

# REPUBLIC OF TAJIKISTAN

## Labour Code of 15 May 1997 (Text No. 417)

(This text is comprised of selected provisions and therefore does not constitute a complete version of the Labour Code.)

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In accordance with the Constitution of the Republic of Tajikistan, the Labour Code defines overall state policy in the sphere of labour relations, provides state safeguards of citizens' labour rights, and is intended to protect the legal interests of workers, employers and the State.

### CHAPTER 1. GENERAL PROVISIONS

Section 1. Relations covered by labour legislation.

Labour legislation and other statutory enactments shall apply to labour relations and associated relationships involving physical persons employed under the terms of an employment contract in enterprises, institutions and other organizations, irrespective of the form of ownership, or working for private individuals, as well as persons who are members or associates of enterprises.

Section 2. Sources governing labour and related relations.

The sources governing labour and related relations are:

1. The Constitution of the Republic of Tajikistan;
2. The present Labour Code;
3. The laws of the Republic of Tajikistan;
4. Statutory enactments passed by the Tajikistan Majlis-I Oli (Parliament), the President of the Republic, Government of the Republic and local authorities;
5. Formal agreements, including general, sectoral (wages), territorial (regional, local and municipal) agreements;
6. Collective agreements and other local labour regulations (internal rules, leave timetables, as well as various orders and instructions issued by the director of an enterprise within the limits of his authority).
7. International laws recognized by the Republic of Tajikistan.

Section 3. Relationship between legislative provisions and negotiated agreements governing labour relations.

A minimal level of labour rights and safeguards for workers shall be established by legislation and other statutory standards.

General, sectoral (wages), territorial (regional, local and municipal) agreements, collective agreements and employment contracts may provide for other (additional) labour rights and safeguards not provided for under legislation.

Agreements and contracts specifying terms and conditions for workers that are less favourable than those stipulated by labour legislation and other statutory enactments in force in the Republic of Tajikistan shall be invalid.

The terms of labour agreements and contracts may not be altered unilaterally by one of the parties to it unless this is specifically allowed for under legislation. Questions not covered by labour legislation and other statutory enactments shall be resolved by agreement between the parties to the relevant labour agreement or, in the event of failure to reach agreement, by a procedure established for the settlement of collective or individual labour disputes.

Section 4. Basic labour rights and obligations of workers.

In accordance with the Constitution of the Republic of Tajikistan, everyone shall have the right to work, to chose a profession or occupation, to protection from health hazards at work and to social protection in the event of unemployment.

The state guarantees the right of each worker to:

- 1) free occupational services, vocational training, retraining and advanced training;
- 2) equitable remuneration for work done and prompt payment thereof;
- 3) assistance free of charge in finding employment suitable to the worker's inclinations, aptitudes and qualifications;
- 4) working conditions that meet established standards of safety and hygiene;
- 5) time off work ensured by adherence to specified working hours, weekly days off, paid annual leave, and reduced daily working hours for certain occupations and types of work;
- 6) participation in the management of the enterprise;
- 7) the provision of suitable work for a period of not less than three years for young graduates of state colleges recommended by enterprises;
- 8) compensation for expenses incurred as a result of moving to a new location for work, in accordance with legislation;
- 9) compensation for any health problems or damage to a worker's property resulting from work;
- 10) associate in trade unions and other organizations representing the interests of workers and workforces;
- 11) engage in strike action;
- 12) judicial protection of labour rights and qualified legal assistance;
- 13) social insurance benefits in the event of temporary incapacity or of other contingencies specified by legislation;
- 14) protection in the event of unemployment.

A worker shall be obliged:

- 1) to carry out his or her duties conscientiously in accordance with the employment contract;
- 2) comply with established labour and technical regulations;
- 3) treat the employer's property with due care.

#### Section 5. Basic rights and obligations of the employer

The employer shall have the right:

- 1) to manage the enterprise and take decisions within the limits of his or her authority;
- 2) enter into and cancel employment contracts;
- 3) determine the number of workers required to accomplish the work in question;
- 4) adopt, within the limits of his or her authority, local statutory regulations which are binding on the workers of the enterprises in question;
- 5) offer productivity incentives;
- 6) require workers to comply with internal works regulations, other rules and regulations, and the terms of the relevant employment contract; in the event

of non-compliance by workers (through an action liable to disciplinary measures), the employer shall be entitled to take disciplinary action against the worker concerned;

7) set up with other employers public associations for the defence of their professional interests and join such associations.

The employer shall be obliged:

1) to comply with the Constitution of the Republic of Tajikistan, the present Labour Code, legislation and other statutory instruments, and the relevant employment contract; to maintain satisfactory working conditions for employees and enforce regulations relating to health and safety, safety equipment, industrial hygiene and fire protection;

2) when an employment contract is signed, to acquaint the worker with the applicable collective agreement and other local instruments;

3) to pay workers' wages on time;

4) to provide workers with the equipment and materials needed to carry out their work.

Section 6. Special legal provisions relating to particular categories of workers.

The provisions of the Labour Code shall apply to all workers.

Work done by particular categories of workers may have special characteristics depending on the form of ownership of the enterprise where the worker is employed, the nature and conditions of the work, the nature of the employment relationship with the enterprise, natural and climatic conditions, and various other objective factors, and shall be covered by separate legislation and other statutory instruments of the Republic of Tajikistan. However, the overall level of rights and safeguards provided shall not be inferior to those provided under the present Labour Code.

Section 7. Prohibition of discrimination in employment (relationships).

All citizens shall be equal in employment relationships. Any distinctions, preference or refusal to hire a worker on grounds of nationality, race, skin colour, sex, age, religion, political conviction, place of birth, national or social origins, resulting in violation of the principle of equality of opportunity at work, shall be prohibited.

Distinctions necessitated by the nature of the work or by the concern of the State for persons in need of enhanced social protection (such as women, young people or disabled persons) shall not constitute discrimination.

Persons who believe that they have suffered discrimination in employment shall be entitled to apply to the courts for redress.

## Section 8. Prohibition of forced labour.

Forced labour shall be prohibited.

The following shall not be regarded as forced labour:

- 1) work required under the terms of legislation concerning military service;
- 2) work necessitated as a result of extraordinary circumstances that jeopardize the life, personal safety or health of the population;
- 3) work required as a result of a court sentence and done under the supervision of the state authorities responsible for the lawful execution of such sentences. In such cases, the worker shall not be handed over to the authority of private individuals or companies.

## Section 9. Defence of workers' labour rights.

The defence of workers' labour rights shall be the responsibility of bodies responsible for supervision and monitoring of compliance with labour legislation, bodies set up to resolve labour disputes, and the courts.

## Section 10. State administration of labour.

The state labour and employment authority of the Republic of Tajikistan and its territorial bodies shall be responsible for the state administration of labour in the Republic and shall be responsible for the formulation, implementation and coordination of policy in this area, including working conditions and terms of employment, labour relations, training and migration for employment.

## Section 11. International agreements.

Where the terms of international legal instruments recognized by the Republic of Tajikistan are more favourable to workers than national legislation and other statutory instruments in force, the international legal instruments shall apply.

## Section 12. The application of labour legislation to foreign nationals, stateless persons and persons employed in foreign enterprises.

Foreign nationals and stateless persons resident in the Republic of Tajikistan shall be entitled to work in enterprises and other organizations or take up other paid activity on the same conditions and in the same manner as established for Tajik citizens, with the exception of cases specified by legislation.

The labour legislation of the Republic of Tajikistan shall be applicable to persons who, although not Tajik citizens, are employed under an employment contract at enterprises established in the Republic, in the absence of any provisions to the contrary in national legislation or in any international agreement to which the Republic of Tajikistan is signatory.

At enterprises owned entirely or in part by foreign legal and physical persons and located within the territory of the Republic of Tajikistan, the labour legislation of the Republic of Tajikistan shall be applied with such additions and exceptions as may be established by legislative and other statutory enactments.

Section 13. Reckoning of the periods provided for under the present Labour Code.

Calculation of the periods provided for under the present Labour Code in connection with the commencement, modification or termination of a legal employment relationship shall be reckoned from the day following the calendar date on which the Labour Code begins.

Periods measured in years, months, or weeks shall run until the same date in the following year, month or week, as appropriate. Periods calculated in calendar weeks or days shall include the non-working days.

If the last day of a given period is a non-working day, the period shall be deemed to end on the next working day.

Section 14. Non-retroactive force of labour legislation.

Labour legislative instruments shall not be retroactive and shall apply only to situations arising after they have come into force.

A law shall be applicable to a situation that has arisen before it came into force only in cases specified by that law.

If following the signing of an agreement a law is passed specifying conditions binding on both parties that are different from the ones in force at the time of signing, the conditions specified in the agreement shall remain in force unless it is stated in the law in question that the law applies to situations arising from agreements entered into before the law came into force.

Section 15. Definitions.

The following definitions shall apply in the present Labour Code:

- 1) enterprise – any enterprise, institution or organization, irrespective of the form of ownership or type of economic activity;
- 2) subdivision – workshop, section, brigade, department, directorate and other units in an enterprise;
- 3) employer – an enterprise or private citizen engaged in an employment contract with a worker;
- 4) employed worker – a person who has entered into an employment contract with an employer;
- 5) working conditions – all the social and industrial conditions in which the work is done. Social conditions shall include levels of pay, working hours, leave and other conditions established by laws and other statutory instruments or by agreement between the parties concerned. Industrial conditions include the technical, sanitary and hygienic and environmental conditions established by legislation and other statutory instruments;
- 6) systematic breach of labour discipline – a repeated and culpable failure on the part of a worker to meet his or her obligations during a period of disciplinary sanctions imposed against him or her;
- 7) serious breach of labour discipline – any instance of a worker arriving at work in a state of inebriation or under the influence of narcotic or toxic substances, absence without compelling reasons (including absence from work for more than three hours during any one working day), any willful damage done at the workplace or theft of the employer's property, any infringement by the worker of fire and safety regulations likely to have serious consequences such as injury, accident or fire;
- 8) persons who are members or associates of an enterprise – co-owners or proprietors who have entered into employment relationships at these enterprises;
- 9) quota – the number (proportion or percentage) of posts reserved by an enterprise, irrespective of the form of ownership or management, for persons in need of social protection;
- 10) reservation of posts – setting aside of some available posts for particular categories of workers;
- 11) young specialists – persons recruited by an enterprise after graduation from middle-level and higher colleges at the recommendation of these institutions;
- 12) basic terms and conditions of employment – the system of payment and level of wages, benefits, working regime, establishment or abolition of part-time working arrangements, changes in grades and in job descriptions and classifications;
- 13) local regulatory instruments – instruments adopted by employers with the agreement of representatives of workers' organizations and applicable to a specific enterprise.

## CHAPTER 2. THE WORKFORCE

### Representation of workers' interests

#### Section 16. The workforce.

The workforce of an enterprise comprises all the workers employed at the enterprise.

The rights of the workforce and the procedures for enforcing them shall be determined by legislation and by other statutory instruments, by employment contracts and works regulations.

#### Section 17. Representation of workers in the enterprise.

Workers' representatives shall be persons elected by workers' councils at the enterprise in accordance with the laws of the Republic of Tajikistan.

Workers' interests in labour relations may be represented and protected by trade unions and their elected bodies in enterprises and by other bodies elected by workers.

The rights of trade unions and their elected bodies in relations with state and economic bodies and with employers shall be defined by legislation, agreements and collective agreements.

Workers themselves shall designate the body which they wish to represent and defend their interests.

All workers' representative bodies in an enterprise shall operate within the limits of their mandate and shall enjoy equal rights in defending workers' interests. Cooperation between different workers' representative bodies at an enterprise shall be encouraged.

The presence of different representative bodies at an enterprise shall not hinder their activities.

Workers' and employers' interests shall not be represented and safeguarded by one and the same workers' representative body in an enterprise.

#### Section 18. Rights of representative bodies at an enterprise.

Representative bodies at an enterprise shall be entitled to:

- 1) conduct collective negotiations, enter into collective agreements,



participate in the drafting of labour instruments and submit draft instruments to the employer;

2) participate in discussions on issues relating to the social and economic development of the enterprise;

3) monitor compliance with labour legislation and collective agreements;

4) defend workers' interests in bodies set up to examine labour disputes;

5) appeal in the courts against any decisions by employers and their authorized representatives which do not comply with labour legislation or other regulatory instruments, or in any other way infringe workers' rights;

6) declare strikes through the procedure established under legislation;

7) carry out other lawful actions in the performance of their representative functions. All authorized representative bodies shall have equal rights.

Section 19. Prohibition of any interference with the lawful activities of workers' representative bodies.

Any interference of any sort in the lawful activities of workers' representative bodies shall be prohibited.

Suspension of the activities of workers' representative bodies at the initiative of the employer or the employer's authorized representative shall be prohibited.

An employer or employer's authorized representative who commits any act of the type referred to in the above clauses shall be liable to sanctions determined by legislation in force in the Republic of Tajikistan.

Section 20. Obligations of the employer with regard to workers' representative bodies

The employer or employer's authorized representative shall be obliged:

1) to assist workers' representative bodies in their activities and respect their rights;

2) to hold consultations with workers' representative bodies before any decisions are taken affecting workers' interests;

3) to examine any proposals from workers' representative bodies promptly and inform them of their decisions and the reasons for those decisions;

4) to grant members of representative bodies unrestricted access to the places of work of employees whose interests they represent;

5) to provide workers' representative bodies free of charge with all necessary information regarding issues relating to labour and social and economic development;

6) to maintain conditions needed for the representative bodies to carry out their duties;

7) to provide premises, transport, means of communication and other prerequisites for the workers' representative bodies to carry out their activities; the procedures for providing these services shall be determined by collective agreement;

8) to honour other obligations towards workers' representative bodies specified in national legislation and collective agreements .

Section 21. Additional safeguards for members of workers' representative organizations.

Members of workers' representative organizations shall be protected from any harassment of any sort on the part of the employer on the grounds of their activities as representatives.

Workers released from their normal duties following their election to a representative body shall be allowed to return to their previous duties once their mandate has expired; where the previous post no longer exists, the worker shall be offered equivalent alternative work.

Section 22. Employers' representative bodies.

Employers shall be entitled to form associations, congresses and other public associations.

Public associations of employers shall be set up and operate as public organizations with the aim of promoting economic development, improving efficiency and encouraging entrepreneurship, achieving social partnership by representing the interests of enterprises and their owners before the state authorities and administration in relations with workers' representative organizations, and by defending their rights in the area of economic and labour relations.

### CHAPTER 3. COLLECTIVE AGREEMENTS

Section 23. The purposes of collective agreements.

The purpose of collective agreements shall be to fix terms of employment, working conditions and social safeguards over and above those specified in legislation and other regulatory instruments.

Procedures for formulating, concluding and implementing collective agreements shall be determined by legislation.

## Section 24. Monitoring compliance with a collective agreement.

Compliance with a collective agreement shall be monitored by the parties to the agreement through procedures established by legislation.

The parties shall be obliged to make available any information in their possession needed for monitoring.

Representatives of the parties signatory to the collective agreement shall report to the general assembly of the workforce on the implementation of the agreement, either annually or at intervals specified in the agreement itself.

## Section 25. Liability for failure to comply with legislation concerning collective agreements.

Liability for refusal to enter into negotiations and for violations of and failure to comply with a collective agreement shall be determined by legislation in force in the Republic of Tajikistan.

(Sections 26-47 omitted)

## Section 48. Agreement to cancel an employment contract at the employer's initiative with the agreement of the trade union committee or other workers' representative body

Cancellation of an employment contract at the employer's initiative (cf. Section 46) shall occur only after due notification of the appropriate trade union or other worker' representative body not less than two weeks before the cancellation is to take effect.

In cases provided for in collective agreements, such cancellation of an employment contract at the employer's initiative shall be subject to the prior consent of the trade union or other workers' representative body concerned.

The trade union committee or other workers' representative body shall inform the employer in writing of any decision taken regarding the question of agreement with a proposal to cancel the employment contract with the worker; this shall be done within a period of ten days from the date of receipt of a written submission by the official authorized to cancel the employment contract.

The employer shall be entitled to cancel an employment contract not later than one month from the date on which the agreement of the trade union committee or other workers' representative body is obtained.

(Sections 49- 120 omitted)

## CHAPTER 9. LABOUR DISCIPLINE

Section 121. Internal rules and regulations in the enterprise. Disciplinary statutes and regulations. Obligations of the employer and worker.

The conduct of work in an enterprise shall be governed by internal rules and regulations of the enterprise approved by the employer with the agreement of the relevant workers' representative body.

Particular categories of workers shall be subject to disciplinary rules and regulations approved through procedures established by law.

Steps shall be taken to acquaint each worker with the rules relating to work discipline and the internal rules and regulations.

The employer shall be obliged to maintain labour and production discipline, to comply unfailingly with labour legislation in force, to refrain from requiring a worker to engage in activities that are unlawful, not part of the worker's obligatory duties, likely to endanger the life or health of the worker or of a third party, or demeaning to the honour and dignity of the worker or a third party.

The worker shall comply with the rules relating to work discipline and technical regulations, requirements regarding safety and health, safety equipment and industrial hygiene, and any instructions from the employer relating to the worker's functions; the worker shall show courtesy towards the employer, fellow workers and customers and any other persons with whom he or she comes into contact in the course of work.

Section 122. Labour incentives.

The employer shall make use of the following incentive measures for good, sustained and high-quality work, innovation at work and other achievements:

- 1) expressions of gratitude;
- 2) bonuses;
- 3) prizes;
- 4) certificates;
- 5) entry on a list of honour.

The rules on working procedures may also provide for other incentives.

Workers who in the course of their work have performed distinguished service to society and state may be recommended for state awards.

### Section 123. Disciplinary sanctions.

In the event of a breach of labour discipline by a worker, that is, non-performance or inadequate performance of his or her duties, the employer shall be entitled to apply the following sanctions:

- 1) reprimand;
- 2) serious reprimand;
- 3) dismissal (clauses 3, 4, 6, 7, 10 and 11 of the first part of Section 46 of the present Labour Code).

Particular categories of workers may be subject to additional disciplinary sanctions under legislation and disciplinary rules and regulations.

It shall be prohibited to apply any disciplinary sanction that is not provided for by law or by disciplinary rules and regulations.

### Section 124. Procedures for applying disciplinary sanctions.

Before any disciplinary sanction is applied, the worker shall be asked to submit a written explanation of his or her actions. Refusal by the worker to provide such an explanation shall not be an obstacle to the application of sanctions.

The sanction shall be applied as soon as the offence is discovered and not more than one month following the day on which the offence is discovered, not counting any sick leave or other leave taken by the worker.

A sanction shall not be applied more than six months after the date of the offence or, where a financial and economic review or audit has taken place, not later than two years after the date of the offence. These periods shall not include production time lost on criminal proceedings.

When a sanction is applied, due account shall be taken of the gravity of the offence, the circumstances in which it was committed and the worker's previous work and conduct record.

Only one disciplinary sanction shall be applied for any given offence.

Any order or instruction regarding the imposition of disciplinary sanctions shall be communicated to the worker for his or her signature.

It shall be possible to appeal against any disciplinary sanction through the procedure established for the examination of individual labour disputes.

Section 125. Duration of disciplinary sanctions.

The duration of a disciplinary sanction shall not exceed one year from the date of its commencement. If during that period the worker is not the subject of further disciplinary sanctions, he or she shall be considered not to have had sanctions imposed.

An employer who has applied a disciplinary sanction shall be entitled to lift that sanction before the period of one year has elapsed either on his own initiative, at the worker's request, or following a representation from the workers' representative body or the worker's immediate supervisor.

(Chapters 10-15 omitted)

## CHAPTER 16. COLLECTIVE LABOUR DISPUTES

Section 205 The concept of collective labour disputes and procedures for settling them.

Collective labour disputes shall be defined as unresolved disagreements between employers (or employers' organizations) and workers' collectives (workers' representatives) concerning the establishment or modification of terms and conditions of work at an enterprise, the adoption and implementation of collective agreements, or concerning matters relating to the implementation of legislative and other regulatory provisions and collective agreements.

The procedures for the settlement of collective labour disputes shall be determined by the present Labour Code, legislation, agreements and collective agreements.

Section 206. Submission of workers' demands.

Workers and their representatives shall be entitled to put forward demands.

Workers' demands shall be put forward at the workers' meeting (conference) and shall designate their authorized representatives to participate in the settlement of collective labour disputes.

Workers' representatives shall put forward demands through the procedures established under the relevant statutes or by decision of the constituent meeting of the workers' representative body.

Demands shall be made in writing and addressed to the employer.

Section 207. Workers' and employers' representatives in collective labour disputes.

Workers' representatives shall be the various bodies of the trade unions and trade union associations authorized to act as representatives in accordance with their rules and statutes, or other representative bodies established by the workers' general meeting (conference) and authorized by them.

Employers' representatives shall be the senior managers of the enterprise or other persons duly authorized under the company statutes, or authorized bodies of employers' associations.

Section 208. Mediation.

A mediator shall be chosen by agreement of the parties concerned and shall assist them in conducting negotiations and reaching an agreement.

The mediator shall be entitled to be given all necessary information by the parties involved and any documents that he or she may consider useful in the mediation process.

The mediator shall not be entitled to divulge confidential information obtained in the course of his duties.

The mediation procedure shall be established by the parties to the dispute by agreement with the mediator. After any attempt to reconcile the parties, the mediator shall communicate to them in writing any recommendations regarding settlement of the dispute.

The recommendations shall become binding on the parties if the latter have not rejected them within a period often days or if the parties enter into a preliminary agreement concerning implementation of the recommendations.

## Section 209. Labour arbitration.

If no agreement is reached in the conciliation board within ten days by the parties to the collective dispute, a labour arbitration board shall be set up in consultation with the district or municipal khukumat.

The composition of the arbitration board for each dispute shall be determined by the

parties to the dispute. The chairperson of the board shall be appointed by agreement of the parties from among the members of the board.

The arbitration board may include national deputies, representatives of trade union bodies, members of labour and employment bodies, specialists, experts and other persons.

The collective labour dispute shall be examined by the arbitration board with the mandatory participation of representatives of the parties to the dispute and, where necessary, of representatives of other interested bodies.

The arbitration board shall come to a decision within ten days of being established.

Decisions of the arbitration board shall be binding if the parties have come to a prior agreement to that effect.

The parties to the dispute and the conciliation bodies shall use every possible means of eliminating the causes and circumstances that have led to the dispute.

If the conciliation board and labour arbitration board are unable to settle the difference between the parties, the reasons for this shall be communicated in writing to the workforce or trade union. In such cases, the workforce or union shall be entitled, in accordance with Section 208 of the present Labour Code, to make use of all other means of obtaining their demands allowed by law up to and including full or partial cessation of work (non-attendance, refusal to carry out duties) in the enterprise (strike action).

## Article 210. Judicial examination of collective disputes.

Collective labour disputes concerning the implementation of labour legislation or other regulatory instruments (non-compliance or infringement) shall be subject to judicial examination at the request of one of the parties to the



dispute.

For the purposes of such examination in the courts and implementation of any judicial decisions, the corresponding guidelines and deadlines specified in the present Labour Code for individual labour disputes shall apply.

#### Article 211. Strike action.

If the conciliation procedure is unable to resolve a dispute, or where the employer declines to become involved in the conciliation procedure or fails to implement decisions taken during the settlement procedure, workers shall be entitled to use other means of settling the dispute (such as mass meetings, demonstrations and other collective actions) up to and including the ultimate means of resolving a collective dispute, namely, strike action.

A decision to declare a strike shall be taken at a meeting of the workforce or appropriate workers' representative body, by secret ballot; such a decision shall be considered to be adopted where not less than two thirds of those present at the meeting (representative body), or two thirds of the delegates at a conference of the workers' representatives, vote for it, subject to a quorum of more than half of all the members of the workforce (representative body) at the conference, or two thirds of delegates at a conference. The strike shall be directed by a person or persons authorized by the workforce or relevant workers' representative body at the enterprise.

The employer shall be informed in writing of the start of strike action and its possible duration not later than two weeks after the decision to strike.

A restriction of the right to strike shall be permitted in cases where this might endanger the life and health of individuals or the security and defence capability of the state. The restriction of the right to strike shall be subject to the provisions of legislation in force in the Republic of Tajikistan.

Any decision regarding the legality or illegality of a strike shall be a matter for the courts.

#### Article 212. Safeguards and compensation for workers exercising their right to strike.

Participation in strike action shall be voluntary. No one shall be forced to take part or refuse to take part in a strike.

Participation in a strike (with the exception of unlawful strikes) shall not be regarded as a breach of labour discipline or as grounds for cancelling a

labour contract.

Workers who have not taken part in a strike but have been prevented by it from carrying out their work shall continue to be paid the same wages as during any stoppage that is not caused by the worker.

During the period of the strike, workers participating in it shall not continue to be paid their wages unless this is provided for in an agreement on the settlement of the dispute.

The union committee or other workers' representative body shall be entitled to set up a strike fund based on voluntary contributions and donations, as well as a special insurance fund.

Article 213. Liability of the employer for non-compliance with legislation on collective labour disputes.

Any person representing the employer who refuses to participate in a conciliation board or delays implementation of decisions taken by the conciliation bodies shall be liable to a fine of up to ten times the minimum wage for each day following the deadline specified by a court.

Any person representing the employer who fails to fulfill obligations under an agreement reached as a result of conciliation proceedings or fails to comply with a court ruling on a collective labour dispute shall be liable to a fine imposed by a court of up to one hundred times the minimum wage.

At the request of the trade union or other workers' representative body, the management board shall be required to take action up to and including dismissal of managers found to be responsible for the collective labour dispute.

Article 214. Liability of workers for unlawful strikes.

Organizing a strike declared by a court of law to be unlawful and any participation in such a strike shall be regarded as a violation of labour discipline and shall be subject to disciplinary sanctions as provided for under legislation.

Persons who use force or threats to force others to strike shall be liable to sanctions under the criminal law.

Compensation for damages to the owner's interests during an unlawful strike that has taken place as a result of a decision by the workforce shall be paid

from a contingency fund at the enterprise through a legally established procedure.

In the event that an unlawful strike has taken place as a result of the union's initiative, compensation for damages shall be paid from the union's own funds, the amount being determined by a court with due regard to the union's financial position.

Persons representing the interests of the parties who have allowed violations of rules provided for in the present Labour Code shall bear administrative liability in accordance with legislation in force.

(Chapter 17 omitted)

## CHAPTER 18. LIABILITY FOR NON-COMPLIANCE WITH LABOUR LEGISLATION

Article 225. Bodies responsible for the supervision and monitoring of compliance with labour legislation

State supervision and monitoring of compliance with labour legislation and health and safety regulations shall be the responsibility of:

1. specially authorized state bodies and inspectorates that are independent of employers;
2. trade unions and technical and juridical labour inspectorates under the authority of the unions.

The Parliament of the Republic of Tajikistan, the Assemblies of People's Deputies of the Gorno-Badakhshan Autonomous Region and of other regions, cities and districts, and khukumats at all levels shall monitor compliance with labour legislation in the manner prescribed by national legislation.

The Ministry, state committees and authorities shall carry out internal monitoring of compliance with labour legislation with regard to enterprises under their authority.

Supervision of implementation of labour legislation within the territory of the Republic of Tajikistan shall be the responsibility of the Prosecutor General of the Republic of Tajikistan and other prosecutors under his authority.

Article 226. State supervision of industrial safety.

State supervision of compliance with regulations on the safety of working procedures in various branches of industry and at a number of specific plants shall be carried out (with the unions' technical inspectorates) by a State Committee of the Republic of Tajikistan for monitoring operational safety in industry and mines and its local agencies.

This supervision shall be carried out in sectors and individual plants specified by the regulations of the State Mining Technical Supervision body (GOSGORTEKHNADZOR).

Article 227. Public monitoring of compliance with labour legislation.

Public monitoring of compliance with labour legislation and health and safety regulations shall be the responsibility of the trade unions, public inspectors and commissions of the relevant elected union body at the enterprise or other workers' representative body.

Public health monitoring shall be carried out by public sanitary inspectorates at enterprises.

Article 228. Liability for non-compliance with labour legislation.

Officials who fail to comply with labour legislation shall be liable to sanctions as established under national legislation.

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