



A LEGAL ASSESSMENT OF UZBEKISTAN'S STRIKE
LEGISLATION

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Abstract: The paper examines the sectoral limits of the right to strike introduced into the Labour Code of Uzbekistan by Law No. ZRU-1150 of 11 June 2026: absolute bans in certain services, the minimum necessary services regime, and compulsory arbitration as a compensatory guarantee. The rules are tested against the functional standard developed by ILO supervisory bodies and the European Court of Human Rights, as well as the British and Serbian experience with minimum service legislation. The author argues that the Uzbek regime mixes functional, professional, and sectoral criteria, and proposes bringing them under a single functional test.

Keywords: essential services, minimum service, right to strike, compulsory arbitration, health sector, Strikes (Minimum Service Levels) Act 2023, Labour Code of Uzbekistan.

In 1922, Moorfield Storey observed the consensus regarding strikes in public services by quoting Calvin Coolidge: “There is no right to strike against the public safety by anybody, at any time, anywhere” [1, p. 104]. Under that historical view, entire industries could be closed to strikes simply because their stoppage would impact the public. While modern international labour law acknowledges this concern, it has moved away from absolute prohibitions. The



contemporary legal focus has shifted from the general importance of an industry to the specific consequences of its interruption.

The ILO supervisory bodies established a strict formula to address this. A total prohibition of strikes is acceptable only in essential services “in the strict sense of the term”, meaning services whose interruption would endanger the life, personal safety, or health of the whole or part of the population, and in the case of public servants exercising authority in the name of the state [2; 3]. The hospital sector, electricity and water supply, the telephone service, and air traffic control are typical examples. Many other activities (postal services, most public transport, education, banking) are important but not essential in this strict sense. For these sectors, the appropriate regulatory tool is a negotiated minimum service rather than a blanket ban. Where a strike is prohibited, workers must receive a compensatory guarantee: impartial and rapid conciliation and arbitration, in which both sides can participate and whose awards are binding and practically implemented [2].

The European Court of Human Rights applies a comparable logic through the proportionality test under Article 11. In *Enerji Yapı-Yol Sen v. Turkey*, it held that a general ban on strikes by all public servants was incompatible with the Convention [4]. In *Hrvatski liječnički sindikat v. Croatia*, it found a violation where a doctors’ union had been prevented from striking for almost four years [5]. Similarly, in *Ognevenko v. Russia*, it determined that the dismissal of a railway engine driver for taking part in a strike, under a law that excluded certain railway

workers from the right to strike, violated Article 11; the Court expressly referred to the ILO position that railway transport is not an essential service in the strict sense [6]. Conversely, in *Humpert and Others v. Germany* (2023), the

Grand Chamber accepted a strike ban for teachers with civil-servant status, largely because German law provided them with a comprehensive package of compensatory guarantees [7]. The underlying legal consensus is that a prohibition must be evaluated by the function performed and the alternative mechanisms the state provides.

Article 589 of the Uzbek Labour Code, introduced in 2026, relies on three different criteria rather than a unified test [8]. For state civil servants, it applies a functional criterion: the ban affects those entered in the register for the exercise of the powers of a state body. This aligns with international standards and successfully excludes teachers and other employees of state institutions from the ban. However, for the energy and water supply sectors, it uses a sectoral criterion: all workers in the sector are covered, regardless of whether they operate a critical substation or handle administrative accounting. Furthermore, for medical workers and “workers of the communications system,” it applies a professional criterion: anyone holding that occupational title is excluded from striking, irrespective of their actual duties. The latter two criteria present legal challenges. A doctor in a private cosmetic clinic does not provide a service whose interruption endangers life; a retail employee of a telecom company does not either; and postal and courier services, which might fall under a broad reading of “communications,” are expressly excluded from the essential category in ILO practice [3].

The professional criterion also generates an internal contradiction. The official commentary on the new law, published upon its signing, specifies medical institutions—whose stoppage does not threaten people’s life and health—among the areas where minimum necessary services must be ensured [9]. Yet, Article 589 categorically prohibits all medical workers from striking. If no medical worker may strike, establishing a minimum service in medical institutions becomes a redundant provision. Resolving this contradiction in

accordance with international standards requires narrowing the ban to emergency, inpatient, and intensive care, while subjecting the remainder of the health sector to the minimum service regime.

A critical aspect of the new legislation is the minimum service mechanism. Strikes in sectors such as transport are not outright banned but must be accompanied by minimum necessary services, with the specific list adopted by the Cabinet of Ministers in agreement with the Republican Tripartite Commission [8]. Involving social partners in defining this list satisfies a core ILO requirement. However, the legislation lacks clarity on who determines the exact volume of minimum service during a specific strike and how disagreements are resolved. Such procedural gaps are often where minimum service regimes encounter practical failure.

Comparative examples from other jurisdictions highlight these operational challenges. The Serbian Strike Act requires employers in activities of public interest to determine the minimum work process through a general act, taking into account the union's opinions, and mandates the director to designate the employees required to work at least five days before the strike; strikes in these activities also require ten days' notice [10, p. 110–111]. This model involves workers but leaves the ultimate decision to the employer, a practice the ILO explicitly

cautions against. The recent legislative developments in the United Kingdom provide further context. The Strikes (Minimum Service Levels) Act 2023 permitted the government to set minimum service levels by regulation across six sectors and allowed employers to issue “work notices” naming the required workers [11]. This approach faced heavy union criticism, was escalated to the ILO, saw minimal practical use, and was ultimately repealed



by the Employment Rights Act 2025 [11]. A unilaterally imposed minimum service proved to be both legally contested and operationally ineffective.

The final element of the functional standard involves compensatory guarantees. In this area, the Uzbek law demonstrates significant progress: where strikes are prohibited, disputes are routed to compulsory labour arbitration, resulting in awards that are binding on the parties (Article 576, parts 9–10) [8]. The primary design challenge remains impartiality. If the parties fail to agree on the arbitration panel's composition, it is determined by a state body. In disputes where the state is the employer—common in health care and water supply—this default rule risks undermining the workers' confidence, which the ILO considers fundamental [2].

Based on this analysis, the author proposes four amendments. First, Article 589 should replace the professional and sectoral criteria with a single functional criterion: the prohibition should strictly cover posts whose interruption would directly endanger the life, personal safety, or health of the population (e.g., emergency, inpatient, intensive medical care, and the operational control of energy, water, and telecommunications networks). Second, the volume of minimum service for a particular strike should be established by a written agreement between the employer and the strike leadership; failing an agreement at least five days prior to the strike, it should be determined by an independent arbitration body within three days. Third, arbitration panels in disputes involving state employers should be formed with equal participation from both sides and feature an agreed or randomly selected chair. Fourth, the Cabinet of Ministers' list of minimum necessary services should be published alongside the Tripartite Commission's reasoning, enabling public and legal scrutiny of its functional basis.

Conclusion

In summary, Uzbekistan's new legislative framework represents a significant departure from blanket prohibitions by addressing sectors like transport through minimum service regimes rather than outright bans. The remaining legislative task is to apply this functional rationale consistently across all sectors. A strike prohibition justified by a direct threat to public life aligns with international standards; a ban based solely on a professional title or industry sector does not.

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