



**Permanent Mission
of the Republic of Azerbaijan
to the UN Office and other
International Organizations**

GENEVA

Ref: 0208/12/16/05

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the latter's Note Verbale Ref: RRDD/HRESIS/CM/JS/CC/is dated 7 July 2016 and in addition to its Note Verbale Ref: 0206/12/16/05 dated 22 September 2016, has the honour to transmit herewith the relevant information of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan regarding the resolution A/HRC/RES/31/15 entitled "The right to work".

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 4 pages

Geneva, 23 September 2016



Office of the United Nations
High Commissioner for Human Rights
GENEVA

Fax: 022 917 90 08

E-mail: registry@ohchr.org
ccourtis@ohchr.org
stripodi@ohchr.org

Information by the Ministry of Labor and Social Protection of the Republic of Azerbaijan
regarding the "Labor Law" resolution No. 31/15 to be discussed
at the UN Human Rights Council's 34th session

Protection of labor rights of the citizens of the Republic of Azerbaijan, establishment of effective labor, employment and social protection system, as well as improvement of the national labor legislation meeting material, moral, social and other vital requirements of the workers are the priority directions of the state policy.

Article 25 of the Constitution of the Republic of Azerbaijan adopted on 12 November, 1995 recognizes the right of equality. The state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging.

According to Article 35 of the Constitution ("Right to work"), everyone based on his/her abilities has the right to choose independently kind of activity, profession, occupation and place of work, nobody might be forced to work, everyone has the right to work in safe and healthy conditions, and get remuneration for his/her work without any discrimination, not less than amount fixed by the state.

In accordance with Article 16 of the Labour Code of the Republic of Azerbaijan effective from 1 June 1999, no discrimination among employees is permitted on the basis of citizenship, sex, race, nationality, language, place of residence, economic standing, social origin, age, family circumstances, religion, political views, affiliation with trade unions or other public associations, professional standing, beliefs, or other factors unrelated to the professional qualifications, job performance, or professional skills of the employees, nor it is permitted to establish privileges and benefits or directly or indirectly limit rights on the basis of these factors. Concessions, privileges and additional protection for women, people with disabilities, minors, and others in need of social protection is not considered as discrimination.

Employers or other physical persons that permit the discrimination indicated in paragraph 1 of this Article bear the appropriate responsibility in the manner established in the legislation. A person subject to the discrimination stipulated in paragraph 1 of this Article during his employment may seek recourse in a court of law. In accordance with subparagraph a) of the Article 9 of the Labor Code, each employee has the right to freely choose type of employment and work place and conclude labour agreement according to his calling, specialty and profession.

Based on the principles of equality the legislation of the Republic of Azerbaijan does not envisage prohibited types of employment for women. Article 7 ("Employer responsibilities in employment") of the Law of the Republic of Azerbaijan "On guarantees of gender (male and female) equality" dated October 10, 2006, establishes responsibilities of an employer with regard to discrimination in employment. Employer is responsible for ensuring equality of men and women in employment. The employer should:

- treat the employees equally and create equal opportunities regardless of gender in employment, job progression, professional advancement, mastering the new specialty, advance trainings, assessment of the quality of work and dismissal from work;
- create equal working conditions for the workers engaged in the same work regardless of gender;
- not apply to employees different administrative disciplinary measures for the same misconduct;
- take the necessary measures to prevent discrimination based on gender and sexual harassment.

The Republic of Azerbaijan has ratified all major international instruments for the protection of the rights of women, reflecting the principle of equality of men and women.

Among them the Convention "On the Elimination of All Forms of Discrimination against Women" adopted by the United Nations Assembly in 1979, ILO Convention No:100 on Equal Remuneration", ILO Convention No:111 concerning Discrimination in Respect of Employment and Occupation and ILO Convention No:103 on Maternity Protection are of great importance. Regular reports on the fulfillment of the obligations arising from these international documents are prepared and submitted to the relevant international organizations. Besides, in 2010 the Republic of Azerbaijan ratified ILO Conventions No.156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities and No.183 concerning the revision of Maternity Protection Convention.

The improvement of national legislation in accordance with international documents ratified by our country is continued. In order to adapt national legislation in the field of labor protection to the basic principles and provisions of the "Revised European Social Charter", as well as in order to bring in line Article 241 of the Labor Code (Jobs and works in which women's labour is prohibited) to the requirements of the Articles 8 and 20 of the "Revised European Social Charter", the appropriate draft of the Law prepared by the Ministry of Labor and Social Protection of the Population has been submitted to the Cabinet of Ministers of the Republic of Azerbaijan.

The Ministry of Labor and Social Protection of the Population in accordance with the Labour Code makes explanations for the establishment of labor payment systems in the enterprises operating in private sector, provides methodological assistance, organizes workshops on remuneration for work, labour relations, labor protection, safety equipment and sanitation, as well as makes efforts for the carrying out of all necessary measures aimed at the effective management of labor.

In connection with the application of the Law of the Republic of Azerbaijan "On guarantees of gender (men and women) equality " additions and amendments were made to the following articles of the Labor Code by the Law of the Republic of Azerbaijan "On making additions and amendments to some legislative acts of the Republic of Azerbaijan":

Part 1 of the Article 12 was supplemented by paragraphs "f" and "g":

"f") treat the employees equally and create equal opportunities regardless of gender in employment, job progression, professional advancement, mastering the new specialty, advance trainings, assessment of the quality of work and dismissal from work;

"g") regardless of gender, create equal working conditions for employees performing the same work, do not apply to employees different administrative discipline measures for the same violations, take the necessary measures to prevent gender-based discrimination and sexual harassment.

Article 50 was supplemented with the following sentence:

"Unless otherwise provided in the legislation, it is not allowed to announce competition solely for representatives of one sex".

In the sixth paragraph of Article 66 phrase "men raising a child alone" was added after the word "women";

The third part of Article 69 on the procedure of termination of employment contract by the employee was supplemented with the phrase "in case of sexual harassment".

In accordance with Article 126 of the Labor Code of the Republic of Azerbaijan women who have adopted children under two months of age or who are raising them without adoption shall be entitled to the 56 calendar days of social leave after birth, as well as to additional leave defined in Article 117 and partially-paid leave defined in Article 127.

Fathers raising their children as single parents and adoptive parents are eligible for paid additional leave granted to women in accordance with Article 117 of the Labour Code.

The second part of Article 91 of the Labor Code of the Republic of Azerbaijan was supplemented with a phrase "and single parents bringing up children under 3 years" by the Law of the Republic of Azerbaijan No: 252-VQD, dated 17 May 2016.

Women are in majority in a number of sectors of economy (education, health, culture, social, etc.). According to 2015 statistics, number of workers in health sector equaled to 180.8 thousands (67.1%), in the education sector – to 373.5 thousands (76.5%). Since enterprises operating in this sector of the economy are budget financed, salaries here are relatively low. This is the reason behind the lower average monthly wage of women in the Republic of Azerbaijan compared to that of men.

According to 2014 statistics, women made up 15.6% of the composition of the parliament.

According to the statistics of 2015, the number of women holding positions in the civil service in the Republic of Azerbaijan equaled to 8804.

According to statistics of 2015, the total number of people who received unemployment status at the employment services was 28877, 17728 of them were men, 11149 - women.

The legislation of the Republic of Azerbaijan establishes equal opportunities for employment of men and women. In the remuneration systems applied at the enterprises, departments and organizations, the principles of equal salary for equal work for men and women are observed and gender discrimination is not permitted.

The Article 9 ("Equality of pay") of the Law of the Republic of Azerbaijan "On guarantees of gender (men and women) equality" states that the employees working in

the same working place having the same qualification and working in the same labour conditions and performing work of the same value shall receive equal salary, bonuses and other payments aimed to incite the employees without regard to gender. Should there be differences in salary, bonuses and other payments aimed to incite the employees upon the demand of an employee the employer should prove that there's no relation between the amount of salary and the gender of the employee.

To ensure equality between men and women, as well as more effective protection of women's rights, Decree No. 289 dated March 6, 2000 "On implementation of women policy in the Republic of Azerbaijan" was signed. This decree being a statement of the policy to be implemented by the government encourages taking into account gender equality in economic reforms, as well as ensuring equal representation of men and women at the decision-making level in all public bodies.

Addressing women employment problems and ensuring gender equality in this field were envisaged in the Employment Strategy (2006-2015) of the Republic of Azerbaijan approved by the Decree of the President of the Republic of Azerbaijan, dated October 26, 2005, No. 1068, and the State Program for 2011-2015 on the implementation of the second phase of the Employment Strategy of the Republic of Azerbaijan approved by the Decree of the President of the Republic of Azerbaijan dated November 15, 2011, No. 1836. Within this State Program in order to ensure gender equality in employment proper measures are taken to enhance control over job placement of socially vulnerable citizens in enterprises, companies and organizations with quotas, to increase competitiveness of women in the labour market, to provide support to entrepreneurship among women, to ensure vocational training and additional education to women job-seekers.

At present, in order to formulate a long-term state employment policy by identifying institutional reforms aimed at ensuring the effective employment based on the country's economic priorities relevant steps are taken for drafting new Employment Strategy of the Republic of Azerbaijan for 2016-2030.

Moreover, draft laws of the Republic of Azerbaijan on "Unemployment Insurance" and "On Employment" aimed at strengthening social protection of the employed, unemployed persons and jobseekers are currently under preparation.