January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

AZERBAIJAN

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts “conclusions”; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Azerbaijan on 2 September 2004. The time limit for submitting the 17th report on the application of this treaty to the Council of Europe was 31 December 2024 and Azerbaijan submitted it on 25 December 2024. On 9 July and 20 August 2025, a letter was addressed to the Government requesting supplementary information regarding Articles 5, 6§1, 6§2, 6§4, 20. The Government submitted its reply on 2 September and 9 October 2025

The present chapter on Azerbaijan concerns 6 situations and contains:

– 0 conclusions of conformity

– 6 conclusions of non-conformity: Articles 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Azerbaijan will be due on 31 December 2026.

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[1]*The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Azerbaijan.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

The report refers to Article 9 of the Law on Ensuring Gender Equality, which provides that workers in the same workplace, having the same qualifications and working under the same conditions and performing work of equal value are entitled to equal pay. The Committee has previously (Conclusions 2018, 2020 and 2022) considered that this wording was narrower than the principle set out in the Charter as regards the definition of work of equal value. The Committee also notes from the CEACR Observation 2023 concerning Convention No.100 that Article 9.1 and 9.2 of Law on Ensuring Gender Equality provides a narrow definition of work of equal value.

The Committee considers that the narrow definition of work of equal value and the absence of case law indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration by laying down the parameters for establishing the equal value. Therefore, the situation is not in conformity with the Charter on this point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

The Committee notes from the report that, according to Article 57 (2) of the Labour Code, the scope of the work function is specified in detail in employment contracts based on the unified reference scale of qualifications approved by the competent executive authority or determined by the employer. In accordance with Article 156(2), the assignment of work to the corresponding pay rates and the determination of workers' job titles and pay rates must be carried out in accordance with the pay and qualification references in force.

The Committee notes that the information provided in the report is not sufficiently detailed to establish that gender neutral job classification and remuneration systems exist in both public and private sectors. The Committee considers therefore that the absence of job classification and evaluation systems in the public and private sectors, pay transparency cannot be ensured and gender equality cannot be guaranteed. Therefore, the situation is not in conformity with the Charter on this point.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases is crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where

appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

The Committee notes from the Observation (CEACR) concerning Convention No. 100 (2024) that targeted reforms are being implemented to close the gender pay gap. The gender pay gap may be explained by the fact that women are responsible for housework and family responsibilities and that they choose to be employed in comparatively light work that requires fewer responsibilities and are thus paid less than jobs with more responsibilities and higher pay. Women choose to work in low-paid sectors such as health and social services, leisure, entertainment and the arts, education, and real estate services. Over the last 10 years, the share of women in management positions has stood at an average of 10-11%, with a growth rate of only 0.5%.

The Committee notes from the report that the average salary of women in 2020 was 63.3% of the average salary of men and this figure rose to 64.8% in 2021 and 68.8% in 2023.

The Committee considers that although these statistical indicators are not comparable with Eurostat indicators, which are calculated on the basis of hourly wages, there is no indication of any measurable progress in reducing the gender pay gap. Therefore, the situation is not in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Azerbaijan is not in conformity with Article 4§3 of the Charter on the grounds that:

- there is no definition of work of equal value in law or case law
- there are no job classification and remuneration systems
- there has been no measurable progress in reducing the gender pay gap.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Azerbaijan.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of worker

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The report indicates that according to Article 9(k) of the Labour Code, a worker with an employment contract has the right to become a member of trade union and participate in strikes rallies, meetings and other mass events organised by labour unions. The Report adds that the Confederation of Trade Unions has actively raised issues concerning platform workers both internationally and domestically at various events. These efforts have emphasised the urgent need for appropriate measures to address challenges faced by platform workers in the exercise of their right to freedom of association.

The Committee notes from outside sources (European Training Foundation - New Forms of Employment in the Eastern Partnership countries: Platform Work Azerbaijan -2021- and Youth Partnership CoE-European Commission, Employment and Entrepreneurship) that regular employment is regulated by the Labour Code and the status of “individual entrepreneurs” is covered under the Civil Code. Currently, individual self-employment and freelance work, including platform work, are considered as “informally self-employed”, so they do not entitle individuals to employment related benefits, social insurance, public healthcare, insurance against work accidents and other benefits, as well as trade union rights, which are enjoyed for those who are formally employed or self-employed. Thus, neither law adequately addresses the circumstances of people engaged in platform work.

Although the report states that legislative amendments were introduced in April 2021 explicitly prohibiting the classification of relationships falling within the scope of employment law as civil-law contracts, it does not provide further information on whether this provision has been applied in practice with regard to platform workers.

According to International Trade Unions Confederation (Urgent Call for the Release of Detained Labour Activists in Azerbaijan – February 2025), platform workers in Azerbaijan are among the most vulnerable workers and often lack basic labour rights. Their right to form a trade union is not recognised and they do not benefit of any trade union protection, while companies operating in the sector can evade their responsibilities as employers.

In the light of the above, the Committee concludes that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers’ organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee’s request for information concerning the legal criteria for determining the recognition of employers’ organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report refers to Article 11(1)(f) of the Labour Code that indicates that an employer has the right to conclude a collective agreement with the labour

union or the trade union organisations and to monitor the fulfilment of obligations under this agreement.

The Committee also notes that according to Article 20 of the Labour Code for the purpose of protecting their economic, financial, and business interests, as well as promoting social cooperation with workers' representative bodies, employers may voluntarily establish and join an organisation. According to Article 25 of this Code, employers, trade unions, relevant authorities and employers' representative bodies shall have the right within the scope of their authority to draft, enter into and amend collective contracts and agreements.

The Committee does not find any other legal criteria in the provisions of the Labour Code for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining.

The Committee also notes from outside sources (Azerbaijan Trade Unions Confederation) that in accordance with subparagraph 6.2.8 of the General Collective Agreement signed for 2023-2025, the Confederation of Trade Unions of Azerbaijan has undertaken to make joint efforts with the Cabinet of Ministers and the National Confederation of Entrepreneurs (Employers) Organisations to draft and adopt the Law "On Social Partnership" in order to improve social partnership relations and strengthen the legislative and institutional framework. The preparation of the draft law is underway.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and rights of minority trade unions; and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

According to the report, under the domestic law, a trade union organisation may be established solely on a voluntary basis and is not subject to prior employer authorisation. According to Article 3 of the Law on Trade Unions, workers have the right to join trade unions and to engage in trade union activities aimed at protecting their legitimate rights and interests. The report stipulates that at least seven individuals are required to establish a trade union, voluntarily join a relevant trade union organisation, and adopt its charter.

The Committee notes that according to Article 25 of the Labour Code, employers, trade unions (associations), relevant authorities and employers' associations have the right within the scope of their authority to draft, enter into and amend collective contracts and agreements. The Labour Code and the Law on Trade Unions do not provide any other criteria for the recognition of trade unions in collective bargaining.

The Committee further notes that apart from trade unions, the Labour Code allows for the establishment of worker representatives (labour collectives). A labour collective is defined in the Labor Code as an association of workers of a particular enterprise, who have the right to join in order to defend their employment, social, and economic rights and to protect their lawful interests collectively. Also, if there is no trade union at an enterprise, labour collective can participate in the collective bargaining with the employer.

The report nevertheless does not provide any information on the status and rights of minority trade unions.

The Committee therefore concludes that the situation is not in conformity with Article 5 on the ground that it has not been established that minority trade unions, i.e., those not deemed representative, may still exercise fundamental trade union prerogatives.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)). The report does not provide the information requested.

The Committee recalls that in Conclusions 2018, it found that the situation was not in conformity with Article 5 of the Charter on the ground that members of the police force were denied the right to organise. In Conclusions 2022, the Committee noted from the report that the Law on police does not contain provisions restricting the right of police officers to join trade unions to protect their economic and social interests. The Committee therefore asked whether in practice members of the police have formed and joined trade unions.

The Report states that under Article 32 of the Law on the Police, police officers are prohibited from holding any other elected or appointed office, engaging in political activity, or being members of political parties. In line with Article 8 of the Code of Ethical Conduct for Officers of the Internal Affairs Units, police officers must not be affiliated with any political party or organisation, nor may they offer financial or other forms of support to such entities. They are also expressly forbidden from forming structural subdivisions of public or political associations, or from assisting in their establishment within the units where they serve.

Concerning members of the armed forces, the Committee took note from the previous report that the Law on Trade Unions does not allow persons in the military service to join trade unions, but that every military unit has an operating trade union that is represented in the United Trade Unions Committee of the Ministry of Defence. The Committee therefore asked that the next report provide detailed information on the prerogatives of these trade unions. It reserved its position on this point.

The Report states that under Article 154 on the Statute on Military Service, military personnel may not be members of political parties or organisations, participate in campaigning on behalf of independent candidates for elected office, stand for election themselves, or call for or take part in any form of strike action.

Under Article 23 of the Law, military personnel are not permitted to be members of trade unions.

The Committee therefore concludes that the situation is not in conformity with Article 5 on the ground that members of the police and armed forces are not guaranteed the right to organise.

Conclusion

The Committee concludes that the situation in Azerbaijan is not in conformity with Article 5 of the Charter on the ground that:

- no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a row rate of unionisation or in new sectors.
- it has not been established that minority trade unions, i.e., those not deemed representative, may still exercise fundamental trade union prerogatives.
- members of the police and armed forces are not guaranteed the right to organise.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Azerbaijan.

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusions (Conclusions 2022) the Committee found that the situation in Azerbaijan was in conformity with Article 6§1 of the Charter pending information as to whether the mandate of the Tripartite Commission covers questions related to the public service, and, if not, whether joint consultative bodies otherwise exist in the public service. The Committee further asked if joint consultation also takes place at regional/sectoral and enterprise level.

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions**.**

Measures taken to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

The report states that in 2016, with the support of the ILO, a Tripartite Commission on Social and Economic Affairs was established, composed of representatives of the Government, the National Confederation of Employers and the Confederation of Trade Unions. According to additional information provided by the Government, the Commission comprises five authorised representatives from each party, appointed to ensure gender balance, and operates on a permanent, voluntary basis. General collective agreements have been jointly approved by the social partners. To enhance the importance of tripartite social dialogue in shaping national socio-economic policy, an international seminar took place on May 15-16, 2025, during which the ILO's"Self-Assessment Method for Social Dialogue Institutions" was formally launched in the country.

The General Collective Agreement for 2023-2025, jointly approved on 17 March 2023, includes a commitment to make joint efforts to prepare and adopt a draft law "on Social Partnership" in order to improve social partnership relations and strengthen the legislative and institutional framework. To implement this article, a working group was established within the Tripartite Commission for Social and Economic Affairs and work on the first draft law is nearing completion.

The Committee reiterates that Article 6 §1 requires joint consultations to take place at the national, regional/sectoral and enterprise level (Conclusions 2010, Ukraine), and that consultation should also cover the public sector, including the civil service (*Centrale générale des services publics (CGSP) v. Belgium*, Complaint No. 25/2004, Decision on the merits of 9 May 2005, §41).

The Committee recalls that in its previous conclusion on this Article (2022), it considered the situation in Azerbaijan to be in conformity with Article 6§1 pending information as to whether the mandate of the Tripartite Commission covered questions related to the public service, and, if not, whether joint consultative bodies otherwise existed in the public service. The Committee further asked whether joint consultations also took place at regional/sectoral and enterprise level.

The Committee observes that the present report does not contain any information on these two issues.

In the absence of a reply from the Government to the reiterated questions, the Committee concludes that it has not been established that social dialogue in Azerbaijan is sufficiently promoted in the public sector and at the regional and sectorial level.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The Committee reiterates that consultation must cover all matters of mutual interest, and particularly: productivity, efficiency, industrial health, safety and welfare, and other occupational issues, economic problems, and social matters (Conclusions I (1969), Statement of Interpretation on Article 6§1; Conclusions V (1977), Ireland).

The Committee notes that the report refers in a general way to the General Collective Agreements concluded within the framework of the Tripartite Commission since 2016, and to joint consultations on the draft law “on Social Partnership”.

According to other sources consulted by the Committee, the Tripartite Commission adopted a National Action Plan on Informality (2020) and several recommendations on amendments to the Labour Code (ILO technical brief: National social dialogue institutions in selected countries of Central Asia and the Southern Caucasus: closing the knowledge gap, April 2024). In addition to the working group on social partnership, Azerbaijan established another working group within the Tripartite Commission to review regulations on occupational safety and health, in order to ensure compliance with international standards (ILO and Azerbaijan – New Horizons for Social Dialogue, 25 October 2024.

The Committee also observes that the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted that the report submitted by Azerbaijan on the implementation of Convention C144 on Tripartite Consultations did not provide specific information on consultation of the most representative social partners on the proposals to be made in connection with the submission of ILO instruments (Direct Request (CEACR) - adopted 2024, published 113rd ILC session (2025) *C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)*).

The Committee reiterated the targeted question. In the absence of a reply by the Government and in the light of the observations of the CEACR, the Committee concludes that it has not been established that joint consultations have been carried out in Azerbaijan on all matters of mutual interest.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Digital transition

According to the report, the amendments to the Labour Code of the Republic of Azerbaijan, adopted on 28 June 2024, aimed at the digital transition, established rules for the conclusion of employment contracts in electronic form and abolished employment record books, except in cases provided for in the Code.

The Committee reiterated its question. In the absence of a reply from the Government, the Committee concludes that it has not been established that joint consultations have been carried out in Azerbaijan on matters related to the digital transition.

Green transition

In response to a request for additional information, the report emphasises the Government's commitment to ensuring the effective and efficient implementation of the green transition within the framework of its Economic Development Strategy for 2027-2030. The report outlines a series of events organised in the context of the COP 29 in November 2024, including a conference on inclusive, gender-responsive climate action organised in partnership with the ILO and the United Nations, and other international conferences, a social justice and gender equality conference organised in the beginning of 2025 in cooperation with ILO, and a joint event in August 2025 on just transition in climate policy with the participation of social partners.

The Committee recalls that, under Article 6§1, joint consultation is consultation between workers and employers, or the organisations that represent them (Conclusions I (1969); Statement of Interpretation on Article 6§1). The Committee considers that it has not been established that the aforementioned events constituted joint consultations within the meaning of this Article. The Committee concludes that it has not been established that joint consultations have been held on issues relating to the green transition.

Conclusion

The Committee concludes that the situation in Azerbaijan is not in conformity with Article 6§1 of the Charter on the ground that it has not been established that:

- joint consultation has been sufficiently promoted;
- joint consultation has been held on all matters of mutual interest;
- joint consultation has been held on issues relating to the digital and the green transition.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Azerbaijan.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee found that the situation in Azerbaijan was not in conformity with Article 6§2 of the Charter on the ground that the promotion of collective bargaining was not sufficient (Conclusions 2022). The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions asked, including the previous conclusion of non-conformity as part of the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

Regarding *erga omnes* clauses and other extension mechanisms, the report notes that collective agreements are primarily binding only on the signatory parties. Regarding the favourability principle and derogations, the report states that the parties are free to choose and discuss the issues related to the content of the collective agreement.

The favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned in order to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report does not provide the requested information.

The Committee notes that the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) issued additional calls for appropriate measures to be adopted to encourage and promote collective bargaining between trade unions and employers and their organizations, without the involvement of public authorities (most recently in International Labour Organization. (2025). Observation (CEACR) – adopted 2024, published 113rd ILC session (2025). Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Azerbaijan (Ratification: 1992). NORMLEX). The UN Committee on Economic, Social and Cultural Rights expressed concern that, despite protection of trade union rights under Azeri national law, workers, especially those working in transnational corporations operating in the oil and gas sectors, abstained from engaging in trade union activities out of fear of reprisals (Committee on Economic, Social and Cultural Rights, *Concluding observations on the fourth periodic report of Azerbaijan*, 13 June 2023).

The Committee recalls that it has previously issued repetitive findings of non-conformity with Article 6§2 of the Charter regarding the situation in Azerbaijan, based on failure to provide sufficient information regarding the operation of collective bargaining in law and in practice (Conclusions 2014, 2018, 2022). The information included in the present report in response to the Committee's targeted questions is also inadequate. The Committee therefore concludes that the situation in Azerbaijan is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the promotion of collective bargaining is sufficient.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report does not provide the requested information.

The Committee recalls that rapid and fundamental changes in the world of work have led to a proliferation of contractual arrangements designed to avoid the formation of employment relationships and to shift risk onto the labour provider. As a result, an increasing number of workers who are de facto dependent on one or more labour engagers fall outside the traditional definition of a worker (*Irish Congress of Trade Unions (ICTU) v. Ireland*, Complaint No. 123/2016, decision on the merits of 12 September 2018, §37). In establishing the type of collective bargaining protected by the Charter, it is not sufficient to rely solely on distinctions between workers and the self-employed; the decisive criterion is whether an imbalance of power exists between providers and engagers of labour. Where providers of labour have no substantial influence on the content of contractual conditions, they must be given the possibility of improving that imbalance through collective bargaining (*ICTU v. Ireland*, §38).

The Committee concludes that the situation in Azerbaijan is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Conclusion

The Committee concludes that the situation in Azerbaijan is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that:

- the promotion of collective bargaining is sufficient;
- the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Azerbaijan.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Azerbaijan was not in conformity with Article 6§4 of the Charter on the ground that restrictions on the right to strike for workers in essential services and the prohibition of the right to strike for public servants go beyond the limits permitted by Article G of the Charter. The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

The Committee previously concluded that the situation was not in conformity on the grounds that public servants were denied the right to strike.

The Committee notes from ILO sources (Direct Request 2024 Freedom of Association and Protection of the right to Organise Committee) that the Government was drafting new legislation guaranteeing the right to strike to civil servants with the sole possible exception of the category of civil servants who exercise authority in the name of the State.

The Committee recalls that under Article G of the Revised Charter, restrictions to the right to strike of certain categories of civil servants, for example those whose duties and functions, given their nature or level of responsibility, are directly affecting the rights and freedoms of others, the public interest, national security or public health, may serve a legitimate purpose in the meaning of Article G (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §45). The Committee recalls however, that a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969)), Statement of Interpretation on Article 6§4. Allowing public officials only to declare symbolic strikes is not sufficient (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §§44-46).

Having regard to the nature of the tasks carried out by judges and prosecutors who exercise the authority of the State and the potential disruption that any industrial action may cause to the functioning of the rule of law, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified, provided such prohibition complies with the requirements of Article G, and provided the members of the judiciary and prosecutors are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration.

As there has been no change the Committee concludes that the situation is not in conformity with the Charter on the ground that public servants are denied the right to strike.

Under Article 281(1) of the Labour Code, strikes are "*prohibited in certain service sectors (hospitals, power generation, water supply, telephone communications, air traffic control and fire fighting facilities) which are vital to human health and safety*".

The Committee recalls that restricting strikes in specific sectors essential to the community may be deemed to serve a legitimate purpose where such strikes would pose a threat to the rights and freedoms of others or to the public interest, national security and/or public health (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; Conclusions I (1969), Statement of Interpretation on Article 6§4). Even in essential sectors, however, particularly when they are extensively defined, such as "*energy*" or "*health*" a comprehensive ban on strikes is not deemed proportionate, to the extent that such comprehensive ban does not distinguish between the different functions exercised within each sector (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114).

Simply prohibiting workers of these sectors from striking, without distinguishing between their particular functions, cannot be considered proportionate to the aim of protecting the rights and freedoms of others or for the protection of public interest, national security, public health, or morals, and thus necessary in a democratic society (Conclusions XVII-1 (2006), Czech Republic). The imposition of an absolute prohibition of strikes to categories of public servants, such as prison officers, firefighters or civil security personnel, is incompatible with Article 6§4, since such an absolute prohibition is by definition disproportionate where an identification of the essential services that should be provided would be a less restrictive alternative (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; see also Conclusions XVII-1 (2006), Czech Republic).

The Committee recalls that in its previous conclusions it found that the situation in Azerbaijan was not in conformity with Article 6§4 on the grounds that the restrictions on the right to strike for workers in essential services went beyond the limits set by Article G of the Charter (Conclusions 2022).

As there has been no change, the Committee concludes that the situation is not in conformity with Article 6§4 of the Charter on the ground that the absolute prohibition on the right to strike for the workers in the essential services defined by Article 281(1) of the Labour Code goes beyond the limits permitted by Article G of the Charter.

In response to a request for additional information the report states that the police and military personnel including civilian staff serving in the armed forces are prohibited from striking.

Concerning police officers, an absolute prohibition on the right to strike can be considered to be in conformity with Article 6§4 only if there are compelling reasons justifying why such an absolute prohibition on the right to strike is justified in the specific national context in question, and why the imposition of restrictions as to the mode and form of such strike action is not sufficient to achieve the legitimate aim pursued (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211). Where restrictions to the right to strike of police officers are so excessive as to render the right to strike ineffective, such restrictions will be considered to have gone beyond those permitted by Article G of the Charter. (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211).

This includes situations where police officers may exercise the right to strike, but only provided certain tasks and activities continue to be performed during the strike period, including the prevention, detection and documentation of criminal offences; arrests; regulation and control of road traffic; protection of people and property; border control and; prevention and handling of incidents at borders (Conclusions 2022, North Macedonia).

The Committee therefore considers that the absolute ban from striking imposed on police officers is disproportionate and that the situation is not in conformity with the Charter in this respect.

The right to strike of members of the armed forces may be subject to restrictions under the conditions of Article G, i.e. if the restriction is established by law, and is necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals. This includes a requirement that the restriction is proportionate to the aim pursued. The margin of appreciation accorded to States in terms of the right to strike of the armed forces is greater than that afforded to States Parties in respect of the police (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, § 114-116).

Having regard to the special nature of the tasks carried out by members of the armed forces, the fact that they operate under a system of military discipline, and the potential that any industrial action disrupting operations could threaten national security, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified under Article G, provided the members of the armed forces are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §117; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §152; European Organisation of Military Associations (EUROMIL) v. Portugal, Complaint No. 199/2021, decision on the merits of 11 September 2024, §100).

The Committee notes from the report that military personnel may address matters relating to service conditions – including remuneration - only to their immediate superior, and with that superior's consent, to the next higher commander. It further states that servicemen have the right to submit proposals and applications to state bodies, public organisations and associations, and military command structures.

The Committee considers that it has not been established that there are effective means through which members of the armed forces can effectively negotiate their terms and conditions of employment. It therefore concludes that the situation is not in conformity with the Charter on this point. This extends to the blanket ban imposed on civilian personnel working in the armed forces.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee has asked States parties to indicate the sectors where there are restrictions on the right to strike as well as to provide details on relevant rules and their application in practice, including relevant case law.

The report does not provide any information on these questions.

The Committee notes from the Concluding Observations of the UN Committee on Economic Social and Cultural Rights on the fourth periodic report of Azerbaijan (E/C.12/AZE/CO/4, 2021) that the Committee on Economic, Social and Cultural Rights expressed its concern about excessive restrictions on the right to strike by workers in the air and railway sector and expressed the need for a revision of the scope of the definition of the essential services to ensure the effective exercise of the right to strike, including by the workers in the air and railway sectors.

Prohibition of the strike by seeking injunctive or other relief

The Committee asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration body) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

While the report does not provide any information on this question, the Committee notes that the imposition of a judicial injunction prohibiting a strike would be considered not to be in conformity with the Charter, where the exercise of the right to strike is subject to restrictions that go beyond the conditions set in Article G of the Charter.

Conclusion

The Committee concludes that the situation in Azerbaijan is not in conformity with Article 6§4 of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that:

- police officers are denied the right to strike;
- members of the armed forces are denied the right to strike and it has not been established that there are effective means through which members of the armed forces can effectively negotiate their terms and conditions of employment;
- civilian personnel working in the armed forces are denied the right to strike;
- other civil servants, including workers in the essential services defined by Article 281(1) of the Labour Code (hospitals, power generation, water supply, telephone communications, air traffic control and fire fighting facilities), are denied the right to strike.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by Azerbaijan.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Labour rights”).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women’s participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women’s participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market, the report refers to the amendments of the Labour Code to expand women's employment opportunities, guarantee gender equality, enable women to work in higher-paying sectors, and protect women's rights in accordance with international labour standards. According to the report these amendments were made within the framework of technical support under the World Bank's initiative on "Removing Legal Barriers to Women's Employment in Azerbaijan".

In order to further promote the employment of women the report refers amendments made to Articles 98 and 242 of the Labour Code based on Law No. 1063-VIQD of 22 December 2023. According to this amendment, pregnant women, women with children under 14 years old, and women with children with disabilities are permitted to work at night, work overtime, and be sent on business trips on an equal basis with men, provided they give their written consent.

Since the report provides no information or data showing the impact of measures taken and the progress achieved in terms of promoting women’s participation in the labour market, the

Committee considers that it has not been established that a measurable progress has been in this respect and the situation is therefore not in conformity with the Charter on this point.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The Committee underlines that the effectiveness of any measures taken depends on their actual impact in closing the gender gap in leadership roles. The Committee notes that the report fails to provide any information regarding effective parity in decision-making positions in the public and private sectors. Therefore, the situation is not in conformity with the Charter.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). The States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

The Committee notes that the report does not provide any information in this respect. Therefore it concludes that the situation is not in conformity with the Charter on the ground that it has not been established that there has been a measurable progress in promoting women's representation in management boards of publicly listed companies and public institutions.

Conclusion

The Committee concludes that the situation in Azerbaijan is not in conformity with Article 20 of the Charter on the grounds that it has not been established that:

- there has been measurable progress in promoting participation of women in the labour market,
- there has been measurable progress in achieving effective parity in decision making positions;
- there has been measurable progress in promoting women's representation in management boards of publicly listed companies and public institutions