

Relevant information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan regarding the report on "The Role of Workers' Organizations in the Prevention and Elimination of Modern Forms of Slavery", which will be presented at the 79th session of the UN General Assembly

Question 1

On May 19, 1992, the Republic of Azerbaijan ratified the ILO Fundamental Conventions No. 87 "Freedom of Association and Protection of the Right to Organize" and No. 98 "Right to Organize and Collective Bargaining". In this regard, according to Article 3 of the Labor Code of the Republic of Azerbaijan (Code), the following concepts are given.

- Collective contract — an agreement regulating labor, socio-economic, household and other relations, concluded in a written format between an employer, a work collective or a trade union organization.
- Collective agreement — an agreement concluded between the relevant executive authority, trade unions and associations of employers, defining the obligations of the parties for joint actions in the field of improving working conditions for workers, labor protection, ensuring employment and implementing other social protection measures.
- Employees' representative agency — professional organizations (associations) operating on the basis of the charter and relevant legislation, created by workers who voluntarily united in order to protect their labor, social, economic rights and legitimate interests.
- Employers' representative agency — associations operating on the basis of the charter and relevant legislation, created on a voluntary basis by employers in order to protect their socio-economic rights, property, production and labor relations related to business activities.
- Collective requirements — conclusion, amendment and implementation of collective agreements, contracts, as well as other labor, social and economic issues that represent demands put forward by employees or trade unions to the employer, their trade unions or the relevant executive authorities.

According to Article 20 of the Code, employers can voluntarily join by creating an appropriate organization to protect their economic and financial interests, related to business activities, as well as to establish social partnership in relations with trade unions. Their rights, obligations, activities and rules are regulated by relevant regulations and its charter. Moreover, in accordance with part 4 of this article, it is not allowed to determine any preferential rights, benefits, or privileges of the representative body of employers in comparison with the representative bodies of employees.

According to paragraph "k" of Article 9 of the Code, an employee under an employment contract has the right to become a member of trade unions, public associations, as well as to participate in strikes, rallies, meetings and other mass events not prohibited by law. In addition, according to paragraph "f" of Article 11 of the Code, one of the fundamental rights of the employer in the field of labor relations is the conclusion of a collective agreement with the workforce or with a trade union organization, monitoring compliance with the employment contract and fulfillment of obligations under this agreement. According to part 1 of Article 16 of the Code, no discrimination among employees shall be 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 shall it be permitted to establish privileges and benefits or directly or indirectly limit rights on the basis of these factors. At the same time, according to part 1 of Article 18 of the Code, in order to protect their rights and legitimate interests, an employee, employer, labor collective, trade union organization have the right to conduct an individual or collective labor dispute. The exercise of this right may be limited only in cases and in the manner provided for by law.

According to part 1 of Article 19 of the Code, trade unions can be created on a purely voluntary basis, without making any distinctions between employees, without obtaining the prior permission of the employer. Workers can join relevant trade unions and participate in trade union activities to protect their labor, social, economic rights and legitimate interests. In addition, according to part 2 of this article, the rights, duties and powers of trade unions are determined by the Law of the Republic of Azerbaijan "On Trade Unions" and their charters.

According to part 1 of Article 25 of the Code, trade union organizations (associations), labor collectives, employers, relevant executive authorities and representative bodies of employers have the initiative to conduct collective negotiations on the preparation, conclusion and amendment of a collective contract and agreement. According to part 3 of this article, in the absence of a trade union organization (association) at the enterprise, the labor collective creates a special authorized commission to conduct negotiations. At the same time, in accordance with part 4 of this article, if there are several trade union organizations (associations) in the republic or region, as well as within the enterprise, a commission is created consisting of representatives corresponding to the ratio of the number of employees and the corresponding trade unions are created to conduct collective bargaining.

In accordance with part 4 of Article 30 of the Code, the employer is obliged to instruct the trade union organization or the relevant commission (working group) to use all available opportunities (internal communication and information, photocopier, technical and other means) to present the draft Collective Agreement for discussion between the parties. If the draft collective agreement is not approved in accordance with part 5 of the same article, representatives of the parties, within fifteen days, again submit the draft to the trade union organization (labor collective) for discussion for revision and approval (unless the parties agree otherwise).

According to Article 18 of the Law of the Azerbaijan Republic "On Trade Unions", trade unions resolve individual labor disputes between their members and the employer within the limits of their powers, participate in the consideration of collective labor disputes (conflicts), as well as the subject of their consideration. The procedure for resolving labor disputes (conflicts) are determined by the legislation of the Republic of Azerbaijan.

After the expiration of the period determined in accordance with parts 3 and 4 of Article 32 of the Code, the collective agreement is valid until a new one is concluded, but for no more than three years. Neither changes in the organizational structure of an enterprise, except in the case of a change of ownership or liquidation of the enterprise, termination of the labor contract with the employer, nor termination of trade union activities shall be grounds for nullification of a collective contract. Moreover, in the event of a change in the owner of the enterprise, the collective agreement remains in force for three months. During this period, the parties must begin negotiations with the aim of concluding a new collective agreement or maintaining the

previous one in force, introducing additions and changes to it. According to part 6 of the same article, in the event of liquidation or reorganization of an enterprise in the form of a merger, division or separation by the procedure and under the terms established by law, the collective contract shall remain in effect throughout the entire liquidation of reorganization period.

According to part 1 of Article 34 of the Code, the parties and the relevant executive authority control the implementation of the collective agreement. Competent individuals exercising oversight must be provided with all necessary information. According to part 2 of the same article, the parties are obliged to report to the labor collective within the period stipulated by the contract on the implementation of the collective agreement, but no less than once a year.

According to Article 201 of the Code of Administrative Offenses (CAO) of the Republic of Azerbaijan, a fine in the amount of one thousand five hundred manats is imposed for an unjustified refusal to conclude a collective contract (agreement). In addition, according to Article 202 of the CAO, for failure to fulfill or violation by an employer of obligations arising from a collective contract (agreement), a fine in the amount of one thousand to one thousand five hundred manats is imposed. According to Article 203 of the CAO, a fine of seven hundred and fifty manats is imposed for failure to provide information necessary for conducting collective negotiations or monitoring the implementation of a collective contract (agreement).

In order to determine the obligations of the parties for joint actions in the field of improving working conditions, labor protection, ensuring employment and implementing other social protection measures, since 2000, in the country a General Collective Agreement between the Cabinet of Ministers of the Republic of Azerbaijan, Azerbaijan Trade Unions Confederation and the National Confederation of Entrepreneurs (Employers) Organizations of the Republic of Azerbaijan is being concluding. In 2023 the above-mentioned organizations, on the basis of international agreements signed or supported by the Republic of Azerbaijan, conventions of the International Labor Organization, other international legal norms and legislation of the Republic of Azerbaijan, presenting their agreed positions on socio-economic and labor relations for 2023-2025, concluded a General Collective Agreement, defining joint activities.

Question 2 (b)

On May 19, 1992, the Republic of Azerbaijan ratified the fundamental ILO Conventions No. 87 "Freedom of Association and Protection of the Right to Organize", No. 29 "Forced Labour", No. 98 "Right to Organise and Collective Bargaining" and No. 138 "Minimum Age" for admission to job. On March 30, 2004, the Republic of Azerbaijan ratified Convention No. 182 on "Worst Forms of Child Labour".

Question 2 (d)

According to part 1 of Article 17 of the Code It is prohibited to oblige an employee to perform a job not included in his job description through any kind of duress or under the threat of termination of the employment contract. Offenders who involve an employee in forced labor are held liable under legally established procedure.

The mechanisms for strict control over the process of concluding employment contracts with employees are being implemented in the republic. To electronically record labor relations, the Ministry of Labor and Social Protection of Population has begun implementing the "Labor and Employment" subsystem, which is considered the most advanced electronic example of a control mechanism in regulating labor relations between an employee and an employer.

According to Article 12 of the Code, persons who violate the rights of workers, do not fulfill their obligations under an employment contract, employ persons under the age of 15, involve children in activities that may jeopardize their life, health or morals, and also do not comply with the requirements of this Code, bears responsibility in accordance with the law. In connection with this case, administrative liability is provided in accordance with Articles 192.8 and 192.9 of the CAO.

In order to support the development of the non-oil sector in the country and further improve the business environment Law of the Republic of Azerbaijan dated October 20, 2015 No. 1410-IVQ "On the suspension of inspections in the field of entrepreneurship", the suspension of inspections of business entities on the territory of the Republic of Azerbaijan has been extended until January 1, 2025 based on the amendments made to this Law. The moratorium applies to visual inspections carried out when visiting business entities in the Republic of Azerbaijan. Checks of documents and electronic systems are currently being carried out. At the same time, according to this Law, it is possible to conduct inspections according to the list of cases that pose a significant threat to the life and health of people, the security and economic interests of the state, determined by the relevant executive authority. The State Labor Inspection Service under the Ministry of Labour and Social Protection of Population investigates received complaints about violations of labor rights in accordance with the requirements of the Law of the Republic of Azerbaijan "On Citizens' Appeals" and ensures that measures (elimination of violation, imposition of an administrative fine, etc.) are taken in accordance with the law, as well as accident investigations based on the information received.

Question 2 (f)

The State Labor Inspection Service under the Ministry of Labour and Social Protection of Population investigates received complaints about violations of labor rights in accordance with the requirements of the Law of the Republic of Azerbaijan "On Citizens' Appeals" and ensures that measures (elimination of violation, imposition of an administrative fine, etc.) are taken in accordance with the law, as well as accident investigations based on the information received. At the same time, people can easily submit a statement of violation of the labor rights of workers via 142 - "Call Center" of the Sustainable and Operative Social Security Agency under the Ministry of Labor and Social Protection of Population, "Online Chat", available on the official website, as well as through the email addresses of responsible persons. Citizens' requests for information, inquiries and complaints related to labor legislation are accepted, promptly investigated and answered.

The "DOST Mediation Space" began to operate in the DOST Center No. 5. Mediation of disputes related to labor relations at the Center is carried out in accordance with the Mediation Law. Citizens can contact all DOST centers to complete the necessary documents before going to court for disputes. Thus, by contacting the DOST centers, people will be able to obtain detailed information about mediation services, including active mediators and mediation organizations, draw up a proposal to send to the other party on the use of the mediation process, and also take advantage of other related services.

Question 3

The mechanisms for strict control over the process of concluding employment contracts with employees are being implemented in the republic. To electronically record labor relations,

the Ministry of Labor and Social Protection of Population has begun implementing the "Labor and Employment" subsystem, which is considered the most advanced electronic example of a control mechanism in regulating labor relations between an employee and an employer. The "Labor and Employment" subsystem is integrated into the subsystems of other relevant organizations.

In 2017, by Order of the President of the Republic of Azerbaijan dated March 17 No. 2760, the Commission for the Regulation and Coordination of Labor Relations (Commission) was created in order to further strengthen the social protection of workers in the country, formalize relations between employer and employee, improve control mechanisms over the organization of remuneration, ensure effective protection of labor rights and guarantees for participants in labor relations, as well as the implementation of a coordinated policy between government bodies in this area. The Commission was tasked with analyzing the current state of the labor market in the country and preparing proposals for its improvement, as well as coordinating control measures against informal employment.

The "Plan of Measures to Prevent Informal Employment in the Republic of Azerbaijan" was approved by Order of the President of the Republic of Azerbaijan dated October 9, 2017 No. 3287. In addition to responsible measures in the field of combating informal employment, serious mechanisms have been formed in Azerbaijan to stimulate the transition from informal to formal employment.

Thus, as a result of combining a single electronic information resource "Control of informal employment" and electronic information systems of various government agencies containing the necessary information in the field of employment, within a single system and electronic cross-checking of this data, identifying informal employment will save time, money, and will also help save human resources and provide an opportunity to further strengthen control in the fight against informal employment.