



28/04/2020

RAP/RCha/AZE/13(2020)

## **EUROPEAN SOCIAL CHARTER**

13<sup>th</sup> National Report on the implementation of the  
European Social Charter

submitted by

**THE GOVERNMENT OF AZERBAIJAN**

**ARTICLES 1, 9, 20, AND 24**

Report registered by the Secretariat on

17 April 2020

**CYCLE 2020**

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**<sup>1</sup>

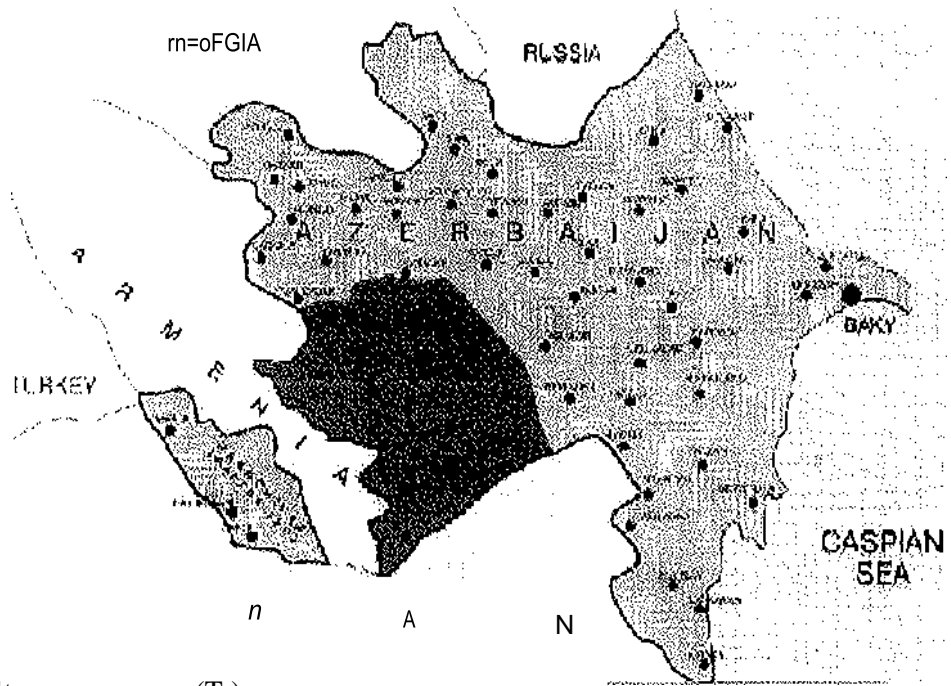
In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to the

- Azerbaijan Trade Unions Confederation
- National Confederation of Entrepreneurs' (Employers') Organizations of the Republic of Azerbaijan

---

<sup>1</sup> 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)

Scilemotic m0p of t11e 1enrtor;f1s of  
 ll ,u Hupublic of Azerbaijan OCCI!Pled by the Fiepub1c o! l\rrurna



4t 1. a.t.,1J 1.,cd.i (T) T., "I,;, \, Ji, p.: !k ...1\_,: <hJj,;:-  
 • Pol"" @ 'iti<t:C:1•il,Iri ifitWJt 1hJt•iU1nrtiiti-.,  
 - Ht! ,,,-,J,H ""0:if>•f(ltlv R0r•1\tili, () 'An'n nfo

...!ll\i; •rru,  
 11 11 11

# Contents

Article 1. The right to work .....	6
Paragraph 1. Full employment policies,.....	6
<i>Paragraph 2. Independent work (to ensure effective protection of the right of the workers to earn their living in an occupation freely entered upon).....</i>	10
Paragraph 3. Free employment services.....	15
<i>Paragraph 4. Vocational guidance, training and rehabilitation.,.....</i>	16
<b>Article 9. The right to vocational guidance.....</b>	<b>18</b>
<b>Article 20. The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.....</b>	<b>21</b>
<b>Article 24. The right to protection in cases of termination of employment.....</b>	<b>23</b>

## **Article 1. The right to work**

*With a view to ensuring the effective exercise of the right to work, the Parties undertake:*

- 1. To accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;*
- 2. To protect effectively the right of the worker to earn his living in an occupation freely entered upon;*
- 3. To establish or maintain free employment services for all workers;*
- 4. To provide or promote appropriate vocational guidance, training and rehabilitation.*

### *Paragraph 1. Full employment policy*

#### *Employment situation*

Today, the most promising development goals of the country are aimed at improving the quality indicators in the field of employment, creating decent jobs, ensuring inclusion in employment and increasing the participation of socially vulnerable groups in the labor market

Adoption of the Laws of the Republic of Azerbaijan "On Unemployment Insurance" (June 30, 2017) and "On Employment" (June 29, 2018) contribute to increasing the efficiency of active measures in the field of social protection of unemployed people and job seekers, the formation of a flexible financial mechanism based on the principle of targeting and creation of a new model of employment services. The Law "On Employment" applies to citizens of the Republic of Azerbaijan, foreigners and stateless persons residing in the Republic of Azerbaijan. According to Article 75 of the Migration Code of the Republic of Azerbaijan, migrant workers enjoy the same labor rights, conditions of employment and remuneration as the citizens of the Republic of Azerbaijan. Restriction of these rights in any form is prohibited by law.

"The Employment Strategy of the Republic of Azerbaijan (for 2019-2030 years)" approved on October 30, 2018, determined the priorities of the long-term state employment policy by identifying institutional reforms aimed at ensuring effective employment, based on existing demographic trends, development prospects and economic priorities of the country. The aim of the Strategy is to ensure the transition of employment policy from extensive to intensive phase, increase the employment rate of the population, provide full employment, support decent work and increase labor productivity.

The Agency for Sustainable and Operative Social Provision (DOST) under the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan was established to provide social protection and employment services from a single platform, through a single window in conditions of full transparency, comfort and citizen satisfaction.

132 services in the fields of labor, employment, social protection, and social security are provided to the population directly, by telephone or through the Internet, in a mobile or fully automated manner at the DOST Agency. A total of 31 DOST centers are planned to be established in 2019-2025.

By the Decree of the President of the Republic of Azerbaijan dated September 5, 2018, the Centralized Electronic Information System consisting of 18 subsystems, the social internet portal and the Employment Subsystem were established on the basis of information systems of the Ministry of Labor and Social Protection of Population. The social portal, that was of great significance in terms of transparency and public access, for the first time established a social register in our country that allows the citizens to track employment contracts, personal accounting records, pension capital, house and car queues, information on disability, rehabilitation and other data through personal cabinets and turns them into public controllers. The Employment Subsystem provides a register of unemployed, job seekers and employed people, a vacancy bank of jobs available throughout the country, and offers automated employment services. Through this system, every unemployed or job seeker can directly apply for available vacancies in the area where he/she lives or around the country. At the same time, employers and entrepreneurs can have access to the workforce they are looking for on a single website in a transparent manner.

Over the past fifteen years, the country's Gross Domestic Product increased by more than 3.2 times, more than 2 million new workplaces (including 1,600,000 permanent jobs) were created, incomes of the population increased by 7.1 times, the minimum wage by 5.2 times, the average monthly nominal wage by 6.6 times, unemployment and poverty declined from 9.2 and 44.7% to 5% respectively,

According to the State Statistics Committee of the Republic of Azerbaijan, as of January 1, 2018 (2017), the number of employed population was 4,822.1 thousand people, 2,319.3 thousand of whom were women and 2,502.8 thousand - men.

The number of unemployed people was 251,700 people, 145,500 of whom were women and 106,200 - men. The unemployment rate for women was 5.9 percent and 4.1 percent for men.

By the end of 2018, the number of employed population was 4,879.3 thousand people, 2,349.9 thousand of whom were women and 2,529.4 thousand were men.

The number of unemployed people was 263,800 people, 145,800 of whom were women and 108,000 - men. The unemployment rate for women was 5.8% and 4.1% for men.

The scope of the self-employment program, launched in accordance with the Order of the President of the Republic of Azerbaijan dated 2016, expanded by 6.5 times in 2018 and covered approximately 7,300 individuals. In 2019, measures have been taken to involve additional 10,000 people to the program.

A large-scale social package was developed and approved at the beginning of 2019. According to the Order of the President of the Republic of Azerbaijan dated February 8, 2019, "On Increase of the Minimum Monthly Salary", the minimum wage in Azerbaijan was increased on 50 manat (38.4%) from 130 manat to 180 manat, as of March 1, 2019.

As a result of implementation of the second large-scale social package on June 18, 2019, the amount of the minimum wage was increased up to 250 manat from September 1, 2019, exceeding the cost of living by 40 percent.

Revenues and expenses of the Unemployment Insurance Fund accrued in the Fund's approved budget for 2019 are forecasted to be 98,451,400 manat, of which 79,000,000 manat was allocated for implementation of active employment measures.

High school students and their parents, students and alumni of primary vocational, secondary special and higher educational institutions, as well as job seekers from various categories, were provided with 73,568 career guidance services. Unemployment insurance benefits were paid to 1,399 people and the average monthly unemployment insurance payment was 299,26 manat.

At the social initiative of the President of the Republic of Azerbaijan, the employment contracts of 20,000 social workers were extended by the state companies, as well as 6,000 new vacancies were created.

44,500 unemployed people were engaged in public works through DOST JOB CENTER LLC, and salaries in Baku and other districts amounted to 250 manat.

5,692 people were involved in self-employment program and by the end of the year, additional 10,000 unemployed will be assisted in self-employment. In order to create a normative and legal base of professional and qualification standards, which is an important tool in the formation of the qualified labor force and increasing its competitiveness in the country, adaptation of education content to requirements of the labor market with Resolution No. 474 of the Cabinet of Ministers of the Republic of Azerbaijan dated December 12, 2019 "Guidelines of development, redevelopment, approval, registration and prolongation of professional and qualification standards", Resolution 475 of the Cabinet of Ministers of the Republic of Azerbaijan of December 12, 2019 "Establishment and Regulations of field commissions for skills development" were approved.

## **Youth employment**

As of January 1, 2019, 2.4 million or 24.5 percent of the country's population constitutes the youth. 50.4% of the youth live in urban areas and other 49.6% in rural areas. Women make up 48.1% of the youth. At the beginning of 2018, 25.5% (2,519.3 people) of the country's population were youth. 50.6 percent of youth lived in urban areas and 49.4 percent in rural areas. Women made up 48.3% of the youth.

According to the results of the selective statistical survey "On Labor Force" (on the economic activity of the population) in 2018, the number of economically active youth aged 15-29 was 1,368.2, of whom 1,244.4 people were employed. Men (666,700 people) prevailed among employed youth compared to women (- 577,?00 people). According to the results of the survey, the number of unemployed young people aged 15-29 was 123.8 thousand people, including 54.2 thousand men and 69.6 thousand women.

One of the main goals of the "The Employment Strategy of the Republic of Azerbaijan for 2019-2030 years" approved on October 30, 2018, is achieving effective

employment and decent work for youth, decreasing the youth unemployment rate and reducing the number of youth who are neither in the labor market nor in education.

Formation of competitiveness of the youth human resources, promotion of healthy and active lifestyle for youth, expansion of youth employment opportunities and provision of their integration into society was determined as one of the key priorities for the social and economic development of the country in "Azerbaijan 2020: Vision for the Future" Development Concept and "Strategic Roadmaps for National Economy and Main Economic Sectors" approved by the relevant Decrees of the President of the Republic of Azerbaijan.

Measures are being taken to increase youth employment, facilitate their adaptation into the labor market, enhance their knowledge and skills through the use of modern educational technologies and methods based on training programs that meet the needs of the economy, develop the necessary competencies, improve the vocational guidance system, increase the employers' interest and more active involvement in such activities.

Within the framework of the project for "Development of Innovation and Employment in Azerbaijan" jointly implemented by the Ministry of Labor and Social Protection of Population and the United Nations Development Program, funded by USAID in 2016-2019, during the operation of SYSLAB Centers established in Ganja, Masalli and Zagatala, around 1,000 young people acquired modern knowledge and skills in entrepreneurship, systemic business, office work, networking and establishment of initial contacts with the employer, presenting their knowledge and skills to the employer, preparation for an employment interview and in other areas. Up to 80 percent of them have been employed in various institutions due to the knowledge and skills acquired through trainings. During 2018, 7,267 persons (1,026 of which were young), were involved in the Self-Employment Program, financed by the funds allocated a budget of the Unemployment Insurance Fund for 2018 for the implementation of self-employment activities.

#### Youth - Active employment activities

Years/ indicators	Registered with the <b>State</b> Employment Service	Those employed	Those involved <b>in</b> vocational <b>training</b>	Those involved <b>in</b> vocational guidance <b>counseling</b>	Those involved in <b>self-</b> employment	Recipients of unemployment benefits/ unemployment insurance benefits
<b>2018</b>	<b>31 884</b>	<b>14 700</b>	<b>1 275</b>	<b>101 840</b>	<b>1174</b>	<b>274</b>



2019 (10 months)	41462	16574	738	73091	1011	161
------------------------	-------	-------	-----	-------	------	-----

Titled as the "First Step in Career" job fairs are organized in many leading universities of the country as part of the active labor market programs aimed at increasing the employment rate of young persons by providing graduates and students with extensive information about the current situation in the labor market and facilitating their integration into the market.

In order to facilitate the integration of graduates and students into the labor market, as well as obtain regular information about vacancies, the electronic information terminals which contain constantly updated information, have been installed in all city (district) employment centers and leading educational institutions throughout the country.

*Paragraph 2. Independent work (ensuring effective protection of workers' right to work in an occupation freely entered upon)*

1. Prohibition of discrimination in employment

According to Article 35 of the Constitution of the Republic of Azerbaijan, labor contracts are concluded voluntarily. Everyone has the right to work in a safe and healthy conditions, to receive remuneration for his/her work without any discrimination not less than the minimum salary established by the state.

According to paragraph VI of Article 25 of the Constitution, entitled "Right to Equality", persons with disabilities are entitled to all rights and carry all duties enshrined in this Constitution, except in cases when enjoyment of rights and performance of duties is impeded by their limited capabilities.

Article 7 entitled "Duties of Employer in Labor Activity" of the Law of the Republic of Azerbaijan "On State Guarantees of Equal Rights for Women and Men" adopted on October 10, 2006, sets out the duties of an employer regarding the discrimination in employment. It has been established that an employer must ensure equality between men and women in employment and perform the following functions:

provide equal treatment and opportunities for employees, regardless of gender, when hiring, promoting, enhancing professional skills, retraining, assessing the quality of work, dismissing:

create the same working conditions for employees, regardless of gender;

do not to impose different disciplinary penalties on employees for the same violation, regardless of gender;

take appropriate measures to prevent gender discrimination and sexual harassment.

According to Article 16 of the Labor Code in labor relations no discrimination among employees is permitted based on citizenship, gender, race, religion, nationality, language, place of residence, economic standing, social origin, age, family circumstances, religion, political views, affiliation with trade unions or other public associations, professional standing or other factors unrelated to the professional qualifications, job performance, or professional skills of the employees, nor shall it be permitted to establish privileges and benefits or directly or indirectly limit rights based on these factors. An employer or other natural person who permits the discrimination stipulated in the Article among employees in the process of labor relations shall be held liable in accordance with the law. An employee subject to discrimination can seek recourse in a court of law to restore his/her violated rights. Certain privileges and concessions have been established for disabled employees which shall not be considered to be part of discrimination\_

According to Article 21 of the Law of the Republic of Azerbaijan "On the Rights of Persons with Disabilities" adopted by the President of the Republic of Azerbaijan on May 31, 2018, persons with disabilities have the right to engage in labor activity on an equal basis with others, including to earn a living by participating in the labor market, which they freely choose or accept in an open, inclusive and accessible working environment. Any discrimination on the basis of disability in employment relations, as well as limitation of rights to work of persons with disabilities in collective and employment contracts compared to other employees, is prohibited. With the exception for the cases, when the health of the person with disabilities prevents him/her from performing professional duties or endangers the health and safety of others, it is prohibited to refuse to conclude an employment contract or to promote, to terminate employment or transfer to another post without the agreement of a person with disability.

According to Article 22 of the Law, the state ensures employment of persons with disabilities by providing training on special programs and creating additional jobs, facilities, and organizations with conditions suitable for persons with disabilities in the labor market.

The Republic of Azerbaijan joined the ILO Forced Labor Convention No. 29. According to part 1 of Article 2 of this Convention, the term "forced or compulsory labor" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

It should be noted that, in most cases, informal labor relations between the employee and the employer are built voluntarily and the employee is not forced to engage in informal employment. The Convention applies to informal labor relations and prohibits the use of forced labor in informal labor relations.

According to part 1 of Article 17 "Prohibition of forced labor" of the Labor Code of the Republic of Azerbaijan, it shall be prohibited to oblige an employee to perform a job not included in his job description through any kind of duress or under the threat of termination of the employment contract. Offenders shall be held liable under the legally-established procedure.

According to Article 193 of the Code on Administrative Offences of the Republic of Azerbaijan, penalization in amount of one thousand up to two thousands manat is

imposed for forcing an employee to perform duties that are not a part of his/her job function with a threat of termination of the employment contract or deprivation of benefits and privileges specified in the collective agreement

During 2018, in the course of the investigation of citizens' appeals filed with the State Labor Inspection Service (SLIS) in accordance with the legislation, one case of involvement of an employee in work (service) that was not stipulated by the labor function was encountered and the administrative fines in the amount of 1,000 manat were imposed on the employer. During the first 6 months of 2019, no such cases were identified

In 1992 the Republic of Azerbaijan as an independent country informed ILO about adoption of the ILO Conventions (previously ratified by the former USSR) No. 100 "Equal remuneration for men and women workers for work of equal value", No. 111 "Discrimination in Employment and Occupation", which define the basic principles of gender equality in living labor and social issues. In the course of its independence, in order to further strengthen the development in this area in 2010 the Republic of Azerbaijan ratified the ILO Conventions No. 183 "Maternity Protection" and No. 156 "Equality of Opportunity and Treatment for Men and Women Workers with Family Responsibilities".

A number of norms and regulations in the Labor Code of the Republic of Azerbaijan regarding these conventions have been improved in terms of gender equality and work is continuing in this direction.

The Republic of Azerbaijan joined the fundamental international conventions aimed to protect women's rights. "The International Convention on Economic, Social and Cultural Rights", adopted by the UN Assembly in 1966 and the 1979 Convention "On the Elimination of Discrimination against Women" (CEDAW) are particularly important.

According to the Law of the Republic of Azerbaijan dated October 20, 2015 No 1410 IVQ "On Suspension of Inspections in the Field of Entrepreneurship", inspections of business entities in the territory of the Republic of Azerbaijan were suspended for two (2) years and in accordance with the amendments to this Law as of October 31, 2017, the suspension was extended until January 1, 2021. Inspections are currently carried out only based on submitted complaints.

### **Terms of calculation and payment of insurance benefit to persons entitled to receive unemployment insurance**

The Law of the Republic of Azerbaijan "On Unemployment Insurance" determines the organizational, legal and economic basis of unemployment insurance, regulates relations between unemployment insurance entities.

According to Article 13.1 of this Law, only the insured persons whose employment relationships were terminated as a result of the liquidation of a state body or a legal entity, or a reduction of the number of staff or employees and in accordance with the Law of the Republic of Azerbaijan "On Employment", those registered in the relevant executive authority as unemployed are entitled to receive the insurance payment. Terms and conditions of assigning the insurance payment to the entitled

individuals are regulated by Article 13 of the Law of the Republic of Azerbaijan "On Unemployment Insurance".

The "Procedure for Provision of Insurance Payment" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No 620 dated December 29, 2017, determines the procedure of calculation and payment of unemployment insurance to persons entitled to receive the unemployment insurance payment by local authorities of the State Employment Service under the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan.

In accordance with the Law of the Republic of Azerbaijan "On Employment", persons who do not have the right to be registered as unemployed are not entitled to insurance payments. For those entitled to receive the insurance payment and have the insurance period of more than 12 months within the 24 months preceding unemployment, and the minimum of three (3) years of insurance period, the insurance payment is calculated by applying the following interest rates to the lost average monthly salary, depending on the insurance period:

- if the insurance period is from 3 to 5 years - 50 percent;
- if the insurance period is from 5 to 10 years - 55 percent;
- if the Insurance period is more than 10 years - 60 percent.

To calculate the insurance payment, the lost average monthly salary of the insured is divided by the total amount of salaries received during the 12 calendar months prior to his/her registration as unemployed in accordance with the Law of the Republic of Azerbaijan "On Employment".

Payments which shall and shall not be taken into account for the purposes of determination of the average monthly salary for the calculation of insurance benefit are defined in Article 139 of the Labor Code of the Republic of Azerbaijan.

The amount of the basic insurance payment of persons with a minor child under his/her custody (studying students and pupils, under the age of 23) (in cases when both spouses are entitled to receive insurance payment) the insurance payment for one of them is increased by 5% per child, not exceeding 20% increase in total.

The minimum amount of insurance payment is appointed for employable persons which are entitled to the right to receive the insurance payment, have less than 12 months of insurance period within the 24 months preceding unemployment, as well as have the minimum of three (3) years of insurance period. The minimum insurance payment is equal to the minimum monthly salary.

The insurance payment granted for the first time is paid at the following interest rates, in the amount of not less than the minimum insurance payment, in accordance with the duration of unemployment period:

- for the first 2 months - 100 percent;
- for the 3<sup>rd</sup> and 4<sup>th</sup> months 80 percent; for
- the 5<sup>th</sup> and 6<sup>th</sup> months - 70 percent.

In case of reapplication, the minimum insurance amount is paid. The insurance amount determined at the time of re-application is paid in equal amounts on a monthly basis for a period of three months.

In accordance with the Law of the Republic of Azerbaijan "On Employment", the insurance amount assigned to persons is paid when he/she confirms and submits the report on the implementation of the individual employment program electronically by entering the personal e-cabinet, by the end of the last working day of the month, if the person is registered as unemployed by the 15<sup>th</sup> of that month or by 15<sup>th</sup> of the following month, if the person is registered as unemployed after 15<sup>th</sup> of preceding month and when his/her report on the implementation of the individual employment program is accepted.

Payment of insurance benefits shall be suspended in the following cases:

- insurance beneficiary has been employed;
- insurance beneficiary failed to implement an individual employment program without probable cause:
  - upon the expiry of the beneficiary's insurance payment period stipulated by Article 13.6 of this Law;
  - insurance beneficiary failed to submit a report on the implementation of the individual employment program without probable cause in the manner and within the timeframe established by Article 17.7 of this Law;
- insurance beneficiary refused two suitable job offers, professional training or additional education offered to him/her;
- insurance beneficiary is employed without informing the relevant executive authority at the time of payment;
- insurance beneficiary violates the terms and conditions of registration or re-registration as unemployed in accordance with the procedure established by the relevant executive authority;
- insurance beneficiary is re-employed in the manner prescribed by law;
- insurance beneficiary is admitted to higher and secondary specialized educational institution;
- insurance beneficiary is summoned to military or alternative service, military assembly;
- there is a court decision on imprisonment or application of mandatory medical measures in respect of the insurance beneficiary;
- if there are grounds to award an old-age pension to the insurance beneficiary in accordance with the Law of the Republic of Azerbaijan "On Labor Pensions":
  - if there are grounds to award an old-age pension under the Law of the Republic of Azerbaijan "On Social Benefits" to the insurance beneficiary;
- the documents submitted by the insurance beneficiary contain distorted or inaccurate information;
- death of the insurance beneficiary or declaration of missing or death on the basis of a court decision which has come into force.

Insurance beneficiaries may file an appeal against employees of the Service for their actions (inaction) in respect of payment of insurance benefit in administrative or judicial manner in accordance with the Law of the Republic of Azerbaijan "On Administrative Proceedings".

### Paragraph 3. *Free Employment Services*

In 2018 as well as in the first 10 months of 2019, a number of employment measures were introduced by the State Employment Service (SES) under the Ministry of Labor and Social Protection of Population to strengthen social protection of the unemployed and job-seeking citizens and ensure their employment.

In 2018, 1,192,30 people applied to the Employment Service bodies, 5,174 of them were provided with suitable jobs, 1,022 were involved in paid public works, 2,559 - in vocational training courses, and unemployment benefits were granted to 2,449 unemployed people.

To provide social protection and temporary employment to the unemployed more than 35,000 unemployed people were involved in and recruited for public works funded from the state budget.

In 2018, vocational training courses were organized in Regional Vocational Training Centers of SES in accordance with the existing labor market requirements, and 2,559 unemployed people were involved in vocational training courses at the mentioned training centers. In 2018, 118,138 people were offered professional guidance by SES. In 2018, job fairs were organized in 58 cities and regions of the Republic, where 2,132 businesses offered vacancies. At the fairs, 4,256 unemployed people were directed to workplaces, of which 3,548 were employed, 221 were involved in vocational training courses and 141 in paid public works. In 2018, the Labor Exchange, which is part of the SES, provided 2,905 unemployed people, including 1,591 women, 1,255 young people, 134 refugees and IDPs and 14 persons with disabilities with temporary jobs.

In the first 10 months of 2019, 149,806 people applied to the Employment Service bodies, 69,726 of them were provided with suitable jobs, 46,508 were involved in paid public works, and 1,753 were involved in vocational training, and unemployment benefits were granted to 1,491 unemployed people.

In 2019, vocational training courses were organized in the Regional Vocational Training Centers of SES in accordance with the existing labor market requirements, and 1,753 unemployed people were involved in vocational training courses at the mentioned training centers.

In the first 10 months of 2019, 89,174 people were offered vocational guidance. In the first 10 months of 2019, during job fairs organized in cities and regions of the Republic, 1,268 vacancies were offered by institutions. At the fairs, 3,043 unemployed people were offered suitable jobs, of which 2,249 were employed, 290 were involved in vocational training courses and 243 in paid public works.

In 2019, in the Labor Exchanges operating in Nakhchivan, Sumgalt, Ganja, and Mingachevir, 1,297 unemployed people were provided with temporary jobs.

#### *Paragraph 4. Vocational guidance, training and rehabilitation*

According to Article 4 of the Law of the Republic of Azerbaijan "On Vocational Education" of April 24, 2018, foreign citizens and stateless persons residing in the territory of the Republic of Azerbaijan have the right to receive education in vocational educational institutions on an equal basis with the citizens of the Republic of Azerbaijan.

According to paragraph 8 of Article 20 of the Law "On Vocational Education", tuition fees of the following persons receiving education on a paid basis in public vocational educational institutions are covered at the expense of the state budget institutions: children who have lost their parents and are deprived of parental care, persons with 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degree of disability, members of the martyrs' families, persons under the age of 20, persons with a disabled parent (1<sup>st</sup> degree of disability) and persons with monthly income below the subsistence level.

According to Article 24 of the Law of the Republic of Azerbaijan "On Vocational Education", vocational education institutions may conclude contracts with employers to provide professional trainings and on-the-job trainings.

The Strategic Roadmap for the development of vocational education and training sector in the Republic of Azerbaijan, approved by Decree No. 1138 of the President of the Republic of Azerbaijan dated December 6, 2016, envisages the possibility of concluding an apprenticeship and apprenticeship agreement

According to paragraph 4.0 22 of Article 4 of the Law of the Republic of Azerbaijan "On Vocational Education", provision of vocational training and retraining for the elderly is a part of the state's responsibility in the field of vocational training.

According to paragraph 7.3.1 of the Strategic Roadmap for the development of vocational education and training sector in the Republic of Azerbaijan, the provision of vocational training and retraining for the elderly was identified as a key priority. Within the framework of paragraph 7.3.1 of the Strategic Roadmap for the development of vocational education and training sector in the Republic of Azerbaijan, the list of implemented activities includes the development of mechanisms for the organization of adult education and training courses.

Disability prevention, rehabilitation, increasing employment opportunities for persons with disabilities, provision of social protection, as well as the creation of favorable conditions for their participation in all spheres of public life and provision of decent living conditions are among the main directions of social policy of our state. This is reflected in the Constitution, the main strategic documents of our country, as well as the relevant legal and regulatory documents.

The Republic of Azerbaijan joined the UN Convention on the "Rights of Persons with Disabilities" in October 2008 as well as the "Optional Protocol" to the Convention, and further continued its efforts to improve both legislation and practical implementation mechanisms.

According to that, on May 31, 2018, the President of the Republic of Azerbaijan signed the Law of the Republic of Azerbaijan "On the Rights of Persons with Disabilities". This Law determines the basis of the state policy with regard to persons with disability and identifies the tasks of the state in the field of protection of their rights, regulates elimination of the risks promoting disability, liquidation of all forms of

discrimination on the basis of disability, rehabilitation of persons with disability, their full participation in the life of society and creation of conditions for their social integration, active participation in decision making on the strategy and programs concerning them, complete and equal enjoyment of the rights and freedoms of persons with disability and also the relations arising in the protection of their honor and dignity.

On August 24, 2018, a new edition of the Law "On Employment" was adopted. According to the law, the responsibility of state in the field of employment is to provide equal opportunities for all persons to enjoy their right to freely choose their occupation and profession, take measures aimed to promote employment of persons with disabilities regardless of race, ethnicity, religion, language, gender, limited health capabilities (except for activities that are difficult to implement due to their limited physical/health capabilities) marital status, public and social origin, place of residence, property status, beliefs, affiliation with political parties, trade unions and other public associations.

According to the paragraph 4.0.23 of Article 4 of the Law of the Republic of Azerbaijan "On Vocational Education" ensuring the right to vocational education for children and adults with disabilities and helping them to find employment in accordance with their specialty, are among the responsibilities of the state in the field of vocational education. The tuition fees of persons with special needs in social protection and persons mentioned in paragraph 8 of Article 20 of the Law of the Republic of Azerbaijan "On Vocational Education" are paid at the expense of the state budget during the period of their training on a paid basis in vocational education institutions.

In 2016-2018, 5,487 persons with disabilities applied to the State Employment Service agencies, 300 persons with disabilities were involved in vocational training courses in various fields, including 144 visually impaired persons who were involved in "Computer User" and "English" courses on Braille system at the request of the Visually Impaired People Society of Azerbaijan. During 6 months of 2019, 4,361 persons with disabilities applied to the State Employment Service agencies and 23 people were involved in vocational training courses in various fields.

Given the importance of vocational guidance in the future of the young generation and ensuring their employment, vocational guidance on the right career choice is offered to senior students of secondary schools in cities and regions, as well as young job seekers who apply to Employment Centers. As a result of these activities, 340,669 people were offered vocational guidance during 2016-2018, 976 of whom were persons with disabilities. During the first 6 months of 2019, 62,529 people were involved in vocational guidance, 672 of which were persons with disabilities.

The "Guideline of Rendering Vocational Guidance Services" was approved by the Resolution 266 of the Cabinet of Ministers of the Republic of Azerbaijan on June 11, 2019.

In 2018-2019, Ministry of Labor and Social Protection of Population implemented joint projects with a number of organizations to increase employment opportunities for persons with disabilities and to share social responsibility. One of them is "Increasing the Employment Opportunities of Persons with Disabilities" project, launched in 2018. About 200 persons with disabilities are involved in this project. The project is funded by BP and its partners and implemented by the British Council in collaboration with the



Ministry of Labor and Social Protection of Population. The main objective of the project is to expand employment opportunities for persons with disabilities by enhancing their skills. To achieve this objective, the trainings on social skills, computer and English language are being facilitated within the project.

Trainings in special fields. tax specialist, accounting/salary calculation, cashier, call center operator, logistics specialist, HR/administrative worker, graphic designer (Adobe Illustrator, In Design, Photoshop) are conducted. The project also provides participants with appropriate psychological support, vocational guidance and they are involved in master classes and motivation trainings.

On February 12, 2019, a two-year joint project entitled "Addressing Rights and Well-being of Women with Disabilities and Veterans of the Nagorno-Karabakh Conflict" was signed by the Government of the Republic of Azerbaijan, the United Nations Development Program and the United Nations Population Fund. The project aims to protect, respect and fulfil the rights of persons living with disabilities with a specific focus on women and war veterans of Nagorno-Karabakh conflict for their protection and well-being.

The Ministry of Labor and Social Protection of Population and the UNDP initiated the implementation of the project "Creating Inclusive and Decent Jobs for Socially Vulnerable Groups" for 2019-2024. The project aims to enhance capacities for the unemployed job seekers from the vulnerable groups of the population and create opportunities for their productive employment within the formal labor market.

## **Article 9. The right to vocational guidance**

*With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.*

According to the Law of the Republic of Azerbaijan "On Employment", vocational training is retraining and training of job seekers and unemployed persons in educational institutions to acquire a specialty (profession) and (or) a new specialty (profession) in accordance with the labor market requirements.

According to Article 22 of the Law of the Republic of Azerbaijan "On Employment" No 1196-VQ dated June 29, 2018, the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan conducts interviews and tests with young people (students and pupils of educational institutions), job seekers and unemployed to organize their professional development, provides vocational guidance to assist with choosing occupations and specialties, formation of professional interests in accordance with their education, abilities and personal qualities. The "Guidelines for Rendering Consulting Services on Vocational Guidance" was approved by the

Resolution 266 of the Cabinet of Ministers of the Republic of Azerbaijan dated June 11, 2019.

Article 4 of the Law of the Republic of Azerbaijan "On Vocational Education" dated April 24, 2018, provides the right to citizens of the Republic of Azerbaijan, foreign citizens and stateless persons who reside in the territory of the Republic of Azerbaijan to receive education on equal terms in vocational educational institutions.

According to Article 11 of the Law, the state provides additional guarantees to persons with special needs and difficulties in finding employment through the creation of additional jobs and social enterprises, by organizing vocational training courses based on adapted training programs for them, as well as by establishing a quota.

The new Employment Strategy, approved on October 30, 2018, also places an emphasis on inclusive employment promotion.

In accordance with the "Guidelines of Vocational Training of Job Seekers and Unemployed Persons" approved by the Resolution 261 of the Cabinet of Ministers of the Republic of Azerbaijan dated June 7, 2019, job seekers and unemployed are involved in vocational training by city, district employment agencies of the State Employment Service or "DOST" centers under the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan. In order to be involved in vocational training, a citizen must first apply to the Employment Center at his/her place of residence or must complete and confirm "Application" form in accordance with Article 5.3 of Law of the Republic of Azerbaijan "On Employment", in the Employment subsection of the Centralized Electronic Information System, using the existing authentication tools of "electronic government" or "e-social" portals in accordance with the "Guidelines of Registration of Job Seekers and Unemployed People" approved by the Resolution 327 of the Cabinet of Ministers of the Republic of Azerbaijan of 25 July 2019.

In cases where the Center does not offer a suitable job to a jobseeker within 5 (five) working days or where a job seeker gets refused to be accepted to a vacancy by the employer (employers), or where the employer's inaction in relation to the work assignments made pursuant to the Guidelines, to make a decision on the registration of that person as unemployed, the appropriate notes on the individual employment form drafted in accordance with these Guidelines are made and placed in his/her personal cabinet. Before registration as unemployed, according to Article 4 of the Law of the Republic of Azerbaijan "On Employment" the MAS checks whether the jobseeker is not among the employed people in the register database of employed people. After registration of a citizen as unemployed, the Service or Center shall, upon request from a citizen, take a queue for him/her to engage in vocational training.

In accordance with the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On Determination of the Average Density in the Groups of Vocational Educational Institutions in Different Professional Fields" the number of listeners in educational groups is determined to be no less than 10 and should not exceed 20. Vocational training is organized on the basis of the SES referral at its educational institutions subordinated to the Service, in other educational institutions licensed to operate in accordance with the legislation. Vocational training is carried out in accordance with state standards of vocational education. The duration of training in vocational training courses is up to 6 (six) months.

List of required documents for the organization of vocational training:

- 1 Letter of application for organization of vocational training
2. List of unemployed people involved in vocational training {approved by the Employment Center, coordinated with the educational institution)
3. Tariff schedule (approved by educational institution, coordinated with the Employment Center)
4. Cost estimates (approved by educational institution, coordinated with the Employment Center),
- 5\_ Tripartite agreement on organization of vocational training (SES, educational institution, listener)

If the papers are in order, the Service will consent to the organization of vocational training and the funds required for the organization of the course will be transferred to the account of the Employment Center. The Employment Center transfers these funds to the account of the educational institution.

It should be noted that unemployed people who are involved in vocational training are paid in an amount of minimum monthly salary in accordance with Article 29.1 of the Law of the Republic of Azerbaijan "On Employment". At present, the minimum monthly salary equals to 250 manat. Scholarships are not paid to job seekers and unemployed people involved in vocational training while receiving unemployment insurance.

Hourly wage amounts of teachers involved in teaching activities are regulated by the Resolution 205 of the Cabinet of Ministers of the Republic of Azerbaijan of November 20, 2000 "On the amount of hourly wages of employees involved in the training in budget-financed enterprises, offices and organizations."

Trainees, who have completed vocational training and have successfully passed the qualification exam, receive a statement (certificate) on education.

According to Article 20.2 of the Law of the Azerbaijan Republic "On Employment", job seekers are involved in vocational training on a paid basis. In accordance with the Resolution 561 of the Cabinet of Ministers of the Republic of Azerbaijan of December 28, 2018, job seekers can be involved in vocational training on a paid basis.

We would like to inform that 2,559 people were involved in vocational training courses in 2018 and 1,753 in the first 10 months of 2019. Ministry of Labor and Social Protection of Population implements a number of projects with international organizations to increase employment opportunities of persons with disabilities. One of them is "Increasing the Employment Opportunities of Persons with Disabilities" project, launched in 2018. About 200 persons with disabilities are involved in this project. The project is funded by BP and its partners and implemented by the British Council in collaboration with the Ministry of Labor and Social Protection of Population. The main objective of the project is to expand employment opportunities for persons with disabilities by enhancing their skills. To achieve this goal, the trainings on social skills, computer and English language are conducted within the project

Trainings in special fields: tax specialist, accounting/salary calculation, cashier, call center operator, logistics specialist, HR/administrative worker, graphic designer

(Adobe Illustrator, In Design, Photoshop) are conducted. The project also provides participants with appropriate psychological support, vocational counselling and they are involved in master classes and motivation trainings.

On February 12, 2019, a two-year joint project entitled "Addressing rights and well-being of women with disabilities and veterans of the Nagorno-Karabakh conflict" was signed by the Government of the Republic of Azerbaijan, the United Nations Development Program and the United Nations Population Fund. The project aims to protect, respect and fulfil the rights of persons living with disabilities with a specific focus on women and war veterans of Nagorno-Karabakh conflict for their protection and well-being.

The Ministry of Labor and Social Protection of Population and the UNDP initiated the implementation of the project "Creation of Inclusive and Decent Jobs for Socially Vulnerable Groups" for 2019-2024. The project aims to increase the potential for the unemployed job-seekers from the vulnerable groups of the population and create opportunities for their productive employment within the formal labor market.

## **Article 20. The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex**

*With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:*

- a. access to employment, protection against dismissal and occupational reintegration;*
- b. vocational guidance, training, retraining and rehabilitation;*
- c. terms of employment and working conditions, including remuneration,-*
- d. career development, including promotion.*

According to Article 35 of the Constitution of the Republic of Azerbaijan, everyone has the right to freely choose activity, profession, occupation and place of work, based on his/her abilities. Everyone has the right to work in safe and healthy environment, to receive remuneration for his/her work without any discrimination, not less than a minimum salary established by the state.

According to Article 16 of the Labor Code in labor relations, no discrimination among employees shall be permitted on the basis of citizenship, gender, race, religion, nationality, language, place of residence, economic standing, social origin, age, marital status, religion, political views, affiliation with trade unions or other public associations, professional standing, or other factors unrelated to the professional qualifications, job performance, or professional skills of the employees, nor shall it be permitted to establish privileges and benefits or directly or indirectly limit rights based on these factors. At the same time, concessions, privileges and additional protection for women, persons with disabilities, persons under eighteen (18) years of age, and others in need of social protection shall not be considered discrimination. Employers or other individuals that permit discrimination among employees in the labor relations process

shall assume the corresponding responsibility in the manner established in the legislation. A person subject to discrimination during his/her employment may seek recourse in a court of law.

According to Article 50, Part 2 of the Labor Code, there shall be no announcement of the competition only for members of the same gender, except as provided by law.

According to Article 154 of the Labor Code discrimination in labor relations is inadmissible and an employee's salary may not be reduced in any way, nor may employees be paid less than the minimum salary set by the State. In violation of these principles.

According to Article 155 of the Labor Code employees shall have the right to receive payment of no less than the minimum salary determined by the State without discrimination.

One of the main objectives of the Law of the Republic of Azerbaijan "On Guarantees of Gender (Women and Men) Equality" No. 150-IIIQ of October 10, 2006 is to eliminate all forms of gender discrimination, and to provide equal opportunities for both men and women in political, economic, social, cultural and other fields.

According to Article 9 of this Law a similar salary, and also the awards and other material payments directed to encouragement of workers shall be paid to the workers who work at the same workplace, have a similar degree of qualification, work in the similar working conditions and perform work of similar value irrespective of their gender. In case of difference in salaries, awards and other material payments directed to encouragement of workers upon the demand of the worker the employer should justify that the difference does not relate to the gender of the employees.

As a sovereign state, the Republic of Azerbaijan has been a member of the International Labor Organization since 1992 and has ratified the ILO Conventions No. 100 "On Equal Remuneration for Men and Women Workers for Work of Equal Value", No. 111 "Discrimination in Employment and Occupation", No. 183 "Maternity Protection" and No. 45 "Underground Work (Women)" and other Conventions

The average salary of women is lower than that of men. For example, in 2017, the average salary of men was 663 manat, and of women 335 manat. Studies have shown that more than 70% of women in the country work in the fields of education, health care, culture, arts, social services and other fields financed from the state budget and in these fields, the Unified Tariff Schedule (UTS) is used as a wage system. The average wage of women was twice lower than that of men because the level of tariff salaries in UTS depends on the minimum wage and the minimum wage in the country was low. Since March 1, 2019, the minimum monthly wage in the country has been increased by 38.5% to the subsistence level throughout the country, and tariff salaries have been significantly increased in UTS. As of September 2019, the minimum wage was set at 250 manat with another increase. Implementation of wage reforms will eliminate the sharp difference between the average salary of men and women.

On average, women make up 16% of the members of Parliament. Women account for 22% of individual entrepreneurs. Women account for 9.8% of the positions in the 4\_7t1, grades of civil service. 48% of employed people in the country are women, 52% are men. 41% of wage earners (those working with labor contracts) are women.

Over the years, these statistics are improving in terms of gender equality. No complaints were filed with the State Labor Inspection Service regarding discrimination in labor relations during 2018 and the first quarter of 2019, including during the consideration of citizens' appeals submitted to the Service in accordance with the Law of the Republic of Azerbaijan "On Citizens' Appeals" there were no labor offenses identified within the field.

## **Article 24. The right to protection in cases of termination of employment**

*With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:*

- a) the right of all workers not to have their employment terminated without valid reason for such termination connected with their capacity or conduct or based on the operational requirements on the underlaking, establishment or service;*
- b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.*

*To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.*

According to paragraph 1 (b) of Article 11 of the Labor Code, it is a basic right of the employer to terminate employment contracts in the manner and on the grounds established **by** this Code.

According to Article 70 of the Labor Code of the Republic of Azerbaijan, an employment contract may be terminated at the employer's initiative in the following cases:

- a) the enterprise is liquidated;
- b) there is a reduction in the number of employees or staff;
- c) a competent authority makes a decision on incompliance of the employee with the position held due to insufficient level of professionalism, specialty (occupation);
- d) 'if the employee fails to perform his/her job function or obligations under the employment contract, or in gross violation of his/her duties in the cases listed in Article 72 of this Code;
- e) if the employee has not justified the expectations within the probation period;
- f) when the employee of the state funded institutions reaches the age limit.

Except for certain categories of employees, all employees may be certified in order to verify their level of professionalism and to determine their compliance with their specialty, profession or occupation (Labor Code of the Republic of Azerbaijan Article 65.1).

According to part 5 of Article 65 of the Labor Code of the Republic of Azerbaijan the members of the Certification Commission may question an employee regarding his/her

position (occupation), function, specialty (profession), work performed by him/her and its results, as well as on issues concerning his/her rights and obligations under employment contract In order to determine his compliance with his/her position (profession). The professional standing of an employee that is certified may not be evaluated according to his/her political views, spiritual or moral maturity, personality, beliefs and other personal qualities including his/her discipline.

According to Article 72 of the Labor Code of the Republic of Azerbaijan, the following cases are considered as a gross violation of work-related obligations by an employee:

- a) absence from work for a whole day without good reason, except in the case of his/her own illness or a close relative's illness or death;
- b) coming to work under the influence of alcohol, narcotic drugs and psychotropic agents, or other intoxicants or drinks or taking these substances at work;
- c) provoking material damages to the owners as a result of the employee's guilty acts or omissions,
- d) causing injury to health of workmates or their death as a result of the employee's guilty acts (omissions) by violating the labor safety procedures;
- e) deliberate spread of trade, commercial or state secret or failure to fulfill the employee's obligations to keep the confidentiality of company's classified information;
- f) serious damage to lawful interests of the employer, enterprise or the owner as a result of grave mistakes or infringement of the law at work;
- g) repeated violation of labor functions without drawing relevant conclusions within six months after disciplinary sanctions imposed by the employer;
- h) committing administrative offenses or crimes creating a public menace during working hours.

According to Part 1 of Article 80 of the Labor Code a labor agreement concluded with an employee, who is a member of the trade union, shall, on the grounds specified in Article 70, paragraph b) and d) (there is a personnel cutback at the enterprise or the employee does not fulfill his/her job description or fails to perform his/her duties as defined by the employment contract and gross violation of job description) of this Code, be terminated by an employer by obtaining prior consent of the trade union functioning at the enterprise.

Following the amendments to the Labor Code by the Law of the Republic of Azerbaijan No. 675-VQD of May 31, 2017, from January 1, 2018, upon downsizing or staff reduction employee benefits (notice period, employment allowance, the average wage instead of the notice period) are aligned with international standards and these benefits are defined in a differentiated form depending on the years of service, determined by the employee's employment contract(s) with the employer.

As a consequence, from January 1, 2018, upon downsizing or staff reduction in accordance with Article 77 of this Code, the employee must be officially notified within the following periods, before the termination of the labor contract by the employer under paragraph "b" of Article 70 of this Code, depending on the years of labor service determined in accordance with the labor contract (contracts):

should the employee's years of service be less than one (1) year- at least two calendar weeks in advance;

should the employee's years of service be one to five (5) years - at least four calendar weeks in advance;

should the employee's years of service be *five* to ten (10) years - at least six calendar weeks in advance;

should the employee's years of service be more than ten (10) years - at least nine calendar weeks in advance.

During the notice period, the employee shall be given at least one day off during a week with pay to enable him to find appropriate work.

Upon termination of the employment contract under paragraphs "a" and "b" of Article 70 of this Code, the employer pays the employee a severance pay in the following amount, depending on the years of service, established in accordance with the employment contract(s) with the employer:

should the employee's years of service be less than one (1) year - in the amount of average monthly salary;

should the employee's years of service be one to five (5) years - at least 1.4 times the average monthly salary;

should the employee's years of service be five to ten (10) years - at least 1.7 times the average monthly salary;

should the employee's years of service be more than ten (10) years - at least twice the average monthly salary.

The employer, with the consent of the employee, can terminate the employment contract on the appropriate grounds, making a one-time payment of a salary at a rate equal to at least 0.5 times the average monthly salary instead of a notice period of not less than two calendar weeks, a 0.9 times *average* monthly salary instead of a notice period less than four calendar weeks, a 1.4 times average monthly salary instead of a notice period of not less than six calendar weeks, a 2 times average monthly salary instead of a notice period of at least nine calendar weeks and at least the average monthly salary instead of the notice period, set by the first part of this Article. In this case, the payment instead of the notice period to the employees whose employment contract was terminated during the notice period shall be reduced in proportion to the expired part of the notice period.

Collective agreements may stipulate payment of bigger amounts compared to the ones stipulated in the employment contract.

If an employment contract is terminated under paragraph "c" (a change in terms and conditions of employment) of the second part of Article 68 and paragraphs "a" (the employee is called for military or alternative service) and "c" (the employee cannot perform his job for more than six months because of full and permanent disability unless the law sets a longer period) of the first part of Article 74 of this Code the employer shall pay the employee an allowance equal to twice the average monthly wage. If an employment contract is terminated because of the death of the employee, the heirs of the deceased shall receive an allowance equal to three times the average monthly wage. In case of agreement termination according to paragraph "d" (non-management positions related to a change in the ownership of an enterprise) of article 68, part 11 of the present Code, the employer is deemed to pay to employee the compensation at the minimal rate of three average monthly salaries.



From January 1, 2018, the average monthly salary for the second and third months paid on the basis of reference obtained by the employer from employment agencies to the employees whose employment contracts are terminated during the liquidation of the employer and staff reduction, was abolished thereby reducing the employer's redundancy costs. On January 1, 2018, the Law of the Republic of Azerbaijan "On Unemployment Insurance" came into force under which employees dismissed due to staff reduction are covered by unemployment insurance and are entitled to unemployment insurance benefits upon registration with employment agencies.

According to the part of Article 74 of the Labor Code titled "Note" total work incapacity is determined based on the opinion of the relevant Executive Authority. Total work incapacity means unfitness for work for at least one (1) year with determination by the executive authority of the relevant degree of disability of the employee or limited health capacity of those under the age of 18. Temporary loss of work capacity for a period of less than 6 months shall not be taken as ground for termination of the employment contract. Employees, who temporarily lost their ability to work, are paid a benefit at the expense of the employer for the first 14 days while retaining their workplace and position according to the rate and order established by the relevant executive authority; the remaining period is paid for at the expense of mandatory state social insurance contributions. Moreover, the opinion of the relevant executive authority shall be taken into account in relation to employees who partially lost their ability to work for a period not exceeding one (1) year.

Mandatory state social insurance payments and allowances for employees who have temporarily lost their ability to work paid at the expense of the insurer shall be calculated and paid in accordance with the Resolution 189 of the Cabinet of Ministers of the Republic of Azerbaijan of September 15, 1998.

When the employment contract is canceled illegally and without an acceptable reason, and there is a binding court decision (order) and if, after cancellation of an employment contract, the employer spreads false and degrading information about the personal and professional qualities of an employee in any way, or other information which is considered an insult to him/her, and if an employee is not hired for other jobs as a result of this false information which then results in financial losses, an employer shall bear full financial liability for monetary and morale damage of an employee (The Labor Code of the Republic of Azerbaijan, Article 195, clauses a and c).

In 2017 -12. in 2018 -13, and in the first half of 2019, 73 illegally dismissed employees were restored to their positions by authority exercising state control over labor legislation - the State Labor Inspection Service under the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan.