreement with the trade union or other representative body of workers Company in accordance with the law.

2. The internal regulations of the company are annexed to the the collective contract (agreement).

Article 162. Encouragement for success in work

1. Workers can apply incentives for success in work. Forms of promotion their application, providing advantages and benefits are determined by labor or the collective contract (agreement), statute and regulations on labor discipline accordance with the law.

2. For special labor merits to society and state employees may be presented to the state awards.

3. Wages, including bonuses, allowances, bonuses and other payments, provided by the system of payment, to the species are not encouraging.

4. During the period of validity of a disciplinary sanction incentives to the worker is not apply.

Article 163. Incentives for work

1. Measures to encourage for work include:

- 1) announcement of gratitude;
- 2) the issuance of a one-time award;
- 3) awarding valuable prizes;
- 4) awarding honorary diploma.

A collective contract (agreement) can be provided and other measures encouragement.

2. Information about the rewards and incentives introduced in the work book.

Article 164. Penalties for violation of labor discipline

1. For violation of labor discipline, the following disciplinary penalties:

- 1) observation;
- 2) a reprimand;
- 3) severe reprimand;
- 4) dismissal.

2. The laws of Turkmenistan, statutes, regulations on discipline may be provided for certain categories of workers other disciplinary foreclosure.

3. In the application of disciplinary action must be taken into account the severity of the committed offense, the circumstances under which it is committed, previous behavior employee attitude. The employer is entitled for breach of labor discipline use any of the disciplinary measures listed in the first part

of this article, depending on the gravity of the offense.

4. Do not use disciplinary measures not provided Turkmen legislation, statutes, regulations on discipline.

Article 165. Authorities competent to apply disciplinary sanctions

1. A disciplinary sanction applicable authority or a person who has been granted the right to employment (selection, approval and appointment) of employee.

2. Disciplinary sanctions on workers carrying disciplinary responsibility accordance with the law, statutes, regulations on discipline may also imposes bodies superior to the bodies specified in subsection One of this article.

3. Workers holding elective office, may be dismissed only by a decision Bodies which they are elected, and only on the grounds provided by law Turkmenistan.

Article 166. The application of disciplinary sanctions

1. Prior to the application of disciplinary action against an employee should be requested a written explanation. Refusal to give the employee a written explanation can not be used obstacle to the application of penalties for the offense committed by them.

2. For each offense can be applied only one disciplinary penalty.

3. The disciplinary sanction is applied directly to the discovery of the offense is not later than one month from the date of its discovery, but not more than six months from the date of its commission, not counting the time of illness or an employee on leave, and for the results of the audit of financial and economic activity or audit test - no later than two years after it was committed. The indicated terms do not include during the criminal proceedings.

4. Order the decree on disciplinary action and the reasons for announced the employee against receipt within three working days from the date of its publication.

An employee who is not familiarized with the order, ruling on disciplinary sanctions deemed not to have disciplinary action.

The refusal of the employee to get acquainted with the order, ruling on disciplinary action It made an act indicating the present with the witnesses. In this case the employee is considered to be acquainted with the order, ruling on the application to it disciplinary action.

Article 167. Removal of a disciplinary sanction

1. If within one year from the date of application of a disciplinary sanction is not an employee subjected to a new disciplinary sanction, it will be deemed not to have disciplinary action. This disciplinary sanction is repaid automatically without issuing orders, decrees.

2. The employer, disciplinary sanction, has the right to withdraw it before the expiry , on its own initiative or at the request of the employee, at the request of the trade union body or the workforce or direct supervisor worker if subject to discipline has not committed a new offense, and showed himself as a bona fide employee.

Article 168. Bringing to disciplinary responsibility of the director, his substituents at the request of the trade union or other representative body of workers

1. The employer must, within its powers to consider the appeal of the trade union or other representative body of workers abuse the director,

his deputies present Code and other legal acts of Turkmenistan, containing norms of labor law, collective bargaining agreements and report on the outcome of the trade union or other representative body workers.

2. If the violations were confirmed, the employer must, within its powers apply to the head of the company, its Vice-disciplinary action until his release from his office.

Article 169. Features of disciplinary responsibility of certain categories of workers the special nature of work

Features disciplinary responsibility of certain categories of workers with special nature of the work established by the Cabinet of Ministers of Turkmenistan.

Article 170. The appeal of disciplinary action

1. A disciplinary sanction may be appealed in accordance with this Code and other legislative acts of Turkmenistan.

2. Recourse labor disputes shall take into account the severity of the committed offense, the circumstances under which it is committed, previous behavior employee attitude to work, and compliance with disciplinary action of gravity the offense committed.

3. In the event that disciplinary action is not proportionate to the gravity offense committed Recourse labor dispute cancels the order on the application of a disciplinary sanction.

SECTION XI. OCCUPATIONAL SAFETY AND HEALTH

Article 171. The protection and working conditions

1. Protection of labor - a system ensuring the safety of life and health of employees the course of employment, including the legal, socio-economic, organizational and technical, sanitary and hygienic, medical and preventive, rehabilitation and other measures and means.

2. Working conditions - totality of the factors of production environment and labor process, affecting the performance and health of workers.

Article 172. The main directions of the state policy in the field of labor

1. The main directions of state policy in the field of occupational safety are:

- 1) the priority of saving lives and protecting the health of workers;
- 2) the adoption and implementation of laws and other normative legal acts of Turkmenistan labor protection, as well as targeted programs to improve working conditions and safety;
- 3) Administration of occupational safety;
- 4) State supervision and control over compliance with labor protection requirements;
- 5) the licensing of potentially hazardous work, certification of products (works, services) industrial purposes;
- 6) To promote trade union bodies of public control over the observance of human rights and the legitimate interests of workers in the field of occupational safety and health;
- 7) investigation and accounting of accidents at work and occupational diseases;
- 8) protection of the rights and legitimate interests of employees affected by accidents and occupational diseases, as well as their family members;
- 9) establishment of compensation for work under harmful, very difficult working conditions;
- 10) coordination of activities in the field of occupational safety, environmental protection and other of economic and social activities;
- 11) the dissemination of best national and foreign experience to improve environment and health;
- 12) implementation of occupational health research organization, new technology, encourage innovation and invention;
- 13) State participation in the financing of labor protection measures;
- 14) training and retraining of specialists in occupational safety and health;
- 15) the organization of the state statistical reporting on working conditions, as well as occupational injuries, occupational diseases and their material effects;
- 16) ensuring the development and functioning of a unified information system protection labor;
- 17) International cooperation in the field of occupational safety and health;
- 18) Effective tax policies that promote the creation of safe working conditions, the development and introduction of safe equipment and technologies, manufacturing

individual and collective protection of workers;

19) establish procedures to ensure employees with personal and collective protection, as well as ablution facilities and devices, therapeutic prophylactic agents at the expense of employers.

2. Implementation of the main directions of the state policy in the field of labor protection ensured coordinated actions of state authorities, local authorities and local self-government, employers and their associations, and as trade unions and other authorized staff representative authorities on safety.

Article 173. The right of the employee to work, meeting the requirements of safety and health

Every worker has the right to:

1) workplace, sheltered within the permissible limits of exposure to harmful or safety hazards that could cause injury to the production, occupational disease or decreased performance;

2) obtaining a complete and accurate information from the employer, the relevant government bodies and public associations of the conditions and labor protection workplace of existing health risks, as well as measures to protect against harmful and (or) hazardous production factors;

3) refuse to work in case of danger to life and health of its or other persons due to violations of labor protection requirements, except in cases specified by law, to eliminate this risk;

4) provision of means of individual and collective defense in accordance with the labor protection requirements at the expense of the employer;

5) Training (instruction) safe methods and techniques of labor at the expense of the employer;

6) professional training at the expense of the employer in the event of liquidation the workplace as a result of violations of labor protection requirements;

7) The request for verification of the conditions and labor safety at his workplace authorities state supervision and control over compliance with labor legislation Turkmen workers engaged in state expertise of working conditions, and trade union bodies;

8) appeal to bodies of state power and administration, local authorities and local government, the employer, employers' associations, as well as trade unions and other representative bodies authorized by employees

labor protection;

9) personal participation or participation through their representatives in the deliberations, related to ensuring safe working conditions at his workplace, and the investigation of what happened to him an accident at work or occupational disease;

10) extraordinary medical examination (examination) in accordance with the medical recommendations to preserve his place of work (position) and average wage board during the passage of the said medical examination (examination);

11) compensation and other payments established by the legislation of Turkmenistan, and the collective labor contract (agreement), if he is engaged in work with harmful, hard working conditions.

Article 174. The State guarantees the protection of workers' rights in the field of labor protection

1. The State guarantees the protection of workers' rights in the field of labor.

2. The State shall ensure the organization of labor protection, the implementation of the State supervision and control over compliance with labor protection sets responsibility for violation of labor legislation of Turkmenistan.

3. The conditions of workers shall comply with occupational safety and health.

4. At the time of suspension of the work of state supervision and control of compliance with labor legislation of Turkmenistan as a result of violations of the requirements occupational safety and health through no fault of the employee for him saved job (position) and average wage.

5. In case of refusal of the employee to work assigned to them in the event of immediate danger to life and health of those around him; failure to provide the necessary means of individual protection directly providing safety; suspension and prohibition of work by state supervisory and control employee to remedy, or to create a new workplace should be provided for up to a month of other work, corresponding to his qualifications, or with his consent, to work with payment of not less than average wages for the same work. If necessary, the employer is required due own funds to provide training to an employee of a new profession (specialty) with preservation of his training period the average wage.

6. If the provision of the employee other work due to objective reasons it is impossible, employee downtime to eliminate hazards to life and health burden the employer in accordance with this Code and other regulations

acts of Turkmenistan.

7. In the event of failure to provide the employee with personal and collective protection accordance with the rules the employer has no right to demand employee performance and job duties is obliged to pay has arisen for this reason simple, in accordance with this Code.

8. The refusal of the employee to perform work in the event of danger to his life and health due to violations of labor protection requirements or from doing work with harmful, very difficult working conditions not covered by the labor contract, not entails bringing him to disciplinary responsibility.

9. In the event of injury (damage) life and health of the employee in the performance of job duties specified compensation of harm (damage) is carried out

accordance with the law.

10. In the case of deterioration of the health of workers due to work conditions, disability due to an accident at work or occupational disease the employer must provide the employee with his agreement, work in accordance with medical opinion or to ensure due Equity worker training a new profession (specialty) with preservation his training period the average wage, and if necessary - his rehabilitation.

Article 175 Compulsory insurance against accidents at work and occupational diseases

Categories of workers employed in a high-risk industries, subject compulsory personal insurance of employer against accidents at work and occupational diseases in accordance with the law.

Article 176. The right to compensation for working conditions

Workers engaged in work under harmful, very difficult working conditions, have the right to retirement pension for the work with special working conditions, wages increased in size, free provision of therapeutic and preventive nutrition, milk or equivalent foodstuffs paid breaks for working conditions, shortened working hours, additional leave, as well as other compensation. Lists professions and categories of employees who are entitled to compensation for working conditions, their types and sizes are set by the Cabinet of Ministers of Turkmenistan.

Article 177. The right to information on occupational safety

At the conclusion of the employment contract and the transfer to another job worker must be He informed the employer about working conditions, including the presence of risk occupational and other diseases, the benefits and compensation due to him in connection with this, as well as personal protective equipment. The employer must also inform employees and representative bodies of the employees of the state of conservation work on specific jobs and manufacturing.

Article 178. Duties of the employer to ensure the safety of labor

1. The obligation to ensure occupational safety at the plant are assigned to the employer.
2. The employer shall ensure:
 - 1) the safety of employees in the operation of buildings, structures, machinery, tools, hardware implementation of technological processes used in the manufacture tools, raw materials;
 - 2) the use of individual and collective protection of workers;
 - 3) the working conditions at every workplace, meeting the requirements of labor protection;
 - 4) work and rest of workers in accordance with the law;
 - 5) purchase and issue of own funds of special clothing, shoes and other personal protective equipment, Washing and neutralizing or disinfectants in accordance with established standards for workers, engaged in work under harmful, very difficult working conditions, as well as works, performed in special temperature conditions or connected with pollution;
 - 6) training in safe methods and techniques of work on labor protection and assistance first aid in case of accidents in the workplace, instructions on labor protection, training in the workplace and verification of knowledge of labor protection requirements, safe techniques and methods of work;
 - 7) preventing the work of persons who have not passed in the established order, and training briefing on labor protection, training and testing of knowledge of labor protection requirements;
 - 8) organization of monitoring of the working conditions in the workplace, as well as correct use by workers of personal and collective protection;
 - 9) carrying out certification of workplaces for compliance with standards and regulations for the protection of labor;

10) in the cases provided by this Code, laws and other regulations legal acts of Turkmenistan, organize, conduct at its own expense mandatory preliminary (at employment) and periodic (for employment) medical examinations (surveys) workers early medical examinations (surveys) of employees at their request, in accordance with the medical report with the preservation of their place of work (position) and average wages for the period of these medical examinations (surveys);

11) preventing workers to perform their work duties without passing mandatory medical examinations (surveys) by occupation, a list of which established by the legislation of Turkmenistan, as well as in the case of health care contraindications;

12) inform employees of the conditions and safety in the workplace, on the existing health risks and the compensation due to them and means individual and collective protection;

13) Providing information and documents to government labor protection, state supervision and control over observance of labor legislation of Turkmenistan, as well as trade unions and other representative bodies workers needed to exercise their powers;

14) adoption of measures to prevent accidents, save lives and health workers in the event of such situations, including those of the affected first aid;

15) The investigation, the account and the analysis of accidents at work and occupational diseases in the manner prescribed by this Code and other laws legal acts of Turkmenistan, the issuance of the victim, and in the case of his death - family (family members), legal representative of the deceased certified copy of the act of the accident case not later than three days after the end of the investigation;

16) sanitary and preventive maintenance workers accordance with the requirements of labor protection;

17) unimpeded access for inspections and investigations of officials government labor protection, state supervision and control, public control over compliance with labor legislation of Turkmenistan;

18) compliance with the requirements of officials of state supervision and monitoring compliance with the labor legislation of Turkmenistan and reviewing Prescriptions of public control in the manner prescribed by this Code;

- 19) familiarize workers with the necessary documents for Occupational Safety and Health in their workplace;
- 20) development and approval, taking into account the views of the trade union or other authorized Authority staff regulations on labor protection for workers;
- 21) adoption of science-based and feasible measures for removal physical and psychological fatigue of workers in the labor process;
- 22) The prohibition of employees to perform operations defined as the imminent danger;
- 23) timely notification of the relevant authorities on the accidents and accidents production;
- 24) the availability of normative legal acts of Turkmenistan containing protection requirements work in accordance with the specifics of the enterprise, and to introduce them workers.

Article 179. Requirements on occupational safety

1. All companies must be created working conditions that meet the requirements safety and hygiene. The creation of such conditions is the responsibility of the employer.
2. Requirements for labor protection established by this Code and other normative legal acts of Turkmenistan, as well as technical standards.
3. The employer is responsible for the violation of occupational safety requirements in order prescribed by law.

Article 180. State regulations of labor protection

1. State regulations of labor protection rules are established, procedures and criteria aimed at preserving the life and health of workers the course of employment.
2. The requirements of occupational safety are binding on legal and physical persons in the exercise of any activities, including the engineering, construction (reconstruction) and operation of facilities, construction of machines and other equipment, process design, of production and labor.

3. The certificate of conformity of labor protection (security certificate) - the document

certifying the compliance of the enterprise labor protection established state regulatory requirements of labor protection.

Article 181. State management of labor protection

1. State labor protection management is to implement key the state policy in the field of occupational safety, legislation and other regulations in the field of occupational safety and health, as well as the requirements for the means of production, technology and organization of work, guaranteeing workers healthy and safe working conditions.
2. State management of labor protection is carried out in accordance with the Regulations, approved by the President of Turkmenistan.

Article 182. Governments in the field of labor protection

1. The bodies of state administration in the field of labor protection is the main public service "Turkmenstandartlary" (hereinafter - "Turkmenstandartlary") and other State authorities operating in the field of labor.

2. "Turkmenstandartlary" within its powers:

- 1) provides comprehensive management of public security work, exercises interagency coordination for OSH;
- 2) organizes the development of the state programs on occupational safety and monitors implementation;
- 3) establish the requirements necessary to ensure safety at enterprises on the basis of science-based standards, rules and regulations. Regulatory legal acts should ensure the right to protection of life and health of not less than guarantees provided by this Code;
- 4) carries out state supervision and control of occupational safety and conduct state expertise of working conditions;
- 5) in the prescribed manner investigates accidents and accidents at work;
- 6) resolve other issues defined by the legislation of Turkmenistan and present Code.

Solutions "Turkmenstandartlary" in the field of occupational safety are binding on all ministries, departments and enterprises.

3. Governments in the field of occupational safety and health have the right to:

- 1) freely visit the company at any time, to receive from the ministries, departments and enterprises the necessary information;
- 2) to give managers and other officials of enterprises required

prescriptions;

3) to suspend (prohibit) operation of enterprises, individual industries, shops, plots, workplaces and equipment in cases of violations of labor protection requirements;

4) impose fines on directors, officers, employees of enterprises violation of laws and other regulations on occupational safety, make submission on dismissal of the said persons from office, transfer to where necessary materials to the prosecuting authorities.

4. The employer shall ensure that all the necessary conditions to representatives of public administration in the field of labor for the performance of their assigned functions.

5. Authorized officials of the state administration in the area protection of labor for abuse of power and the use of unjustified sanctions are responsibility in accordance with the law.

Article 183. The powers of the ministries, departments and other state bodies management in the field of labor

Ministries, departments and other governments in the field of labor:

1) implement the main directions of state policy in the field of labor protection;

2) it develops standards, rules, regulations and other regulations, conduct technical expertise of projects for construction and reconstruction of facilities, new technological processes and equipment to meet the requirements of labor protection;

3) organize the established procedure training for managers and specialists companies rules and regulations of labor protection;

4) carry out internal control of occupational safety;

5) exercise other powers provided by the legislation of Turkmenistan.

Article 184. The powers of local authorities and local government in the region labor protection

Local authorities and local self-government ensure the implementation of State policy in the sphere of labor in provinces, districts and towns, as well as Gengeshlik.

Article 185. Labour Protection Service in the enterprise

In order to ensure compliance with occupational safety and health, control of their

implementation in each enterprise, to carry out production activities, with numbering more than fifty employees created office of occupational safety or introduced the position of labor protection specialist having appropriate training or experience work in this field. The status of occupational safety and health service equal to the principal industrial services company and is subject to business leaders.

It is forbidden the laying of workers labor protection service performance is not inherent

it functions.

Article 186 of the Commission on Labour Protection

1. The enterprises initiated by the employer and by the employee or union and (or) other representative body of workers created Commission labor protection. It is composed on a parity basis, representatives of employers, trade union or other representative body of workers. Model Regulations Commission for the protection of labor is developed and approved "Turkmenstandartlary".

2. The Commission for the Protection of Labour will organize joint action by employers and workers ensure labor protection requirements, the prevention of occupational accidents and occupational diseases, as well as organizes inspections of conditions and protection workplace and informing the workers of the results of these checks, collection of proposals to the section of the collective agreement (agreements) on labor protection.

Article 187. Medical examination

1. The employer at their own expense shall organize preliminary (at the conclusion of the employment contract) and periodic (in the process of work) medical examinations of employees:

- 1) under the age of eighteen years;
- 2) men who have reached sixty-two years old, women who have reached fifty-seven years;
- 3) persons with disabilities;
- 4) employed in jobs with poor working conditions, night work, as well as work-related traffic;
- 5) engaged in work in the healthcare and medical industry, food processing industry, commerce and other industries, directly serving the public;
- 6) teachers and other employees of schools, nursery schools and other institutions directly involved in the training or education of children;

7) other workers in accordance with the law.

2. The list of jobs with unfavorable working conditions and other work in the performance of which preliminary and periodic medical examinations, and how they established by the legislation of Turkmenistan.

3. Workers referred to in the first part of this article, can not shirk a medical examination. When these workers evasion from passage medical examinations or implementation of the recommendations issued by physicians Commission on the results of surveys, the employer has the right not to allow them to work.

4. Do not use the labor of workers at work, are contraindicated for them health.

5. The employee has the right to:

1) require extraordinary medical examination if it considers that the deterioration of his health due to the working conditions;

2) information on the assessment of his health as a result of prior at applying for a job and periodicals - for medical work inspections.

6. The workers do not bear the cost of a medical examination, stipulated in this article.

Article 188. Provision of personal protective equipment

1. work under harmful, very difficult working conditions, as well as works, performed in special temperature conditions or pollution-related workers issued certified personal protective equipment, and wash-off neutralizing or disinfectants in accordance with the rules, approved in accordance with the legislation of Turkmenistan.

By means of individual and collective protection of workers' refers to technical and other means used to prevent or reduce exposure of workers to harmful and (or) dangerous production factors, as well as to protect against contamination.

2. The acquisition, storage, laundry, cleaning, maintenance, disinfection and disposal of assets Individual protection of workers carried out at the expense of the employer.

The employer is required to provide storage, washing, drying, disinfection, decontamination,

decontamination and repair granted to employees on the established norms of special clothing, footwear and other personal protective equipment.

3. Issuance of employees instead of special clothes and special shoes for the sums of money their acquisition, as well as materials for their manufacture is not permitted.

In exceptional cases, where special clothes and special shoes are not issued in term, and therefore they are acquired by the employees, the employer must reimburse them the cost of purchasing these clothes and shoes.

Article 189. Providing workers with milk, therapeutic and preventive nutrition, carbonated salt water, tea, personal protection and hygiene

Workers employed in jobs with poor working conditions, provided free on the established norms:

- 1) equivalent milk or other food;
- 2) therapeutic and preventive nutrition;
- 3) carbonated salt water (for those working in hot shops), tea;
- 4) means of personal protection and hygiene.

Article 190 of sanitary and preventive maintenance workers

1. Provide sanitary and domestic, medical and preventative maintenance workers enterprises in accordance with the requirements of the labor rests with the employer. AT For this purpose the company on the established norms equipped with sanitary and household premises, facilities for food, space for medical care, rooms for rest during working hours and psychological relief; created health posts first-aid kits, equipped with a set of medicines and drugs for first aid; mounted devices (devices) for ensure workers of hot shops and sites carbonated salt water and more.

2. Transportation to hospitals or to the place of residence of workers affected by accidents at work and occupational diseases, as well as other medical vehicles manufactured enterprise or his score.

Article 191 Additional measures for the protection of disabled persons

1. The employer is obliged to employ people with disabilities, designed by local authority

(service) in the manner of employment of employment for jobs in the account established quota.

2. Recommendations of MSEK part-time work, reducing the load and other conditions of employment of persons with disabilities are binding on the employer.

3. Involvement of disabled people to work at night and overtime work and work the weekend is permitted only with their consent, provided that such work does not banned them the medical report.

Article 192. Duties of the worker in the field of labor

A worker in the field of labor is required to:

1) comply with the requirements of occupational safety established by laws and other regulations legal acts of Turkmenistan, as well as the rules and regulations on labor protection;

2) comply with the requirements of the relevant regulations, rules and other regulations legal acts of Turkmenistan on labor protection, safe operation of machines, equipment and other means of production, as well as rules of conduct on the territory of enterprises in production, auxiliary and amenity rooms;

3) comply with the rules and obligations of labor protection provided by the collective contract (agreement) and internal regulations of the enterprise;

4) the right to use means of individual and collective protection, and in cases of lack of immediately notify the immediate supervisor;

5) trained safe methods and techniques of work on labor protection, First aid in case of accidents in the workplace, instructions on the protection of labor, training in the workplace, examination of knowledge of labor protection requirements;

6) undergo mandatory pre-upon employment and periodic - in

During employment medical examinations (surveys) in accordance with Article 183 of this Code;

7) assist and cooperate with the employer in ensuring a healthy and safe working conditions, tell your immediate supervisor accident that occurred in the workplace, as well as the situations that create danger to him or to others.

Article 193. Conducting briefing and training of labor protection rules

1. On the employer's responsibility to provide mentoring employees Safety safety, industrial hygiene, fire protection and other rules

occupational safety and health, as well as the implementation of continuous monitoring of compliance with workers all the requirements for the protection of labor.

2. The employer is obliged to train the employees to the rules of labor protection and inspection their knowledge.

3. Admission to the work of persons who are not trained, instruction and examination by OSH is prohibited.

Article 194 Education and training in the field of labor protection

1. All employees of the company, including its leader, must undergo training Occupational Safety and verification of knowledge of labor protection requirements.

2. For all persons coming to work, and for workers transferred to another work, the employer or an authorized person shall be obliged to carry out instruction for the Protection of Labour, to organize training in safe methods and techniques of work and first aid to victims.

3. The employer shall ensure that the education of persons coming to work with harmful and (or) hazardous working conditions, safe methods and techniques of work with internship in the workplace and exams and conduct their periodic training labor protection and examination of labor protection requirements during the work.

4. The State shall promote the organization of training on occupational safety and health in schools Turkmenistan, which provides for compulsory study course "Labour" in the as a separate subject or an independent branch of the corresponding subject.

5. The State shall ensure the training of specialists in labor protection vocational and higher education institutions.

Article 195. Transfer of health to a lighter or eliminate exposure unfavorable factors of production work

1. Workers need for health to provide a more easily or excluding the impact of unfavorable factors of production work the employer must transfer, with their consent, for such work in accordance with the medical certificate temporarily or indefinitely.

2. When transferring the state of health to lighter or eliminate exposure

unfavorable factors of production paid job for employees in
Within two weeks from the date of the transfer, the previous average wages.

3. Employees who are temporarily transferred to a lower paid job due to injury or other health impairment related to the work, the employer is responsible for personal injury, pays the difference between the previous average monthly and salary for a new job. This difference is paid to the employee rehabilitation or establishment of invalidity.

4. The laws of Turkmenistan may provide for other cases of conservation the same average salary in the translation of health to lighter or not subject to unfavorable factors of production paid job.

Article 196. The right of an employee to refuse to perform the work, creating a threat to his life or health

The worker shall immediately notify the employer of the event in the process circumstances endangering his life or health. Upon confirmation of the circumstances of the bodies carrying out supervision and monitoring of compliance with the protection labor, the employer shall take measures to eliminate them. If the necessary measures have not been taken, the employee has the right to refuse to carry out the relevant work to eliminate circumstances endangering his life or health. During this period, the employee saved his average salary.

Article 197. First aid workers and their transport in health prophylactic institutions

1. The employer is obliged to take measures to provide medical first aid workers, sick in place of work (service).

2. Transportation to medical institutions employees who become ill on the spot work (service) is made by the employer.

Article 198. Compliance with production facilities and products (works, services) labor protection requirements

1. The projects of construction and reconstruction of production facilities, as well as machines, tools and other production equipment, production processes must meet the requirements of standards, rules and safety standards.

2. It is prohibited construction, reconstruction, technical re-equipment production facilities, production and introduction of new equipment, introduction of new technology without the conclusion of the state expertise of working conditions on the line projects identified in the first part of this article, the labor protection requirements.

3. New or reconstructed facilities can not be accepted operation without the conclusion of corresponding bodies of state supervision and control over observance of labor protection requirements.

4. Do not use in the production of harmful or dangerous substances, materials,

(works, services), which are not developed techniques and tools metrological control, toxicological (sanitary and hygienic, health biological) evaluation is not carried out.

5. In the case of new or not previously used in the enterprise or harmful Hazardous substances the employer is required to start using these substances develop and coordinate with the relevant organs of state supervision and control over compliance with labor protection measures to preserve the life and health workers.

6. machines and other production equipment, vehicles, manufacturing processes, materials and chemicals, personal and collective protection of workers, including foreign production should comply with occupational health and have certificates of conformity.

Article 199. Financing of labor protection

1. The financing of labor protection measures at the enterprise is carried out at the expense of its own funds, funds of the State budget and extra-budgetary funds.

2. The amount of funds allocated for the protection of labor is determined by the collective agreement (agreement), based on the most comprehensive safety and health conditions labor.

3. Governments OSH together with enterprises may Fund to form the safety and quality of labor, the formation and use which is determined by the Cabinet of Ministers of Turkmenistan.

Article 200. Investigation and account of occupational accidents

1. The employer shall:

1) promptly conduct an investigation and accounting of accidents at work;

2) to give the victim, and in the case of his death - family (family members), the law representative of the deceased act about the accident within three days of the end investigation.

2. Investigation and account of occupational accidents produced in the order the Cabinet of Ministers of Turkmenistan.

Article 201. Consideration of the differences in handling, processing and accounting accidents at work

Differences in the investigation, registration and accounting of accidents
production of non-recognition by the employer (authorized representative)
accident, failure to conduct the accident investigation and preparation
the relevant act, the victim of disagreement or his authorized representative to the content
this act considered by the relevant state bodies
OSH union body, whose decisions can be appealed in court. AT
these cases, filing a complaint is not a reason for non-fulfillment by the employer

(authorized representative) the decisions of these bodies.

Article 202. The supervision and control of occupational safety

1. State supervision and control of occupational safety exercise
the public authorities referred to in Article 178 of this Code.

2. Public control over the observance of rules and regulations on labor protection is carried out
trade unions and other representative bodies of the employees.

Article 203. Liability of officers and other persons as well as employees for violation
Turkmen legislation on labor protection

The officials and other persons as well as employees who are guilty of violating the law
Turkmenistan OSH attracted to material, disciplinary,
administrative and criminal liability in the manner prescribed
legislation of Turkmenistan.

Article 204. Responsibility of design organizations for the development of projects
the means of production and technologies in violation of labor protection

During the drafting of the means of production and technologies in violation of rules and regulations on
OSH design organizations are obliged to fully compensate
customer costs for the elimination of these violations and their consequences.

Article 205. Responsibility of the enterprises for release and marketing of production
appointment that does not meet the requirements of labor protection

1. Enterprises producing and supplying products for production purposes,
does not meet the requirements of labor protection, consumers compensate the damage caused to them
(damage) on the terms and conditions determined by the legislation of Turkmenistan.

2. It is illegal to manufacture, advertising and sale of products
purpose, including acquired outside Turkmenistan is not appropriate
the requirements of standards, rules and regulations on labor protection. Profits
derived by an enterprise as a result of such activities shall be subject to the established

order the withdrawal of the State Budget of Turkmenistan.

SECTION XII. LIABILITY employment contract

Chapter 1. General Provisions

Article 206. The obligations of the parties of the labor contract to compensate the caused damage (harm)

1. A labor agreement party (employer or employee), the reason is due to the performance of duties in the field of labor damage (damage to) the other party shall reimburse him for the rules established by this Code and other normative legal acts Turkmenistan.

2. Collective Agreement (the agreement) can be concretized material responsibility of the parties of the labor contract. This contractual liability employer to the employee shall not be lower, and the employee to the employer -

higher than that provided by this Code.

3. Termination of employment after the damage (injury) does not entail the release of the employment contract of liability, provided by this Code and other normative legal acts Turkmenistan.

Article 207. Terms of offensive liability side of the labor contract for damages (harm)

1. The liability of the parties of the labor contract for the damage (harm) caused by the other side of her employment contract, sets for damages (harm) caused as a result of guilty of wrongful conduct (action or inaction) and a causal link between guilty of unlawful conduct and caused damage (harm), unless otherwise provided by this Code and other normative legal acts Turkmenistan.

2. The employer bears financial responsibility to the employee for the damage (the damage) caused:

1) unlawful deprivation of the employee the opportunity to work;

2) the property of the employee;

3) life and health.

3. The employee assumes financial responsibility to the employer for the damage (the damage)

caused loss or damage to property of the employer, or arising employers need to make concerning unnecessary costs.

Chapter 2. Liability of the employer to the employee

Article 208. Damage (damage) to be reimbursed to the employee

The employer shall reimburse the employee damages (harm) caused to him in connection with the execution labor duties or as a result of illegal deprivation of the opportunity to work, and the death of a breadwinner, work-related, - persons referred to in Article 216 of the Code, any damages (including moral) in full, unless otherwise provided by this Code.

Article 209. Types of damages (harm)

Compensation for damage (harm) to the victim is:

- 1) the payment of sums of money in the amount of wages or appropriate parts of it in Depending on the degree of occupational disability as a result of labor injury;
- 2) compensation for additional costs associated with obtaining the necessary medical care on the conclusion of MSEK;
- 3) payment in certain cases a lump sum.

Article 210. The obligation of the employer to compensate the employee material damage (harm) caused by the unlawful deprivation of his ability to work

The employer must compensate the employee unreceived their salaries at all cases of illegal deprivation of his ability to work. Such an obligation, in particular, occurs if the salary is not received as a result of:

- 1) illegal dismissal of the employee to work for his dismissal or transfer to another work;
- 2) the employer's refusal to perform or delay in execution of the Authority Review of labor disputes, legal trade union body or the inspection of ships restore the employee to former job;
- 3) the employer delays issuing employment record employee inclusion in the work book incorrect or inconsistent with the wording of the legislation of Turkmenistan reasons for dismissal;

4) other cases specified by law and collective contract (agreement).

Article 211. The obligation of the employer to pay damages (harm) caused to health employee

1. The employer is obliged to compensate in full the damage (harm) caused to health employee injury, occupational disease or other damage to health, related to the performance of his job duties, unless he proves that the damage (harm) not caused by his fault.

2. The employer bears financial responsibility for damages (harm) caused Health worker industrial injury, both on the territory of the employer, as well as for her Outside, as well as during their journey to and from work and return to work transport provided by the employer.

3. The employer is obliged to pay damages (harm) caused to the health of employees in the performance of work duties a source of danger, unless he proves that damage (harm) caused due to force majeure or intent of the victim.

4. If the damage (harm) caused not a source of danger, the employer exempt from liability if he proves that the damage (harm) caused no fault of his.

5. The damage (harm) caused to the health of the employee in the performance of their labor obligations due to the fault of third-party persons (natural or legal) be compensated employer, followed by recourse to the guilty person in the manner prescribed legislation of Turkmenistan.

Article 212 Wine and proof of employer's liability for damages (harm)

1. Employment injury deemed to have occurred due to the fault of the employer, if it happened due to their failure to provide a safe working environment healthy (non-compliance

occupational safety, industrial hygiene, environmental safety, etc.).

2. The proof of employer's liability for damages (harm), and evidence of his guilt can be:

1) A statement of the accident at work (occupational diseases);

2) the sentence, the court's decision, the prosecutor, the body of inquiry or pre-investigation;

3) Finally, a specially authorized bodies of state supervision and control of causes damage to health;

4) The decision to impose administrative or disciplinary sanctions on the perpetrators officials;

5) medical report on occupational diseases;

6) other documents as well as witnesses.

Article 213. The amount of damage (harm) to be recoverable due to damage health worker

1. Compensation for damage (harm) is a monthly payment (for life) as a percentage of the average monthly wage of the victim to the industrial injury, relevant the degree of loss of their professional work, as well as compensation additional costs caused by damage to health.

2. The degree of occupational disability and neediness in victim other types of assistance is determined by MSEK.

The procedure for establishing the degree of occupational disability as a result of industrial injury is defined by the legislation of Turkmenistan.

3. In appointing the amount of compensation for damage (harm) to the victim are taken into account it receives government disability allowance due to an industrial injury, wage stipend.

4. In the case of appointment to the victim of the retirement pension when determining the amount of compensation damage (harm) is taken into account the size of the previously designated public benefit disability, taking into account its increase in accordance with the acts of the President of Turkmenistan.

Article 214. The size of damages (harm) during the second industrial injury

1. In the case of re-employment injury, the average monthly payment on request the victim shall be calculated for the periods prior to the first or re-employment injury.

2. If the employment injury caused during the work with the same employer, the size damages (harm) is calculated on the total percentage of disability combination of the first and re-injury.

3. If the employment injury caused by different employers, determine the amount of

damages (harm) produced by each employer on the basis of percentage of occupational disability under the relevant labor injury.

Article 215. Liability of the employer for damages (harm) caused property of the employee

1. An employer who caused the damage (damage) property of the employee reimburses the damage (harm) in full. The amount of damage (harm) is calculated at market prices, operating in the area at the time of damages (harm), net of depreciation this property.

2. With the consent of the employee damages (harm) can be reimbursed in kind.

3. Statement by the employee for damages (harm) directed them to the employer. The employer is obliged to consider the applications and make an appropriate a decision within ten days from the date of its receipt. In case of disagreement with the employee the decision of the employer or no response within the prescribed period the employee has the right go to court.

Article 216. The obligation of the employer for damages (damages) in connection with death breadwinner

1. In the case of death of an employee due to industrial injury, occupational disease or other damage to health associated with the performance of employment duties, the employer is obliged to pay damages (harm) disabled family members and persons dependent on the deceased, as well as persons under the age of eighteen, dependent on the deceased or had the day of his death, the right to receive the content of it, the child of the deceased born after his death, as well as one of the parents, spouses or other family members, if it does not work and is busy taking care of children - brothers, sisters or grandchildren of the deceased who have not reached the age of eight.

2. disabled family members and persons who were dependent on the deceased, eligible for compensation (damage) in connection with the death of a breadwinner, are:

1) children (including adopted children, stepchildren udocherënnye), brothers, sisters and grandchildren under the age of eighteen or over that age if they became disabled before reaching the age of eighteen, and the brothers, sisters and grandchildren - in the provided that they do not have able-bodied parents, stepchildren - if they do not receive alimony from their parents;

2) The father, mother (including adoptive parents, udocheriteli), the wife, the husband, if they have reached retirement age: men - 62 years, women - 57 years old, or are disabled and receive a pension or state benefits;

3) a parent or spouse (wife) or grandparents of the father and mother, brother or sister, irrespective of age and disability if he (she) is not available (a) the departure of for children, brothers, sisters or grandchildren of the deceased breadwinner, not reached eight years of age, and does not work;

4) The grandparents of the father and mother who have reached retirement age: Men - 62

years, women - 57 years old and do not have a livelihood, in the absence of persons who are required by law to support them.

Time of onset of disability of a family member (either before or after the death of the breadwinner) is not It affects his right to compensation for damage (harm).

3. Children breadwinner, studying on the job in vocational, higher, as well as religious schools, the benefits are paid until the end of these schools, but not longer than until the age of twenty-three years.

Article 217. The amount of damage (damage), subject to compensation in connection with the death of a breadwinner

1. disabled family members and persons dependent on the deceased survivor and eligible for compensation (damage) in connection with his death, damage (damage) is determined in the amount of average monthly salary, net of the deceased, attributable to him and able-bodied persons who obtained their dependents, but not having the right to compensation for damage (harm).

To determine the amount of damages (harm) to each person entitled to refund part of the wages of a breadwinner, which accounts for all of these individuals, divided by their number.

2. The disabled persons who are not dependent on the deceased, but having the right to damages (harm), its size is determined by the court.

3. If the right to compensation (damages) are at the same time as being on the face dependent on the deceased, and not his dependents, it is first determined amount of compensation for damage (harm) to persons who are not dependent on the deceased. Installed amount of their compensation (damages) is excluded from the wage breadwinner, then on the basis of the remaining amount of wages is determined by the size of damages (harm) persons dependent on the deceased, in order, stipulated by parts one and two of this article.

4. Persons entitled to compensation (damages) in connection with the loss of a breadwinner, counted designee state benefit survivor.

Article 218. The size of a lump sum

1. In case of death of an employee, was the result of an accident at work or occupational disease, the company pays a family (family members) dead lump sum equal to ten times the annual salary of the deceased.

2. The lump sum is not subject to taxation.

Article 219. The order and terms of compensation (damages) in connection with an employer damage to health or death of the employee

The order and timing of reimbursement by the employer of damage (damage) in connection with the damage employee's health or death associated with the performance of employment duties,
The Cabinet of Ministers of Turkmenistan.

Article 220. The order of consideration of cases of damages (harm) caused to

employee

1. The application for damages (harm) is supplied to the employer affected employee, and in the case of death of an employee - family (family member) or legal representative.

2. The employer is obliged to consider the application and make an appropriate decision ten days of its receipt.

The decision is made by the order of the employer with the names of persons to whom established damages (harm), its size for each family member and deadlines payments.

3. A copy of the order for compensation of the employee damages (harm) or reasoned written the refusal of the employer or the employee is awarded to interested parties within three days from the the date of its adoption.

In case of disagreement of the employee or interested parties with the decision of the employer or no response within the prescribed period, they can apply to the court for permission the dispute.

4. An employee who has received industrial injury while working abroad, or family members deceased employee shall submit an application for damages (harm) to the employer, sent the employee abroad, or take it for a job abroad.

Article 221. The payment of sums in damages (harm) during his stay in domah-homes for the elderly and disabled

1. In the case of placement of a person who is assigned damages (harm) in house-for elderly and disabled persons in the amount of compensation (excluding amounts owed to disabled dependents) are listed on the employer the bank account of the boarding house.

2. disabled dependents of these persons compensation (damage) is made the employer in the following order: on the one disabled dependent - one

fourth, two - one third on three or more - half of the assigned amount of compensation damage (harm). The remainder of the amount of damages (harm) is transferred to the checking account orphanage.

3. A person who is assigned damages (harm) in the nursing home is not paid less than 25 per cent of the assigned amount of damages (harm).

4. Minor dependents of the victim, under full public content, the difference between the sum of their assigned damages (harm) and cost the state the content, but not less than 25 per cent of the assigned the amount of damages (harm) is transferred to the enterprise, in which it is contained, to their personal bank accounts.

5. The employer pays the boarding home for the elderly and disabled cost keeping a person who is assigned to compensation of damage (harm).

Article 222. The payment of sums in damages (harm) for the serving of the recipient

a sentence of imprisonment

At the time of serving the sentence of imprisonment by a court verdict due the amount of damages (harm) are transferred to the special account of the recipient the establishment of the bank and paid to persons who are dependent on him, according to the assigned amount of their shares.

Article 223. Compensation for damage (damage) in the event of liquidation, reorganization or change the owner of the enterprise or the termination of the employer-physical face

1. In case of reorganization or a change of ownership of the company obligation to pay damages (harm) in connection with industrial injury, occupational disease, and and other damage to health or death of an employee related to the performance of job duties, bear the legal successor.

2. In case of liquidation of the enterprise, including the foreign employer of this company at the same time obliged to make all payments due to the persons entitled to compensation (damages) in connection with industrial injury, occupational disease, and and other damage to health or death of an employee related to the performance of job duties.

The calculation of the amount of damages (damages) to be paid in connection with the industrial injury, occupational disease or other health impairment is made for the period until the face of the appropriate age for life expectancy
According to the State Committee for Statistics of Turkmenistan.

The calculation of the amount of damages (harm) in connection with the death of the employee, subject to paid to persons who have a right to be made for the period for which there is right.

3. On the upcoming liquidation, reorganization or change of ownership of the enterprise, the cessation of activities by the employer-physical person the employer is obliged to two weeks in writing, inform the persons entitled to compensation damage (damage) in connection with industrial injury, occupational disease, as well as other damage to health or death of an employee related to the performance of labor duties. The employer shall also communicate what these payments will be made.

4. Upon termination of the activities of the employer-natural person reimbursement damage (damage) in connection with industrial injury, occupational disease, as well as other damage to health or death of an employee related to the performance of labor duties carried out by the employer-natural person in accordance with part Two of this article.

5. In the event of insolvency of the employer, he makes payments to redress (harm) in the first place, in accordance with the law.

Article 224. The payment of sums in damages (harm) is not received in a timely manner

1. Payment of the sums in damages (harm) is not received in a timely manner to victims or persons entitled to compensation for damage (harm), made over the past time, but not more than three years prior to the day of treatment.

2. The amounts in damages (harm) is not obtained on the day of the death of the recipient, paid to the family members of the deceased or persons living together and was on his dependents.

3. The amounts in damages (harm) is not received in time for the fault of the employer, responsible for the damage (the damage), paid for the last time without restriction kakim-any period.

Untimely paid because of the employer the amount of damages (harm) subject to indexation due to changes in wage set legislation of Turkmenistan.

Article 225. Joint responsibility of the parties of the employment contract in the event of damage (harm) the health worker

1. If the gross negligence of the victim contributed to the occurrence or increase

damage (harm), depending on the degree of guilt of the victim the amount of compensation reduced accordingly.

2. In the gross negligence of the victim, and no fault of the employer in cases when liability is incurred regardless of fault, the amount of compensation and, decreases accordingly. This denial of damages (harm) is not allowed.

The employer's decision on the definition of the degree of guilt of the victim when the rough negligence may be appealed in court.

3. Mixed liability does not apply to a temporary transfer to another job, to additional types of damages (damages) to be paid a lump sum, and well as damages (harm) in connection with the death of a breadwinner.

Chapter 3. Liability employee

Article 226. Terms of the involvement of employees in liability

1. An employee may be brought to liability while the following conditions:

1) damage (harm) caused to the employer in the performance of duties;

2) the unlawfulness of the conduct (action or inaction) of the employee;

3) a direct causal link between the unlawful conduct of the employee and arising from Employer damage (harm);

4) the employee guilty of causing damage (harm).

2. When determining the amount of damage (harm) is taken into account only direct actual damage (harm), the revenues are not included. Under the direct real damage (harm) means a real decrease in the cash assets of the employer or deterioration of said property (including third party property, in the possession of the employer, if the employer is responsible for the safety of property), and the need for an employer to make any unnecessary costs

payments for the purchase or restoration of property.

3. recognized the wrongfulness of such conduct (action or inaction) of the employee, with which he does not perform (or not perform properly) job duties, assigned to it by this Code, labor and collective agreement (agreement).

4. The obligation to prove damage (harm), and the presence of other conditions liability rests with the employer.

5. Employees who bear full responsibility on the basis of of this Code are required to prove the absence of guilt in causing damage (harm).

6. The employer is obliged to create conditions for employees required for normal operation and to ensure full safety of the property entrusted to them (values).

Article 227. Liability of employee for damages (harm) caused employer

1. The employee must reimburse the employer caused him to direct actual damage (harm). Loss of income (loss of profits) is not recoverable from the employee subject.

2. The employee assumes financial responsibility for both direct actual damages (harm) caused by them directly to the employer, and for the damage (the damage) arising from employer as a result of compensation for damage (harm) to other persons.

Article 228. Circumstances excluding the material responsibility of the employee

Financial responsibility of the employee is excluded in cases of damage (damage) due to force majeure, normal economic risk, at or necessary defense or failure to perform the duties of the employer ensuring appropriate conditions for storage of property entrusted to the employee.

Article 229. The right of the employer to waive recovery of damages (harm) to the employee

1. The employer shall have the right, taking into account the specific circumstances under which has been caused damage (damage), fully or partially abandon its recovery from the guilty employee.

2. State-owned enterprises that decision may be taken if provided for by the collective agreement. Compensation for damage (harm) in this case carried out at the expense of company profits, remaining at its disposal.

Article 230. The total liability employee

1. The total liability of the employee is his duty to reimburse caused damage (harm) in full.

2. Liability of the full amount of the damage (harm) could borne by the employee only in the cases provided for in Article 231 of the Code.

Article 231. Cases of full material liability of the employee

1. Liability of the full amount of the damage (harm) is assigned to the employee in the following cases:

- 1) if, in accordance with this Code or other normative legal acts Turkmenistan lies on the employee liability in full for damages (harm) caused to the employer to the employee in the performance of labor responsibilities;
- 2) shortage of values entrusted to him on the basis of a special written contract or received them in a one-off document;
- 3) intentional infliction of damage (harm);
- 4) damage (harm) as a result of the crime set a court sentence;
- 5) damage (harm) as a result of an administrative offense if It sets itself the relevant government authority;
- 6) the disclosure of information constituting a legally protected Turkmen official, commercial or other secret, in cases stipulated by law Turkmenistan;
- 7) damage (harm) is not an employee in the performance of job duties;
- 8) damage (harm) in a state of alcoholic, narcotic or toxic intoxication.

2. Employees under the age of eighteen are solely liable for the cases provided for in paragraphs 3-5 and 8 of this article.

3. Liability of the full amount of damage caused to the employer (damage) can be established the labor contract signed with the head enterprise, deputy directors, chief (senior) accountant.

Article 232. Written agreements on full individual liability

1. Written contracts for full individual liability may be concluded by the employer to the employees (age of eighteen years) office or perform work directly related to the storage, processing, sale (release), transport or application process Production values transmitted to them.

2. The officials guilty of illegal dismissal or transfer to another job Liability of workers who violate officers the obligations specified in the first part of this article shall be liable in accordance with the procedure prescribed by law.

3. The list of such positions and works, as well as the form of a model contract on a full individual liability approved by the Cabinet of Ministers

Turkmenistan.

Article 233. Collective (brigade) liability for damage (harm)

1. In a joint performance of the employees of certain types of work associated with the storage, processing, sale (release), transportation, the use in the production process, or otherwise referred to them using the values, it is not possible to distinguish between the responsibility of each employee for the damage (harm), and conclude with him an agreement on compensation for damage (harm) in full, may be administered collective (brigade) liability.

2. The written agreement on collective (Brigade) liability for damage (damage) is made between the employer and all the members of the team (brigade).

3. The list of works, under which can be administered collective (brigade) liability, the conditions of its application, as well as the form of the Model Treaty on collective (Brigade) liability approved by the Cabinet Ministers of Turkmenistan.

4. In case of voluntary damages (harm) the degree of fault of each member of the team (brigade) is determined by agreement between all the members of the team (team), and employer. When the recovery of damages (harm) the degree of fault of each member of the team (brigade) is determined by the court.

Article 234. The obligation of the employer to establish the size of the damage caused to him (injury) and its causes

1. Prior to making a decision on damages (harm) a particular employee the employer is obliged to carry out checks to establish the size of the damage (injury) and its causes. To carry out this verification the employer has the right to establish a commission with representatives from the trade union body and relevant professionals.

2. Recovery of the employee a written explanation for a cause the occurrence of damage (harm) is a must. Refusal of the employee does not give an explanation be an obstacle to bringing him to liability for damages (harm) caused to the employer.

3. An employee, and (or) its representative have the right to get acquainted with all materials verification and challenge them in the manner prescribed by this Code.

Article 235. Determination of the amount of damage (harm) caused to the enterprise

1. The amount of damage caused to the company (damage) is determined by the actual losses on the basis of accounting data, based on market prices, net of depreciation on established norms. When the theft, shortage, deliberate destruction or intentional damage of property damage (loss) is defined by the rules, established by legislation of Turkmenistan.

2. The enterprises of trade and catering, the amount of damage (harm) caused to

theft or shortage of products and goods is determined by the prices set for sale (realization) of goods and commodities.

3. The law of Turkmenistan could be a special procedure definition the amount of damage (harm), including multiple-year, caused to the enterprise theft, shortage or loss of certain types of property and other assets in the When the actual amount of damage (damage) is greater than their nominal size.

4. The amount of damages (harm) caused to the fault of a few employees, is determined for each of them, taking into account the specific degree of guilt, the kind and limit liability.

Article 236. The procedure for recovery of damages (harm)

1. Compensation for damage (harm) employees in an amount not to exceed the average wages, made by order of the employer, and the heads of enterprises and alternates - on the order of a superior authority in subordination by deductions from the employee's salary.

2. Order the employer or the parent in order to be subordinate body issued no later than two weeks after the discovery of an employee caused to damage (harm) and converted to execution at the end of seven days from the date of notification to the employee about it. Unless the employee does not agree with the net or its size, a labor dispute at his request considered in accordance with the legislation of Turkmenistan.

3. In other cases, compensation (damage) is made by filing employer of the claim in court.

Article 237. Limits of liability of the employee

1. Liability for damages (harm) caused to the company at performance of employment duties, the responsibility of the employee and shall not exceed Full size of the damage (injury), except as provided Turkmen legislation, provided that the damage (harm) caused by his fault.

2. When determining the amount of damage (harm) is taken into account only direct actual damage (harm).

3. It is unacceptable imposition of an employee liable for damages (harm), which It falls into the category of normal production and economic risk (experimental production, the introduction of new technologies, etc.).

Article 238. Cases of the limited liability of employees

Limited financial responsibility in accordance with legislation Turkmenistan are:

1) employees - for damage to or destruction of negligence materials, semi-finished products, products (products), including in their production - in the amount caused to their fault damage (harm), but not in excess of their average monthly salary. The same amount of employees are liable for damage to or destruction of negligence tools, devices, special clothes and other items issued now

employee use;

2) business leaders and their deputies as well as heads of departments in enterprises and their deputies - in the amount caused to their fault damage (harm), but not in excess of their average monthly salary, if the damage (harm) enterprise caused unnecessary cash payments, improper accounting and storage of material or monetary values, failure to take the necessary measures to prevent outages, the issue of substandard products, theft, destruction and damage of material or monetary values.

Article 239. The right to appeal for damages (harm)

Solution for damages (harm) caused to property of the employer, it can be It appealed in court.

Article 240. The account of the specific circumstances in the imposition of liability an employee

1. The Court may, subject to the degree of fault, the specific circumstances and financial position employee to reduce the size of damage (damage), subject to compensation.

2. Do not decrease the amount of damage (damage), subject to compensation if the damage (harm) caused to a crime committed for gain.

Chapter 1. Features of regulation of the labor of women and others with family duties

Article 241. Guarantees to pregnant women and women with children, while taking on performance and termination of the employment contract

1. It is forbidden to refuse women in hiring and reduce their pay for reasons associated with pregnancy or the presence of a child under the age of three years (child-invalid - up to sixteen years).

Business executives and their deputies, as well as the heads of departments and their deputies for refusing to hire a specified persons are responsibility in accordance with the law.

2. In case of refusal in hiring these categories of women the employer must inform them of the reasons for refusal in writing. Refusal of employment to be It appealed in court.

3. Termination of employment contract with pregnant women and women with children aged up to three years (disabled child - up to sixteen years), on the initiative the employer is not allowed, except in the case of liquidation or termination activities of the employer-natural person, a single gross violation of labor discipline, theft of property ownership, as well as in the case specified in part five of this article.

4. In the case of the expiry of fixed-term employment contract during pregnancy women the employer is obliged by its written request and presentation of medical information confirming the state of pregnancy, prolong labor contract before the end of pregnancy. The woman, the duration of the employment contract which was extended until the end of pregnancy, the employer shall, upon request, but not more than once in three months, to provide a medical certificate confirming the state pregnancy. If the woman is actually continues to work after the end of pregnancy, the employer has the right to terminate the employment contract with it in connection with the its expiry within a week from the date when the employer knew or should I have become aware of the fact of termination of pregnancy.

5. Dismissal of a woman in connection with the expiration of the employment contract during her pregnancy, if the employment contract has been concluded at the time of execution responsibilities of an absent employee, and it is impossible with the written consent of the woman transfer it to the end of pregnancy on other information available to the employer's work (as a vacant position or a job, qualified women and

vacant, lower position or paid job) which a woman can perform, taking into account the state of her health. Thus the employer is obliged to offer s all meet these requirements a vacancy available to him in this areas. Offer jobs in other areas the employer must, if it is It provided the employment contract, the collective contract (agreement).

Article 242. Work on which prohibits the employment of women

1. It is forbidden to bring to night work, overtime work or work on weekends, public holidays and commemorative days, as well as in the direction of service assignment of pregnant women.
2. It is forbidden to lift and move heavy objects by hand by women, exceeding limits set by the Cabinet of Ministers of Turkmenistan.

Article 243. Features of the regime of work for women and others with family duties

1. Limited to the employment of women in jobs with harmful, especially severe working conditions, with the exception of non-physical work or work on sanitary and domestic service.

The list of jobs with harmful, very difficult working conditions, which limited the employment of women, approved by the Cabinet of Ministers of Turkmenistan.

2. Women with children aged up to three years (disabled child - up to sixteen s), can not be made to work at night, to work overtime, work in weekends, public holidays and commemorative days and sent to the office trips without their written consent.
3. Women with children aged three to fourteen (disabled child - up sixteen) may not work overtime or be sent on business trips without their written consent.
4. Women are referred to in the second and third parts of this Article shall be aware in writing of their right to refuse to attract these types of

works.

5. The employer is not entitled to involve night work, overtime work, and also send a mission on the work done in shifts by workers caring for sick family members, if on the basis of medical they need to enter into the implementation of care.

Article 244. Short-time pregnant women working at

agricultural work

Pregnant women working in agricultural work in the field, set time of six hours while maintaining an average wages.

Article 245. Transfer of women in another, a lighter work

1. Pregnant women, in accordance with medical standards are lowered development, service standards or they are transferred to another, a lighter work excluding the impact of unfavorable factors of production, while preserving the average wage in the previous job.
2. Prior to a decision on the granting of a pregnant woman, in accordance with medical report another job more easily, which excludes the impact of unfavorable factors of production, it must be released from work with preservation of the average wages for all missed workdays as a consequence of the expense of the enterprise.
3. Women with children under the age of eighteen months, in case of failure carry out their previous work, are transferred to other, lighter work with preservation the average wage in the previous job until the child reaches the age of one and a half years.

Article 246. The additional day

1. One of the parents (guardians) raising a disabled child the age of sixteen years, provided one additional day off per month with payment in the amount of his daily wage.
2. At the written request of one of the parents (guardians) the employer has the right to grant the days specified in the first part of this article, in the aggregate During the working year, or attach them to the annual core labor holiday.

Article 247. Breaks for feeding a child

1. Women with children aged up to six years, provided, in addition to general break for rest and food, with additional breaks for feeding the child.
2. These breaks are provided not less than three hours of not less than thirty minutes each. If you have two or more children under the age of eighteen the duration of the break shall be at least an hour each.
3. Nursing breaks are included in working time and are paid at the average

wages.

4. The duration of breaks and the procedure established by the employer together with the trade union or other representative body of workers, taking into account the desire of the mother.

Article 248. Women's service enterprises with extensive use of female labor

In enterprises with extensive use of female labor and the organized nursery gardens, rooms for nursing, as well as women's personal hygiene room.

Article 249. Guarantees and benefits to persons who are bringing up children without a mother

Guarantees and benefits provided to women in connection with motherhood (limit labor night work and overtime, limiting the involvement of the weekend outside holidays and commemorative days and sent on mission, providing no holiday pay, the establishment of preferential working conditions and other guarantees and privileges established by the legislation of Turkmenistan), apply to fathers raising children without a mother (in case of her death, deprivation of parental rights, long stay in the hospital and in other cases of absence maternal child care), as well as trustees (trustees) of minors.

Chapter 2. Features of regulation of work of workers under the age of eighteen years

Article 250. Labor rights of workers under the age of eighteen years

Workers under the age of eighteen years in labor relations have the same rights as adults, and in the sphere of labor protection, working hours, leave and certain other working conditions enjoy the privileges established by the present Code and other normative legal acts of Turkmenistan.

Article 251. Medical examinations of persons under eighteen years of age

1. All persons under eighteen years of age shall be hired only after prior medical examination and later, up to the age of eighteen years shall be the annual compulsory medical examination.

2. Mandatory annual medical examinations of young workers carried out during working hours while maintaining the average wage.

Article 252. Guarantees at employment of persons below eighteen years of age

1. The employer is obliged to employ persons under the age of eighteen, sent local bodies (services) employment and other bodies in order to employment jobs at the expense of the established quota.

2. The refusal of employment on account of quotas is prohibited and may be challenged in court.

3. Features of the employment of persons under the age of eighteen are determined this Code and other normative legal acts of Turkmenistan,

Article 253. Work on which prohibits the employment of persons below eighteen years of age

1. It is prohibited to employ persons under the age of eighteen years to work with special working conditions, as well as works, the implementation of which may be detrimental to their health and moral development (gambling, production, transportation and trade alcohol, tobacco, narcotics, toxic and other means). It is also forbidden to carry or move, lift and move these persons weights, exceeding the established limits.
2. The list of jobs with special conditions of work, which prohibits the employment of persons under the age of eighteen, as well as limits for carrying and movement of weights are determined by the Cabinet of Ministers of Turkmenistan.

Article 254. Compensation of employees under the age of eighteen years at the reduced working day

1. The wages of workers under the age of eighteen years at the Condensed working day is paid at the same rate as employees the corresponding categories working a full working day.
2. The work of employees under the age of eighteen years of age, admitted to the piece-work, paid by piece rate established for adult workers, with an additional charge on the tariff rate for the time that the duration of their daily work reduced compared with the duration of the daily work of adult workers.
3. Remuneration of students in secondary schools and secondary vocational schools, working in their free time, made pro rata or according to productivity.
4. Enterprises at their own expense may establish additional payments to students wages.

Article 255. Prohibition to employ persons under eighteen years of age to work at night time and overtime work

It is prohibited to employ persons under eighteen years of age to work at night, overtime work and work on weekends, public holidays and commemorative days, to send them on business trips.

Article 256. Production rates for young workers

1. For workers under the age of eighteen years of production quotas established on the basis of norms development for adult workers in proportion to the reduced duration working hours for persons under eighteen years of age.

2. For young workers entering the company at the end of secondary school, secondary vocational schools, courses, and have passed a professional training in the workplace, in the cases specified by law, and size and it defines the terms approved by the reduced production quotas. These rules approved by the employer in consultation with the trade union body of the enterprise or other representative body of workers.

Article 257. Limitation of dismissal of workers under the age of eighteen years

The dismissal of workers under the age of eighteen years at the initiative of the employer is permitted, in addition to the general procedure of dismissal, only with the consent of the trade union body and Commission on Minors. This dismissal on the grounds specified in paragraphs 1-3 of the first part of Article 42 of this Code shall not be permitted without employment.

Article 258. Termination of employment contract with employees under the age of eighteen years the request of their parents and other persons

Employment contracts with workers under the age of eighteen years may be terminated by the request of their parents, adoptive parents and guardians udocheriteley and agencies custody and guardianship and other organs entrusted with the supervision and control of compliance with labor legislation of Turkmenistan, if continuation of the contract It threatens the health of minors, or violate their legitimate interests.

Chapter 3. Features of regulation of work of the director and members the executive body of the company

Article 259. General Provisions

1. Head of the company - a natural person who, in accordance with the law, or constituent documents of the company that manages the enterprise, including functions as its sole executive body.

2. The provisions of this chapter shall apply to heads of enterprises, regardless of their organizational-legal form and form of ownership, with the exception of in cases where:

1) Manager is the only participant (founder), a member of the enterprise, the owner of its property;

2) management of the enterprise is carried out under contract with another enterprise (managing company) or an individual entrepreneur (manager).

Article 260. The legal framework regulating the labor of the director

1. The rights and obligations of the head of the company in the field of labor relations determined by the present Code and other regulatory legal acts

Turkmenistan, the constituent documents of the company, the employment contract.

2. The head of the company can not make paid work on terms concurrently, except for teaching, research and creative activities.

3. The head of the company can not be a member of the bodies carrying out functions supervision and control in the enterprise.

Article 261. Conclusion of the employment contract with the director

1. An employment contract with the head of the enterprise is a term certain

constituent documents of the enterprise or the agreement of the parties, but no more established by this Code.

2. Laws and other normative legal acts of Turkmenistan or the constituent documents of the enterprise may be established procedures preceding an employment agreement with the head of the company (the contest, election or appointment, etc.).

Article 262. Liability of the director

1. Head of the company bears financial responsibility for direct actual damages (harm) caused to the enterprise.

2. In cases stipulated by the legislation of Turkmenistan, the head Company reimburses the company damages (harm) caused him guilty actions. This definition of damage (harm) in accordance with legislation of Turkmenistan.

Article 263. Additional grounds for termination of an employment contract with head of the company

In addition to the grounds provided by this Code and other laws legal acts of Turkmenistan, the employment contract with the director may be terminated due to:

- 1) removal of the heads of the debtor in accordance with the Turkmen legislation on bankruptcy;
- 2) the adoption of the authorized body of the legal entity or the owner property of an enterprise, or a person authorized by the owner (authority) informed decision on the early termination of the employment contract;
- 3) in other cases in accordance with the law.

Article 264. Features of regulation of work of members of the executive body of the company

1. The laws of Turkmenistan, the constituent documents of the enterprise members Executive Body (management board, directorate) companies have entered into employment the contract may be subject to specific labor regulations set this Chapter for the head of the company.
2. The Law of Turkmenistan may establish other specific labor regulations business leaders and members of the executive bodies of these companies.

Chapter 4. Features of regulation of employment of disabled persons

Article 265. Basis of the legal status of persons with disabilities

1. Disabled people in Turkmenistan have full socio-economic, political or personal rights and freedoms enshrined in the Constitution of Turkmenistan, this Code and other normative legal acts of Turkmenistan.

2. Discrimination against the disabled is prohibited. Those who discriminate are responsibility in the manner prescribed by law.

Article 266. Features of regulation of employment of disabled persons

Implementation of the disabled the right to work, employment and job quotas for disabled people, people with disabilities to ensure conditions for education and training Training is carried out in accordance with this Code and other laws legal acts of Turkmenistan.

Chapter 5. Features of regulation of the labor of persons working part-time

Article 267. General Provisions on part-time work

1. The implementation of employee moonlighting understood, in addition to its core, other regular paid work for the same or another employer leisure

basic work on the terms of the employment contract and in accordance with the rules internal labor regulations of the enterprise. At the conclusion of the employment contract combination should be required to indicate that the work is combination.

2. To work on a part-consent of the employer at the place of work is not the main required, except in cases specified by law.

3. Features of work in combination, including the individual categories employees (educational, medical and pharmaceutical workers, workers Culture), defined by the Regulations on the conditions of part-time work, approved by the Cabinet of Ministers of Turkmenistan.

Article 268. Documentation requirements in hiring part-time

When hiring part-time at another company employee must submit to the employer a passport or other identity document. With hiring part-time, requires special knowledge, the employer has the right to require an employee to the presentation of the diploma or other document on education or vocational training, or their duly certified copies, and when applying for work under harmful, very difficult working conditions - FAQ on the nature and conditions of work the main job.

Article 269. The duration of the working time of persons working part-time

The working time to be determined by the employer for persons working part-time can not exceed four hours a day or a full working hours in the day.

Article 270. Remuneration of persons working part-time

1. Remuneration of persons working part-time, made proportionally time worked, depending on the output or other conditions, specific employment contract.

2. In determining the persons working part-time with the hourly wage,

normalized wage jobs performed on the final results for the actual of work performed.

Article 271. Vacation while working part-time

Persons working part-time, unpaid leave granted simultaneously with the release of the main work.

Article 272. Guarantees and compensation of persons working part-time

Guarantees and compensation for persons working part-time, are only available the main job.

Article 273. Limitations on moonlighting

1. Do not exercise in the state-owned enterprises under the terms of combining two management positions, except the posts of masters and foremen, unless otherwise established by the legislation of Turkmenistan.
2. Do not operate concurrently persons below eighteen years of age, pregnant women Women, as well as night work, work under harmful, very heavy working conditions, if the main work is related to the same conditions.
3. OFFICE prohibited teamwork relatives associated with directly responsible and accountable.
4. For certain categories of workers on part-time limit may established by legislation of Turkmenistan.
5. A public official or a public servant is not entitled to work in combination, except for teaching, scientific and creative activities.

Article 274. Additional grounds for termination (cancellation) of the employment contract with person working part-time

In addition to the grounds provided by this Code and other laws legal acts of Turkmenistan, the employment contract with the person working on concurrently, it may be terminated in the event of hiring an employee for whom This work will be basic.

Article 275. Other grounds for regulation time work

Other grounds for regulation time work for certain categories workers established by the Cabinet of Ministers of Turkmenistan.

Chapter 6. Features of regulation of the labor of persons employed in seasonal jobs

Article 276. Seasonal work

1. Seasonal work is recognized that due to climatic and other natural conditions are performed within a certain period (season), not exceeding nine

months.

2. In those seasonal workers (seasonal workers), subject to the labor legislation of Turkmenistan.

Article 277. Terms and conditions of the employment contract with the seasonal workers

1. The condition of the seasonal nature of work should be specified in the employment contract.
2. seasonal workers in employment probation period is not established.
3. The employment contract with seasonal workers concluded for a period not exceeding the duration of the season.

Article 278. Vacation of seasonal workers

Seasonal workers who have worked for a full season in the plants, seasonal sectors of the economy, regardless of the subordination of enterprises after end of the season paid leave at the rate of two days for each month of work.

Article 279. Termination (termination) of the employment contract with a seasonal worker

1. Seasonal worker is obliged to notify in writing the employer on early termination (termination) of an employment contract in one week.
2. The employer must in writing against a receipt not later than one week prevent the seasonal worker of the impending dismissal due to liquidation Company or the termination of the employer-natural person, downsizing or staff.
3. The employment contract with seasonal workers can be terminated (canceled) by the employer in the following cases:
 - 1) the suspension of work for more than two weeks, for reasons of industrial character, as well as reducing the amount of work the employer;
 - 2) lack of seasonal workers at work due to temporary loss disability continuously for more than one month. In case of loss ability to work due to occupational injury or illness, and when the legislation of Turkmenistan established a longer term preservation jobs (positions) in certain diseases, for seasonal workers saved job (position) until rehabilitation or the establishment of disability, but no more than up to the expiry of the work on labor agreement.

Article 280. Severance pay of seasonal workers

Severance pay of seasonal workers in the amount of two-week wages paid in the cases provided for in Article 54 of this Code, as well as

Article 281. Payment of average wages of seasonal workers during the forced truancy

1. The seasonal workers, reinstatement by the decision of the Review labor disputes shall be paid the average salary during his forced absence from the date of dismissal to reinstatement or expiration of work on employment contract, but no more than three months.

2. seasonal workers illegally transferred to other lower-paid work the average salary paid during his forced absence, or difference wages for the execution of lower-paid work in accordance with Part One of this article.

Article 282. The procedure for calculating the length of service of seasonal workers

1. The seasonal workers in the cases stipulated by the legislation of Turkmenistan, length of service with the employer is added, if he had worked full season, He signed a contract for next season, and returned to work on time.

2. Work for a full season in the plants, seasonal industries, regardless of the subordination of enterprises - on the list approved Cabinet of Ministers, - included in the length of a year of work, including giving the right to pension.

The rest of the seasonal jobs are counted in the work experience of their actual duration.

Chapter 7. Features of regulation of work of persons involved in the work rotational basis

Article 283. work in shifts

1. work in shifts - a special form of the labor process is the place the permanent residence of the person in which can not be provided daily return it to the place of permanent residence.

2. The employer on a rotational basis at work provides employees during the period of at the production facility to provide housing for their livelihoods, the delivery to place of work and back, as well as the conditions for work and rest between shifts.

Article 284. Limitations on shift method of work

By the rotational basis of work can not be held under the age of eighteen years, pregnant women and women with children aged up to three years (disabled child - Up to sixteen years), as well as persons who have medical contraindications to perform work in shifts.

Article 285. The duration of the watch

1. The duration of the watch includes a period of performance of work at the site and time rest between shifts in field camps, field town, as well as other specially equipped for housing areas.

2. The duration of the watch should not exceed one month. In exceptional on individual cases, the employer objects, taking into account the views of the trade union body Company Watch the duration can be increased to two months.

Article 286. The regime of work and rest, time and attendance at work in shifts

Regime of work and rest, time and attendance at work in shifts regulated this Code, the provisions approved by the relevant ministries, agencies and non-state enterprises by agreement with trade union bodies.

Article 287. Guarantees and compensation of persons working in shifts

1. An employee who performs work on a rotational basis, for each calendar day in places of production work during the watch, as well as for the actual days is traveling on the location of the employer (collection point) to the place of execution and from work, allowance is payable for shift method of work in the amount of daily standards provided for business trips, installed legislation of Turkmenistan.

2. During the days spent in transit from the place of business (collection point) to the point performance of work and back, provided the work schedule on watch and for days delays in the way of weather conditions or the fault of transport companies the employee shall be paid the daily wage rate (salary).

Chapter 8. Features of regulation of the labor of persons employed at the employer-physical perpetrators of wage labor

Article 288. Conclusion of the employment contract between the employer-natural person and employee

1. Conclusion of the employment contract between the employer-natural person applying wage labor, and the employee is in the form of a written contract, signed by the parties and defines the conditions and the procedure for payment, rights and obligations parties.

A worker at the conclusion of the employment contract with the employer, an individual agrees to perform not forbidden by the legislation of Turkmenistan the work, certain that agreement.

2. The employment contract shall be included all the conditions that are essential for employee and employer.

3. The employer, an individual must:

1) enter into an employment contract with the employee and register it at the place of tax accounting;

2) to pay contributions to the state social insurance and other mandatory payments in the manner and amount established by the legislation of Turkmenistan.

Article 289. The term of the employment contract

Under an agreement between the employee and the employer-natural person may be as the term and open-ended employment contract.

Article 290. Changing the terms of the employment contract

To change the terms of the employment contract, the employer-natural person in writing form prevents the employee no less than fourteen calendar days.

Article 291. Termination of employment contract

1. An employment contract with an employee working for an employer-physical person may be terminated on the grounds provided by this Code, as well as employment agreement.

2. The terms of notice, as well as cases and amounts paid under termination of employment contract termination benefits and other compensation determined by the employment contract.

Article 292. The regime of work and rest of employees working at the employer-physical person

Mode of operation, providing holidays and paid annual leave determined by agreement between the employee and employer-physical person. With

This workweek can not be more, and annual paid holiday less than the present Code.

Article 293. Documents confirming the work of employers, individuals

1. The document confirming the work at the employer-natural person is employment history. Data on employment are entered into their labor books the state tax service at the place of the tax account of the employer-physical persons in the manner prescribed by law.

2. An employer-natural person has no right to produce employment records workers, as well as to issue labor books workers are recruited first.

Article 294. Resolution of individual labor disputes

Individual labor disputes are not settled by the employee and rabotodatelem-individual self, considered by the court.

Chapter 9. Peculiarities of regulation of domestic workers working for Employers, individuals

Article 295. Domestic workers

1. Domestic workers are persons operating under an employment contract work household citizens, providing them with technical assistance in the literary, sometimes creative activities and other services are not prohibited by the legislation Turkmenistan.

2. Carers for the disabled group I or a disabled child under the age of sixteen are not domestic workers. Features of labor against these persons determined by the legislation of Turkmenistan.

Article 296. Conclusion of the employment contract with home workers

1. The employment contract with domestic workers shall be in writing and may be It is both urgent and of indefinite duration. The employment contract is registered at the place of tax taking into account the employer-natural person within seven calendar days from the date of signing contract.

2. The employment contract is not concluded, if the work is of short duration (in general of up to ten days in a month).

3. Data on employment of workers employed in the household of individuals who entered their employment records of the State Tax Service place of tax registration of the employer-natural person in the manner prescribed legislation of Turkmenistan.

4. Working under an employment contract shall be included in the work experience in order prescribed by law.

Article 297. Payment of domestic workers

1. Payment of domestic work carried out in the manner and amount determined in employment contract, but not less than the minimum wage established legislation of Turkmenistan.

2. Wages domestic worker is subject to tax in accordance with legislation of Turkmenistan.

Article 298. Working hours and rest periods of domestic workers

1. Working hours and rest periods of domestic workers are regulated by agreement between the parties to the employment contract. At the same workweek not there may be more established in this Code.

2. Specific days of rest stipulated by the parties of the labor contract.

3. Domestic workers are entitled to paid annual leave not less than thirty calendar days following the procedure and conditions established by this Code.

Article 299. Termination (termination) of the employment contract with home workers

1. An employment contract can be terminated (canceled) at the initiative of each of the parties without cause at any time, except during the illness of the worker when termination of the employment contract by the employer is permitted only on the After two weeks from the date of loss of employee disability.

2. The employment contract with him made to the recording of its termination is submitted

the parties to the body that has registered the treaty.

Article 300. State social insurance for domestic workers

On the wages of domestic workers made contributions to the state social insurance in the manner and amount established by the legislation

Chapter 10. Features of regulation of work of homeworkers

Article 301. Homeworkers

1. homeworkers are persons who have signed an employment contract for the performance of work (services) of the material at home and using tools and mechanisms, allocated by the employer or purchased homeworker at his own expense.
2. In the case of homeworker its instruments and mechanisms it is paid compensation for wear. The payment of such compensation as well as compensation for other expenses (the cost of electricity, water, etc.) associated with work at home, are made by the employer in the manner determined by the collective agreement and labor (agreement).
3. The procedure and terms of homeworkers provide raw materials and semifinished products, payments for manufactured products, reimbursement of materials belonging to the homeworkers, order and terms of the export of finished goods, maintenance and repair equipment, tools and accessories are determined and collective labor contract (agreement).
4. At home workers covered by the labor legislation of Turkmenistan and features, established by this Code.

Article 302. The organization and working conditions of homeworkers

1. Work (services) performed by homeworkers can not be contraindicated for them health and must be performed under conditions satisfying the requirements labor protection.
2. Certain types of home-based work (services) in accordance with the general established the rules of fire safety and sanitation, and housing and household conditions of homeworkers may be allowed only with the permission of the relevant authorities.

Article 303. Termination (termination) of the employment contract with homeworkers

The employment contract with homeworkers terminated (canceled) in the order determined this Code and labor contract.

Chapter 11. Peculiarities of regulation of the labor of persons employed in temporary jobs

Article 304. Persons employed in temporary jobs

Persons employed in temporary jobs, as persons (temporary workers) hired for up to two months.

Article 305. Conclusion of the employment contract with the temporary workers

1. At the conclusion of the employment contract with temporary workers probationary period for
They are not installed.

2. Temporary workers who have signed an employment contract for up to two months,
paid holidays are not available.

Article 306. Involvement of temporary employees to work on weekends, outside
holidays and notable days

1. Temporary workers may be within the period of time involved in their work
written consent to work on weekends, public holidays and commemorative days.

2. Work on weekends, public holidays and commemorative days compensated in cash
form double.

Article 307. Termination of employment contract with temporary workers

1. The temporary worker is obliged to notify in writing to the employer not less than
three calendar days of the termination of the labor contract.

2. The employer must in writing on receipt of temporary alert
employee not later than three calendar days of the impending dismissal in connection with:

1) liquidation of the company or the termination of the employer-physical
person;

2) reduction in the number of workers or staff;

3) suspension of the work for the employer for a period of not more than one week, for reasons
industrial nature, as well as reducing the amount of work;

4) failure to appear for work for more than two consecutive weeks due to temporary
disability. In cases of disability due to an industrial injury or
occupational disease, as well as the legislation of Turkmenistan
set longer save jobs (positions) at a certain
disease, for temporary workers saved job (position) to
rehabilitation or the establishment of disability, but not more than
expiration of work under an employment contract;

5) failure to temporary workers without valid excuse duties
assigned to them by the labor contract, internal regulations
Company in accordance with this Code.

Article 308. Severance pay temporary workers

Temporary workers in the event of an appeal or entering the military service output

allowance is paid at a rate of two-week average wage.

Article 309. Payment of average wages during a temporary worker

enforced idleness

1. Temporary workers, reinstatement by the decision of the Review labor disputes shall be paid the average salary during his forced absence from the date of dismissal to reinstatement or expiration of work on employment contract, but no more than two months.

2. Temporary workers illegally transferred to other lower-paid work the average salary paid during his forced absence, or difference wages for the execution of this work in accordance with the first of this article.

Article 310. Extending employment contract with temporary workers

1. An employment contract with the temporary workers is considered to be sustained indefinitely term if:

1) temporary worker worked for more than two months, and none of the parties is not required termination of employment;

2) fired a temporary employee re-hired by the same employer after break of not more than one week, if the term of his work before and after total interruption respectively greater than two months.

2. In the cases mentioned in the first part of this article, temporary workers are not considered temporary from the date of the employment contract.

Chapter 12. Peculiarities of regulation of employees of religious organizations

Article 311. Parties to an employment contract in a religious organization

1. The employer is a religious organization registered in accordance with the procedure prescribed by law.

2. An employee is a person who has attained the age of eighteen years, has entered into employment contract with a religious organization, personally perform some work and obeying the statute of a religious organization.

Article 312. The rights and obligations of the parties of the employment contract of a religious organization

Article 313. Features of the conclusion of the employment contract and changing religious Organization

1. The employment contract between the worker and the religious organization may be concluded for certain period of time.
2. When concluding an employment contract the employee undertakes to perform any non-forbidden by the legislation of Turkmenistan works (services) defined it agreement.

3. The employment contract in accordance with this Code and the Charter of the religious Organizations include conditions that are essential for the employee and for the religious the organization as an employer.

4. If necessary, change the terms of the employment contract a religious organization is obliged to notify the employee in writing at least one month before their introduction.

Article 314. Working hours of persons working in a religious organization

Mode of working time of persons working in religious organizations is determined Given this Code established normal working time, based on the mode of the rites or other religious activities organization, certain of its charter.

Article 315. Liability of employees of religious organizations

With an employee of a religious organization can be signed an agreement on the full liability in accordance with the list, certain charter a religious organization.

Article 316. Termination (termination) of an employment contract with an employee of a religious organizations

In addition to the grounds provided by this Code, the employment contract with an employee a religious organization may be terminated (canceled) on the grounds provided the employment contract.

Article 317. Consideration of individual labor disputes religious workers organizations

Individual labor disputes are not settled by the employee and the self-religious organization, the employer shall be considered in the order determined this Code.

SECTION XIV. Training, retraining and Advanced Training. CERTIFICATION AND JOBS WORKERS

Chapter 1: Professional training, retraining and advanced training workers

Article 318. The rights and obligations of the employer training, retraining and advanced training of employees

1. The employer shall determine the need and demand for training and retraining of workers for their own needs.
2. The employer provides training, retraining, training of employees on the conditions and in the manner determined by labor or the collective contract (agreement).

3. The forms of training, retraining and advanced training workers, the list of required professions determined by the employer.

4. In the cases provided by this Code and other regulations acts of Turkmenistan, the employer is obliged to carry out training workers, if it is a condition for the implementation of certain types of workers activities (work, services).

5. Employees undergoing training, the employer must establish the necessary conditions for combining work with training, provide guarantees, established by this Code and other normative legal acts Turkmenistan, or collective labor agreements (contracts).

6. If the employee at the end of training, retraining, qualification without a valid reason is not fulfilling its obligations under the agreement, he the employer is obliged to reimburse the costs incurred by them for this purpose.

Article 319. The right of workers to training, retraining and training

Workers have the right to vocational training, retraining and qualifications and training for new occupations.

Right to vocational training is realized in the form of apprenticeship in accordance with Chapter 3 of this section.

Chapter 2. Assessment of workplaces and workers

Article 320. Certification of workplaces

1. The employer must certify workplaces in order to ensure perform labor protection measures, assessment of working conditions in accordance with the regulatory legal acts of Turkmenistan.
2. The company creates Certification Commission consisting of at least five composed of specialists in occupational health services, the organization of labor and wages, the main experts, heads of structural divisions of the enterprise, representatives union and (or) other representative body of workers.
3. Date of the certification of workplaces are set on the basis of changing conditions and the nature of work, but at least once every three years.
4. According to the results of certification of workplaces inadmissible their mass reduction.
5. Certification of jobs carried out in accordance with the model Regulations on the procedure for certification of workplaces on working conditions.

Article 321. Certification of employees, terms and conditions of its implementation

1. In order to verify the professional level of employees, the definition of business skills,

identify their corresponding specialty, profession, occupation, for except for employees specified in Article 322 of this Code, the employer certify workers.

2. Attestation can pass only the employees who have worked in the relevant office or at the workplace for at least three years. Every employee can take place certification every three years.

3. Order the employer to carry out certification of employees in the company created Certification Commission of persons with sufficient experience, high expertise in the industry, as well as representative union and (or) other representative body of workers. The structure of the certification Commission experts may be incorporated parent body, as well as other ministries and departments. The head of an employee may not be a member of the Certification

commission.

4. The Evaluation Commission is composed of not less than five persons or other odd the number of members. The term of office by the order determined by the Certification Commission employer.

5. Certification is carried out in writing or orally. Questions for certification formed the basis of the duties of employees only in their position (profession), labor function, specialty (profession) of the work and its results, as well as certain employment contract rights and responsibilities required to determine whether the position (profession).

6. Attestation Commission accepts only one of the two decisions of conformity or mismatch employee position (profession). Along with the Examination Board in this decision could give a recommendation to the employer usefulness of the employee to another position (profession).

7. The employment contract with the employee, in respect of which the Certification Commission issued a decision on non-compliance of the post may be terminated the employer in accordance with paragraph 3 of Article 42 of this Code.

8. The employer is considering the recommendation of the Certification Commission, with the consent of the employee may transfer it to another appropriate position (profession).

9. Employer can not be terminated labor contracts with employees on the basis of the results of certification of workplaces.

10. Certification of the employee is absent from work for a good cause during her holding is transferred to another time.

Article 322. Workers who are not subject to certification

The company has not carried out certification of the following employees:

1) appointment to a higher authority;

2) elected to public office;

3) under the age of eighteen years;

4) actually working less than one year in this position (profession);

5) pregnant women;

- 6) women who have worked at least one year at an appropriate position (profession) after returning to work from leave for child care;
- 7) persons with disabilities;
- 8) pension and retirement age established by article 50 of this Code;
- 9) is not subject to certification in cases provided for in the collective agreements (agreements).

Chapter 3. Vocational training in the form of an apprenticeship

Article 323. The apprenticeship contract

1. The employer has the right to enter into an agreement for student training person in the company in the manner determined by this Code.
2. Student contract must contain: the name of the parties; an indication of the specific specialty qualification acquired by a pupil; the employer's obligation provide the employee the opportunity to study under the apprenticeship contract; the duty of the employee to be trained in accordance with the obtained specialty qualified to work in the company under an employment contract with the employer within the timeframe established apprenticeship contract; apprenticeship; amount of payment apprenticeship.

Student contract may include other conditions specific agreement between the parties.

Article 324. The term of apprenticeship contract

1. Student contract is concluded for the time necessary for training on specific profession, specialty, qualification and work for the company deadline set by such a treaty.
2. Student contract is concluded in the manner determined by this Code.

Article 325. Action apprenticeship contract

1. Student contract is valid from the date specified in the contract for provided they limit.
2. Action apprenticeship contract is extended for the period of illness the student passing them military training, and in other cases stipulated by the legislation of Turkmenistan.
3. During the term of the apprenticeship contract, its contents may be changed only by agreement of the parties.

Article 326. Organization of apprenticeship

Apprenticeship is organized by the individual, brigade, group and other training.

Article 327. Time of apprenticeship

1. Time apprenticeship during the week should not exceed the normal working hours, established for employees of the age, occupation, profession at implementation of the relevant works.
2. Employees trained on the company, by agreement with the employer may fully released from work under an employment contract or perform this work part-time work.
3. During the period of apprenticeship contract workers can not be made overnight, work overtime, to work on weekends and public holidays and commemorative days, sent on business trips not related to apprenticeship.

Article 328. Payment of apprenticeship

1. Students in apprenticeship stipend, the amount of which is determined apprenticeship contract, depending on the obtained profession, specialty, qualification, but can not be below the minimum wage established by the legislation Turkmenistan.
2. Work done by a pupil on a practical training, paid according to the established rates.

Article 329. Occupational Safety and Health students

On the students covered by this Code and other regulations legal acts of Turkmenistan regulating labor protection.

Article 330. Invalidity of apprenticeship contract

Terms of apprenticeship contract, contrary to the present Code, the collective contract (agreement), are invalid and are not applied.

Article 331. Rights and obligations of students at the end of the apprenticeship

1. Persons who have successfully completed an apprenticeship under an employment contract with the employer in accordance with the contract under which they were trained, probation is not installed.
2. If the student at the end of an apprenticeship without a valid reason is not fulfilling its Student obligations under the contract, including not begin to work, it must employer return the scholarship received during the apprenticeship and reimburse

Article 332. The concept of social partnership

Social partnership at work (hereinafter - the social partnership) - System the relationship between employees (employee representatives), employers (representatives of employers), public authorities and governments, local agencies and local authorities, aimed at ensuring coordination the interests of workers and employers on the regulation of labor and other directly linked to them.

Article 333. The basic principles of social partnership

The main principles of social partnership are:

- 1) authorization of the representatives of the parties;
- 2) the equality of the parties;
- 3) assist States in strengthening and development of social partnership;
- 4) freedom of choice of the list of issues submitted for discussion;
- 5) voluntary commitment by the parties and their mandatory execution by them;
- 6) the reality of the commitments undertaken by the parties;
- 7) respect and consideration of the interests of the parties;
- 8) compliance by the parties and their representatives, labor legislation and other normative legal acts of Turkmenistan;
- 9) monitor the implementation of collective agreements and contracts;
- 10) responsibility of the parties and their representatives for failure to comply with the collective fault of their own treaties and agreements.

Article 334. The parties of social partnership

The social partners are workers and employers in the face representatives authorized in the prescribed manner.

Article 335. Workers' representatives

Workers' representatives - the bodies of trade unions and their associations, under the Charter of Trade Unions of Turkmenistan, the general meeting (conference) of the labor collective, as well as other authorized persons and employees organizations established in accordance with the legislation of Turkmenistan.

Article 336. Representatives of the employer

1. The representative of the employer may be the head of the company, person, authorized by him in accordance with the present Code and other regulatory legal acts of Turkmenistan, the constituent documents of the enterprise.

2. Representatives of employers - state-owned enterprises may be bodies State authorities, local authorities and local self-government.

3. In the conduct of collective bargaining, conclusion or modification of agreements the settlement of collective labor disputes concerning their conclusion or modification represent the interests of employers of their respective associations, as well as other representatives of employers.

Article 337. The labor collective of the enterprise

1. The labor collective of the enterprise consists of all employees involved in its activities on the basis of an employment contract, except for the head of the company and its substituents.

2. The labor collective of the enterprise deals with issues related to the conclusion of a employer collective agreement, the employees of the enterprise social benefits, the creation of the enterprise associations, considering other issues in accordance with the collective agreement.

Article 338. The system of social partnership

The system of social partnership is based on the interaction of the social Partnership level:

- 1) the state;
- 2) territory;
- 3) industry;

4) company.

Article 339. Forms of Social Partnership

Social partnership is carried out in the forms of:

- 1) collective negotiations on the drafting of collective agreements, agreements and their conclusion;
- 2) mutual consultations (negotiations) on the regulation of labor relations and other directly connected with them, guaranteeing labor rights workers and improve labor legislation of Turkmenistan;
- 3) The participation of workers and their representatives in the management of the enterprise;
- 4) the participation of representatives of workers and employers in labor disputes.

Article 340. Collective bargaining

1. For the development, conclusion, changes or additions to the collective agreement, collective bargaining agreements held between the employer and the representative

Authority employees.

2. The employees in collective bargaining on conclusion and to amend the collective agreement, the monitoring of its implementation, as well as the right to participate in enterprise management, labor disputes of employees with the employer are the primary trade union or other representatives elected by employees.
3. The interests of employees in collective bargaining and the conclusion of change agreements, settlement of collective labor disputes concerning the conclusion or modified agreements, monitoring their implementation, as well as the formation and implementation of the socio-Regulatory Commissions labor relations are the relevant trade union bodies.
4. Representatives of parties who have received written notice of the proposal beginning collective bargaining, are obliged to enter into negotiations within seven calendar days from the date of receipt of the proposal, pointing to the initiator collective bargaining response showing representatives from his party to participate in the Commission on collective bargaining and their powers. Day of beginning of collective bargaining is the day following the day of receipt the initiator of the collective bargaining specified response.

5. The initiator of collective bargaining for the development, conclusion and change of a collective agreement shall be entitled to serve any of the parties. None of the parties may refuse to participate in collective bargaining.

Article 341. Order of collective bargaining

1. The initiator of collective bargaining shall prepare a draft collective agreement, and the parties shall agree on an equal basis to form a commission of representatives of the trade union body, as well as other representatives, endowed with the necessary authority.
2. The composition of the committee, date, venue and agenda of collective bargaining shall be determined by the decision of the parties.
3. The parties involved in the negotiations, given the opportunity to discuss issues that constitute the collective agreement.
4. Employers and their associations, the executive authorities should provide the trade union or other representative body of workers available to them the information necessary for collective bargaining. Collective members of negotiations and other persons associated with the negotiations must not divulge received details, if they are a state secret or commercial secret. Individuals disclosing this information shall be liable in the manner prescribed by the legislation of Turkmenistan.
5. If in the course of collective negotiations the parties were unable to agree on reasons beyond their control, a final agreement shall be drawn up, which shall contain the formulated proposals of the parties on the measures needed to address these causes, and the timing of the resumption of collective bargaining.

Article 342. Settlement of disputes arising in the course of collective bargaining

Resolution of disagreements arising in the course of collective bargaining, carried out in the procedure established for the consideration of collective labor disputes.

Article 343. Guarantees and compensation for persons participating in collective bargaining

1. Persons involved in collective bargaining, the drafting of a collective agreement, shall be exempt from the basic work with preservation of average wages for a period determined by agreement between the parties, but by no more than forty-five calendar days.
2. All costs related to participation in collective bargaining, compensated

the manner prescribed by law, collective agreement, agreement. Payment for services of experts and made inviting party, unless otherwise provided by collective agreement.

3. Representatives of the workers involved in collective bargaining between them conduct can not be without the prior consent of the body, empower them to office, subject to disciplinary action, transferred to another employment or dismissed by the employer, except in cases of termination employment contract for the commission of the offense for which the present Code and other normative legal acts of Turkmenistan provided dismissal.

Article 344. The concept and purpose of collective bargaining

1. The collective agreement - a legal act regulating social and labor relations in the Company lies employees and the employer on behalf of their commissioners representatives.

2. The collective agreement is to facilitate the contractual regulation labor relations and coordination of socio-economic interests of workers and Employers.

3. If no agreement is reached between the parties on individual provisions of the draft collective agreement within forty-five calendar days from the date of the beginning collective bargaining parties must sign a collective agreement for agreed terms with drawing up a protocol of disagreements.

4. The collective agreement is the enterprise as a whole, in its separate units, endowed with legal personality, as well as branches and offices. At the conclusion of a collective agreement in a separate division, branch and representative offices of enterprises representative of the employer is the head of the respective department, authorized by the employer.

Article 345. The decision on the need to conclude a collective agreement

The right to decide on the need to conclude a collective agreement employers have trade unions in the face of its authorities, other representative bodies of workers directly or the general meeting (conference)

workforce.

Article 346. Parties to the collective agreement

A collective agreement is, on the one hand, the employees through their union or other representative bodies, on the other hand - the employer directly or authorized representative.

Article 347. The content and structure of the collective agreement

1. The content and structure of the collective agreement between the parties.
2. The collective agreement may include mutual obligations of the employer and Workers on the following issues:
 - 1) form the system and amount of remuneration, gratuities, benefits, compensation, surcharges, regulatory mechanism of remuneration;
 - 2) employment, retraining, training, conditions of layoffs;
 - 3) the duration of working time and rest periods;
 - 4) improving working conditions and safety of workers, including women and persons under eighteen years of age, to ensure environmental safety;
 - 5) the interests of workers in the privatization of the enterprise, departmental housing;
 - 6) benefits for employees;
 - 7) State social insurance, voluntary health and pension insurance;
 - 8) monitor the implementation of the collective agreement, the parties responsible, social partnership to ensure normal conditions for the functioning of trade unions or other the representative bodies of the employees.
3. In the collective agreement, taking into account the economic and financial capacity Company may contain other, including more favorable employment and socio-economic conditions in comparison with the rules and regulations established this Code and other normative legal acts of Turkmenistan (compensation of transport costs, fringe benefits and other compensation).
4. The collective agreement includes regulations when the legislative acts of Turkmenistan provides direct requirement for mandatory consolidation of the provisions in the collective agreement.

Article 348. Discussion of draft collective agreement

1. The draft collective agreement to be discussed in the staff divisions businesses and finalized taking into account the comments and suggestions.
2. The finalized draft is submitted to the general meeting (conference)

workforce.

3. The General Meeting of the workforce is considered competent if attended more than half of workers.

4. The Conference of the workforce is considered valid if it is not present at least two-thirds of the delegates.

Article 349. The procedure of collective bargaining

1. A collective agreement shall be considered approved if voted more fifty per cent of those present at the general meeting (conference).

2. If the draft collective agreement was not approved, representatives of the parties modify it in accordance with the wishes of the general meeting (conference) and within seven calendar days to re-submit it to the general meeting (conference).

3. After approval by the general meeting (conference) of the representatives of the parties within three days sign a collective agreement.

Article 350. Duration and scope of the collective agreement

1. A collective agreement shall enter into force on the day it is signed or from the date set in the collective agreement, and is valid for the period, certain parties. The collective agreement is for a term of one to three years.

2. The effect of the collective agreement applicable to the employer and the employees of the companies that have authorized the representative body of employees develop and sign it on their behalf, as well as employees that joined the collective agreement after its conclusion.

3. On the expiry of the term of the collective agreement the terms remain in force until the conclusion of a new collective agreement by the parties.

4. The Parties shall have the right to extend the collective agreement for a period not exceeding three years.

Article 351. Preservation of the collective agreement in the event of restructuring businesses

1. In case of reorganization of the enterprise collective agreement remains in effect for the entire period of reorganization.

2. The collective agreement shall remain in force in cases of change in composition, structure, name of the managing company, the termination of the employment contract with director.

1. When a change of ownership of the enterprise operation is stored in the collective agreement within six months.

2. During this period, the parties may start negotiations on a new collective contract or maintaining, amending and supplementing the existing.

3. The revision of the collective agreement should be resolved the question of the possibility of saving benefits for workers and the other conditions stipulated by the former collective agreement.

Article 353. Preservation of the collective agreement under liquidation

Upon liquidation of the enterprise in the manner and on terms established by law Turkmenistan, a collective agreement is valid for the duration of the liquidation.

Article 354. Control over the implementation of the collective agreement

1. Performance of obligations under the collective agreement, is monitored representatives of the parties, labor collectives, as well as the relevant trade union and the competent authorities.

2. Each year, within the time limits, or specifically whether express to the treaty, signatories to it, report on the implementation of commitments in the general meeting (conference) of the labor collective.

3. In implementing the control of the party obliged to provide all information necessary for this information available to them.

Article 355. Collective agreements and their types

1. Collective Agreement - the legal act containing the obligation to establish working conditions, employment and social security for workers and employers particular industry, territory.

Depending on the scope of regulated relations, the nature of the issues that need to be decide can be a general, sectoral (intersectoral) and territorial collective agreements.

2. Collective agreements are concluded in order to facilitate contractual regulation labor relations and coordination of socio-economic interests of workers and

Employers industry territory.

3. Collective agreements by agreement of the parties involved in collective negotiations may be bilateral or trilateral. As a third party if agreement can participate organ of state power and administration, local authority or local authority.

4. Trade unions and other representative bodies of the employees are not entitled to claim from the body state power and administration or local authorities, non-the employer or the employer's representative, signing with them bilateral agreements.

Article 356. General Agreement

1. General Agreement - the legal act establishing the general principles regulation of labor and related economic relations

Turkmenistan is taken into account at the conclusion of territorial and sectoral agreements and collective agreements.

2. The contract is concluded between the Cabinet of Ministers or authorized body, the National Centre of Trade Unions

Turkmenistan, employers' associations and authorized representatives entrepreneurs within their competence.

Article 357. The sectoral (intersectoral) agreement

Sectoral (intersectoral) agreement - a legal act concluded between the government, authorized representatives of employers and workers (social partners), sets standards and wages

Other issues related to labor, mutual obligations, social guarantees and benefits for employees of the industry, which is binding on all parties (partners) and accounted for at the conclusion of regional agreements and collective bargaining agreements.

Article 358. Territorial Agreement

Territorial agreement - a legal act concluded between local authorities or local authorities, trade unions or other appropriate

representative bodies of workers and employers (their associations) at the heads of the relevant administrative-territorial units, establishing working conditions, social security and benefits associated with the territorial features, mandatory for all parties (partners) and accounted for at the conclusion of collective agreements.

Article 359. The procedure, terms and development agreements

1. The procedure, terms and development agreements, as well as rewiring and additions, joining them approved by the Commission, create a social partners.
2. The Commission on the development and conclusion of agreements governed by the laws and other normative legal acts of Turkmenistan, acting in accordance with approval of their regulations and work plans. The membership of the party Commission formed by each social partner alone. The number of members commission from each party is determined by agreement of the parties, but should not more than seven people.
3. If an appropriate level of several representative employees (their associations) the commission members from the workers are determined by agreements between the authorities (their associations) or on a parity basis.
4. The draft of the collective agreement signed by the Commission and developed authorized representatives of the parties to the agreement.
5. The parties signed the collective agreement, its annex a three-day the term of the agreement are sent to participants.

Article 360. The content of collective agreements

1. The content of collective agreements by the parties.
2. Collective agreements may provide for the provisions:
 - 1) payment terms, conditions and protection of labor, mode of work and rest;
 - 2) the mechanism of regulation of wages;
 - 3) the payment of the compensation and additional payments in accordance with the nature of the legislation Turkmenistan;
 - 4) the promotion of employment, retraining and advanced training of employees;
 - 5) on ensuring environmental safety and health of workers at production;
 - 6) on the special measures for social protection of workers and their families;

- 7) on the observance of the interests of workers in the privatization of state enterprises;
- 8) about the benefits of enterprises, creating more jobs with Labour invalids and young people (including persons below eighteen years of age);
- 9) on the development of social partnership and tripartite co-operation assistance collective bargaining, prevention of labor disputes, the strengthening labor discipline;
- 10) other issues agreed by the parties.

3. Collective agreements may also contain provisions on labor and other socio-economic issues, which do not contradict the legislation of Turkmenistan.

Article 361. Amendments and additions to the collective agreement

Changes and additions to the collective agreement made by mutual agreement the parties in the manner determined by the agreement, and if it is not defined - in order, established by this Code for its conclusion.

Article 362. Term of the collective agreement

1. A collective agreement shall enter into force upon signature, or of the day specified in the agreement.
2. The validity of a collective agreement by the parties and shall not exceed three years.

Article 363. Scope of collective agreement

1. Effects of the collective agreement applies to employees and employers,

representative bodies which have entered into this agreement.

2. In the event that a tripartite agreement it applies also to the relevant organ of state power and administration, local authority or local self-government.

Article 364. Compliance with collective agreements

Monitoring the implementation of collective agreements at all levels is carried out directly to the parties or their authorized representatives, as well as the relevant trade union bodies and authorized bodies. With overseeing the parties are obliged to submit necessary for this

information.

Article 365. Responsibility of the parties of social partnership

1. Representatives of the parties of social partnership shall be liable in accordance with Turkmenistan's legislation:

1) failure to participate in collective negotiations on the conclusion, modification or Supplement collective agreement or wrongful refusal to sign coordinated collective agreement;

2) violation and failure to comply with obligations under the collective agreement.

2. The persons responsible for failure to provide information necessary for collective negotiations and monitor the implementation of the collective agreement, the agreement shall be liable in accordance with the law.

Article 366. Features of the application of this section

Features of the application of this section to civil servants, members of the military and paramilitary bodies and organizations, bodies of internal affairs, institutions and bodies of the security services, the prosecution, the judiciary, Customs authorities and the diplomatic missions of Turkmenistan set legislation of Turkmenistan.

SECTION XVI. LABOR DISPUTES

Chapter 1. Individual labor disputes

Article 367. The parties and the content of individual labor disputes

Individual labor disputes - is a disagreement between the employer and the employee on the application of labor legislation of Turkmenistan, working conditions, provided labor contract. In these cases, the parties dispute the benefit of the employee can act his authorized representative, trade union or other representative body workers.

Article 368. Bodies Review of labor disputes

1. Labour disputes on the application of labor legislation of Turkmenistan,

collective agreement are considered:

1) commissions for labor disputes;

2) trade union bodies of enterprises and their divisions;

3) courts.

2. Labour disputes certain categories of workers are considered higher authorities.

3. Labor disputes on the establishment of an employee new or edit existing working conditions permitted by the employer and the relevant trade union body in the within their competence.

Article 369. The order of consideration of labor disputes

The procedure for settlement of labor disputes is regulated by this Code and other normative legal acts of Turkmenistan.

Article 370. The order of the formation of the commission on labor disputes

1. The Commission on labor disputes shall be elected by the general meeting (conference) of the labor collective enterprises with the number of employees at least fifteen people.

The commission on labor disputes may also be formed in the subdivisions of the enterprise.

2. The elected members of the commission are persons who have received the most votes and of which more than half the votes present at the general meeting (conference). The procedure for the election, the size, composition and term of office of the Commission determined by the general meeting (conference) of the labor collective of the enterprise.

3. The Commission on labor disputes shall elect from its members a chairman, his deputies and secretary of the commission.

4. The Commission on labor disputes in the subdivisions of the enterprise shall be elected by its staff and it operates on the same basis as the labor dispute committee of the enterprise. AT commissions on labor disputes divisions could be considered labor disputes within the powers of these units.

5. The Commission, the Labour Court has the seal of the established sample.

6. The organization and procedure of the commission on labor disputes are determined by the Model Regulations on labor dispute committee, approved by the Cabinet of Ministers Turkmenistan.

Article 371. The competence of the commission on labor disputes

1. The Commission on labor disputes is the primary body for consideration of employment disputes arising in enterprises and their divisions, except for disputes of which established a procedure for their consideration.

2. A labor dispute shall be considered by the commission on labor disputes, if the employee alone or with the participation representing his interests are not trade union body resolve differences in direct negotiations with the employer.

Article 372. The order of consideration of individual labor disputes in the Commission labor disputes

1. Statement by the employee received by the commission on labor disputes shall be subject to compulsory registration of the said commission. The Commission is obliged to labor dispute consider individual labor dispute within ten calendar days from the date application provider.

2. The labor dispute shall be considered in the presence of the employee who filed the application, or authorized representative. Consideration of the labor dispute in the absence of the employee or his representative shall be allowed only in his written statement. In case of absence the employee or his representative to a meeting of the said committee examining labor dispute postponed. In the case of secondary failure to appear worker or his representative without valid reason, the Commission may decide to remove the issue from consideration, that does not deprive the employee of the right to apply for re-examination of a labor dispute in within the period established by this Code.

3. The Commission on labor disputes is entitled to call witnesses to the meeting, invite representatives of trade unions and other public associations. By Commission request Manager shall submit in due time it required documents.

4. The meeting of the commission on labor disputes is considered valid if it attended by at least half of the members representing the employees, and at least half members representing the employer.

5. At the meeting of the commission on labor disputes is carried protocol, which is signed chairman of the committee or his deputy and the seal of the commission.

Article 373. Eligibility committee meeting on labor disputes, the right of withdrawal

1. The meeting of the commission on labor disputes is considered valid if it not less than two thirds of the elected members in its composition.

2. The concerned employee and the employer have the right to make a reasoned withdrawal any member of the commission. The question of withdrawal is decided by a majority vote of members Commission present at the meeting.

Article 374. The decision of the commission on labor disputes

1. The Commission on labor disputes shall decide by a majority vote of the members Commission present at the meeting. The decision shall include: the name the company or its affiliated companies, surname, name applied to the Commission

employee; the date of application to the Commission; the date of settlement of labor disputes; substance of the dispute; the names of the committee members, representatives of employers and trade union body, present at the meeting; voting results and reasoned decision commission.

2. The decision of the commission shall be motivated and based on norms of labor Turkmen legislation.
3. The decision of the commission on cash requirements should be specified the exact amount, due to the employee.
4. The decision shall be signed by the chairman and secretary of the commission. It is binding strength and any not subject to approval.
5. A copy of the decision of the commission is awarded to the employee, the employer and the trade union body or other representative body of workers in the three-day period from the date of adoption solutions.

Article 375. Execution of decisions of the commission on labor disputes

1. The decision of the commission on labor disputes shall be executed within three days after ten calendar days provided for in the appeal.
2. The Commission on labor disputes in the event of default of its decision within the prescribed period It gives the employee a certificate, which is an executive document.

The certificate shall include: name of the body issued the decision on labor dispute, the date of its adoption and issuance of a certificate, the surname, name and patronymic of the employee, a decision on the merits.

The certificate shall be signed by the chairman or the deputy chairman of the commission labor dispute enterprises (units) and the seal of the commission on labor disputes.

3. The certificate shall not be issued if the employee or the employer appealed to the set term of court for settlement of labor disputes.
4. On the basis of certificates issued by the commission on labor disputes and presentation the court no later than three months from the date of its receipt, the bailiff leads enforce the commission on labor disputes by force.
5. In case of missing a three-month deadline set by the employee for good reasons labor dispute committee that issued the certificate, can restore the term.

Article 376. Appeal of the decision of the commission on labor disputes and transfer of consideration individual labor dispute to court

1. If the individual labor dispute within ten days is not considered by Commission labor disputes, the employee has the right to postpone its consideration to the court.
2. The decision of the commission on labor disputes may be appealed to an employee or by the employer to the court within ten days from the date of handing him a copy of the committee's decision.
3. In case of missing for good reasons the deadline, the court may restore this period and consider individual labor dispute on the merits.

Article 377. Consideration of labor disputes the union body of the enterprise or

unit

1. The trade union body of the company or its affiliated companies consider labor disputes the statements of employees or employers when they do not agree with the decision of the Commission labor dispute, unless otherwise provided by the legislation of Turkmenistan. The trade union body or its affiliated companies may invite representatives associations of employees and employers, if the applicant is a member such association.

The trade union body shall issue a ruling on the merits.

2. The trade union body or its affiliated companies shall consider the application for labor dispute within ten days from the date of its receipt in compliance with the order, under Articles 372 and 374 of this Code.
3. The meeting of trade union body considered competent if attended by more than half of the members elected by its members.
4. The decision of the trade union body shall meet the requirements of the the decisions of the commission on labor disputes, provided for in Article 374 of this Code.
5. A copy of the decision within three days is given to workers and employers.

Article 378. Appeal of the decision of the trade union body of the company and its Division of labor dispute

Resolution of the trade union body of the enterprise and its departments for labor disputes It may be appealed to a court worker or employer in ten days copy of the decision awarding the parties.

Article 379. Execution of the decision of the trade union body of the company and its unit

1. In the event of default by the employer or the employee union decision Body Company and its affiliated companies within the period specified in Article 375 of the Code, the employee is given a certificate, which is an executive document.
2. The certificate shall include: the name of the trade union body which made the resolution of the labor dispute, the date of its adoption and issuance of a certificate, the name, name and patronymic of the employee, the decision on the merits.

The certificate shall be signed by the chairman of the trade union body or its Deputy and sealed by the trade union body.
3. The certificate shall not be issued if the employee or the employer appealed to the set term of court for settlement of labor disputes.
4. On the basis of certificates issued by the trade union body, and presented no the latest three-month period from the date of its receipt, the bailiff drives pursuant to the decision of the trade union body forcibly.
5. In the case of an employee badge set period of three months for good

reasons, the trade union body which issued the license, can restore this period.

Article 380. The order of consideration of labor disputes by the parent bodies

1. The supervisory body is obliged to consider the labor dispute within one month from the date of receipt of the application. Labor disputes are settled in the presence of the employee. Review the dispute in the absence of the employee is allowed only upon his written application or if he He failed to appear without good reason, the secondary call.
2. Recourse labor dispute has the right to invite a representative body, adopted the contested decision, as well as a representative of the trade union body and other public associations.
3. The decision of the superior authority of the labor dispute must be based on legislation of Turkmenistan and motivated.
4. In the event of dismissal or being subjected to disciplinary action without legal basis higher authority takes the decision to cancel the decision, order.

5. Copies of the decision of the higher authority within three days sent or delivered to the worker concerned, as well as the body whose actions were appealed.

6. In considering the labor dispute disciplinary sanction higher authority is not the employee may apply to the more stringent disciplinary action or measure replace it with a more lenient in the circumstances.

Article 381. Consideration of individual labor disputes in the courts

1. Directly in the courts to deal with individual labor disputes

STATEMENT:

1) the employee - for reinstatement, regardless of the grounds for termination of employment agreement; to change the date and the wording of the grounds for termination of the employment contract; payment for the period of forced absence or perform paid job; about reimbursement by the employer prejudice (harm) caused to the health of employees in the performance of employment duties or property of the employee; to refuse admission to work;

2) the employer - employee on compensation of material damage to the employer.

2. Directly in the courts are also labor disputes in cases where the place of the employee is not formed a trade union body or a labor dispute committee.

Article 382. Terms of seeking resolution of a labor dispute

1. For the appeal to a court or labor dispute committee establishes the following Period to:

1) disputes for reinstatement - one month from the date of delivery of the employee a copy of the order the termination of an employment contract;

2) disputes on compensation of workers in material damage caused by the employer - One year after the discovery of the damage caused to the employer;

3) other labor disputes - three months from the day that the employee knew or should have aware of the violation of their rights.

2. In the case of admission for legitimate reasons the terms established in this article, they can be restored by the court or labor dispute committee at the request of the worker or his authorized representative.

3. Disputes concerning compensation of harm caused to the health of the employee, the period of going to court

not installed.

Article 383. Immediate execution of certain decisions and regulations on labor Disputes

1. The decision to reinstate illegally dismissed or transferred to another paid job worker, received authority to address labor disputes, subject to immediate execution.
2. If the employer delayed the execution of the court decision on reinstatement illegally dismissed or transferred to other lower-paid work of the employee, during the time delay from the date of the decision on the day of his execution employee paid the average wage or the wage gap.
3. The immediate execution of the decision is also subject to a higher order subordination authority for the restoration of the former post illegally dismissed employee, and to pay his salary for the period of forced absence or the difference in wages for the performance of lower-paid work in accordance with legislation of Turkmenistan.
4. In case of delay execution of the judgment in a higher order subordinate body decision on payment of the average wage or the difference wages for the time delay takes this body.

Article 384. Limitation of rotation of execution of decisions on labor disputes

1. In the case of the abolition of the supervisory review court decision on recovery of a labor dispute a worker paid him the sum of (a turn of execution) is allowed only if undone when the decision was based on false information communicated to them, or submitted fraudulent documents.
2. On the same grounds may be a turn of execution of the commission on labor Disputes or the decision of the trade union body of the company (division) at different dispute resolution in the future.

Article 385. Payment of the employee during his forced absence or perform paid job

1. In deciding to reinstate illegally dismissed or transferred to other lower-paid work worker Recourse labor disputes at the same time take a decision on the payment of the worker average wage

fee for the time of enforced idleness or the difference in salary for the execution paid job, but no more than one year.

2. In the event that the reasons for dismissal improper wording or the corresponding legislation of Turkmenistan Recourse labor disputes I am obliged to change it and to indicate in the decision the reason for dismissal in strict accordance with the wording of the legislation of Turkmenistan and with reference to the relevant article of this Code. If the wrong or no relevant legislation Turkmenistan formulation of the reasons for dismissal in the workbook prevented enter the employee to a new job, the Recourse labor disputes at the same time it decides to pay him the average salary for the time enforced idleness, but not more than one year.

3. In the case of restoration work on the former employee of the decision in a higher order of subordination organ made payment for the period of forced absence from the day dismissal or for the execution of lower-paid work, but no more than one year.

4. Payment for the time of enforced idleness in the wrongful dismissal and payment the difference in salary for the execution of lower-paid work is performed the employer and the absence of a decision or ruling body for consideration labor disputes.

Article 386. The imposition of liability on the official guilty of unlawful dismissal or transfer the employee to another paid job

1. The Court holds the official guilty of illegal dismissal or transfer employee to another paid job, the obligation to pay damages, caused to the company in connection with payment during his forced absence or during implementation of lower-paid work.

2. Such an obligation is imposed if the dismissal or transfer made in violation of the Turkmen legislation, or if the employer has delayed enforcement of the judgment or a higher authority in the order of subordination of restoring the employee to work. The size of compensation may not exceed three months' salary of the official.

Article 387. The satisfaction of monetary claims employee

While recognizing the authority to deal with individual labor disputes, money employees' claims justified they are satisfied in full.

Article 388. Consideration of labor disputes certain categories of workers on dismissal, reassignment and disciplinary

1. Labour disputes executives, elected, appointed or approved for positions of higher bodies of state authority and administration of Turkmenistan judges, prosecutors, their deputies and assistants, as well as investigators for the prosecution on layoffs, changing the date of dismissal and the wording of the reasons for dismissal, transfer to another job, pay for the time of enforced idleness or perform paid job and disciplinary discussed in the procedure established by the legislation of Turkmenistan.

2. The procedure for settlement of labor disputes established by this Code, no It applies to labor disputes of the early release of workers elected organs from paid work.

Article 389. Exemption from legal costs of employees

Workers handling a lawsuit for claims arising from employment relations are exempted from payment of court costs.

Article 390. Consideration of labor disputes on the establishment of new or changed existing working conditions

1. Labour disputes on the establishment of an employee new or edit existing working conditions permitted by the employer and the relevant trade union or other representative body of workers.

2. Labour disputes on the application of the provisions of labor law Turkmenistan, as well as the obligations of the employment contract or the establishment of new modifying existing working conditions are considered in the selection of an employee in the commission labor dispute or in court.

Article 391. The order of consideration of labor disputes between employees and employers regarding the establishment or modification of working conditions

Labor disputes between employees and employers on the establishment new or changes to existing working conditions not regulated labor legislation of Turkmenistan, considered by the employer in consultation with the union body of the enterprise, and if no agreement - are solved in conjunction with their parent bodies.

Chapter 2. Review of collective labor disputes

Article 392. A collective labor dispute (conflict)

Collective labor dispute (conflict) - unresolved disagreements between employees (or their representatives) and employers (or their representatives) about establishing and changes in working conditions (including salary) of collective the negotiation, conclusion, implementation and changes in collective agreements (agreements) the employer's refusal to take into account the opinion of the trade union or other representative body workers in making the enterprise legal acts containing norms of labor rights as well as disputes relating to economic, social, professional and cultural interests of workers arising at various levels between the social partners.

Article 393. Nomination requirements of workers and their representatives

1. The right of nomination requirements have employees and their representatives.

The demands put forward by employees and (or) employees' representative body enterprises (units), approved at the relevant general meeting (conference) of employees.

2. The employer must provide employees or employee representatives the necessary premises for the meeting (conference) on the nomination requirements and is not entitled to interfere with his (her) conduct.

3. The requirements of workers set out in writing and sent to the employer.

4. Requirements of the trade unions and their associations nominated and sent relevant parties of social partnership.

Article 394. Consideration of the requirements of workers, trade unions and their Associations

1. Employers are obliged to take into consideration the requirements addressed to them by employees.

2. The employer shall notify the decision to the representative body of employees enterprises (units) in writing within three working days from the date of getting workers' demands.

3. The representatives of employers (employers' associations) are obliged to take Review the requirements addressed to them by the trade unions (associations) and to inform the trade unions (their associations) the decision for one month from the date of receipt of these requirements.

Article 395. The conciliation procedure

1. Settlement of collective labor disputes comprises the steps of review
Collective labor dispute:

1) Conciliation Commission;

2) consideration of a collective labor dispute in court.

Consideration of the collective labor dispute by the conciliation commission is a mandatory step.

2. None of the parties to the collective labor dispute can not shirk its participation in the conciliation procedures.

3. Representatives of the parties, the conciliation commission to use all opportunities provided by the legislation of Turkmenistan to resolve the collective labor dispute.

4. The Conciliation procedures are carried out within the time stipulated by part four Article 396 of this Code.

If necessary, the terms provided for conciliation procedures may be extended by agreement of the parties of the collective labor dispute.

Article 396. Consideration of the collective labor dispute by the conciliation commission

1. The Conciliation Commission shall be created in up to three business days from the date of the beginning collective labor dispute. The decision to create the commission issued

the proper order of the employer.

The Conciliation Commission composed of representatives of the parties of the collective labor the dispute on an equal basis.

The members of the Conciliation Commission for the period of participation in the resolution of a collective labor the dispute shall be exempt from the basic work with preservation of average wages.

2. The Parties to the collective labor dispute can not shirk from making Conciliation Commission and participation in its work.

3. The employer creates the necessary conditions for the work of the Conciliation Commission.

4. The collective labor dispute shall be considered by the Conciliation Commission in time up to seven working days after the issuance of the order (instruction) on its creation. Specified period may be extended by mutual consent of the parties that registered in the minutes.

5. The decision of the conciliation commission taken by parties to the collective agreement labor dispute in the protocol is for the parties to the dispute binding and executed in a manner and time frame established by the decision of the conciliation commission.

6. If no agreement is reached in the conciliation commission shall report disagreements, and the work of the Conciliation Commission is terminated. Parties in case of failure Agreement shall be entitled, within ten days from the date of termination of the conciliation Commission to appeal to the court.

Article 397. Liability of the parties for failure to fulfill the court's decision

Persons guilty of dereliction of court decisions binding on parties to the collective labor dispute, shall be liable in accordance with legislation Turkmenistan.

SECTION XVII. TRADE UNIONS

Article 398. The right of workers to form trade unions

1. Employees have the right to form trade unions.
2. The establishment of trade unions and their rights determined by the legislation Turkmenistan and its Charter.

Article 399. The protection of labor rights of workers trade unions

1. Trade unions represent and protect the socio-economic, labor the rights and legitimate interests of workers in their relations with public authorities, public associations, employers and their associations (unions, associations), regardless of ownership.
2. Protection of workers' rights by trade unions is carried out compliance with this Code and other normative legal acts Turkmenistan, the charter of the trade unions of Turkmenistan.

Article 400. Guarantees released trade unionists, elected to the trade union bodies

1. Employees who are exempt from working at the company in connection with his election to the elective office in the trade union body of the Company, after the expiry of his powers granted previous job (position), and in its absence, with the consent of employee - another equivalent job (position) in the same enterprise.

In case of refusal of the employee to the proposed work (office) employment contract with him terminated in accordance with paragraph 1 of Section 39 of this Code.

In the case of the reorganization of the company - the successor, liquidation - the relevant trade union retains these workers for the period employment, but not more than three months, the average wage, taking into account the output benefits.

2. Hours exempt trade union officials elected in the election trade union body of the enterprise, it is counted in the work experience.

3. An employee released from the basic work in connection with his election to the elected body primary trade union organization, have the same labor rights guarantees and benefits as other employees of the company in accordance with the collective agreement.

Article 401. Responsibility for violation of trade union rights

Those who violate the rights and guarantees of trade union activity, under this Code, shall be liable in accordance with legislation of Turkmenistan.

SECTION XVIII. SOCIAL SECURITY

Article 402. Social security in Turkmenistan

Social security in Turkmenistan is a state system material security and social services for disabled people, the disabled, families with children and others carried out by means of payments in the form pensions, state benefits and provision of social benefits.

Article 403. Social security of citizens of Turkmenistan

1. Citizens of Turkmenistan have the right to social security in old age, sickness, disability, disability, loss of breadwinner, unemployment.

2. Social security of citizens of Turkmenistan in accordance with legislation of Turkmenistan.

SECTION XIX. Supervision and enforcement

TRUDOVOGOZAKONODATELSTVATURKMENISTANA

Article 404. Bodies of state supervision and control over compliance with labor Turkmen legislation

State supervision and control over compliance with labor legislation Turkmenistan is carried out:

1) specifically authorized by the Cabinet of Ministers of State Authority (hereinafter - the specially authorized body) to monitor compliance with labor Turkmen legislation, collective agreements and collective bargaining contracts for all enterprises, as well as in the central organs of executive power, local authorities and local government. Regulation on special authorized body approved by the Cabinet of Ministers of Turkmenistan;

2) trade unions, and consisting of technical and legal jurisdiction
Labour Inspectorate - in accordance with the provisions of these inspections;

3) local authorities and local government - in the manner prescribed
legislation of Turkmenistan;

4) ministries and agencies - within the limits of their competence with respect to the subordinated
their enterprises.

Article 405. Competence of specially authorized

Specially authorized body within its competence:

1) controls the execution of the Constitution, laws and other regulations
legal acts of Turkmenistan, international agreements containing labor
rights;

2) monitors compliance with the normative legal acts of Turkmenistan
relating to: the individual and collective labor agreements; labor books;
working time and rest periods; wages; of minors and women;
occupational safety and health and other working conditions;

3) gives a conclusion on how to enter into the production of samples of technical aids,
personal protective equipment, work clothes and shoes;

4) have the right to investigate industrial accidents in the manner prescribed
legislation of Turkmenistan;

5) coordinates the preparation, training and information of employees
enterprises on issues related to labor relations, occupational safety and health,
work environment;

6) the right to request and receive from the central executive authorities, local
authorities and local governments, individuals and legal entities information
necessary for the exercise of their powers;

7) the right to apply sanctions for violation of the provisions of legislative and other
normative legal acts of Turkmenistan, on conditions of work and protection
in the performance of their duties in the manner prescribed
legislation of Turkmenistan;

8) exercise other powers of supervision and control over observance of labor
Turkmen legislation.

Article 406. Participation of trade union bodies in the supervision and monitoring of compliance with labor Turkmen legislation

1. Trade unions are involved in the supervision and control of compliance by employers and their representatives of the labor legislation Turkmenistan.

2. Employers must within one week from the date of receipt of the request to eliminate of violations inform the relevant trade union body about the results consideration of the requirements and the measures taken.

3. In order to monitor compliance with labor legislation of Turkmenistan trade unions and associations provide technical and legal inspection Labor unions, which are endowed with the powers provided provisions approved by the National Center of Trade Unions Turkmenistan.

4. The territorial associations of trade unions operating in the provinces, districts and towns of Turkmenistan, create technical and legal labor inspection trade unions, which operate on the basis of provisions the third part of this article.

5. Trade unions and other bodies representing the labor collective have Law:

1) monitor compliance by employers of labor legislation Turkmenistan;

2) to conduct an independent examination of working conditions and safety of workers enterprise;

3) to take part in the investigation of accidents and occupational diseases in manufacturing, as well as to carry out an independent investigation into them;

4) receive information from managers and other officials of enterprises state conditions and safety, as well as all notifiable accidents in the workplace;

5) make demands to suspend work in cases of immediate threat to life and health workers;

6) to issue mandatory employer to consider the requirements of the elimination of violations of the labor legislation of Turkmenistan;

7) to carry out inspection of the conditions of labor protection provided collective agreements (agreements);

8) participate in the work of commissions on acceptance testing and commissioning production facilities and means of production as independent experts;

9) participate in the development and harmonization of regulations on the protection of labor;

10) apply to the relevant authorities with a demand to prosecute officials guilty of violating the regulations on labor safety, concealment of industrial accidents;

11) to take part in labor disputes relating to violation of labor Turkmen legislation, the obligations established by collective bargaining agreements (agreements), as well as changes in working conditions.

6. Trade unions of the labor inspectorate in the implementation of these powers interact with state bodies of supervision and control compliance with labor legislation of Turkmenistan.

Article 407. The competence of the local authorities and local self-government

Local authorities and local self-government within their competence:

1) carry out supervision and control over compliance with labor legislation Turkmenistan in respect of the entities located in their jurisdiction territory;

2) organized in conjunction with the enterprises, trade union bodies and other public associations located in their territory, the activities envisaged agreement on social partnership;

3) interact with the specialized bodies of trade unions in the area of supervision and monitoring compliance with the labor legislation of Turkmenistan;

4) exercise other powers of supervision and control over observance of labor Turkmen legislation in the manner prescribed by law Turkmenistan.

Article 408. The competence of the ministries and agencies

Ministries and departments within their competence:

1) carry out internal control over compliance with labor Turkmenistan's legislation with respect to their businesses;

2) cooperate with trade union bodies of subordinate enterprises in supervision and control over compliance with labor legislation of Turkmenistan;

3) to provide local authorities and local governments organizational, informational and other assistance in the implementation of supervision and control over compliance with labor legislation of Turkmenistan;

4) exercise other powers of supervision and control over observance of labor Turkmen legislation in the manner prescribed by law Turkmenistan.

SECTION twentieth. RESPONSIBILITY FOR VIOLATION OF LABOR Legislation of Turkmenistan

Article 409. Responsibility for violation of the labor legislation of Turkmenistan

1. In the case of non-payment (partial payment) or delayed due to the employee wages the employer is responsible, prescribed by this Code and other legislative acts of Turkmenistan.

2. In case of delay issuing employment record caused by the employer to the employee paid the average salary for the time of enforced idleness.

3. Persons guilty of violating labor laws of Turkmenistan rules OSH in preventing the activities of supervision and control of compliance with labor legislation of Turkmenistan shall be liable in accordance with the procedure prescribed by law.

CHAPTER XXI. FINAL PROVISIONS

Article 410. Calculation of terms established by this Code

1. Established by this Code or the employment contract term is defined calendar date, the expiration of a period of time, which is calculated in years, months, weeks or days.

2. within the period to which this Code relates the emergence of labor rights and responsibilities begins with the calendar date, which is determined by the beginning of the occurrence these rights and responsibilities.

Within the period to which this Code relates termination of employment and rights duties, begins the day after the calendar date, which is determined the end of the employment relationship.

3. The terms calculated in years, months, weeks, expire on the corresponding day last year, month or week of the term. If the end of the term, calculated in months,

falls on a month in which there is no corresponding date, the term shall expire at the last day of that month. The term calculated in calendar weeks or days, and holidays included.

4. If the last day of the period falls on a working day, the day of expiry It shall be the first next working day, unless otherwise specified legislation of Turkmenistan.

* Translation from the state language of Turkmenistan.