



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

GENEVA

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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 letter of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes dated 17 January 2018, has the honour to transmit herewith the information of the relevant authorities of the Government of the Republic of Azerbaijan in response to the request for contributions.

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, 7 March 2018

**Office of the United Nations
High Commissioner for Human Rights
GENEVA**

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1. Please provide the existing national laws and regulations that protect workers from hazardous substances and establish the right of workers to a safe and healthy working conditions. (These may include as per definition proposed by ILO and WHO norms aiming at: the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; and the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities).

a) Labor Code of the Republic of Azerbaijan, Section IX Labor protection;

b) General Collective Agreement for 2018-2019 between Cabinet of Ministers of the Republic of Azerbaijan, Azerbaijan Trade Unions Confederation and National Confederation of Entrepreneurs (Employers) Organizations of the Republic of Azerbaijan – Part 5. Protection of labor rights, labor protection, technical and environmental safety;

c) Accepted decisions by Cabinet of Ministers of the Republic of Azerbaijan:

- "On approval of the procedure for carrying out certification of workplaces", № 38, March 6, 2000;

- "On approval of the list of workplaces with high risk of occupational disease", № 7, January 14, 2002;

- "On approval of the list of hazardous and labor intensive jobs, positions, or professions and also underground jobs where under age of 18 are prohibited", № 58, March 24, 2000;

- "On approval of list of shorter working hours of no more than 36 hours per week shall be established for employees engaged in occupations, positions and industries characterized by working conditions hazardous to human health with regard to physical, chemical, biological and industrial factors" №175, November 6, 2004;

- "On approval of the list of underground production sites, mines, tunnels, installations and other workplaces" № 30, February 20, 2002;

- "On approval of the list of hazardous and labor intensive jobs, positions or professions and also underground jobs where use of women workers are prohibited", №170, October 20, 1999;

- "On approval of the list of hazardous and arduous industries, workplaces, occupations and positions, types of employment and employee categories granted additional vacation time according to working conditions and duties", № 92, July 5, 2004;

- "On approval of the list of health certificate for jobs involving heavy and dangerous labor harmful to employee health including, for the purpose of safeguarding public health

in the workplace, workplace for work at food processing, public catering, medical, and retail establishments of employees", № 1, January 3, 2004.

2. Please indicate the main authorities tasked with overseeing the implementation of occupational health norms and a description on their mandate.

- The State Labor Inspectorate started operating in 1997 as the body exercising state control over the compliance with labor legislation in accordance with Presidential Decree No 544 of January 27, 1997 "on the establishment of the State Labor Inspectorate under the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan"

Defining of factors that can negatively affect human health in hazardous and arduous industry is carried out through laboratories of the State Labor Inspectorate Service. The Service has 3 laboratories in Baku, Ganja and Nakhchivan and each of them have a special mobile laboratory. The laboratories are equipped with devices and equipment that measure approximately 500 ionizing radiations (X-ray, gamma and other radiation), non-ionizing radiation (electromagnetic and etc.), specific weight of various gases and powders (concentration), vibration, acid-alkaline environment in fluids and microscopes.

In addition, relevant bodies of the Ministry of Emergency Situations of the Republic of Azerbaijan, the Ministry of Healthcare of the Republic of Azerbaijan, the Ministry of Ecology and Natural Resources of the Republic of Azerbaijan, within their competence, supervise the implementation of occupational safety standards in the country.

3. Please provide the national laws establishing the right to information and the instruments establishing the specific rights of workers to information on issues relating to their occupational health and safety.

Labor Code of the Republic of Azerbaijan, Article 215: The owner and employer of an enterprise shall be directly responsible for the application of occupational safety norms and regulations.

Labor Code of the Republic of Azerbaijan, Article 224: An employment contract shall state the employer's commitment to provide a healthy and safe working environment for the employee and guarantees thereof shall be clearly stated and when hiring an employee for a job with a high risk of job-related illness, it is the mandatory that the employer provides the employee with information on the time-frame of possible occurrence of the illness.

Labor Code of the Republic of Azerbaijan, Article 227: Employees shall have the right to demand information about occupational safety in their workplaces, about the necessary occupational safety aids and appliances with which they should be provided based on working conditions, and about concessions and guarantees. Employers are obliged to satisfy these requirements.

Constitution of the Republic of Azerbaijan, Article 50: Everyone is free to look for, acquire, transfer, prepare and distribute information. Regarding the implementation of this right, the Law on "Access to information" of the Republic of Azerbaijan has been accepted.

4. Please provide the national laws and regulations providing protection to whistle-blowers sharing information on their work activity and environment, particularly concerning disclosures on harms to the environment and public health.

"Recommendation on organization of occupational safety in enterprises, institutions and organizations" approved by Decision No 6.2 of 16 February 1999 of the Board of the Ministry of Labour and Social Protection of the Republic of Azerbaijan and registered with the Ministry of Justice of the Republic of Azerbaijan (registration number 149, 24 February 1999) – Paragraph 1.3. Occupational safety services should be carried out in coordinated manner with other services of the enterprise, commissions on labor protection, designated persons on safety and health of trade unions or state of the enterprise, as well as with the state administration of labor protection and supervisory authorities.

5. Please provide information on the existing national laws ensuring workers can realize their right to justice and an effective remedy for occupational exposures to hazardous substances.

- The Law of the Republic of Azerbaijan dated May 11, 2010 "On mandatory insurance covering loss of professional working capacity as a result of labor accidents and occupational diseases";

- Resolution of the Cabinet of Ministers of the Republic of Azerbaijan dated February 28, 2000 No. 27 "On approval of Rules of investigation and accounting of labor accidents"; (217)

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan dated March 6, 2000 No. 38 "On approval of the Procedure for carrying out certification of workplaces".

6. Please indicate if public officials periodically analyse the situation of occupational safety and health and how these assessments are publicized.

- At the end of each year, statistical reporting shall be made on accidents in the production and this report shall be submitted to the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan and the State Statistical Committee of the Republic of Azerbaijan. The report should state the number of accidents (including accidents group), deaths and injures, total number of victims (information on how many of them are men or women), event occurring in the economy, causes of the events during the year. This information is posted on the Ministry's official website.

7. Please indicate if your Government considers revising its existing norms for occupational health and safety and the reasons for this possible revision.

The Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan approved by its relevant order an Action Plan to implement tasks assigned in "Azerbaijan 2020: Look into the Future" Development Concept approved by the Presidential Decree No 800 dated December 29, 2002. The 17th and 18th paragraphs of the Action Plan define measures on "Preparation of the State Program on labor protection and improving labor conditions" and "Strengthening state control on labor legislation in this field, improving working conditions of employees, improvement of labor protection system".