

## **LABOR CODE REPUBLIC OF TAJIKISTAN**

[...]

### **Article 7.**

#### **Prohibition of discrimination in labor relations**

All citizens have equal opportunities in labor relations' field. Any kind of distinctions, exclusion or preference, rejection in job, made against dissimilarity, nationality, race, color, sex, age, religion, politics, and place of birth, of foreign or social growth leading to violating equality of chances in the sphere of work. Individuals, thinking they have been incurred to discrimination in the sphere of labor relations can appeal with appropriate application to the court of law.

[...]

### **CHAPTER 12.**

#### **ADDITIONAL GUARANTEES FOR WOMEN AND INDIVIDUALS WITH FAMILY RESPONSIBILITY**

### **Article 159.**

#### **Guarantees at hiring pregnant women and women having children**

It is prohibited to refuse to women in job, or decrease their salary using the motives of pregnancy or having children. With the refusal to hire pregnant woman or woman who have children under 3 years old, and single mother with a child with a children under 14 years old (and with a child invalid under 16 years old) the employer is obliged to inform them about the reasons of refusal in a written form. The refusal in hiring to work to the given individuals can be appealed at the court. The employer is obliged to hire women, who were directed by the population occupational agents in order of placement, at working places on account of the determined quota.

### **Article 160.**

#### **Occupations, where the women's labor is prohibited to use**

It is prohibited to use the women's work in mines (underground) in difficult works, and works that are linked with an unhealthy conditions, as well as in loading and replacing heavy things exceeds the limited accepted norms. The list of manufactures, works, professions, and positions with difficult and unhealthy working conditions, where the labor of women is prohibited , and limited accepted norms of loading for woman in loading and removal heavy things by hand are determined by the government of Tajik Republic.

## **Article 161.**

### **Limitation of women labor at night time works**

Using woman in night time works is not allowed, except branches of national economics, where it is very necessary. In organizations with allied work, women having children under 14 years old (and children invalids under 16 years old) on account of possibility of the industry a preference is given to use women's work in a day time. Concrete branches of national economics, production and some types of work, where the women's labor is allowed in night time, is determined by the government of Tajik Republic.

## **Article 162.**

### **Limitations in attracting women to overtime work and works on weekends and holidays, and business trips**

It is not allowed to use the labor of pregnant women and woman who has children under 3 years old in overtime work, working on weekends and holidays and sending them to business trips. Woman, having children under 3 to 14 years old (invalids under 16 years old) can be used in overtime work or sent to business trips only with their agreement.

## **Article 163.**

### **Transfer to an easier work the pregnant women, and women having children under 6 months old**

Norm of work and service is reduced to the pregnant women in accordance with medical conclusion, or they can be transferred to an easier work where there is no unfavorable factors with keeping monthly salary from the previous work. Until taking decision about providing another easier work excluding the affect of unfavorable factors of work, she is liable for release from work with keeping her monthly average salary for the days she missed working days due to this process.

Women having children under six months old, in cases when the implemented work is not favorable for lactating women, since it will not allow the mother to follow the breastfeeding schedule. These women are transferred to another work with keeping the monthly average salary from the previous job until their child is six months old.

## **Article 164.**

### **Maternity leaves**

Women are provided maternity leaves for the duration of 70 calendar days (in case of complicated labors -86, and at giving birth 100 days) with paying benefit from the state social insurances. The maternity leave is calculated in total and is given to the women at once, independent from the days factually used by her until the labor.

## **Article 165.**

### **Leaves for baby minding**

After the termination of maternity leaves if the woman wishes she is provided a leave for looking after her child until he/she reaches 6 months old with a payment for this period according to the state social insurance. Woman is provided also by an additional leave without keeping the salary after looking her child until he/she reaches 3 years old. Leaves for baby minding can be fully used or partly by father of the child, grandparents or other relatives or trustee, factually fulfilling the care after the child. By request of the woman or individuals indicated in part 3 of the standing article, during their leave for baby minding they can work in conditions of half working day or at home with keeping rights for receiving benefit from the state social insurance. During the leave the working place is reserved (position). Leaves for baby minding are scored up in general continuous working experience, as well as working by specialization (except cases appointing pension due to special working conditions). In working experience, giving rights for further paid leaves, time of the leaves for baby minding are not scored up.

## **Article 166.**

### **Leaves for individuals who adopted infants or having trusteeship for children**

Individuals, who adopted children directly from the maternity home or having trusteeship on them, is provided with a leave for the period of beginning the trusteeship till the termination of 70 (at taking 2 children – 100 days) calendar days from the baby's day of birth with the payment for this period a benefit from the state social insurance, and by their requests additional leaves for baby minding until the child/ren are reach 6 month or 3 years (article 165 of the standing code).

## **Article 167.**

### **Breaks for feeding the child**

Women who have children at the age of 6 months are provided except times of rest and food additional breaks for feeding the child.

These breaks are provided not less than every three hours, with the duration of 30 minutes. If she has more than 2 children at the age of 6 months the duration of the break is set for not less than an hour. Breaks for feeding children are included to the working hours and are paid on the average salary. By the request of the woman, who have a child, the breaks for feeding the child can be join to the breaks for rest, since in summarized type they are moved to the commence as well as the end of the working day with the relevant reducing.

## **Article 168.**

### **Setting under time (half working day) for women and individuals with family responsibilities**

By the request of the pregnant woman, women having children at the age of 14 years old (an invalid child – at the age of 16 years old), as well as women who has

dependents to take care of in accordance with the medical conclusion, the employer is obliged to set an undertime or half working week (article 64 of the standing Code).

#### **Article 169.**

##### **Additional holidays**

One of the parent (trustee) bringing up the child – invalid at the age of 16 years old is provided one day off in a month with a payment in a rate of daily salary on account of state social insurance.

#### **Article 170.**

##### **Privileges for women at setting order of providing yearly leaves**

Yearly leaves are given to pregnant women and women giving birth to a child by their request, accordingly before the maternity leave and after it, since after the leave of baby minding independent from the working experience at the given enterprise. Woman having two or more children under 14 years old or a child – invalid at the age of under 16 years old as well as to single mothers – having child under the age of 14 years old (child – invalid under 16 years old) are provided yearly leaves by their request in summer time or any other time convenient for them time.

#### **Article 171.**

##### **Leaves without keeping the salary for women having children under 14 years old**

Women having children two or more children at the age under fourteen years old (or child – invalid at the age under 16 years old) are provided by their request yearly leaves without keeping salary with the duration not less than 14 calendar days. This leave can be join to the yearly leave or used separately (entirely or partly) at the period set by the agreement of the employer.

#### **Article 172.**

##### **Guarantees for pregnant women and women having children, at terminating the labor contract**

Termination of labor contract with the pregnant women and women having children under 3 years old (single mother with having child – invalid under 16 years old) on the initiative of the employer is not allowed, except cases entirely liquidation of the enterprise, when the termination of the labor contract is accepted with compulsory placement. Placement of the given women (providing them with work) is made by the covenant of the liquidated enterprise, and at the absence of the covenant the compulsory help is rendered in finding appropriate work and their placement is implemented by the state organs of population occupation with providing at the period of placement appropriate social repayments set by the legislation. Compulsory placement of the given women is implemented by the employer also in cases terminating the labor contract due to termination of the term. At the period of the placement the salary is reserved but not higher than three months from the day of the labor contract's termination.

## **Article 173.**

### **Guarantees and privileges to individuals bringing up children without mothers.**

Guarantees and privileges provided to women who are mothers (limitations of night time work and extra work, not using their work at the weekends, and sending to the business trips, providing additional leaves, setting preferential schedule of work and other guarantees and privileges set by the legislative and other normative labor acts), spreading at fathers, bringing up children without mothers, (in cases of her deaths, disablement of parental rights, long stay in hospitals and in other cases of maternal care of children) as well as on trustees of underage.

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