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Check

Decent Work Check Azerbaijan is a product of WageIndicator.org
and www.mojazarplata.az/main

National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Azerbaijan scored 47 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

Regulations on work and wages:

Constitution of the Republic of Azerbaijan 1995

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Code on Administrative Offences of the Republic of Azerbaijan 2015 (version 24.06.2016)

Order of the President of the Republic of Azerbaijan «About raising of the minimum monthly wage» 31.09.2013 №3112

Minimum Wage

According to the Constitution of the Republic of Azerbaijan, everyone has the right to get salary that is not lower than the minimum wage without any discrimination. The minimum wage in Azerbaijan is the lowest level of monthly wages for unskilled labour and services, taking into account economic and social conditions. The minimum wage is determined at the national level. It is updated and set by the Presidential Order. Minimum wage is calculated on a monthly basis. Nevertheless, the collective agreement may provide for a higher minimum wage.

Monthly wage of an employee who has worked as per monthly norm of working time and performed his/her functions cannot be less than the state specified minimum wage. Bonuses and allowances, extra payments to additional work including those for overtime work, other payments are not included in the minimum wage.

Violation of rules about minimum wage is an administrative offence. The punishment is fine ranging from 1000 to 1500 AZN.

Sources: §35 of the Constitution; §155 of the Labor Code; §192.3 of the Code on Administrative Offences; Order of the President of the Republic of Azerbaijan «About raising of the minimum monthly wage» 31.09.2013 №3112

For more information on minimum wages, please refer to the section on minimum wages.

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Regular Pay

Salary is the daily or monthly payment by the employer in cash or in kind for the employee's performed work (rendered service), specified by the employment contract, as well as allowances, bonuses and other benefits. The relevant law on payment of wages is Labour Code.

The work of employees is calculated by the hour, at piece rates or other systems of remuneration. Wages are paid in the amount specified by the employment contract, but not less than the amount calculated based on the tariff (official) rate by collective agreements. The Labour Code also provides for higher compensation to the workers engaged in heavy work, work with harmful or hazardous working conditions or in unfavorable climate.

According to the Labour Code, wage must be paid at least twice a month with an interval of not more than 16 days. Wages for employees whose salaries are calculated over a one year period must be paid at least once a month.

The collective agreement or the employment contract may establish other terms of payment. In the case of the coincidence between the weekend or a non-working holiday and the day specified for payment of wages, wages must be paid on the previous working day.

In accordance with the Labour Code, in the case of arrears in payment, employer must also pay compensation in the amount of 1% of the remuneration for each day of delay or it is resolved in the order of labour disputes. This procedure does not apply to cases when delaying payment of wages is a result of error by the bank or another employer or due to bank's bankruptcy.

Employers are further required to notify a worker about the components of wage due in the corresponding period, the amount and grounds for deductions including information about the aggregate sum due for payment.

Wage payment is made in cash at the workplace or through bank transfer or money order if worker has given consent for that. Wages must be paid in monetary form and in legal tender, i.e., the Manat. By worker's consent, employer may provide a certain percentage of wages in kind (by consumer or household goods, except alcoholic drinks, tobacco products, narcotic drugs, psychotropic substances and other items excluded from the civil turnover), which cannot exceed 20% of the monthly remuneration.

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Deductions from an employee's wages can be made only for cases specified by legislation or with the written consent of the employee or by executive documents. By the order of the employer, only the following deduction are made from the salary of the employee:

1. taxes, payments for social insurance, other compulsory payments specified by law;
2. amounts by the executive documents;
3. compensation of the damage by the fault of the employee's (not exceed average monthly earnings);
4. vacation pay in cases of leave in advance and discharge before the end of working year;
5. amount given to an employee for travel or other expenses which was not spent;
6. sums that were overpaid to the employee (due to an accounting error);
7. sums for purchase of goods for utility purposes, that were not used and not returned in time;
8. membership fees to the trade union;
9. other cases specified by collective agreements.

Excessive wages and sums that is granted as a result of an incorrect application of the relevant law (except accounting errors) are not allowed to be deducted. A certain part of wages by the employee's statement may be deducted to pay for bank loans, credits, communal expenses and other personal debts on worker's consent.

The total amount of deductions at each payment of wages cannot exceed 20 percent, and in the cases where the worker is subject to more than one attachment order, the maximum total deduction is 50 percent of the wages. These restrictions are not used in cases of correctional work, alimony for minor children, and redress of wrong because of criminal activity or death of breadwinner, and restitution of injury caused to health of another person.

Employers are under obligation to pay full wages to workers in a timely manner. Violation of the law in the calculation and payment of wages, except for defects admitted as a result of mathematical calculations, is punishable by a fine ranging from 700 to 1500 AZN.

Sources: §154-159, 172-176 of the Labor Code; §192.4 of the Code on Administrative Offences

02/13 Compensation

Regulations on Compensation:

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval of the list of industries, occupations and positions harmful to human health by physical, chemical, biological, as well as other serious production factors of working conditions, which is set shorter working week of no more than 36 hours» 06.11.2004 №175 (version 20.08.2010)

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval of the list of professions, positions at places of work, in which workers found reduced working time of not more than 36 hours a week, with working conditions that require high sensitivity, excitement, mental, physical and nervous tension, as well as having other factors, adversely impact on human health, with an indication of the specific working time» 12.08.2003 №106

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About the establishment of an upper limit of remuneration for work performed at night, as well as in multi-shift operation» 05.04.2001 №74

Resolution of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan «About approval of the Clarifications about payment of wages for work performed at night, and multi-shift operation» 29.06.2001 №9-1

Overtime Compensation

The normal working hours are 8 hours per day and 40 hours per week. Nevertheless, labour legislation makes an exception for certain categories of workers. Employees, who work in heavy or harmful and hazardous working conditions, may work only 36 hours per week (the list of such jobs is stipulated by Resolution of the Cabinet of Ministers). There is also 36-hour condition for doctors, teachers, workers on electrical installations and other workplaces with heightened emotion, excitement, mental, physical and nervous tension (the list of such jobs is stipulated by Resolution of the Cabinet of Ministers).

Employees aged up to sixteen years are allowed to work no more than 24 hours per week. For employees aged sixteen to eighteen years, as well as disabled people (I and II group of disability), pregnant women, women with a child up to one and half years, single parent with a child up to 3 years, the maximum limit is 36 hours per week.

Overtime is the work performed by an employee at the employer's request and is the work beyond a worker's normal working hours. The employee may not work more than 4 hours of overtime for two successive days. The limit for overtime is 2 hours for heavy/difficult or hazardous work.

It is allowed to engage an employee for overtime in the following cases:

- prevention of natural disasters, industrial accidents and other emergencies, elimination of their consequences, as well as prevention of the loss of perishable goods;
- strengthen the country's defences;
- removing of unforeseen circumstances that disrupt functioning of the centralized systems of water supply, drainage (sewerage), gas supply systems, heating, lighting, transport, communication;

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- necessity to complete work, which, due to unforeseen delays in the technical conditions of production was not performed, if the unfinished work may lead to damage or destruction of property or goods;
- urgent maintenance and repair when non-fulfillment of work could lead to interruption of work affecting a significant number of workers;
- work in place of an absent employee if the work is strictly of continuous nature though employer is required to take immediate steps to bring replacement worker.

Overtime work is forbidden for workers engaged in particularly heavy or harmful industries, pregnant women, women with a child under 3 years, minors (under 18 years). Overtime work is allowed for women with a child aged from three to fourteen or disabled child in the presence of worker's consent.

Compensation for overtime work is calculated in the following way:

1. for hourly remuneration system – in the amount of not less than twice the hourly tariff rate (salary) (200% of the normal hourly wage rate);
2. for piece-rate remuneration system – in the amount of piecework wages and additional payments not less than hourly wage rate (salary) of the corresponding time-worker category (qualification).

The employment contract and the collective agreement may provide workers by additional compensations. Compensation for overtime work by granting time off is not allowed.

Sources: §99-101, 165, 242 and 254 of the Labor Code; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 06.11.2004 №175; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 12.08.2003 №106

Night Work Compensation

Work performed between 22:00 and 06:00 is considered nighttime work. For employees under 18 years, night work is the work done between 20:00 and 07:00. Working time at night is reduced by one hour, if at least half of the daily working time falls during the night hours in jobs in heavy and hazardous conditions or special character of labour.

Night work is forbidden for pregnant women, women workers with children under 3 years and minors (under 18 years). Night work is allowed for disabled people in the presence of worker's consent and taking into account the conclusion of the relevant executive authority.

Resolution of the Cabinet of Ministers establishes the minimum premium for night work. The general night work premium is 20%, i.e., workers are paid 120% of normal hourly wages for each hour of night work. In the multi-shift operations, the premium for evening shift and night shift is 20% and 40% respectively. Exact rates are established by employment contract or collective agreement.

Sources: §97, 98, 166, 242 and 254 of the Labor Code; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 05.04.2001 №74; Resolution of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan 29.06.2001 №9-1

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Compensatory Holidays / Rest Days

As a rule, working on weekly rest days, public holidays, the Election Day, and the Day of National Mourning is prohibited. Nevertheless, it may be allowed in following special cases:

1. at continuous operations;
2. at trade, catering, communications, transportation and other services;
3. prevention of natural disasters, industrial accidents and other emergencies as well as elimination of the consequences of such disasters or accidents;
4. strengthen the country's defences;
5. removing of unforeseen circumstances that disrupt functioning of the centralized systems of water supply, drainage (sewerage), gas supply systems, heating, lighting, transport, communication.

Working on weekends and public holidays is forbidden for pregnant women, women with children under 3 years and minors (under 18 years). Working on holidays or weekly rest days is allowed for women with children aged three to fourteen or disabled in the presence of worker's consent.

Remuneration for working on weekly rest days, public holidays, the Election Day, and the Day of National Mourning is calculated by following rules:

- a. for time-work remuneration system – in the amount of not less than double daily tariff rate (200% of the normal hourly wage rate);
- b. for piece-rate remuneration system – in the amount of not less than double piece rates (200% of the normal wage rate);
- c. for monthly salary – in the amount of not less than the sum of the daily salary over the salary (200% of the daily salary).

At the request of the employee, he/she may be given another day of rest in lieu of payment.

Sources: §101, 105, 107, 109, 164, 242 and 254 of the Labor Code

Weekend/Public Holiday Work Compensation

Remuneration for working on weekly rest days, public holidays, the Election Day, and the Day of National Mourning is calculated by following rules:

- a. for time-work remuneration system – in the amount of not less than double daily tariff rate (200% of the normal hourly wage rate);
- b. for piece-rate remuneration system – in the amount of not less than double piece rates (200% of the normal wage rate);
- c. for monthly salary – in the amount of not less than the sum of the daily salary over the salary (200% of the daily salary)

Sources: §109 and 164 of the Labor Code

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03/13 Annual Leave and Holidays

Regulation on Annual Leave and Holidays:

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval the list of harmful and heavy industries, professions and positions, on working conditions and nature of labor function granting the right to additional leave» 05.07.2004 №92 (version 22.02.2008)

Paid Vacation

According to the Labour Code, there are two types of annual labour paid leave: basic and additional. It is granted with retention of job and average earnings. Paid annual leave is intended for the employee to rest, restore his working capacity, and strengthen his health.

The length of the basic paid annual leave is 21 calendar days. The basic paid annual leave is extended for some categories of professions. For example, agricultural workers, civil servants, specialists and heads of enterprises, administrative staff and heads of educational institutions, nurses, doctors and pharmacists have right to get 30 days of the basic paid annual leave. Moreover, teachers and scientists have 56 days of the basic paid annual leave. The duration of this leave is 42 calendar days for disabled people (under 18) and children (under 16). For adolescents aged 16 to 18 years, the basic paid annual leave is not less than 35 calendar days. National Heroes of the Republic of Azerbaijan, Heroes of Soviet Union have right to receive 46 calendar days of the annual leave. The basic leave for actors is 42 calendar days.

The additional paid annual leave is granted to employees engaged in difficult and hazardous working conditions, underground work or working conditions that require high sensitivity, excitement, mental, physical and mental stress. The minimum duration of the additional paid annual leave is 6 calendar days. The list of professions with the additional paid annual leave is established by the Resolution of the Cabinet of Ministers.

The labour leave is provided annually for current working year. Working year starts from the day of employment. It is prohibited not to grant labour leave for two years in a row. In exceptional cases, it is allowed to transfer leave to the next working year. The employee may get the annual leave together or split it into parts.

The right to get this leave connects with the length of service at a certain organisation. Employee may get the annual basic paid leave for the first year of operation after six months of continuous work for the employer. Annual paid leave for the second and next years of working may be given at any time of the year by agreement with the employer. Before the expiration of six months of continuous work, basic paid annual leave at the request of the employee must be provided to:

1. women - before the maternity leave or immediately after it;
2. minors (under 18 years);
3. employees hired before the expiration of 3 months after dismissal from military service;
4. workers with two working places leaving on vacation from the main place of work;
5. wives (husbands) of servicemen;
6. students (in time of coursework, exams, graduation);
7. disabled people.

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Teachers, as a rule, are provided with labor leave in the period of summer vacations in school.

The length of service, giving right to basic paid annual leave, includes:

- actual working time;
- time of saving job without actual working;
- period of the enforced idleness during illegal dismissal or the transfer to another work and reinstatement in office;
- temporary disability;
- period of illegal forced idleness or the period of illegal detention of the person.

Vacation schedule is approved no later than the end of January of the year in which annual leave is due. Order of granting leave is established by the employer with the trade-union organization or taking into account opinion of the worker. The labor leave can be granted to some categories of workers in favorable time for them, for example for women with two or more children up to 14 years or disabled children, single parent with children up to 16 years, spouse of servicemen, disabled people.

Annual paid leave should be postponed to another date by request of the employee, in the following cases:

- temporary disability;
- social leave;
- business trip.

If the provision of annual leave to the employee may cause damage to the normal working process, the labor leave may be transferred to another time with the consent of the employee.

By agreement between the parties, paid annual leave may be divided into parts. In this case, one of the parts shall be at least two calendar weeks. The recall from the annual paid leave are allowed only because of necessity to eliminate the consequences of the industrial accident or to finish urgent works. The recall from the annual paid leave is compensated by additional rest days or payment.

Sources: §110-121, 131-138 of the Labor Code; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 05.07.2004 №92

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Pay on Public Holidays

According to the Labour Code, following are the non-working holidays in the Republic of Azerbaijan are:

January 1-2 – New Year Holidays;

March 8 – Women's Day;

May 9 – Day of Victory over Fascism;

May 28 – Day of the Republic;

June 15 – Day of National Salvation of the people of Azerbaijan;

June 26 – Day of Armed Forces of the Republic of Azerbaijan;

November 9 – Day of the State flag of the Republic of Azerbaijan;

December 31 – World Azerbaijanis Solidarity Day;

five days (dates are established every year) – Novruz;

two days (dates are established every year) – Gurban (Festival of Sacrifice);

two days (dates are established every year) – Ramadan (Festival of breaking of the fast).

Also day of the voting in the elections of the deputies of the Milli Majlis of the Azerbaijan Republic, President of the Azerbaijani Republic, members of the municipalities in the Republic of Azerbaijan as well as the referendum in the territory of the elections (referendum) is considered to be non-working. The Day of National Mourning is non-working day in honour of victims, who died for the independence and territorial integrity of Azerbaijan (January 20).

Remuneration for working on weekly rest days, public holidays, the Election Day, and the Day of National Mourning is calculated by following rules:

- a. for time-work remuneration system – in the amount of not less than double daily tariff rate (200% of the normal hourly wage rate);
- b. for piece-rate remuneration system – in the amount of not less than double piece rates (200% of the normal wage rate);
- c. for monthly salary – in the amount of not less than the sum of the daily salary over the salary (200% of the daily salary).

At the request of the employee, who worked on public holiday, he/she may be given another day of rest.

Sources: §105-106, 164 of the Labor Code

Weekly Rest Days

The weekly rest period must not be less than 42 hours. In a five-day working week, employees are provided two days a week as days-off while in a six-day working week, there is provision for one day-off. At the summarized accounting of working time, rest days are provided in accordance with the shift schedule (agreed with the trade union or by the employment contract).

Sources: §104 of the Labor Code

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04/13 Employment Security

Regulations on Employment Conditions:

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Code on Administrative Offences of the Republic of Azerbaijan 2015 (version 24.06.2016)

Criminal Code of the Republic of Azerbaijan 1999 (version 31.05.2016)

Written Employment Particulars

Labour Code has provisions with regard to the written employment contracts. Employment contracts, in accordance with the Labour Code, may be concluded for indefinite term or fixed term and for single or multiple jobs.

As said above, employment contracts must be drawn up in writing and in duplicate, with one copy to each party. As a rule, the employment contract enters into legal force after registration in the electronic information system. By agreement of the parties, the employment contract will be made in accordance with template provided under the Labour Code. The employment contract may also be concluded collectively for maintenance and construction, loading and unloading, household, trade, planting, stock-raising work. It is permitted with the written consent of each member of the working group.

To conclude an employment contract, following documents are required:

- identity card or passport;
- work experience documents;
- certificate on the state social insurance;
- educational qualification and training credentials;
- preliminary medical examination document (if necessary).

Conclusion of the employment contract is not determined by the presence or absence of the worker's registration in the certain locality.

Employment contracts must be in writing and contain certain minimum information, such as:

1. full details of the parties;
2. job title and job description;
3. workplace details;
4. term of the employment contract (fixed or indefinite term) and date of conclusion of employment contract;
5. employment commencement date;
6. description of working conditions;
7. working time and rest time regime;
8. wages and other conditions of labour compensation;
9. rights and obligations of contracting parties;
10. other information by parties' agreement.

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The employee can start working after the conclusion of the employment contract. Involving individuals to carry out any works (services) without coming into legal effect of the employment contract is punishable by administrative fine for individuals in the amount of 1000 to 2000 AZN, for officials in the amount of 3000 to 5000 AZN, on legal entities in the amount of 20000 to 25000 AZN. If this act is committed against 10 or more workers, there is a criminal offence. It is punished by the fine in the amount of 7000 to 10000 AZN or imprisonment for a term up to 3 years (repeated offense - imprisonment from 3 to 7 years).

Sources: §43-49 of the Labor Code; §192.1 of the Code on Administrative Offences; §162-1 of the Criminal Code

Fixed Term Contracts

The Labour Code provides for both fixed term and indefinite contracts. If an employment contract does not clearly state that it is for fixed term, it is considered to be an indefinite term contract. The employment contract, which was concluded without a fixed term, must not be unilaterally replaced by a fixed-term employment contract. Hiring of fixed term contract workers for tasks of permanent nature is also prohibited.

According to the Labour Code, the maximum length of a single fixed term contract is 60 months (5 years). Labour Code allows to conclude fixed term contract in following cases:

1. execution of the duties of the absent employee;
2. seasonal work;
3. temporary job (repair, construction, installation work, etc.);
4. on-the-job training;
5. personal and family reasons of worker;
6. education of worker;
7. public works;
8. elected job;
9. agreement of the parties of the labour contract;
10. collectively order of the conclusion of the employment contract;
11. other reasons specified by law.

If a worker keeps working on the expiry of a fixed term contract and none of the parties requires termination of the contract within a week after the expiration, he is assumed to be engaged on indefinite term contract.

In the case of the expiry of fixed-term employment contract in the absence of the employee on the job for a good reason (illness, business trip, vacation, etc.), this contract may be terminated not later than one calendar week after coming back of the employee to work.

Sources: §45, 47 and 73 of the Labor Code

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Probation Period

Probation period is established by the employment contract to verify the conformity of qualifications for work of the employee. The absence of probation term in an employment contract means that the employee is hired without it. An employment contract must clearly specify the probationary period. The maximum length of probation period is 3 months.

The probation is prohibited in the following cases:

- i. minors (under 18 years);
- ii. elected job;
- iii. pregnant women and women with a child under the age of 3 years;
- iv. single father with a child under the age of 3 years;
- v. a recent graduate who is engaged for the first time;
- vi. workers engaged on an employment contract of less than two months;
- vii. other cases by agreement of the parties of the labour contract.

The employment contract may be terminated during probationary period on three days' notice. The employment contract should specify the condition of termination by the employer due to the employee's failure of probation. If the probation period has expired and neither of the parties has not notified about the termination of the employment contract, the employee is considered to have passed the probationary period.

Sources: §51-53 of the Labor Code

Notice Requirement

In accordance with the Labour Code, grounds for termination of the employment contract are:

1. expiration of the employment contract;
2. employer's initiative;
3. employee's initiative;
4. owing to circumstances beyond parties' control;
5. change of working conditions;
6. change of the proprietor of the organization;
7. cases identified by parties in the employment contract.

The employee may leave job by his initiative in a month after written notification. Nevertheless, in cases of retirement for age, disability, education, moving to a new place of residence, conclusion of a new employment contract with another employer, sexual harassment and other cases provided by law, the employee may quit on the day specified in his/her statement.

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The employer in following situations may terminate the employment contract:

- a. liquidation of company;
- b. downsizing;
- c. mismatch of employee to job because of insufficient qualifications;
- d. non-performance of job duties;
- e. gross violation of labour duties;
- f. negative result of work performed during a probationary period;
- g. age of employee is upper limit for budget sphere (65 years).

Following are considered to be gross violations of labour duties:

- absence from work during the whole workday (except illness of worker or illness/death of immediate relative);
- drinking alcohol, use of narcotic drugs, psychotropic substances, their analogues, toxic substances during working hours or in the workplace / being at work in state of intoxication;
- guilty of causing material damage to the employer;
- violation of safety rules;
- disclosure of confidential information;
- damage to the employer by gross error or offense;
- repeated violation of labour functions for six months;
- administrative or criminal offence at work.

In the case of impending dismissal in connection with staff reduction (redundancy), employees are officially warned by the employer no later than two months before the dismissal. However, the employer with the consent of the employee may terminate the contract in connection with staff reduction before the expiry of the two-month notice period by paying compensation in the amount of two-month salary. Collective agreement or employment contract may establish longer and higher compensation.

The employment contract may be terminated during probationary period on three days' notice.

There are reasons of dismissal owing to circumstances beyond parties' control in the Labour Code:

- a. conscription into the military or alternative civil service;
- b. renewal of the former employee (earlier dismissed) by court's decision;
- c. inability to perform employment functions due to total disability without interruption for more than six months;
- d. disqualification or criminal punishment which makes the continuation of work impossible;
- e. incapacity or death of worker;
- f. returning to workplace after discharge from military service.

Sources: §10-11, 68-70, 72, 74 and 77 of the Labor Code

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Severance Pay

In cases of the liquidation of the organization or the staff reduction, the sum of the severance pay is one month's average earnings. There is also provision for average monthly earnings for the second and third months after dismissal until the worker finds a new job. In situations of change of working conditions, reinstatement of the former employee (earlier dismissed) by court's decision, incapacity of worker, the severance pay is double average monthly earnings. If the reason of the termination of the employment contract is death of worker, there is the benefit in the amount of three times of the average monthly earnings. In the case of change of the proprietor of the organization, the minimum compensation is three times of the average monthly earnings.

The employer with the consent of the employee may terminate the contract in connection with staff reduction before the expiry of the two-month notice period by paying compensation in the amount of two-month salary.

Collective agreement or employment contract may establish longer and higher compensation and severance pay.

Sources: §77 of the Labor Code

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05/13 Family Responsibilities

Regulations on employment conditions for Parents:

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Law of the Republic of Azerbaijan «About social allowances» 07.02.2006 №55-IIIQ (version 29.10.2013)

Law of the Republic of Azerbaijan «About social insurance» 18.02.1997 №250-IQ (version 06.05.2016)

Regulation on the calculation and payment of mandatory state social insurance indemnities and allowances paid to employees temporarily disabled at the expense of the insured, established by Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 15.09.1998 №189 (version 01.07.2016)

Decree of the President of the Republic of Azerbaijan «About increase of social allowances» 19.01.2016 №747

Decree of the President of the Republic of Azerbaijan «About increase of social allowances» 29.08.2013 №973

Paternity Leave

Azerbaijani legislation does not provide for special paternity leave. Nevertheless, the Labour Code establishes certain guarantees to fathers on the birth of a child. An employer may provide during a calendar year unpaid leave up to 14 calendar days (on the basis of an application) to a worker whose wife is on maternity leave or up to 7 calendar days by family reasons.

Sources: §128 and 130 of the Labor Code

Parental Leave

Parent or other family member, who is directly caring for a child up to the age of 3 years, has right to get partially paid social leave for childcare with provision of the allowance. A worker caring for a child (by written application) may use the right to partially paid social leave completely or in part. Employment of a worker is secure during parental leave and workers have the right to return to their employment after taking parental leave.

Legislation stipulates one-time childbirth allowance for working mother (working father with unemployment mother or without mother). The allowance is paid at working place or center of social welfare in the place of residence. Deadline for applications is not established. At the birth of two or more children, the allowance is paid for each child. The rate of the childbirth allowance is 90 AZN, but in 2016, government has planned to increase it by 10%.

During the parental leave, there are two monthly child allowances. The first allowance is paid until the child attains the age of one and a half years (18 months). The rate of this allowance since 2016 is 40 AZN. The second allowance may be given to a parent with a child up to 3 years old. The sum since 2016 is 25 AZN. Persons with radiation sickness or disability caused by the Chernobyl accident get childcare allowances in the double amount. If a parent works part-time or at home during the period of the parental leave, he/she has right to receive childcare allowances. If a child is in nursery or kindergarten and the parental leave is not granted, the allowance for children up to 3 years old will be not assigned.

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Employment contract, collective agreement and acts of the employer may stipulate other benefits for childcare.

According to the Labour Code, women, single fathers, adoptive parents with two children up to 14 years have right to get 2 days of additional childcare leave. The same group of workers with three or more children up to 14 years or a disabled child are provided by 5 days of additional childcare leave.

In addition, there are special unpaid childcare leaves:

1. for parent (another family member who is directly caring for a child) with a chronically ill child up to the age of 4 years by the medical report;
2. for women (single parent, guardians) with a child up to 16 years - up to 14 calendar days;
3. for parents with children with HIV or disability (up to 18 years) - up to 14 calendar days.

Sources: §111, 117, 130, 141 of the Labor Code; §4 of the Law of the Republic of Azerbaijan «About social allowances» 07.02.2006 №55-IIIQ; §6 of the Law of the Republic of Azerbaijan «About social insurance» 18.02.1997 №250-IQ; §73-89 of the Regulation on the calculation and payment of mandatory state social insurance indemnities and allowances paid to employees temporarily disabled at the expense of the insured 1998; Decree of the President of the Republic of Azerbaijan 19.01.2016 №747; Decree of the President of the Republic of Azerbaijan 29.08.2013 №973

Flexible Work Option for Parents / Work-Life Balance

Business trips, working on weekends and public holidays, overtime and night work are prohibited for women with children under 3 years. Women with children from 3 to 14 years of age or disabled children may work overtime and at weekends and public holidays or go to business trips only with their consent. It is forbidden to employ women with children up to 3 years to workplaces with difficult or hazardous working conditions, as well as underground tunnels, mines and other underground work.

Women with children under the age of one and half year (18 month), in case of impossibility to carry out their previous work, must be transferred to another job with average pay for previous work.

Employed women with children under the age of 18 months are provided with additional nursing breaks of at least 30 minutes for each child (60 minutes for two or more children) after every three hours of work. These nursing breaks are paid breaks and count as working time. A woman worker may choose to join nursing breaks with rest or meal breaks or may decide to combine nursing breaks in one period at the beginning or end of the working day.

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At the request of women with a child under 14 years or a disabled child employer should establish a part-time work with the payment of wages in proportion to the actually working time. In this case, the duration of daily or weekly working time is set by agreement of the parties.

Women with a child under 3 years old have right to get average monthly salary for the days of the dispensary and outpatient medical examinations and consultations for herself and a child.

According to the Labour Code, guarantees afforded to women in connection with maternity, are extended to fathers bringing up children without a mother, as well as guardians of minors.

Sources: §241-246 of the Labor Code

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06/13 Maternity at Work

Regulations on maternity and work:

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Law of the Republic of Azerbaijan «About social insurance» 18.02.1997 №250-IQ (version 06.05.2016)

Law of the Republic of Azerbaijan «About public health protection» 26.06.1997 №360-IQ (version 15.04.2016)

Regulation on the calculation and payment of mandatory state social insurance indemnities and allowances paid to employees temporarily disabled at the expense of the insured, established by Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 15.09.1998 №189 (version 01.07.2016)

Free Medical Care

Every woman during pregnancy, childbirth and the postnatal period is provided free specialized medical care in public health institutions. All citizens have the right to protect health and receive medical care. In public hospitals, medical care is free. Everyone is entitled to free medical care in the guaranteed amount, established by subordinate acts.

Medical care is divided into groups: emergency, primary and specialized. It is provided in stationary conditions or on outpatient basis.

Sources: §10, 17, 32-34 of the Law of the Republic of Azerbaijan «About public health protection» 26.06.1997 №360-IQ

No Harmful Work

Law prohibits the employment of pregnant and nursing women in work injurious to their health. Business trips, working on weekends and public holidays, overtime and night work are prohibited for pregnant women. It is forbidden to employ pregnant women to workplaces with difficult or hazardous working conditions, as well as underground tunnels, mines and other underground work.

Working hours for pregnant women must be reduced up to 36 hours per week. Pregnant women may also be transferred to another job without the unfavorable factors with saving of previous average earnings. At the request of pregnant women employer should establish a part-time work with the payment of wages in proportion to the actually working time. In this case, the duration of daily or weekly working time is set by agreement of the parties. Pregnant women have right to get average monthly salary for the days of the dispensary and outpatient medical examinations and consultations.

Sources: §91, 241-243, 245 of the Labour Code

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Maternity Leave

The maternity leave is granted on presentation of medical certificate by the worker. The length of maternity leave is 126 calendar days: 70 calendar days antenatal and 56 calendar days' postnatal leave. The post-natal leave is increased to 70 calendar days if there are complications in birth or in the case of birth of two or more children.

Women working in the agricultural production are provided by maternity leave of the following duration:

- normal delivery - 140 calendar days (70 days antenatal and 70 days postnatal leave);
- heavy childbirth - 156 calendar days (70 days antenatal and 86 days postnatal leave);
- birth of two or more children - 180 calendar days (70 days antenatal and 110 days postnatal leave).

Post-natal maternity leave is also provided to women adopting a child and its duration is 56 calendar days.

Sources: §125 and 126 of the Labour Code; §65 and 67 of the Regulation on the calculation and payment of mandatory state social insurance indemnities and allowances paid to employees temporarily disabled at the expense of the insured 1998

Income

The maternity allowance is paid during maternity leave. During maternity leave, workers receive a state benefit, which is set at 100% of the employee's previous average pay.

Sources: §72 of the Regulation on the calculation and payment of mandatory state social insurance indemnities and allowances paid to employees temporarily disabled at the expense of the insured 1998

Protection from Dismissals

As a rule, it is forbidden to dismiss workers on leaves, including maternity leave. Termination of the employment contract with pregnant woman is prohibited, according to the Labour Code. In the case of the expiry of fixed-term employment contract in the absence of the employee on the job for a good reason (including maternity leave), this contract may be terminated not later than one calendar week after coming back of the employee to work.

Sources: §73, 79 and 111 of the Labour Code

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Right to Return to Same Position

Worker has a right to return to the same position after availing maternity leave. Women with children under the age of 18 months, in case of difficulty to carry out their previous work are transferred at their request to another job with wages not lower than average earnings on previous work until the child is one and a half years.

Sources: §79 and 243 of the Labour Code

Nursing/Breastfeeding Breaks

Working women with children under the age of one and a half years and fathers (adoptive parents) with children under the age of one and a half years without a mother have the right to get nursing breaks of the following duration (after every three hours):

- 1) each break of at least 30 minutes for one child;
- 2) each break of at least 60 minutes for two or more children.

Under the application of women or parent responsible for the child, nursing breaks are joined to a break for rest and food, or transferred to the beginning or end of the working day. Nursing breaks are paid and are part of the time worked.

Sources: §244 of the Labour Code

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07/13 Health and Safety at Work

Regulations on health and work:

Constitution of the Republic of Azerbaijan 1995

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Regulations on the State Labour Inspectorate Service under Ministry of labour and social protection of population of the Republic of Azerbaijan, established by Decree of the President of the Republic of Azerbaijan 16.02.2011 №386

ILO Decent Work Country Programme for Azerbaijan 2016-2020

Employer Cares

Every individual has the constitutional right to work in safe and hygienic working conditions. The statutory provisions on health and safety are found in Labour Code. The employer is obligated to ensure protection to workers' health and safety. Employers must provide a healthy and safe workplace, monitor dangerous and harmful production factors, and provide employees with information/training on these subjects in a timely manner. The Labour Code and departmental orders make it more exact, for example:

1. establishment and functioning of OSH management system;
2. approval and revision of the regulations on safety and labor protection;
3. investigation and registration of accidents at work;
4. special assessment of working conditions;
5. inform and train workers about OSH;
6. introduce advanced technology, means of mechanization and automation of production, ergonomics requirements, positive experience in labor protection;
7. compulsory social insurance of workers against of accidents at work and occupational diseases;
8. organization of medical examinations;
9. other cases specified by the Labour Code.

While employees have the right to a workplace equipped with the safety requirements and labour protection, they must comply with the rules and regulations of health and safety at workplace.

An employer may add a clause in employment contracts of the workers engaged in harmful, hazardous and difficult/heavy industries requiring an initial medical check-up and for regular, free, compulsory medical tests for the period of their employment.

If a worker refuses to have a medical check-up or does not follow the advice of the doctor or medical commission after medical tests, the employer may dismiss him/her or impose relevant disciplinary action.

Sources: §35 of the Constitution; §215-217, 222, 224-227 of the Labour Code

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Free Protection

Employers are required to provide free of cost personal protective equipment to workers engaged in working with harmful and hazardous working conditions, as well as work related to pollution or carried out in adverse weather conditions (very high or low temperatures). The personal protective equipment includes special clothing, special footwear, detergents, disinfectants and other personal protective equipment, milk or equivalent foodstuffs, and carbonated salt water. The employer must provide storage, washing, drying, disinfection, decontamination, deactivation and repair of special clothes, footwear, and other personal protective equipment given to workers.

Workers without personal protective equipment must not be allowed to work.

Sources: §215 and 222 of the Labour Code

Training

Employers with the participation of trade union are obliged to organize and implement a system of OSH trainings and additional education of workers. Employers and senior employees of the enterprises not less than once in 3 years have to undergo periodic training courses and examination of OSH. In all forms of training and further education, employees should be provided training on labor protection. Employees must be instructed about labour protection in hiring and transfer to another job. The employer organizes use of safe working methods and training of providing first medical aid to victims of accidents. It is not allowed to start working without advanced OSH instruction in professions with harmful or heavy industries, machinery, equipment of increased danger. The employer is obliged to register instructions in special journals.

Sources: §215 and 219 of the Labour Code

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Labour Inspection System

Under the supervision of the Ministry of labour and social protection of population, the State Labour Inspectorate Service is a centralized system in relation of control of occupational safety and health, employment relations, compulsory state social insurance. The State Labour Inspectorate Service was created in 2011. The main task of the State Labour Inspectorate Service is state supervision over the observance of labor legislation.

State labor inspectors are also authorised to:

- give an obligatory order to the employer for elimination of violations of the labour law;
- consider cases on administrative offenses;
- investigate industrial accident;
- check the observance of labor legislation at the organization.

In accordance with ILO Decent Work Country Programme for Azerbaijan 2016-2020, there is a need to continue the process of modernization and capacity building for the State Labour Inspectorate Service.

Sources: §235 of the Labour Code; Regulations on the State Labour Inspectorate Service under Ministry of labour and social protection of population of the Republic of Azerbaijan; ILO Decent Work Country Programme for Azerbaijan 2016-2020

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Sick Leave

Regulations on Work and Sickness:

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Law of the Republic of Azerbaijan «About compulsory insurance against occupational disability as a result of accidents at work and occupational diseases» 11.05.2010 №999-IIIQ (version 04.03.2016)

Law of the Republic of Azerbaijan «About social allowances» 07.02.2006 №55-IIIQ (version 29.10.2013)

Law of the Republic of Azerbaijan «About public health protection» 26.06.1997 №360-IQ (version 15.04.2016)

Regulation on the calculation and payment of mandatory state social insurance indemnities and allowances paid to employees temporarily disabled at the expense of the insured, established by Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 15.09.1998 №189 (version 01.07.2016)

Income/Paid Sick Leave

Temporarily disabled employees get the temporary disability allowance for the first 14 days by the employer and for remaining days by the obligatory state social insurance. Temporary disability allowance is paid for the whole period of temporary disability until the day of rehabilitation (or the establishment of permanent disability).

Allowance for temporary disability is not payable in the following cases:

- a. period of coverage lower 6 months;
- b. absence of fees/contribution to the obligatory state social insurance at current work;
- c. intentionally caused harm to health or false sickness for evading work;
- d. temporary disability as a result of the criminal offense of worker;
- e. compulsory treatment (except insane).

Allowance for temporary disability is calculated from the salary of the employee. It means monthly tariff rate (salary), pay rises and bonuses.

The amount of allowance for temporary disability is determined by the formula. It depends on salary for the past 12 full calendar months before the month of temporary disability. The average daily earnings for one working day is determined by dividing the wage in the past 12 full calendar months before the month of temporary disability to the number of working days for this period. If the insured person does not work for 12 full calendar months before the month of temporary disability, the average daily earnings for one working day is determined by dividing the minimum monthly wage to the number of working days in the month of temporary disability.

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Maximum limit of the amount of daily allowance is determined by dividing monthly maximum limit to the number of working days in current month. Monthly rate may not exceed the amount of two months' salary or twice tariff rate. The total amount of the allowance is determined by product of daily allowance to the number of working days, missed by temporary incapacity.

In the whole, rates of the temporary disability allowance depend on the length of insurance:

- 100% of earnings for more than 8 years of coverage;
- 80% of earnings for 5-8 years of coverage;
- 60% of earnings for up to 5 years of coverage.

Also there are special categories of works with other norms for calculation of the temporary disability allowance, established by Regulation №189.

Sources: §74 of the Labour Code; §6 of the Law of the Republic of Azerbaijan «About social allowances» 07.02.2006 №55-IIIQ; section II of the Regulation on the calculation and payment of mandatory state social insurance indemnities and allowances paid to employees temporarily disabled at the expense of the insured, established by Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 15.09.1998 №189

Free Medical Care

All citizens have the right to protect health and receive medical care. In public hospitals medical care is free. Everyone is entitled to free medical care in the guaranteed amount, established by subordinate acts.

Medical care is divided into groups: emergency, primary and specialized. It is provided in in stationary conditions or on outpatient basis.

Sources: §10, 17, 32-34 of the Law of the Republic of Azerbaijan «About public health protection» 26.06.1997 №360-IQ

Job Security

Temporary disability for a period of less than 6 months is not ground for termination. For partially disabled workers for a period not exceeding one year is taken into account the conclusion of the relevant executive authority. Employment contract of a worker may be terminated if the employee cannot perform his job for more than six months because of full and permanent disability unless the law sets a longer period. Also the employer cannot impose a disciplinary sanction on an employee during temporary disability.

Sources: §74 and 189 of the Labour Code

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Disability/Work Injury Benefit

Work injuries can lead to the following four situations: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker. The amount of compensation depends on the nature and the degree of disability.

The employer is obliged to insure employees against accidents at work. Insured event is an accident, that happened with the employee in the performance of duties, as a result of harmful or hazardous production factor. It entails work injury, sudden health deterioration or poisoning of worker, which makes necessary to establish degree of occupational disability, disease or death. There are insurance payments in connection with the death and the loss of the professional capacity because of damage to worker's life and health as a result of occupational diseases and accidents at work.

In the case of temporary disability, a percentage of the insured worker's average monthly wage is paid according to the assessed degree of disability. The monthly benefit is paid from the day the disability is determined until the insured workers fully recovers or is assessed as permanently disabled. A medical commission assesses the degree of disability.

In case the worker is assessed with total and permanent disability, a lump sum is paid. A medical commission assesses the degree of disability and periodically reviews it.

In the case of worker's death, a lump sum is paid to eligible survivors. It includes funeral grant and death grant. Funeral grant, funded by the Government, is 120 manat. Death grant, paid by the insurance firm, is a lump sum of at least three times the deceased worker's average monthly wage in the last 12 months before death.

Insurance fees for compulsory insurance contract is determined by product of one-year payroll and insurance tariff. Rates of insurance tariffs are 0.2-0.5% for office employees and 0.4-2% for industrial workers. The insurance premium to the insurance company is paid piecemeal or lump sum by the procedure stipulated in the contract of compulsory insurance at the beginning of the contractual year.

There are three types of insurance payments:

1. monthly payment – to compensate the monthly wages lost due to professional disability;
2. lump sum – in case of invalidity or death;
3. additional monetary compensation of treatment costs, diet therapy, medicines, prosthetics, social care, sanatorium-resort therapy, special vehicles, training for another profession.

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These payments are calculated by the complex formula. Within 10 working days (in case of death - 2 working days) from the date of filing an insurance claim and related documents for the insurance premium an insurer decides to grant or denial of an insurance payment and gives the official information the person receiving insurance benefits.

The insurance company may refuse to pay insurance payments in the following cases:

- intent of employee to accident at work;
- influence of alcohol, narcotic drugs and psychotropic and other harmful substances to worker during accident at work;
- other cases specified by legislation.

Sources: §304-307 of the Labour Code; Law of the Republic of Azerbaijan «About compulsory insurance against occupational disability as a result of accidents at work and occupational diseases» 11.05.2010 №999-IIIQ

Regulations on social security:

Law of the Republic of Azerbaijan «About labor pensions» 07.02.2006 №54-IIIГ (version 03.04.2015)

Law of the Republic of Azerbaijan «About social insurance» 18.02.1997 №250-IQ (version 06.05.2016)

Law of the Republic of Azerbaijan «About employment» 02.07.2001 №170-IIQ (version 28.11.2014)

Law of the Republic of Azerbaijan «About prevention of disabilities and disabilities of children, rehabilitation and social protection of disabled persons and children with disabilities» 25.08.1992 №284 (version 30.09.2011)

Order of the President of the Republic of Azerbaijan «About increase the basic part of labor pension» 16.01.2016 №1704 (version 06.09.2016)

Order of the President of the Republic of Azerbaijan «About the indexation of insurance part of labor pensions» 25.01.2016 №1721 (version 06.09.2016)

Concept of the Reform of the pension system in the Republic of Azerbaijan in 2014-2020, established by the Order of the President of the Republic of Azerbaijan 04.11.2014 №827

Decree of the President of the Republic of Azerbaijan «About increase of social allowances» 19.01.2016 №747

Provisions on the criteria for determining disability and disabilities, established by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 30.12.2015 №413

Decree of the President of the Republic of Azerbaijan «About increase of pensions of the President of the Republic of Azerbaijan for war invalids» 19.01.2016 №746

Decree of the President of the Republic of Azerbaijan «About increase of pension of the President of the Republic of Azerbaijan for the first group of disability, if it connects with the common illness, disease in the period of military service, industrial injury and occupational disease, stay in the zone of military operations, the liquidation of the accident at the Chernobyl nuclear power plant»

Decree of the President of the Republic of Azerbaijan «About increase of social allowances» 29.08.2013 №973

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 03.02.2016 №31

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval of the rate of the minimum unemployment benefits and benefits issued by the citizens in the period of training, retraining and improving skills» 23.06.2004 №86

Pension Rights

Old-age labor pension is monthly cash payment for citizens to compensate their earnings. It is necessary to take part in the state system of obligatory social insurance to get this pension. Men, who have reached the age of 63, and women over the age of 60 years, have a right to get a retirement pension. The person must also have at least 12 years of coverage. Law provides for both full pension as well as early pension. Early pension is available for those who have worked for long time in unhealthy or hazardous working conditions or those women workers who gave birth to at least five children.

Currently, the retirement pension is calculated through a complex formula and consists of 3 parts: fixed payment (flat rate basic element), the notional account, and a benefit based on the individual account balance. Each of that parts has its own way of counting. The fixed payment is financed by compulsory state social insurance and the state budget. In 2016, the rate has been increased by 10% and installed in the amount of 110 AZN. The

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notional account and the accumulative part are paid by compulsory state social insurance. The insurance component is calculated on the basis of contributions in the working age in the amount of 25% of the earnings (22% is paid by the employer, 3% - by the employee). Also in 2016, there was the indexation of insurance part of labor pensions, according to index of consumer prices.

Sources: Concept of the Reform of the pension system in the Republic of Azerbaijan in 2014-2020; Law of the Republic of Azerbaijan «About labor pensions» 07.02.2006 №54-IIIГ; §4 and 6 of the Law of the Republic of Azerbaijan «About social insurance» 18.02.1997 №250-IQ; Order of the President of the Republic of Azerbaijan «About the indexation of insurance part of labor pensions» 25.01.2016 №1721; Order of the President of the Republic of Azerbaijan «About increase the basic part of labor pension» 16.01.2016 №1704

Dependents' / Survivors' Benefit

Survivors' benefit is a monthly cash payment by the State social protection fund in connection with the death of a breadwinner for disabled family members, who were his dependents. It is appointed if the deceased breadwinner had labour (insurance) experience or carried out a particular activity (the fact of work or service, etc.) regardless of its duration. It means that breadwinner had a labor (insurance) experience required for the assignment of a disability pension. In the absence of necessary coverage, pension is also granted, but in proportion to the actual experience.

The basis for survivors' benefit is death (cause of labor injury, occupational or general disease, accident) or missing of the supporter. According to the legislation, breadwinner is only the husband and in the event of the mother's death, child is not assigned the survivors' benefit.

The rate of survivors' benefit is 55 AZN, however, government has planned to raise it by 10%.

For spouse, 100% of the basic flat-rate benefit is paid if the spouse is the only eligible family member. The orphan's pension is 100% of the basic flat-rate benefit and is paid to each full orphan, each child of a deceased unwed mother, or the deceased worker's only child. The funeral is paid at the rate of three time the basic flat rate benefit.

Sources: §43-46 of the Law of the Republic of Azerbaijan «About labor pensions» 07.02.2006 №54-IIIГ; Decree of the President of the Republic of Azerbaijan «About increase of social allowances» 19.01.2016 №747; Decree of the President of the Republic of Azerbaijan «About increase of social allowances» 29.08.2013 №973

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Unemployment Benefits

Unemployment benefit is paid to citizens recognized as unemployed. A person is considered unemployed who is out of work, looking for a job and ready to start work. In order to avail unemployment benefits, he/she must register with the employment service in order to find a proper job. A person must have 26 weeks of covered employed in the 12 months prior to unemployment.

The following groups of citizens are recognized employed:

1. working under an employment or other contract;
2. entrepreneurs (including farmers);
3. elected to the paid position;
4. serving in the army;
5. persons temporarily outside of work due to temporary disability, vacation, training, holidays, suspension of production or other reasons;
6. foreigners and stateless persons working in Azerbaijan;
7. citizens of Azerbaijan working abroad;
8. under 15 years old;
9. retired;
10. persons who do not appear without a valid reason within 10 days from the date of registration in order to find suitable work in employment services;
11. finding work for the first time;
12. convicted to imprisonment.

Unemployment benefit is set in the amount of 70% of the gross average monthly earnings, calculated over the past 12 months at the last place of work. In other cases, as a rule, unemployed may get minimum benefit, that is established by government. Since 2016 the minimum rate of unemployment benefit is 75 AZN. Unemployment benefit is accrued to the citizen since the establishment of status of unemployed. The total duration of unemployment benefit may not exceed 26 calendar weeks during the 12-month period. If a citizen is unable to find employment on the expiry of 12 months after first being categorised as unemployed, he/she is entitled to unemployment benefit at the minimum amount. The unemployment benefit is suspended for three months for two acceptable job offers or if the person fails to register each month at the state employment service without a valid reason.

Sources: §1, 3, 4, 24 and 25 of the Law of the Republic of Azerbaijan «About employment» 02.07.2001 №170-IIQ; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 03.02.2016 №31; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan 23.06.2004 №86

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Invalidity Benefit

The invalidity benefit is paid to citizens recognized as disabled of I, II or III disability group. The recognition of a disabled citizen and establishment of disability is produced by federal agencies with medical and social expertise. The first group of disability is determined on an indefinite basis. Also the second and the third disability group may be appointed in special cases perpetually, but as a rule, it is determined by the period of 5 years. If the second group of disability was established continuously for 10 years, and the third group of disability – continuously for 15 years, this category considers to be appointed on a permanent basis. Disability of old-age pensioners is assigned permanently, regardless of disability group.

In order to qualify for invalidity benefit, a person must have at least five years of covered employment plus four months of covered employment for each full year of work since age 15. The benefit is paid according to three assessed degrees of disability: Group I is treated as total disability with incapacity for any work and requires constant care; Group II is treated as general disability with incapacity for any work however does not require constant attendance; and Group III disability which is incapacity for usual work.

For Group I disability, the benefit amount is 120% of basic flat rate benefit. The benefit amount is the same for persons under 18 with disabilities. For visually impaired, the benefit amount is 200% of the basic flat rate benefit. For Group II disability, the benefit amount is 100% of basic flat rate benefit and for Group III disability, the benefit amount is 55% of the basic flat rate benefit. There is also provision of social benefits for disabled in following rates:

- Group I Disability: base – 65 AZN; premium – 6.5 AZN;
- Group II Disability: base – 55 AZN; premium – 5.5 AZN;
- Group III Disability: base – 45 AZN; premium – 4.5 AZN.

The Law «About prevention of disabilities and disabilities of children, rehabilitation and social protection of disabled persons and children with disabilities» establishes other measures of social protection of disabled people.

Sources: Law of the Republic of Azerbaijan «About prevention of disabilities and disabilities of children, rehabilitation and social protection of disabled persons and children with disabilities» 25.08.1992 №284; Law of the Republic of Azerbaijan «About labor pensions» 07.02.2006 №54-IIIГ; §4.1-4.3 of the Provisions on the criteria for determining disability and disabilities; Decree of the President of the Republic of Azerbaijan 19.01.2016 №746; Decree of the President of the Republic of Azerbaijan 19.01.2016 №747; Decree of the President of the Republic of Azerbaijan 29.08.2013 №973; Decree of the President of the Republic of Azerbaijan «About increase of pension of the President of the Republic of Azerbaijan for the first group of disability, if it connects with the common illness, disease in the period of military service, industrial injury and occupational disease, stay in the zone of military operations, the liquidation of the accident at the Chernobyl nuclear power plant»

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10/13 Fair Treatment

Regulations on fair treatment at work:

Constitution of the Republic of Azerbaijan 1995

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Code on Administrative Offences of the Republic of Azerbaijan 2015 (version 24.06.2016)

Criminal Code of the Republic of Azerbaijan 1999 (version 31.05.2016)

Law of the Republic of Azerbaijan «About trade unions» 24.02.1994 №792 (version 17.10.2014)

Law of the Republic of Azerbaijan «About gender (male and female) equality» 10.10.2006 №150-IIIГ (version 21.12.2010)

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval list of industries, occupations (positions), as well as underground works with difficult and dangerous working conditions, which prohibited the employment of women» 20.10.1999 №170

Equal Pay

According to the Constitution, everyone has the right to receive the remuneration for work without any discrimination. The Labour Code prohibits discrimination including the breach of principle of equal pay for equal work. It is forbidden to drop in any form wage in violation of the principles of non-discrimination.

The Gender Equality law requires employers to provide for equal working condition for men and women without any discrimination. Employees working in the same workplace, with the same qualifications, in the same conditions and performing work of equal value must be paid, regardless of gender, the same wage, bonuses and other material benefits. At the request of the employee, the employer is obliged to justify the lack of connection between the difference of wages and the gender of the employee.

Sources: §35 of the Constitution; §16 and 154 of the Labor Code; §7 and 9 of the Law of the Republic of Azerbaijan «About gender (male and female) equality» 10.10.2006 №150-IIIГ

Sexual Harassment

According to the Constitution, everyone has the right to liberty and security. Individual dignity is protected by the State. Nothing can justify humiliation of a person's dignity. Men and women have equal rights and freedoms. The Labour Code establishes prohibition of discrimination, including on grounds of gender.

In accordance with Gender Equality law, sexual harassment is immoral behavior in the employment or service relationship that is degrading or insulting to a person arising out of the relationship to a different sex or sexual identity and expressed in physical actions (touch, dab), colloquial words, gestures, threats, discrediting the offers or invitations.

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The employer is required to take measures against instances of sexual harassment or gender discrimination. In the case of sexual harassment, the employee may quit on the day specified in his/her statement. The collective agreement may have provisions with regard to mutual assistance between the parties in conducting explanatory work with regard to sexual harassment in office or in connection with the occupation as well as prevention of such harassment, applying all necessary and appropriate measures in order to protect the employees from such treatment.

Pressure on the workers, who complained to the employer or supervisor because of sexual harassment or persecution of an employee, is punishable by administrative fine on officials in the amount of 1500 to 2000 AZN. Employer must reimburse damage to workers-victims of sexual harassment.

The article in Criminal Code which can be used in cases of sexual harassment in the workplace is the «compulsion to perform sexual actions». In accordance with the Criminal Code, the compulsion of a person to enter into illicit relation or commissions of sexual actions by blackmail, threat of destruction, damage, or taking of property, or with the use of material or any other dependence of the victim, is punishable by fine from 500 to 1000 AZN or correctional works up to 2 years or imprisonment up to 3 years.

Sources: §25, 28, 32, 46 of the Constitution; §12, 16, 31, 69 of the Labor Code; §2, 4, 7, 11, 12, 17 of the Law of the Republic of Azerbaijan «About gender (male and female) equality» 10.10.2006 №150-IIIГ; §205 of the Code on Administrative Offences; §151 of the Criminal Code

Non-Discrimination

The Constitution and the Labour Code have the prohibition of the discrimination and guarantee equal treatment. No one may be subjected to any discrimination in the exercise of labor rights on the basis of citizenship, gender, race, attitude to religion, nationality, language, place of residence, property status, origin, age, family responsibilities, beliefs, political opinion, membership of trade unions and other public associations, employment status, HIV or AIDS, multiple sclerosis and any other criteria not related to the character of the work or conditions of its performance. The non-discrimination rule is specified for members of trade unions by special law.

It is not considered discrimination if exclusions are determined by specific work characteristics/requirements and for taking care of special group of people or because of measures of state security. This includes workers under 18 years, women workers, and disabled people.

The employer is obliged to prevent discrimination in applying for a job, promotion, professional training, assessing the quality of work, dismissal, disciplinary measures, working condition, wages, etc. The Gender Equality Law specifies these norms. In the case of a different approach to men and women, at the request of the employee, the employer must justify the lack of connection between the different approach (in terms of benefits provided) and gender of the employee. A job candidate (who was not hired) has right to demand from the employer a written explanation that an employed member of the opposite gender surpasses him/her by education, training, experience, professional skills, etc. Employers cannot discriminate by offering jobs only to women or men in vacancy advertisements, with the exception of specific jobs that only persons of certain sex

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can perform. Employers cannot put different demands to employees based on their sex giving priority to one of the sexes and require from them information about their personal life and plans to have children.

Persons, who consider that they have been discriminated at the workplace, may apply to the court for redress and compensation for damages.

Discrimination of the people with HIV/AIDS or multiple sclerosis can lead to administrative fine in the amount of from 1500 to 2000 AZN. According the Criminal Code, discrimination is punished by a fine of 100 to 500 AZN or correctional labor for up to one year. The same acts, committed by a person using his official position, lead a fine in the amount from 500 to 1000 AZN or correctional works for a term of up to two years, or imprisonment for a term of up to two years with disqualification for up to three years or without it.

Sources: §25 of the Constitution; §12 and 16 of the Labor Code; §7-10, 17 of the Law of the Republic of Azerbaijan «About gender (male and female) equality» 10.10.2006 №150-IIIГ; §192.10 and 192.11 of the Code on Administrative Offences; §154 of the Criminal Code; §7 of the Law of the Republic of Azerbaijan «About trade unions» 24.02.1994 №792

Equal Choice of Profession

According to the Constitution, men and women have equal rights and freedoms and equal opportunities for realization of these rights. Equal opportunities are equal conditions and guarantees in the implementation of human rights for men and women. In accordance with the Constitution, everyone, depending on working skills, has the right to freely choose the activity, profession, position and area of employment.

But there are some exception because of health protection of women. Benefits, privileges and additional guarantees for women by the Labor Code or the Gender Equality Law do not consider these to be acts of discrimination.

It is prohibited to employ female workers to workplaces in difficult or hazardous working conditions, as well as underground tunnels, mines and other underground work, in accordance with the list approved by the of the Resolution of the Cabinet of Ministers. Sometimes, it is allowed for women to perform appropriate underground work, not engaged in physical labor, working in managerial positions or providing social, health and medical services, as well as in underground work without performing physical work on the descent and ascent. It is forbidden to hire women for work involving the manual lifting and moving of loads exceeding the maximum limits.

Sources: §25 of the Constitution; §16 and 241 of the Labor Code; §2 and 3 of the Law of the Republic of Azerbaijan «About gender (male and female) equality» 10.10.2006 №150-IIIГ; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval list of industries, occupations (positions), as well as underground works with difficult and dangerous working conditions, which prohibited the employment of women» 20.10.1999 №170

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11/13 Minors and Youth

Regulations on children at work:

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Code on Administrative Offences of the Republic of Azerbaijan 2015 (version 24.06.2016)

Law of the Republic of Azerbaijan «About children's rights» 19.05.1998 №499-IQ (version 29.04.2016)

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval the list of industries, occupations (posts) with harmful and difficult labor conditions, as well as underground work in which prohibited the use of the labor of persons under 18 years»

Minimum Age for Employment

Children have right to work, that is appropriate to their age, health status, level of education and training. As a rule, the minimum age to enter into employment is 15 years. The minimum school leaving age is 15 years, because the duration of the compulsory basic education is 9 years. The employment contract may be concluded with a person aged 15-18 years with the agreement of a parent (guardian). With the consent of the parents (guardians), pupils of secondary general education schools, vocational schools, lyceums and secondary special educational institutions at the age of 14 may take part in the production practices with the implementation of the light work without damage to their health.

Persons under 18 years cannot be denied a job because of childhood, low job skills or professional level. The employment of person under 15 is punished by administrative fine for officials in the amount of 1000 to 1500 AZN. The fine for legal entities ranges from 3000 to 5000 AZN.

Sources: §42, 46, 247-249 of the Labour Code; §24 of the Law of the Republic of Azerbaijan «About children's rights» 19.05.1998 №499-IQ; §192.8 of the Code on Administrative Offences

Minimum Age for Hazardous Work

Law prohibits the employment of minors to work injurious to their health. That is why, business trips, working at weekends and public holidays, overtime and night work, underground work are prohibited for persons under age of 18. The list of heavy jobs and jobs with harmful or dangerous working conditions (where employment of persons under eighteen years of age is prohibited) is confirmed by the Resolution of the Cabinet of Ministers.

Moreover, it is not allowed for workers under the age of eighteen years to carry or move weights over the limits. It is prohibited to involve girls under the age of 16 regularly throughout the day to work on lifting and carrying weights.

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The work which may be detrimental to the moral development of minors is also forbidden (in night clubs, bars, casinos, production, transport, sale and storage of alcohol, narcotic drugs and toxic agents, as well as connected with traffic of narcotic drugs, psychotropic substances and their precursors).

Persons under 18 years old are prohibited to be engaged in work, which may deprive them of the opportunity to receive education in full.

Engaging children in activities that may endanger their life, health or morals, entails administrative fine on officials in the amount ranging from 3000 to 4000 AZN. The monetary fine on legal entities ranges from 10000 to 13000 AZN.

Sources: §250, 251 and 254 of the Labour Code; §192.9 of the Code on Administrative Offences; Resolution of the Cabinet of Ministers of the Republic of Azerbaijan «About approval the list of industries, occupations (posts) with harmful and difficult labor conditions, as well as underground work in which prohibited the use of the labor of persons under 18 years»

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12/13 Forced Labour

Regulations on forced labour:

Constitution of the Republic of Azerbaijan 1995

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Code on Administrative Offences of the Republic of Azerbaijan 2015 (version 24.06.2016)

Criminal Code of the Republic of Azerbaijan 1999 (version 31.05.2016)

Law of the Republic of Azerbaijan «About combating human trafficking» 28.06.2005 №958-IIQ (version 17.10.2014)

Prohibition on Forced and Compulsory Labour

Everyone has the right to freely chosen employment and forced labour in any form is prohibited. It is forbidden to force an employee to perform outside its labor function works (services) by the use of force in any manner or by any means, as well as threatening the termination of the employment relationship. Forced labor does not include military service, working after a sentence awarded by court or in a state of emergency or martial law.

Forced labour (by threat of termination of the employment contract or the deprivation of benefits and privileges established by the collective agreement) is punished by administrative fine ranging from 1000 to 2000 AZN. According to the Criminal Code, forced labour (by threats, violence or the threat of violence, as well as the restriction of liberty) is penalized by imprisonment from four to eight years.

The same act committed against two or more persons/minors/knowingly pregnant women or repeatedly or with using perpetrator's official position or by group of persons with prior conspiracy/organized group/criminal community is punished by imprisonment for a term of seven to ten years of imprisonment. If the forced labour entailed death of the victim or other serious consequences, it will be punished by imprisonment for a period of nine to twelve years. By the Criminal Code and Anti Trafficking Law, forced labor is also the part of the legal term 'exploitation'. It is used as qualificatory circumstance of the crime of human trafficking.

Sources: §35 of the Constitution; §17 of the Labour Code; §193 of the Code on Administrative Offences; §144-1-144-2 Criminal Code; §1 of the Law of the Republic of Azerbaijan «About combating human trafficking» 28.06.2005 №958-IIQ

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Freedom to Change Jobs and Right to Quit

According to the Constitution, labour is free. Everyone has the right to freely dispose of their abilities to work, choose the type of activity and profession.

The employee may leave job by his initiative in a month after written notification. Nevertheless, in cases of retirement for age, disability, education, moving to a new place of residence, conclusion of an employment contract with another employer, sexual harassment and other cases provided by law where the employee may quit on the day specified in his/her statement.

Sources: §35 of the Constitution; §69 of the Labour Code

Inhumane Working Conditions

The normal working hours are 40 hours per week and 8 hours per day. The employee may not work more than 4 hours of overtime for two successive days. Thus, in a six-day work-week, the maximum working hours inclusive of overtime work are 52 hours (40 hours + 12 hours' overtime).

Sources: §89 and 100 of the Labour Code

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13/13 Trade Union

Regulations on trade unions:

Constitution of the Republic of Azerbaijan 1995

Labour Code of the Republic of Azerbaijan 1999 (version 17.05.2016)

Law of the Republic of Azerbaijan «About trade unions» 24.02.1994 №792 (version 17.10.2014)

Freedom to Join and Form a Union

Freedom to join and form unions is established by the Constitution. Trade union is independent public non-political organization that brings together workers, retired and students for protection of their legitimate labor, social, and economic rights and interests.

Every person has the right to establish trade unions of his own choice to protect his interests, to join them, to engage in trade union activities and to leave trade unions. The minimum membership requirement is 7 persons. Nevertheless, military persons must abstain from joining or forming trade unions.

Trade unions are accorded many statutory rights, some of which include:

1. right to represent and protect workers' rights and interests in individual and collective employment relations;
2. right to engage in collective bargaining and conclude collective agreements;
3. right to take part in regulation of labour disputes;
4. right to receive information on all relevant social and labour issues without any obstruction from employers;
5. monitor the implementation of employment legislation in organizations where their members work;
6. monitor the implementation of collective agreements.

Sources: §58 of the Constitution; §1, 3, 10-19 of the Law of the Republic of Azerbaijan «About trade unions» 24.02.1994 №792

Freedom of Collective Bargaining

Representatives of workers and employers have rights to involve in collective bargaining in preparation, conclusion or modification of collective bargaining agreements and take the initiative for such negotiations. Representatives of parties, who have received an offer in writing of the beginning of collective bargaining, are obliged to enter into negotiations within 10 calendar days of receipt of the proposal. Both the parties may also indicate their representatives for participation in the proceedings of the Commission on collective bargaining. Commission on collective bargaining is formed on parity basis.

Representatives of the parties involved in collective bargaining, are free to choose the issues of regulation of social and labor relations. The Labour Code suggests the approximate list of questions for collective bargaining, for example:

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- wages;
- allowances and compensations;
- employment;
- training;
- rehabilitation and recreation of employees and their families;
- working time and rest time.

The general length of collective agreements is from one to three years however these can be extended before making new collective agreement, but no longer than three years.

Sources: §25, 26, 31 and 32 of the Labor Code

Right to Strike

Constitution recognizes the right of workers to strike as a means of resolving a collective labor dispute. If conciliation does not lead to the resolution of a collective labor dispute, the workers (representatives) will have the right to start a strike. Decision about strike is adopted by the meeting (conference) of employees or trade union. Decision to go on strike is made by a majority of the votes.

The employer shall be warned in writing not later than 10 working days about the beginning of an upcoming strike. During consideration of the collective labor dispute by the conciliation commission, employees may hold one-hour warning strike. During the strike, parties must continue searching ways to solve the collective labour conflict. The minimum necessary work (services) must be performed during the strike.

Strikes are forbidden:

- in jails;
- in legislative and executive bodies, courts and internal affairs;
- in organizations directly connected with the provision of vital functions (hospitals, power supply, water, air and rail transport, communications, fire stations);
- during state of emergency and military situation.

The employer may for the period of the strike fully or partially pay the salaries to employees participating in a strike, but he is not obliged to do it.

The employer may declare lockouts in the following cases (informing not less than 10 days prior in writing to workers, trade union and the local authority):

1. collective demands of workers evidently do not correspond to productive, economic, financial and other possibilities of the organization;
2. continuation of illegal strikes;
3. exact evidence of the facts of incitement of workers to strike by competitors and the third-party.

Legislation prohibits replacement for workers taking part in strike, except cases of organisation of minimum necessary work (services).

Sources: §36 of the Constitution; §270-286 of the Labor Code

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01/13 Work & Wages

ILO Conventions on Work and Wages

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Azerbaijan has ratified the Conventions 95 & 131 only.

Minimum wage

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups.

Regular Pay

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

02/13 Compensation

ILO Conventions on Compensation

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

Azerbaijan has not ratified the Convention 01 & 171.

Overtime Compensation

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night Work Compensation

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

Compensatory Holidays/Rest Days

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

Weekend/Public Holiday work Compensation

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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03/13 Annual Leave & Holidays**ILO Conventions on weekly rest days and paid annual leave**

Convention 132 (1970) on Holidays with Pay Convention Conventions 14(1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Azerbaijan has ratified the Conventions 14, 47, 106 & 132.

Paid Vacation/Annual Leave

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

Pay on Public Holidays

You should be entitled to paid leave during national and officially recognized public holidays.

Weekly Rest Day

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

04/13 Employment Security**ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

Azerbaijan has not ratified the Convention 158.

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

Written Employment Particulars

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contracts

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

Probation Period

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

Notice Requirement

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Severance Pay

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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05/13 Family Responsibilities

ILO Conventions on family responsibilities

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Azerbaijan has ratified the Convention 156 only.

Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

Parental Leave

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

06/13 Maternity and Work

ILO Conventions on maternity and work

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Azerbaijan has ratified both the Conventions 103 & 183.

Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

Maternity leave

Your maternity leave should last at least 14 weeks.

Income

During maternity leave, your income should amount to at least two thirds of your preceding salary.

Protection from Dismissals

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

Right to return to same position

Workers have the right to return to same or equivalent position after availing maternity leave.

Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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07/13 Health & Safety

ILO Conventions on Health and Safety

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Azerbaijan has ratified the Convention 81 only.

Employer cares

Your employer, in all fairness, should make sure that the work process is safe.

Free protection

Your employer should provide protective clothing and other necessary safety precautions for free.

Training

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Labour Inspection System

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

08/13 Sick Leave & Employment Injury Benefits

ILO Conventions on Sickness and Employment Injury

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Azerbaijan has not ratified the Conventions 102, 121 & 130.

Income/Paid Sick Leave

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

Medical Care

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

Job security

During the first 6 months of your illness, you should not be fired.

Disability/Work Injury Benefit

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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09/13 Social Security

ILO Conventions on Social Security

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Azerbaijan has not ratified the Conventions 102, 121, 128, 130 & 168.

Pension Rights

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

Dependent's/Survivors' Benefit

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

Unemployment Benefit

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity Benefits

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

10/13 Fair Treatment

ILO Conventions on Fair Treatment

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Azerbaijan has ratified both the Conventions 100 & 111.

Equal Pay

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Sexual Harassment

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

Non-Discrimination

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

Equal Choice of Profession

People have the right to work and there can't be occupational segregation on the basis of gender.

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11/13 Minors & Youth

ILO Conventions on Minors & Youth

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Azerbaijan has ratified both the Conventions 138 & 182.

Minimum Age for Employment

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Minimum Age for Hazardous Work

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

12/13 Forced Labour

ILO Conventions on Forced/Bonded labour

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Azerbaijan has ratified both the Conventions 29 & 105.

Prohibition on Forced and Compulsory labour

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Freedom to change jobs and Right to quit

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

Inhumane Working Conditions

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

13/13 Trade Union**ILO Conventions on Trade Union Rights**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Azerbaijan has ratified both the Conventions 87 & 98.

Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Azerbaijan. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employer's associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

WageIndicator.org and Iftikhar Ahmad
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