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**EUROPEAN SOCIAL CHARTER**

9th National Report on the implementation of the European Social Charter

submitted by

**THE GOVERNMENT OF AZERBAIJAN**

* Articles 1, 9, 20 and 24 for the period 01/01/2010 – 31/12/2013
* Complementary information on Articles 5, 6§1, 6§3, 22, 26§2 and 28 (Conclusions 2014)

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**CYCLE 2016**

**THE NİNTH REPORT**

**OF THE REPUBLIC OF AZERBAIJAN ON THE IMPLEMENTATION OF THE**

**ARTICLES 1, 5, 6, 9, 20, 22, 24, 26 AND 28**

**OF THE EUROPEAN SOCIAL CHARTER REVISED**

For the period **01.01.2009 – 31.12.2012** made by the Government of the Republic of Azerbaijan in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was deposited on **02** **September 2004**

This report also covers the application of such provisions in the following non-metropolitan territories to which, in conformity with Article L, they have been declared applicable: **Republic of Azerbaijan[[1]](#footnote-1)**

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to the

• Azerbaijan Trade Unions Confederation

•National Confederation of Entrepreneurs’ (Employers’) Organizations of the Republic of Azerbaijan



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**Article 1.** The right to work

*Paragraph 1 – Full employment policies*

As a result of efficient use of domestic resources, economic liberalization, creation of conditions for healthy competition among individuals engaged in economic activities and development of small and medium entrepreneurship in the Republic of Azerbaijan, since October 1 of 2003 1302228 new jobs have been opened, 958594 of which are permanent jobs. 78, 2% of these jobs have been opened in the regions and 82,3% of them in the non-government sector.

As a whole, during the year of 2014 127315 new jobs, as well as 105120 permanent jobs were created. 12, 6% of those permanent jobs were opened in the newly built enterprises and organizations, 10, 4% of them in the existing enterprises and organizations, 0, 7% of them in the reopened enterprises and organizations and 76, 3% in physical entities. 1,2% of the permanent jobs were created in the public governance and defence sectors, 3,1% in the maintenance of means of trading and conveyance, 2,9% in the processing industry, 5,3% in the construction, 1,6% in the health and social services sectors.

During the year of 2014, the number of economically active population increased 1.7% compared to 2013 and reached 4840,7 people. The number of employed population increased 1, 8% compared to 2013 and became 4602, 9 thousand, the number of wage workers increased 2,2% and became 1510,1 thousand people. The share of wage workers in the employed population was 31, 2%.

According to primary data, during the year of 2014 36,7% of the employed population was concentrated in the agriculture sector (a decrease of 0,4% in comparison with the same period of the previous year), 14,8% in the maintenance of means of trading and conveyance ( respectively +0,1%), 8,0% in the education sector (-0,1%), 7,2% in the construction, 6,2% in the public governance, defence and social service sectors, 4,0% in the transport and storehouse sectors (-0,1%), 7,9% in the education (-0,2%) and 3,8% in the health and social service sectors.

On January 1, 2015 unemployment level was 4,9%, in 2010 5,6% and 5,2% in 2012.

During the year of 2014 long-term (over a year) unemployment level among the unemployed registered in the State Employment Service was 86, 9%.

It is worth noting that around 30% of the population is comprised of young people and this fact has a direct impact on the solution of youth employment problems. During the year of 2013, the national unemployment level was 5,0 %, whereas among young people aged between 15-29 this index was 9,9 % and 13,5% among young people aged 15-24.

 According to the results of the State Statistical Committee 2013 survey on economic activity of population, the share of young people aged 15-24 in the economically active population (4757.8 thousand people) dropped from 15 % in 2007, 13,2 % in 2010, 12,8% in 2011, 12,4% in 2012 to 12,1% in 2013 and reached 576,6 thousand people. Women accounted for 47.9% and men 52, 1% of the economically active population among the age group of 15-24.

 The share of young people among the economically active population aged 15-29 dropped from 28% in 2007, 26,3% in 2010, 25,8% in 2011, 26,3% in 2012 to 26,0% in 2013 and became 1239,8 thousand people. 47.8% of the economically active population aged 15-29 were women and 52, 2% of them were men.

 The share of young people aged 15-24 in the total number of employed population (4521, 2 thousand people) in the country was 11.0% (497, 4 thousand people) and the share of young people aged 15-29 was 24.7% (1116,8 thousand people). This index was 1.8% among the age groups of 15-29, 9.2% among the age groups of 20-24 and 13.7% among the age groups of 25-29 in 2013. Women accounted for 46.8% and men 53.2% of the employed youth aged 15-29.

 According to the initial data of the State Statistics Committee, during the year of 2014 the number of hired wage workers was 221488 people (211575 people in 2013 (+9913 people)) and the number of wage workers who left their jobs was 191706 people (172104 people in 2013 (+19602 people)). The number of wage workers who left their jobs on their own initiative was 140462 people (130446 people (+10016 people)), who left their jobs due to expiry of employment contract was 22990 people (21949 people in 2013 (+1041 people)) and who left their jobs due to the changes of working conditions was 1340 people (1375 people (-32 people)).

“State Program on the implementation of the Employment Strategy of 2011-2015 years” was approved with the Presidential Decree No.1836 Nov. 15, 2011 for the purpose of realization of the second stage to ensure sustainability of the state employment policies and implementation of the “Employment Strategy of the Republic of Azerbaijan (2006-2015)” approved with the Presidential Decree No 1068, Oct. 26, 2015.

 Improved employment services, development of information and management system of the State Employment Service, vocational guidance services for the youth, development and application of professional standards and module training programs and other relevant activities were undertaken in the framework of the “Development of Social Protection” project jointly implemented by the Ministry of Labour and People’s Social Protection and the World Bank. 200 job standards and the same number of training standards and assessment samples in the areas of tourism, processing industry, construction, energy, agriculture, information technologies and transport and service sectors were developed as a result of the fulfilment of the task of “Developing advanced professional standards and relevant training standards in accordance with ISCO 88/08”. Around 60 representatives from private sector employers were involved in the development of these job standards in the framework of this project. Field Commissions consisted of the representatives from relevant state agencies, including the Ministry of Labour and People’s Social Protection, Ministry of Education, State Statistics Committee and the representatives of employers from economic sector were established and the meetings of Field Commissions were held on the issues of tourism, construction, energy, transport, agriculture, trade, business management and individual service sectors.

Another task of “Developing module training programs” was also implemented in the framework of this project. 43 module training programs were developed and module training programs on 32 jobs were approved as basic education programs as of October 1, 2013 with the Decision No. 832 of the Ministry of Education of the Republic of Azerbaijan.

Relevant measures were undertaken for increasing youth employment, as well as providing them with small concessional loans to engage in small entrepreneurship activities, facilitating the process of their transition “from school to work”, organizing counsellor services on vocational guidance and career development and providing them with methodical supplies and training programs for acquiring work habits and learning the fundamentals of economic activity.

The dynamic economic progress in Azerbaijan, wide application of new technics and technology in all spheres of life and the emergence of new methods of production increase the demand for highly educated workforce. This is also mentioned in the “Azerbaijan 2020: Vision to the Future” Development Concept approved with the Presidential Decree dated December 29 2012.

Relevant measures were undertaken in the areas of increasing employment, development of staff potential, protection and development of human resources in the country as a result of the implementation of “State Program on the socio-economic development of the regions of the Republic of Azerbaijan in the years of 2009-2013” approved with the Presidential Decree No. 80, Apr.14, 2009, “State Program on poverty reduction and sustainable development in the Republic of Azerbaijan in the years of 2008-2015” approved with the Presidential Decree No. 3043, Sep. 15, 2008, “State Program on Azerbaijani Youth in the years of 2011-2015” approved with the Presidential Decree No. 1621, July 7, 2011 and other state programs.

During the year of 2014 7226,0 thousand manats were spent for the issues of employment which account for 0,01% of GDP.

**Table 1. Growth dynamics of GDP (million manats)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2011** | **2012** | **2013** | **2014** |
| GDP | 52082.0 | 54743.7 | 58182.0 | 58977.8 |

**Table 2.Share of employed population according to main economic activity (thousand people)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2011** | **2012** | **2013** | **2014** |
| Economic sector – total of | 4375,2 | 4445,3 | 4521,2 | 4602,9 |
| Agriculture, forestry and fishery  | 1657,4 | 1673,8 | 1677,4 | 1691,7 |
| Mining | 41,2 | 41,8 | 42,3 | 41,5 |
| Processing industry | 210,3 | 215,6 | 224,1 | 227,1 |
| Electricity, gas and steam production, distribution and supply  | 30,8 | 31,2 | 32,3 | 29,8 |
| Water supply, waste management and recycling | 24,6 | 24,7 | 25,1 | 25,8 |
| Construction | 308,9 | 321,8 | 325,5 | 334,1 |
| Maintenance of trading and conveyance means | 635,4 | 646,8 | 664,6 | 681,9 |
| Transport and store housing | 181,8 | 182,7 | 183,8 | 185,1 |
| Tourism and public catering | 48,1 | 48,9 | 49,2 | 55,7 |
| İnformation and communication | 58,0 | 58,7 | 58,1 | 59,2 |
| Finance and insurance | 26,3 | 26,9 | 30,6 | 32,8 |
| Real estate related activities | 71,2 | 74,8 | 79,4 | 85,6 |
| Professional, scientific and technical activities  | 46,7 | 54,6 | 56,3 | 58,5 |
| Administrative and auxiliary services | 47,4 | 49,2 | 52,4 | 53,7 |
| Public governance, defence and social protection | 281,0 | 281,7 | 282,3 | 285,2 |
| Education | 349,9 | 349,0 | 366,2 | 367,3 |
| Health and social services | 165,2 | 165,4 | 171,8 | 176,5 |
| Recreation, entertainment and art  | 60,3 | 61,1 | 61,8 | 67,8 |
| Other services  | 130,7 | 136,6 | 138 | 143,6 |

**Table 3. Key socio-economic indexes of the labour market**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2011** | **2012** | **2013** | **2014** |
| Average annual number of population –thousand people | 9111,1 | 9235,1 | 9356,5 | 9477,1 |
| Number of economically active population- thousand people | 4626,1 | 4688,4 | 4757,8 | 4840,7 |
| Men | 2354.7 | 2395.3 | 2436.0 | - |
| Women | 2271.4 | 2293.1 | 2321.8 | - |
| Number of people employed in the economic sectors – thousand people | 4375,2 | 4445,3 | 4521,2 | 4602,9 |
| Women | 2125.2 | 2153.5 | 2183.7 | - |
| Men | 2250.0 | 2291.8 | 2337.5 | - |
| As well as per types of ownership |  |  |  |  |
| State | 1 143,2 | 1 157,7 | 1 169,4 | 1 178,2 |
| non-state | 3 232,0 | 3 287,6 | 3 351,8 | 3 424,7 |
| The unemployed, thousand people | 250,9 | 243,1 | 236,6 | 237,8 |
| Women | 146.2 | 139.6 | 138.1 | - |
| Men | 104.7 | 103.5 | 98.5 | - |
| Percentage (%) | 5,4 | 5,2 | 5,0 | 4,9 |
| Unemployment among youth aged 15-29 (%) | 10.8 | 10.3 | 9.9 |  |
| Individuals having registered as officially unemployed in the Employment Service Agencies, people | 38 330 | 36 791 | 36 206 | 28 690 |
| As well as women, people | 16 479 | 15 493 | 15 018 | 11 307 |
| Number of wage workers in the economic sector –thousand people | 1 387,5 | 1 480,7 | 1 514,0 | 1 516,1 |
| Average monthly salary of the people employed in the economic sector- manats | 364,2 | 398,4 | 425,1 | 444,3 |

*Paragraph 2.*Independent work (to ensure effective protection of the right of worker to earn his living in an occupation freely entered upon)

1. Prohibition of discrimination in employment

 “Complex Program on the problems of people with disabilities and children with ill health in the Republic of Azerbaijan” was approved with the Cabinet of Ministers Decision No. 185, May 10, 1994 for granting certain concessions in employment relations for the people with disabilities.Starting from 1994 for ensuring social protection for the disabled people Article 5.4 of the 5th section of the Program considersrelative salary (tariff degree) increase of 10-15% for the workers belonging to III disability group and relative salary (tariff degree) increase of 20-25% for the workers belonging to I and II disability groups with due consent of labour collectives in the undertakings and organizations. Regarding the creation of favourable conditions for the disabled by employers Article 5 of the Law of the Republic of Azerbaijan on “Prevention of disability, rehabilitation of the disabled and their social protection” states that the administration of undertakings and organizations is entitled to reduce work quota for the disabled people depending on their health conditions and to pay them with increased rates.

Azerbaijani government took important commitments about the social protection of the disabled with the Law of the Republic of Azerbaijan No. 686-IIIQ, Oct.2, 2008 on joining the “Convention on the rights of people with disabilities” and the Law of the Republic of Azerbaijan No. 687-IIIQ, Oct.2, 2008 on joining the Optional Protocol of the “Convention on the rights of people with disabilities”. One of the commitments (27th Article of the Convention) is about bringing national legislation on the employment of the people with disabilities into conformity with the provisions of the Convention, eliminating any discrimination against the disabled in the laws, protecting their rights to join open, inclusive and equally accessible labour market and ensuring their social protection.

Creation of necessary conditions for harnessing full potential of the disabled people, ensuring their social integration and increasing their employment level are the key priorities of the “Employment Strategy of the Republic of Azerbaijan in the years of 2006-2015” approved with the Presidential decree No. 1068, Oct.26, 2005.

Relevant measures are undertaken for providing employment for those people who are having difficulties in finding jobs, developing financial and tax concessions mechanism for encouraging employers, developing specific module programs for vocational training for the people with disabilities, delivering concessional loans for the people with disabilities to develop their entrepreneurship activities and establishing specialized firms for the disabled in the regions in the framework of the “State Program on the implementation of the employment strategy of the Republic of Azerbaijan in the years of 2011-2015” approved with the Presidential decree No. 1836, Nov.15, 2011.

Programs were developed on the “Employment for the disabled people and their integration to the labour market” following the fulfilment of the task of “Provision of improved Employment Services” in the framework of the “Development of Social Protection” project jointly implemented by the Ministry of Labour and People’s Social Protection and the World Bank. Within the scope of the task international experience on choosing suitable jobs, identifying employment opportunities and provision of employment for disabled people was studied and project proposals were drafted for increasing their employment level and their effective integration to the labour market.

Creation of necessary conditions for full harnessing of the potential of women on an equal basis, increasing their employment level, ensuring their equal access to the labour market and to social welfare services are among the key objectives of the national employment policy. These issues are also established in the Constitution of the Republic of Azerbaijan, Labour Code of the Republic of Azerbaijan, Laws of the Republic of Azerbaijan on “Ensuring gender equality”, on “Employment” and in all social programs.

Presidential Decree No. 289, March 6, 2000 on the “Implementation of women policy in the Republic of Azerbaijan” was signed for the purpose of ensuring equality among women and men and a more effective protection of women rights. Being the government statement on the future policies in this area, this decree promotes consideration of gender equality in the process of economic reforms and equal participation of women and men in the decision-making process in all public agencies. Following the winning of independence, the Republic of Azerbaijan ratified almost all international conventions on protection of women’s rights.

“International Pact on economic, social and cultural rights” adopted by the UNO General Assembly in 1966, Convention on “Elimination of all types of discrimination against women” adopted in 1979, the ILO Conventions No. 100 on “Equal payment to women and men for the work of equal value”, No.111 on “Discrimination in labour and employment” and No. 103 on “Protection of Maternity” are among important international norms. Regular reports are made on the implementation of the provisions of these conventions and presented to the international organizations.

According to the State Statistics Committee data, compared to 2012 in 2013 the number of population increased 1.3% (120.6 thousand people) and reached 9477.1 thousand people on January 1, 2014. Women account for 50.3% and men 49.7% of the population. In 2013 the share of women in the employed population (4521.2 thousand people) in the Republic of Azerbaijan was 48.3% (2337.5 thousand people) and the share of men was 51.7%.

 National unemployment level among women is 5.9% (among men- 4.0%), as well as 7.0% (among men- 4.9%) in the urban areas, and 4.9% (among men- 3.1%) in the rural areas. There are also some differences in the employment structure of women and men per types of economic activity. Gender studies show that in 2013 there were more employed women than men in the agriculture (43.5%), maintenance of trading and conveyance means (17.6%), information and communication sector (2.0%), vocational, scientific and technical areas (1.6%), in administrative and auxiliary services (1.4%), education (1.4%), health and social services (5.5%) and recreation, entertainment and art spheres (1.7%).

All in all, the ways of solutions for the problems regarding women’s employment and gender equality are reflected in the “Employment Strategy (2006-2015) of the Republic of Azerbaijan” approved with the Presidential Decree No. 1068, Oct.26, 2005 and the State program on the “Implementation of the Employment Strategy of the Republic of Azerbaijan (2011-2015)” approved with the Presidential Decree No. 1836, Nov.15, 2011. In the framework of this State program relevant measures are undertaken for increasing supervision over the provision of employment for the citizens who are in particular need of social protection in the undertakings and organizations selected to provide quotas for the purpose of ensuring gender equality in the employment sphere, increasing women’s competitive capacity in the labour market, supporting their entrepreneurship activities, providing vocational training and further education opportunities for women and etc. According to Article 12 of the Labour Code of the Republic of Azerbaijan the key functions of an employer include ensuring equal treatment and equal opportunities for the workers irrespective of sex in the process of recruitment, promotion, vocational training provision, retraining, enhancement qualifications, assessment of work quality, termination of employment, as well as creating equal working conditions for the employees for the same amount of work irrespective of sex, not taking dissimilar disciplinary actions against the employees for the same violation and taking appropriate measures for the prevention of discrimination and sexual harassment. As noted in the previous reports no cases of discrimination on the grounds of sex was found and subsequently no court cases regarding discrimination at work on the grounds of sex was identified. According to Article 77 of the civil-processual code of the Republic of Azerbaijan each party (as well as the employer) shall provide evidence for their claims and objections. No restrictions for the state service admission of people with disabilities have been established in the legislation on state service. Every individual capable to work irrespective of disability level is entitled to get admitted to the civil service.

According to the legislation in the field of civil service, it is forbidden to discriminate on the grounds of sex in the civil service admission process. Article 27.1 of the Law of the Republic of Azerbaijan on “Civil Service” establishes that, all citizens of the Republic of Azerbaijan who reached 16 years of age and who have relevant competencies required by the position and a good command of Azerbaijan Language are entitled to apply to the public service irrespective of their race, nationality, religion, language, sex, social origin, property or birth status, conviction and membership in public or other unities. Everyone is entitled to get admitted to the public service irrespective of their sex and this right is established in the legislation on public service.

2.Prohibition of forced labour

Prison Labour

Four types of penal labour are duly identified in the legislation regarding the execution of punishments. Prisoners can be involved into working at production areas inside the prison building, other production objects outside the prison, individual labour, as well as in economic-welfare sectors. Currently at penitentiaries prisoners are involved into three types of social utility labour which are industrial work, individual labour and economic-welfare work. Prisoners working at the production and individual fields are paid piece-work payment and the ones working at economic-welfare sector are paid based on working hours. For the prisoners involved into labour at penitentiaries working conditions are in accordance with the labour legislation. Labour contract is signed with each of the prisoner and all necessary measures are undertaken for the labour protection and health and safety issues. Firstly, recruited prisoners get acquainted with labour protection and safety issues and sign in the journal specifically kept for this purpose. According to the Code of execution of punishments, the working hours, labour protection and sanitary rules for the prisoners are established in accordance with the labour legislation. The working conditions and regulations for the prisoners involved into social utility labour in the penitentiaries are not different from the one for non-prison employees.

During May of 2015 total number of 5292 (in 2014 4984) prisoners at penitentiaries were involved into social utility labour. 1228 of those prisoners (1148 in 2014) worked at production, individual areas and agriculture, 2245 of them (2004 in 2014) worked at institutions other than penitentiaries and 1819 of them (1832 in 2014) worked at economic-welfare fields. The prisoners involved into social utility labour at penitentiaries are paid in accordance with the Decision No. 149, Sept.15, 2001 of the Cabinet of Ministers of the Republic of Azerbaijan. According to this Decision, prisoners are paid on the basis of single tariff schedules through the application of field coefficients to various fields of economy according to payment rates. The amount of monthly salary paid to the prisoners who worked full time and fulfilled their job duties shall not be less than the minimum defined amount of payment.

Prisoners are entitled to pensions or other social benefits in accordance with legislation.

3. Other aspects of the right of the worker to earn his living in an occupation freely entered upon

 According to Article 4.5.3 of the Employment Law of the Republic of Azerbaijan, the citizens who for inadequate reasons do not come to the relevant executive bodies for the purpose of finding a suitable job within 10 days following their registration or who rejects the two jobs offered by the executive body (citizens shall not be offered the same job twice) within this period of time are not entitled to receiving the status of being jobless.

According to Paragraph 4.2 of Article 4 of the “Regulations on calculation and payment of unemployment benefits” approved with the Decision No. 12, Jan.22, 2002 of the Cabinet of Ministers of the Republic of Azerbaijan “jobless citizens can complain to the higher authorities or appeal to court for the actions (or inaction) of the employees of the city or rayon employment centres, in accordance with the established rules, in case they are rejected to get unemployment benefits with non-valid reasons, or its payment is postponed to another time, or they do not agree with the amount of payment”.

According to Paragraph 8.2.7 of Article 8 of the Employment Law of the Republic of Azerbaijan, state guarantees compensations for the expenses, in accordance with the existing legislation, to every citizen who is sent by the relevant executive body from one location to another to work (or receive vocational training).

 Minimum terms of service alternative to military service

As the Republic of Azerbaijan is at war situation, no alternative military service is considered.

 *Paragraph 3. Employment services free of charge*

During the year of 2014 407 people were employed at the local agencies of the State Employment Service, 59 % of which were engaged in job placement activities. The average number of jobseekers per one job placement advisor was 54 people per month.

In 2014 25 citizens (or 25%) per 100 vacancies were placed in jobs.

In 2014 provision of employment for 14% of the total number of citizens provided with jobs in the labour market was through mediation of the State Employment Service.

 According to Article 14 of the Employment Law of the Republic of Azerbaijan, only juridical persons receiving special permission from relevant executive body, in accordance with the established rules in legislation, can engage in mediation activities for job placement of Azerbaijani citizens abroad. Physical persons are not allowed to engage in mediation activities for job placement of Azerbaijani citizens abroad.

Following the cancellation of licence system, the work of job placement agencies is regulated by the Law of the Republic of Azerbaijan on “Entrepreneurship activities”.

Relevant measures are ongoing for the implementation of the project on the opening of the vacancies section in the electronic notification system of employment contracts and the entry of vacancies into the system by undertakings.

Pilot project “Supporting young highly educated first-time job seekers with finding a job” is implemented for the purpose of providing young highly educated first-time job seekerswith jobs and increasing career opportunities for them. In the framework of the project starting from October of 2014 the salaries for the first 6 month trial of those young and highly educated first-time job seekers will be paid by the International Labour Organization to the employers in the form of subsidies. 15 young and highly educated first-time job seekers and 10 enterprises have been selected by the State Employment Service and those young people have been sent to work at those enterprises.

This program is implemented through taking measures on permanently active labour market for young graduates, as well as achieving successful results in the selection of target group and potential employers within limited project time and resources. Development of concessions mechanism for encouraging employers to provide jobs for young specialists, adjusting educational system with the increasing demand brought by economic growth, strengthening vocational guidance work in the educational establishments, ensuring non-stop education and organizing labour fairs and labour exchanges for the young people is of significant importance. The project monitoring is carried out by an international expert.

In the framework of the “Youth employment-Start your own business” project, the Ministry of Labour and People’s Social Protection jointly with International Labour Organization organized a training at the Goychay rayon Employment Center of the State Employment Service under the Ministry. The young participants were presented certificates at the end of the training. The training equipped the participants with knowledge in the areas of business plan development and management and marketing and management.

The supervision and monitoring of the project is carried out by the State Employment Service and International Labour Organization is funding the business plans presented by the young people. ILO is delivering subsidies to the young attendants successfully completing the training course for building and developing businesses.The first stage of deliverance of subsidies was finalized in April of the current year. At this stage young participants were granted financial assistance of an amount of 50% of their business plan budget.

One of these measures is the opening of the SYSLAB Baku center on October 4, 2011 in the framework of the project titled “Increasing Innovation and Employment in Azerbaijan” jointly implemented by the Ministry of Labour and People’s Social Protection, UNDP Baku office and SYSLAB company of Norway.

SYSLAB- Innovation and Employment System Laboratories which was established in Bergen on November 23, 1992 is the output of SYSLAB International Association. Young participants who are eager to find decent jobs are trained in delivering presentations, building motivation, team working and analytical skills, phone interview technics with employers, CV and resume writing and interview skills. Alongside teaching theoretical and practical knowledge during the trainings, collaboration was launched with various private and state enterprises and several experts and trainers were invited. The official representatives from the Ministry of Transport, Ministry of Information and Communication, Ministry of Defence Industry, State Service Commission under the President, Azerpocht, Azercell Telecom, Bank Standard, Bank Respublika, Access Bank and other companies and organizations were invited to meet the training participants.

During the project period, 241 out of 295 participants were provided with jobs at the Baku SYSLAB Center. This Center aims at supporting job seekers with trainings, contributing to the development of innovation in the state employment policies through developing job hunting skills of participants and integrating the jobseekers into the labour market. During the period of 4-6 months of participation in the project, on average 80% of the attendants succeeded in finding jobs. Project is implemented in several stages, including organization of trainings, active job hunting, analysis of achieved results and building motivation. In view of the success of the pilot project SYSLAB Centers were launched in Sumgait in September 2013 and in Ganja in June 2014. 95 (79%) out of 120 participants in Sumgait and 22 (59%) out of 37 participants in Ganja SYSLAB Center successfully completed the trainings and found jobs. Overall, during the SYSLAB project period trainings were organized for 452 jobseekers and 358 (79%) of them were provided with jobs in various private or government institutions.

*Paragraph 4. Vocational guidance, training and rehabilitation*

In view of the real labour market and employer requirements, vocational training courses are organized for the purpose of expanding job opportunities for the jobless and job seeking citizens registered as such in the State Employment Service local agencies (city, rayon Employment Centers) under the Ministry of Labour and People’s Social Protection, developing self-employment and increasing competitiveness in the labour market. Citizens of working ability age registered as jobless and jobseekers at the city or rayon Employment Centers are involved into vocational trainings.

Vocational training courses for the jobseekers are conducted on the basis of the education programs (1-3 months) (curriculum) approved by the Ministry of Education of the Republic of Azerbaijan with due coordination with the Ministry of Labour and People’s Social Policy.

Vocational guidance, vocational training and further education free of charge is guaranteed for the jobseekers and jobless citizens sent by local agencies of the State Employment Service. Citizens are entitled to get free of charge advice or relevant information at the State Employment Service on the vocational guidance, vocational training and further education for the purpose of choosing type of employment, workplace and working regime.The teachers for conducting vocational trainings are selected on the basis of their work experience and their professionalism. The participation level at the vocational training courses is identified according to the statistic reports presented to the Employment Service Agencies.

According to the Employment Law of the Republic of Azerbaijan government provides following guarantees to the job seeking and jobless citizens:

* Support during the selection of a suitable job and job placement through the mediation of State Employment Service agency;
* Vocational guidance, vocational training and additional education free of charge through notification by State Employment Service;
* Participation in the events (labour fairs, labour exchanges, etc.) organized by the State Employment Service;
* Compensation in accordance with the existing legislation for the expenses of the citizens due to working (or receiving vocational training) in another location as offered by the State Employment Service;
* Free check-up in the public hospitals for the citizens who were provided with jobs or sent to receive vocational training through notification by the State Employment Service.

Overall, during 2011-2014 years, 16878 citizens were involved into vocational training courses and 285 of them consisted of people with disabilities.

|  |  |  |
| --- | --- | --- |
| Years | Number of citizens involved into vocational trainings | Number of people with disabilities |
| 2011 | 4299 | 4 |
| 2012 | 4464 | 67 |
| 2013 | 4329 | 105 |
| 2014 | 3786 | 109 |
| **Total** | **16878** | **285** |

Module training materials on 43 professions, specialties, spheres of activity were developed in the framework of the “Development of Social Protection” project implemented with support of the World Bank and materials for 10 professions were published and sent to the State Employment Service.

The materials of module programs on 33 professions will also be published and sent to the State Employment Service. Vocational training courses will be organized on the basis of those module program materials.

As stated in the Employment Law of the Republic of Azerbaijan state ensures equal opportunities for all citizens in the sphere of employment.

Below table provides the statistics during 2011-2014 years of the disabled citizens applying to the State Employment Service, the ones provided with jobs or involved into vocational trainings. The statistics shows that during these years vocational guidance was provided for 2386 disabled people registered in the local agencies of the State Employment Service and they were informed on the existing labour market requirements. 883 of those citizens were provided with jobs according to their interests and desires and 285 of them were involved into vocational training courses.

|  |  |  |  |
| --- | --- | --- | --- |
|  **Years** | **Number of the disabled people applied to the State Employment Service agencies** | **Those provided with jobs** | **Those involved into vocational training courses** |
| 2011 | 608 | 255 | 4 |
| 2012 | 548 | 177 | 67 |
| 2013 | 525 | 127 | 105 |
| 2014 | 705 | 324 | 109 |
| **Total of** | **2386** | **883** | **285** |

Vocational Rehabilitation Center for the young people with ill health under the Ministry of Labour and People’s Social Protection is launched for the purpose of providing vocational rehabilitation to the young people with ill health, facilitating their access to the labour market. The Center provides trainings for the young people with limited health in the computing, tailor, hairdresser, weaving, art, carpet-making and other professions. At the beginning of each calendar year State Service Commission under the President of the Republic of Azerbaijan approves action plan. The action plan includes conduction of trainings at the Commission and other government agencies on the legislation regarding the state service. Trainings provide information on the fundamentals of the human resources management, effective work division, conflict management and negotiations, rules of ethical conduct of civil servants, assessment of work of civil servants and motivation. These trainings are attended by civil servants holding higher posts, young civil servants and other civil servants.Vocational guidance for the disabled people is conducted together with secondary school children. Vocational guidance is provided for the disabled in case they apply to the Employment Service Centers.

According to Article 6.2.8 of the Employment Law of the Republic of Azerbaijan, creation of favourable conditions for the citizens of the Republic of Azerbaijan to work abroad or to the people without citizenship and foreigners to work in the territory of the Republic of Azerbaijan is one of the state employment policy directions. Foreigners can be involved into vocational trainings or receive additional education following their registration at the State Employment Centres as being jobseekers.

 **Article 5.** Right to organize

According to Article 7 of the Law of the Republic of Azerbaijan on “Trade-union organizations” the membership in the trade-unions, except the cases stated in the Law, shall not limit labour, social, economic, political and individual rights and liberties granted to citizens by legislation. In addition, provision of employment, promotion at work, as well as dismissal shall not be conditioned due to employees’ initiatives to create trade-unions, their joining existing trade-unions or leaving them. Women and men shall have equal access to trade-unions and equal opportunities shall be created for them.

According to Article 16 of the Labour Code of the Republic of Azerbaijan,discrimination against employees on the grounds of citizenship, sex, race, religion, nationality, language, place of residence, property status, social origin, age, marital status, conviction, political views, membership in trade-unions or other public unities, position, employees’ industry, professionalism and other factors not related to work, as well as direct or indirect privileges and concessions, and restriction of rights based on those factors is strictly forbidden. It is worth noting that until today no case of discrimination based on workers’ membership or non-membership in the trade-unions has been identified and no indemnity has been defined regarding these cases in the legislation. However, according to Article 154 (Violation of the right to equality) of the Criminal Code of the Republic of Azerbaijan hundred to five hundred manats fine or reformatory work up to one year is defined in the case of violation of individual’s right to equality through damaging his/her rights and legitimate interests on the grounds of race, nationality, religion, language, sex, origin, economic position, conviction, membership at political parties, trade-unions and other public unions. If these actions are done by an official, he/she has to pay fine of an amount of five hundred to thousand manats or reformatory work up to two years or deprivation of right to hold a certain position or to engage in a certain activity up to three years or up to two years imprisonment.

**Article 6.** Right to bargain collectively

*Paragraph 1. Joint consultations*

According to Article 25 of the Labour Code of the Republic of Azerbaijan trade-union organizations, labour collectives, employers, relevant executive bodies and representative bodies of the employers within their competence have right to initiate collective bargaining for collective agreements and treaties, sign and make amendments to them. The Party receiving a written proposal to start collective bargaining shall bargain within 10 calendar days and inform the other Party initiating the collective bargaining on their representatives who will take part in the bargaining. Collective bargaining starts one day after the Party initiating the collective bargaining receives a letter in return. In case there is no trade-union organization in the undertaking labour collectives shall set up a special authority commission to bargain collectively. If there are several trade-union organizations within a country or a region, as well as within the undertaking, a commission consisting of representatives by the ratio of the membership of the employees to relevant trade unions is set up to bargain collectively. Employers, as well as individuals representing executive bodies, local municipalities and the organizations that are established and funded by them are not allowed to bargain collectively or to sign collective treaties and agreements on behalf of workers.

 The Rules of collective bargaining are established in Article 26 of the Labour Code. According to the Article the parties shall set up a commission consisting of equal number of representatives with relevant authority for the purpose of bargaining for collective agreement or contract or making amendments to them. The structure of the commission, the agenda, venue and time of bargaining is determined by mutual consent of the parties. The parties are free to choose and discuss issues regarding the contents of a collective agreement or a bargain. With the request of commission the parties shall present necessary information for collective bargaining within five days. The bargaining parties shall be called to account in accordance with legislation for disseminating state or commercial secret in the presented information. In case of disagreement between parties during negotiations protocol is made on discord. Final proposal of the parties on the elimination of divergence of opinions and time for resuming bargaining is included in the Protocol.

Establishment of national tripartite commission is envisioned for the purpose of maintaining sustainable progress in the field of right to joint consultations and increasing the effectiveness of resolution of issues of mutual interest, as well as economic and social problems. All necessary measures are underway in this direction.

With a view to ensuring exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment workers organizations succeed in including commitments, such as organization of socio-cultural facilities, utilization of those facilities and organization of cultural events with participation of workers and their family members within the undertakingin the collective agreements with the employers.

*Paragraph 3.Reconciliation and arbitrage*

 The issues which are not mentioned in the Law of the Republic of Azerbaijan on “Civil Service” are referred in the Labour Code of the Republic of Azerbaijan. According to Article 265 of the Labour Code conciliatory commission, mediator and labour arbitration can be used for the settlement of collective labour disputes.

“Regulations on Forced Arbitration” was approved with the Decision No 10-1, March 25, 1999 of theBoard of the Ministry of Labour and People’s Social Protection and registered with No.154, Apr., 1999 by the Ministry of Justice of the Republic of Azerbaijan. Forced arbitration is set up under the Ministry of Labour and People’s Social Protection of the Republic of Azerbaijan and operates in accordance with these Regulations.

An official request sent to the Administration of the Ministry of Labour and People’s Social Protection of the Republic of Azerbaijan by one of the parties is sufficient for the resolution of collective labour dispute at forced arbitration. The members of the forced arbitration on hearing the labour dispute are confirmed by the Minister of Labour and People’s Social Protection of the Republic of Azerbaijan at a number no less than 5 people (chairman and arbiters) with due consent of the disputing parties. The chairman of the forced Arbitration is elected with majority of voices among the arbiters through open voting.

Forced Arbitration has a permanent secretariat under the Ministry of Labour and People’s Social Protection of the Republic of Azerbaijan. The Secretariat consists of lawyers and experts on matters of labour. The secretary and other employees of the Secretariat are appointed from among the employees of the Ministry of Labour and People’s Social Protection of the Republic of Azerbaijan. However, they are not exempt from exercising their duties at their principal jobs and are paid additionally 25% of their salary during the times of hearings on collective labour disputes.

 According to Article 259 of the Labour Code the rules of settlement of collective labour disputes among civil servants are regulated with relevant normative legal act in accordance with the norms established by this Code. At the same time, regarding the inquiry about this paragraph, please note that in case of a collective labour dispute in the public sector permanent Secretariat under the Ministry of Labour and People’s Social Protection of the Republic of Azerbaijan can be consulted which is also mentioned in the Regulations about Forced Arbitration.

**Article 9**.Right to vocational guidance

 According to Article 7.5 of the Employment Law of the Republic of Azerbaijan citizens have right to get advice and information free of charge on vocational guidance, training and further education for the purpose of choosing type of employment, work place and working regime at the relevant executive body.

With due notification by the relevant executive body (State Employment Service and its local agencies) government provides free vocational guidance, training and additional education services for each citizen for the purpose of their employment. Vocational guidance for the jobseekers, particularly for young people and their preparation for conscientious creative attitude to labour in the light of market economy conditions are of great importance. Shaping career inclinations of young people and their right choice of a profession is important for the formation of personality. Individual attitude enables each citizen to choose a profession according to their skills, interests and aptitude. Nowadays right choice of profession is critical in view of employer requirements about the interests, aptitude, skills and inclinations of citizens. Vocational guidance measures are therefore significant for the successful choice of profession. As a result of effective work by the State Employment Service agencies all secondary schools in urban and rural areas have vocational guidance services and they have been provided with all necessary methodical equipment and questionnaire forms. The number of people involved into vocational guidance services is increasing as a result of measures undertaken in the country. During the years of 2011-2014, 446259 (108922 people in 2011, 111956 people in 2012, 112135 people in 2013, 113246 people in 2014) people were involved into vocational guidance courses and 398195 of them were schoolchildren. During March-April of 2012,for the purpose of increasing efficiency of implemented measures, identifying the perspectives for the future work, defining ways for increased cooperation with government or non-government organizations and exchanging opinions in this field, several conferences were organized in all regions of Azerbaijan on “Vocational guidance for the effective provision of employment for youth” with participation of heads of regional executive bodies, regional education establishments, employers in the regions, pedagogical staff of regional secondary schools, as well as representatives of local and central media organizations. These events were continued to be organized in the following years.

Considering the important role of parents in the preparation of their young children for conscientious creative labour and their guidance in their right choice of profession, vocational guidance events bid by the State Employment Service were organized for advising parents on the future profession choice of their children by American Academy organization in 32 cities and rayons with participation of pedagogical staff, students of 11th grade and their parents. Special methodical means and booklets were distributed among the parents at these events.

In 2001 web page [www.ses.gov.az/prof](http://www.ses.gov.az/prof)for jobseekers, particularly for the youngwas launched in the official website of the State Employment Service as a result of the measures undertaken in the framework of the project “Development of Social Protection” jointly implementedby Azerbaijani Government and the World Bank. List of professions, interview rules, recommendations on career choice for young people, as well as Raven tests for assessing optant’s logical thinking ability, Gilford-Sallivan tests for assessing optant’s intellectual skills, Landolt tests for assessing individual’s business and related skills and Holland tests for identifying type of personality and suitable professions for each type have been placed in this web page. In addition, the web page includes the profile of 52 professions.

 Workshops under the special boarding schools for children with limited health registered in the system of the Ministry of Education have been operating since Soviet times. These workshops were renovated and supplied with modern inventory and equipment during capital repairs and reconstruction. The provision of working education, vocational guidance and vocational trainings in special education institutions is the principal condition for preparing students for independent life and their social adaptation. Working education and vocational training lessons for students are held in the workshops supplied with all equipment required by curriculum. Alongside the general objectives, these lessons also aim at treatment of defects discovered during the physical growth of students. Working education and vocational trainings in the special education institutions are held on the basis of the programs approved by the Ministry of Education. Students of special education institutions are involved to working education lessons since 12 years of age irrespective of grade levels. Alongside relevant educational documents, the graduates of special boarding schools for the children with ill health are awarded with testimonial on vocational education (carpenter, metal craftsman, embroiderer, carpet-maker, blacksmith and etc.).

The establishment of special vocational schools, educational workshops in the integrated and special boarding schools and in primary vocational schools is envisioned in the State Program on the “development of inclusive education for children with limited health in the Republic of Azerbaijan during 2016-2023 years” for the purpose of equipping people with limited health with professional and work habits. Government strategy on the development of education in the Republic of Azerbaijan envisions the development of educational standards and curriculums matching the social requirements and based on competence for primary and secondary vocational schools, development of state program on establishment of vocational centres and complexes supplied with modern equipment and the establishment of regional universal centres delivering advice on distant education, education and development for the talented and children with ill health, elderly education, vocational education and etc. Issues of vocational education for the disabled people’s integration to the labour market will also be reflected in the process of development of normative legal acts and instructions on the above mentioned measures. According to the Law of the Republic of Azerbaijan on “Prevention of disability and ill health among children and their rehabilitation and social protection”, pre-school education and education in out-of-school hours and pre-school, general, primary vocational, secondary and high education based on education programs for children with limited health and disabled people over 18 years of age is provided by relevant executive bodies in accordance with the rules established in the legislation and the decision of psychological-medical-pedagogical or medical-social expert commission.

Below table shows data on the people benefited from career choice services in the education system and the number of people provided with jobs during 2011-2014 years:

|  |  |
| --- | --- |
| **Academic year** | **Number of people provided with jobs** |
| 2011/2012 | 1207  |
| 2012/2013 | 2263  |
| 2013/2014 | 1762  |
| **Total number during 2011-2014 years** | **5232**  |

**Article 20**.Right to equal opportunities and equal treatment in employment and job related issues irrespective of sex

Article 4.1.8 of the Law of the Republic of Azerbaijan on “Civil Service” establishes equal rights of citizens to fill any position in civil service in accordance with their aptitude, professional achievements and vocational training.

Gender equality is ensured in state service admission process and in hold of positions in civil service. In addition, the salaries per positions at state service are determined with a single act (the decree of the Republic of Azerbaijan) and the same amount of salary is defined for the same position. No difference is allowed between amount of salaries on the grounds of sex or other factors and this issue is regulated by the legislation.

According to January 1, 2014 data the number of women filling in the administrative positions of the highest-III classification at state service was 304 (27,5%) and most of those women (59,5%) are of 35-54 years of age. In addition the number of women holding administrative positions belonging to classifications 4-7 was 4738 (21,0%) and among them women aged 35-54 accounted for 51,2% .

The payment system at force is set up according to the complexity of work and professional degree of worker irrespective of sex.

In 2013 women accounted for 48,8% (2321,8 thousand) and men for 51,2% (2436,0 thousand) of the economically active population.There are more employed men than employed women respectively being 51,7% (2337,5 thousand) and 48,3 % (2183,7 thousand).

 The sex disaggregated analysis of the employed population shows that in 2013 there were more women than men employed in the field of education (respectively 70,9% and 29,1%), health and social service sector (78,3% and 21,7%) and recreation, entertainment and art spheres (62,8% and 37,2%).

 Moreover, 37,7% of women are engaged in education sector, 16,1% of them in the health and social service sectors, 14,4% in the maintenance of trading and conveyancemeans, 5,6% in the recreation, entertainment and art areas, 4,5% in the public management and defence, 4,0% in the processing industry, 3,8% in the vocational, scientific and technical fields, 2,2% in the transport and store housing, 1,6% in the agriculture and 1,5% in the financial and insurance sectors.

 During the year of 2013, in the Republic of Azerbaijan the ratio of women’s average monthly salary to men’s was 47,5%. It was 94,3% in the agriculture sector, 90,7% in the electricity, gas and steam production, distribution and supply, 61,7% in mining and metallurgical work, 74,1% in information and communications field, 56,7% in processing industry and 66,7% in the construction field.

 The highest average monthly salary of women was in mining and metallurgical work sectors (982,2manats), finance and insurance (782,1 manats), electricity, gas and steam production, distribution and supply (429,0 manats) and construction sector (427,4 manats).

 Sex and age disaggregated economic activity data of employed population shows that in 2013 29,9 % of women were employed at government sector, 20,0% in non-government sector, 33,7% in smallholder farming. 8,7% of them were engaged in entrepreneurship as physical persons without registering as legal persons and 7,7% were engaged in individual labour. 47,2% of people employed at government sector (52,8% men) and 39,3% of people employed at non-government sector were women (60,7% men).

 The wage gap between women and men in favour of the latter is not due to any discrimination in employment relations. Wage gap arises mainly due to either existing concessions or privileges established in the legislation or women’s traditional concentration in service and social sectors.

Since 2011 State Committee of the Republic of Azerbaijan on Family, Women and Children Issues jointly with UNDP has been implementing technical support project on“Promoting role of urban and rural women’s in the economic and social spheres of life”. Regular events and trainings dedicated to gender equality are held in Baku and in the regions in the framework of this project. Moreover, booklet titled “Information on the Law on Provision of Gender equality” and 15 questions and answers pocketbook on “Law on Provision of Gender equality” have been published in the framework of this project.

**Article 22.** Right to participate at determination and improvement of working conditions and working environment in the undertaking

Article 212 of the Labour Code of the Republic of Azerbaijan defines the directions of state regulation of labour protection. Relevant executive bodies (the Ministry of Labour and People’s Social Protection of the Republic of Azerbaijan) implement government policies in the field of labour protection.

The relevant executive body (the Ministry of Labour and People’s Social Protection of the Republic of Azerbaijan):

* Develops and implements national policies in the field of labour protection, determines the functions of relevant executive bodies (Ministries, State Committees, state concerns, companies and institutions) and employers in the field of improving working conditions and provision of labour protection, coordinates and supervises their activities in the provision of healthy and safe working conditions;
* Approves and ensures the implementation of state programs on the improvement of working conditions and labour protection in consultation with workers organizations and representative bodies of employers;
* Arranges government bids in the production of occupational safety equipment, adopts decrees on the establishment of enterprises on the production of this equipment;
* Organizes and coordinates the scientific research on occupational safety, implements the national programs approved in accordance with established procedures, designates the rules and conditions for the funding of these activities;
* Arranges the preparation of specialists on occupational safety;
* Determines the procedure of development of national statistics report on occupational safety.

**Article 24**.Right to protection in the case of termination of employment

Article 77 of the Labour Code establishes guarantees for the workers in the case of termination of employment. According to Article 4 of the Labour Code this Code is applied in accordance with the established legislation at all enterprises, institutions, organizations (hereby referred as “undertakings”) established by relevant government agencies, physical and legal persons in the Republic of Azerbaijan irrespective of the type of ownership and organizational-legal type, as well as in the workplaces where employment contracts with workers were signed before the actual establishment of the undertaking, in the overseas embassies and consulates of the Republic of Azerbaijan, ships sailing in the international waters under the flag of the Republic of Azerbaijan, shelf constructions and other workplaces. Thus, the provisions of the Labour Code concern all categories of workers. Existing legislation does not consider the termination of employment for the workers reached pension age (women at the age of 60, menat the age of 63). The termination of employment contracts with civil servants reached the age of 65 and working at the state funded enterprises and with other category of workers is regulated respectively by Article33.1.12 of the Law of the Republic of Azerbaijan on “Civil Service” and “e” clauses of Article 70 of the Labour Code. The employment contracts signed with this category of workers aged 65-70 can be prolonged five times for maximum of one year each time on the basis of the criteria defined at the workplace. The contract with the workers having special services in the development of science, culture, health and education fields can be prolonged for an indefinite number of times with due consideration of the criteria determined by the Cabinet of Ministers of the Republic of Azerbaijan. Employment contracts of civil servants aged 65 (which is the age ceiling at civil service) can be prolonged five times for maximum of one year at each time in accordance with the criteria defined in Article 32-1.8 of the Law of the Republic of Azerbaijan on “Civil Service” (absence of administrative reproof against the civil servant throughout the employment period, academic degree or rank attainments, state rewarding with government prize, three times of successful pass of attestation). In addition, according to clause d) of Article 47, fixed-term employment contract can be signed with the worker reached pension age and who is willing to work.

**Article 26**. Right to dignity at work

*Paragraph 2. Emotional harassment*

According to Part 3 of Article 290 of the Labour Code employer bears the responsibility for the moral damage incurred upon the worker in the process of employment. The worker claiming emotional harassment shall indicate the damages in his/her application. The final damages is determined by court on the basis of the worker’s application considering the degree of social threat, the personality of the worker and the employer, the actual case of work and other objective cases necessary for issuing just decision. According to the III part of this Article, emotional harassment can mean dishonouring, humiliating, slandering and insulting the worker, spreading untrue information about the worker for the purpose of disgracing him/her in front of the collective and other conduct and actions against the worker’s morality, ethics, national pride and faithby the employer or the official of the employer.

**Article 28.** Right of workers’ representatives to protection and facilities in the undertakings

According to Article 19 of the Labour Code of the Republic of Azerbaijan workers organizations can be established on a voluntary basis without discrimination among workers and without any permission from an employer.Workers can join and get engaged in the activities of workers organizations for the protection of their labour, social, economic rights and legal interests. The rights, obligations and competences of workers organizations are determined by the Law and regulations of the Republic of Azerbaijan on “Workers organizations”. According to the relevant articles of the Labour Code of the Republic of Azerbaijan workers organizations, labour collectives, employers, relevant executive bodies and representative bodies of the employers within their competence have right to initiate collective bargaining.

According to Section 1 of Article 80 of the Labour Code the termination of the contract of the member of workers organizations by the employer on the grounds stated in the clauses b) and c) of Article 70 of the Labour Code shall be done with consent of the workers organization in the undertaking. Thus, the employer shall send to the workers organizations in that undertaking a well-grounded written notification in case it decides to terminate the contract of the member of workers organizations on the grounds determined in the Section 1 of this article. The notification form shall include relevant substantiation documents. Workers organizations shall send its substantiated written decision to the employer no later than 10 days after receiving the notification. According to Part 1 of Article 71 of the Labour Code in the event of redundancies or the issue of relevant decision by the competent body on incompatibility of the worker to its position the employer shall take measures in accordance with the rules established in this Code.

1. The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Charter in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation ( the schematic map of the occupied territories is attached) [↑](#footnote-ref-1)