

## WORKING ACCIDENTS AND ITS LEGAL SIGNIFICANCE

Oripova Dilafruz Sukhrobovna

Graduate student of Tashkent State Law University

<https://doi.org/10.5281/zenodo.10562959>

**Abstract.** *This article examines the concept of industrial accidents, the legal consequences of accidents. Based on the legislation of the Republic of Uzbekistan, the region where the accident occurred, the damage caused to the employee's health is discussed. When it happens, information is provided on the aspects that need to be identified during the preliminary investigation process. The legal bases determining the employer's responsibility are listed. The employer's liability is analyzed when it happens due to the gross negligence of the victim.*

**Keywords:** *accident, employer, victim, work environment, area, injury, health, examination, medical report, gross negligence.*

**Introduction.** According to new accounts from the ILO, about three million workers die each year due to industrial accidents and occupational diseases. This is more than 5 percent more than in 2015. A total of 2.6 million deaths are caused by work-related diseases [1]. From the above report, we can say that industrial accidents are one of the problems that need to be solved all over the world. First, the victim (s) will lose a certain amount of health. Second, he (they) will suffer mental or emotional harm. Thirdly, the source of material supply will be deprived for some time. Fourth, the serious consequences for the victim's health and mental state also affect his family.

Another important aspect of it is that when an accident occurs, it affects the productivity of the workplace. Later, as a result of compensation for the damage caused by the employer to the victim, he will suffer economic loss. This can sometimes lead to serious financial losses.

An industrial accident is an incident that occurs during work or in the course of work, resulting in fatal or non-fatal injuries [2].

Accident at work - an accident caused by an employee in connection with the performance of his work duties both on the territory of the employer and outside it, including while coming to or returning from work in the transport provided by the employer, resulting in disability or health. An event that caused injury in a different way and caused the need to transfer the employee to another job, temporary or permanent loss of work ability related to the profession, or death [3]. An industrial accident is an event that unexpectedly occurs during the performance of an employee's work duties and causes various levels of damage to the employee's health and mental state.

Industrial accidents can occur due to various factors and reasons. As a result of their inspection and consideration, the causes and consequences are studied and the amount of damage is determined. The physical and mental health of the victim is assessed as the biggest damage caused, that is, its legal significance.

**Methods and materials.** Based on the reports of the International Labor Organization, the topic was theoretically and practically analyzed based on the labor legislation of the Republic of Uzbekistan. In the process of studying the problem, not only the norms of national legislation, but also the universally recognized norms of international law were addressed. Relevant norms regulating relations related to industrial accidents were classified and studied. Conclusions and

suggestions were given from the results obtained during the study of the legislative system within the framework of the topic.

**Results and discussion.** Everyone has the right to work, to freely choose work, to have fair and comfortable working conditions [4], and to work in comfortable working conditions that meet the requirements of safety and hygiene [5], as well as in case of incapacity for work [5] provided by law in other cases, he has the right to social security. Ensuring the rights of employees and providing decent working conditions is the employer's obligation. As a result of an accident, not only the employee, but also his family will suffer material and psychological damage. Clauses 5, 6 and 16 of the first part of Article 25 of the Labor Code of the Republic of Uzbekistan stipulate the obligation of the employer to create decent working conditions for employees. Article 321 of this Code stipulates the obligation of the employer to compensate the damage caused to the life or health of the employee. In particular, the obligation of the employer to compensate the damage caused to the life or health of the employee due to the disability at work and occupational disease, the employer during the performance of labor duties both in its territory and outside it, as well as in the transport provided by the employer It is established that the employee is financially responsible for the damage caused to the life or health of the employee due to disability at work while going to the workplace or returning from work [6]. According to the fifth part of this article, the employer compensates the damage caused to the life or health of the employee from a source of high risk during the performance of his work duties, if the damage was caused by forces that cannot be eliminated or caused by the victim's will. If he cannot prove the origin, he must compensate.

In order to clarify the legal significance of an accident at work, it is important to investigate and consider it. Also, future accidents and occupational diseases are prevented by investigating the accident and determining its causes by the employer. When investigating an industrial accident, the following aspects are taken into account:

First of all, the causes of the accident are determined. The primary reason for this is that if the employee has worked with the equipment, it is checked whether the equipment meets the technical requirements. As the next reason, the extent to which the employee and the employer have fulfilled their obligations established by law will be checked. This investigation ensures that the degree of guilt and legal responsibility of the employer and the employee are determined. Received by the employer due to non-provision of socio-economic, organizational-technical, sanitary-hygiene and treatment preventive measures and measures to create healthy and safe working conditions (non-observance of labor protection, technical safety, industrial sanitation rules and the like) labor injury is considered to be caused by his fault [7]. If during the investigation - cases of natural death, suicide, intentional harm to the victim's health, as well as the victim's injury during the commission of a crime (forensic expert report or information of investigative bodies according to) is not checked and not taken into account [8]. In the latter investigation, reasons beyond the control of the employer and the employee are investigated.

**Conclusion.** Accidents at work can have serious and significant consequences for both employees and employers. The employer faces some degree of economic losses and loss of productivity, damage to property and equipment. The employee faces material and mental difficulties according to the level of losses. If the incident ends in death, the level of losses is high. Every study requires precision. However, due to the wide scope of this research topic and its relevance to the entire production sector, there are complications in the process of its study and

analysis. As the topic is related to production and technology, it is always changing and updating. That's why it always needs to be studied.

### **REFERENCES**

1. Nearly 3 million people die of work-related accidents and diseases. 26 November 2023. [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_902220/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_902220/lang-en/index.htm)
2. Investigation of Occupational Accidents and Diseases, Practical Guide for Labor Inspectors, Geneva 22, page IV.
3. Article 4 of the Law of the Republic of Uzbekistan on Labor Protection dated September 22, 2016.
4. Universal Declaration of Human Rights, article 23. [https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web).
5. Constitution of the Republic of Uzbekistan. Official publication. - Tashkent: "Uzbekistan" publishing house, 2023. Articles 42 and 46 <https://lex.uz/docs/-6445145>.
6. Labor Code of the Republic of Uzbekistan .- T.: "Legal Literature Publish", 2023. - Articles 25 and 321 <https://lex.uz/ru/docs/-6257288?ONDATE=30.04.2023>.
7. Decision No. 60 of the Cabinet of Ministers of the Republic of Uzbekistan dated February 11, 2005 on "Payment of damages caused to employees due to injuries, occupational diseases or other health damage in connection with the performance of their work duties" <https://lex.uz/ru/docs/-492899>
8. Resolution No. 286 of the Cabinet of Ministers of the Republic of Uzbekistan dated June 6, 1997 "On the approval of the regulation on the inspection and accounting of industrial accidents and other damage to the health of employees related to the performance of work duties."