

# Law of the Republic of Azerbaijan

## On employment

This Law, in accordance with Article 35 of the Constitution of the Republic of Azerbaijan and Clause 1 of Part I of Article 94 of the Constitution of the Republic of Azerbaijan, lays down the legal, economic and organizational basis of state policy in the field of employment promotion, as well as state guarantees in the field of social protection of job seekers and unemployed persons.

### Chapter 1

#### General Provisions

##### Article 1. Basic definitions

1.1. Basic definitions used in this Law shall express the meanings as follows:

1.1.1. active employment measures - measures aimed at expanding employment opportunities for job-seekers and unemployed persons, providing vocational guidance, vocational training, increasing their knowledge and skills, introducing tailored programs for them in order to shape the labor force in accordance with the requirements of the labor market;

1.1.2. labor market - an aggregate of demand and supply of labor;

1.1.3. individual employment program - a document that lays down the specific volume, type and duration of the implementation of active employment measures developed to assist an unemployed person in employment and returning to the labor market;

1.1.4. individual employment card - a document containing individual information about the job seeker and the unemployed, including information about education and trade (specialty), employment history, as well as information about the offered suitable job and active employment measures and their implementation status;

1.1.5. paid public works - socially useful jobs organized in accordance with this Law in order to provide temporary employment for the unemployed and not requiring an elementary vocational education;

1.1.6. unemployed person - an able-bodied person of working age who does not have a job or income, registered with an authority (organization) designated by the relevant executive authority as an unemployed person and ready to start working.

1.1.7. job seeker - a person who applied for a suitable job to an authority (organization) designated by the relevant executive authority and registered as a job seeker;

1.1.8. quota - a minimum number of jobs (employees) designated by the authority (organization), special relevant executive authority for employers in order to ensure the employment of persons requiring particular social protection and experiencing difficulties with employment;

1.1.9. informal employment - implementation of certain types of activities without signing an employment agreement (contract) in accordance with the Labor Code of the Republic of Azerbaijan or a civil law contract in accordance with the Civil Code of the Republic of Azerbaijan, implementation of entrepreneurship activities and use of land owned for agriculture, without official registration in accordance with the Tax Code of the Republic of Azerbaijan, as well as the receipt of income (profit) resulting from the organization of family farms without registration with local government, in accordance with the Law of Republic of Azerbaijan "On the family-peasant farms";

1.1.10. employment - any activity of citizens of the Republic of Azerbaijan, foreigners and stateless persons (hereinafter referred to as persons), which does not contradict the legislation of the Republic of Azerbaijan and generates income (profit);

1.1.11. employment register - individual data on employees provided for in Article 4.1 of this Law, a set of data regarding their education, place of work, position (trade) or work performed (service);

1.1.12. authorities exercising control in the field of the legalization of informal employment - the authorities (organizations) designated by the relevant executive authority that implements control measures in the field of identifying and preventing informal employment;

1.1.13. control measures - actions provided for by article 2.1 of the Law of the Republic of Azerbaijan "On regulation of inspections conducted in the field of entrepreneurship and protection of the interests of entrepreneurs";

1.1.14. temporary employment - engaging a person in seasonal work in accordance with the Labor Code of the Republic of Azerbaijan, public works paid in accordance with the procedure established by this Law, or socially useful activities for a certain period of time through labor exchanges;

1.1.15. self-employment – provision of a person with work by himself or under government support;

1.1.16. professional standards - a set of minimum requirements established by the authority (organization) designated by the relevant executive authority, to the

content of the work that the employee must perform in a particular area of the trade, and working conditions;

1.1.17. vocational training - retraining of a job seeker and an unemployed person in accordance with the needs of the labor market at the educational institutions to obtain a specialty (trade) and/or a new specialty (trade), training aimed at advanced training;

1.1.18. insurance premium - monthly money resources paid by the insurer to the insurant in case of an insured event designated by the Law of the Republic of Azerbaijan "On unemployment insurance";

1.1.19. dismissed employees - persons whose employment relationships have been terminated due to liquidation, reorganization of a state body or legal entity, reduction in the number of employees or staff;

1.1.20. social enterprise - a specialized legal entity established to ensure the employment of persons requiring special social protection and experiencing difficulties with employment;

1.1.21. social workplace - a workplace, part of the salary of which is financed by the authority (organization) designated by the relevant executive authority for the vacant workplace submitted by the employer to the vacant bank not less than 3 (three) months before in order to ensure the employment of job seekers and unemployed persons and employer motivation;

1.1.22. persons requiring special social protection and experiencing difficulties with employment - disabled people and children with disabilities under the age of 18, young people under the age of 20, single parents and families with many children who raise minor children, parents raising disabled children under the age of 18, persons with less than two years until the retirement age, persons released from correctional facilities, forced migrants;

1.1.23. table of staffing position - a table generated by a centralized electronic information system (hereinafter referred to as the electronic information system) of an authority (organization) designated by the relevant executive authority, based on information provided by employers in accordance with Article 7.2 of this Law;

1.1.24. vacancy - an employer's vacant workplace that requires an employee;

1.1.25. vacancy bank - an electronic information resource for vacant workplaces of the employer that require an employee, as well as newly created jobs;

1.1.26. new workplace - a workplace created by the employer in addition to the existing staffing positions.

1.2. Other terms in this Law are used in the sense designated by the Labor Code of the Republic of Azerbaijan, the Migration Code of the Republic of Azerbaijan, the Law of the Republic of Azerbaijan on Unemployment Insurance and other regulatory and legal acts.

## **Article 2. Legislation of the Republic of Azerbaijan on Employment**

2.1. The legislation of the Republic of Azerbaijan on employment comprise of the Constitution of the Republic of Azerbaijan, the Law of the Republic of Azerbaijan "On unemployment insurance", this Law and other regulatory acts adopted in accordance with it, as well as international treaties to which the Republic of Azerbaijan is a party.

2.2. If international agreements to which the Republic of Azerbaijan is a party in the field of employment establishes other rules than those provided by this Law, then these international agreements shall be applicable.

2.3. *Relations in connection with employment in the Alyat free economic zone are regulated in accordance with the requirements of the Law of the Republic of Azerbaijan "On the Alyat free economic zone".<sup>11</sup>*

## **Article 3. Scope of this Law**

This Law applies to the citizens of the Republic of Azerbaijan, foreigners and stateless persons residing in the Republic of Azerbaijan.

## **Article 4. Employed Persons**

4.1. Employees include:

4.1. 1. Employed persons - persons working for salary at relevant workplaces by signing an employment agreement (contract) with an employer in accordance with the Labor Code of the Republic of Azerbaijan;

4.1.2. persons working under civil law contracts - persons performing work (services) for a fee without creating labor relations and signing a contract with the opposite party in accordance with the Civil Code of the Republic of Azerbaijan;

4.1.3. entrepreneurs, persons owning land shares suitable for agriculture, members of family and peasant farms;

4.1.4. persons elected, appointed or approved for a paid position;

4.1.5. persons serving in the Armed Forces of the Republic of Azerbaijan;

4.1.6. persons studying full-time at higher and secondary vocational schools and engaged in paid activities;

4.1.7. foreigners and stateless persons who are legally engaged in paid labor activities in the territory of the Republic of Azerbaijan;

4.1.8. Citizens of the Republic of Azerbaijan engaged in legal labor outside the Republic of Azerbaijan.

4.2. An authority (organization) designated by the relevant executive authority, in order to create a unified information database of employees, maintains an employees register using electronic information resources (databases, information retrieval systems, registries and other information resources), maintained by government agencies and other organizations in electronic form in the electronic information system of the authority (organization) designated by the relevant executive authority.

4.3. The procedure for obtaining in the employees register and entering of information on employees specified in Article 4.1 of this Law into the register, maintaining the register and using the register is approved by the authority (organization) designated by the relevant executive authority.

4.4. Information on employees referred to in Article 4.1 of this Law shall be entered in the employees register in accordance with the laws of the Republic of Azerbaijan "On personal data", "On information acquisition", "On information, informing and protecting information" and other regulatory acts of the Republic of Azerbaijan, governing relations arising in this area, with the following requirements:

4.4.1. on employees, referred to in Article 4.1.1 of this Law, on the basis of data of the electronic information system, maintained by an authority (organization) designated by the relevant executive authority;

4.4.2. on employees taken (employed) to relevant positions (trade s) in state bodies, the list of which was approved by the authority (organization) designated by the relevant executive authority in accordance with part 2-1 of article 7 of the Labor Code of the Republic of Azerbaijan - on the basis of information provided to the authority (organization) designated by the relevant executive authority on paper media no later than one (1) month from the date of their employment by these authorities;

4.4.3. on the employees, referred to in Article 4.1.2 of this Law, and entrepreneurs, referred to in Article 4.1.3, - on the basis of data of the electronic information system, maintained by the authority (organization) designated by the relevant executive authority;

4.4.4. on the employees in Article 4.1.3 of this Law who own land shares suitable for agriculture - on the basis of information provided to the authority (organization) designated by the relevant executive authority on paper not later than one (1) month upon receipt by the authorities (organizations) designated by the relevant executive authority of the information received in accordance with Article 4.5 of this Law;

4.4.5. on members of family and peasant farms referred to in Article 4.1.3 of this Law - on the basis of information provided to the authority (organization) designated by the relevant executive authority, on paper media no later than one (1) month upon registration with local self-government authorities, keeping their records;

4.4.6. on employees, referred to in Article 4.1.4 of this Law - on the basis of information provided to the authority (organization) designated by the relevant executive authority, on paper media not later than one (1) month from the date of adopted of these legal acts by the authorities that adopted legal acts by their choice, purpose or approval;

4.4.7. on employees, referred to in Article 4.1.5 of this Law - on the basis of information provided to the authority (organization) designated by the relevant executive authority, on paper media by the authorities that accepted them for employment (service) no later than one (1) month from the date of their acceptance for employment (service), taking into account the requirements of the laws of the Republic of Azerbaijan "On State Secrets", "On Operational Investigation Activities" and "On Intelligence and Counterintelligence Activities";

4.4.8. on employees, specified in Article 4.1.6 of this Law - on the basis of data of the electronic information system created by the authority (organization) designated by the relevant executive authority;

4.4.9. on employees, referred to in Article 4.1.7 of this Law - on the basis of data of the electronic information system being maintained by the authority (organization) designated by the relevant executive authority;

4.4.10. on employees, referred to in Article 4.1.8 of this Law - on the basis of information provided by the authority (organization) designated by the relevant executive authority, to paper to the relevant authority (organization), designated by the relevant executive authority no later than one (1) month upon their receipt in accordance with Article 58 of the Migration Code of the Republic of Azerbaijan.

4.5. Persons referred to in Article 4.1.3 of this Law who owned land shares suitable for agriculture, prior to the entry into force of this Law, shall provide the authorities (organizations) designated by the relevant executive authority with all information regarding land shares suitable for agriculture, since the employees

register has been put in operation, and persons who have acquired land shares suitable for agriculture, after the entry into force of this Law, within one (1) month from the receipt of relevant documents from the State Real Estate Register.

4.6. An authority (organization), designated by the relevant executive authority, shall enter the information on employees presented in accordance with Articles 4.4.2, 4.4.4, 4.4.5, 4.4.6, 4.4.7 and 4.4.10 of this Law to employees persons no later than one (1) month from the date of presentation of such information.

4.7. The state authorities provided for in Articles 4.4.2, 4.4.4, 4.4.6, 4.4.7 and 4.4.10, and the local self-government authorities referred to in Article 4.4.5 of this Law shall ensure the provision of information about employees to the authority (organization), designated by the relevant executive authority, and persons owning land shares suitable for agriculture, provided for in Article 4.5 of this Law, information on these land shares - to the authorities (organizations) designated by the relevant executive authority, within the terms indicated in these articles.

4.8. The information provided for in Articles 4.4.1, 4.4.3, 4.4.8 and 4.4.9 of this Law shall be entered into the employees register by means of electronic information systems managed by integrated state authorities and other organizations no later than 1 (one) month.

4.9. State and local self-government authorities violated the requirements of Articles 4.6 - 4.8 of this Law, as well as persons who own land shares suitable for agriculture, shall be held liable in accordance with the law.

## **Section 5. General Provisions on Registration of Employers and Unemployed Persons**

5.1. The procedure for registering job seekers and the unemployed with an authority (organization) designated by the relevant executive authority shall be approved by the authority (organization) designated by the relevant executive authority.

5.2. Persons shall be registered as job seekers after filling out an electronic application in an electronic information system.

5.3. The form of an electronic application for registration as a job seeker shall be approved by the authority (organization) designated by the relevant executive authority.

5.4. When registering a person as an employer based on the information entered by him into the electronic information system, an individual employment card shall be compiled electronically.

5.5. Within five (5) working days from the date of registration of a person as a job seeker, the authority (organization) designated by the relevant executive authority takes a decision to register this person as an unemployed if relevant job is not offered to him or if the employer (s) refused admission to a vacancy, and makes a relevant note in this regard in the person's individual employment card.

5.6. Employers and unemployed persons shall be entitled to obtain an extract from the individual employment card in the electronic information system online.

5.7. In case of changes in the information related to the specialty, trade, disabilities and residential address of persons registered as job seekers and unemployed persons, they should update such information in the electronic information system.

5.8. Registration of a person as a job seeker shall be temporarily revoked in the following cases:

5.8.1. in the case of call to military or alternative service, military fees, - for this period;

5.8.2. in the case of effective court decision on deprivation of liberty or application of compulsory medical measures, for this period;

5.8.3. in the case of disapproval of suitable jobs proposed by the authority (organization) designated by the relevant executive authority within two (2) years from the date of registration as a job seeker, for 1 (one) year.

5.9. Registration of a person as a job seeker shall be canceled in the following cases:

5.9.1. in the case of provision with suitable job on the basis of the direction of the authority (organization) designated by the relevant executive authority;

5.9.2. in case of death or declaration on the basis of an enforceable court decision, missing or dead;

5.9.3. in case of distorted or incorrect information found in the submitted documents and information;

5.9.4. in case of submission of an application for removal from the register as a job seeker.

5.10. Registration of a person as an unemployed person is temporarily revoked in the following cases:

5.10.1. in the case of call to military or alternative service, military fees - for this period;

5.10.2. in the case of enforceable court decision on deprivation of liberty or the application of compulsory medical measures, for this period;

5.10.3. in the case of refusal from the suitable works offered to him - for 1 (one) year;

5.10.4. in the case of refusal to compile and (or) implement an individual employment program or failure to submit a report on the implementation of an individual employment program within the period specified in Article 17.7 of the Law of the Republic of Azerbaijan "On Unemployment Insurance".

5.11. registration of a person as unemployed shall be canceled in the following cases:

5.11.1. in the case of recognition on the basis of Article 4 of this Law as an employee;

5.11.2. if there are grounds for granting an old-age pension or an old-age benefit in accordance with the laws of the Republic of Azerbaijan "On labor pensions" or "On social benefits";

5.11.3. in the case of death or declaration on the basis of enforceable court decision, missing or dead;

5.11.4. in the case of distorted or incorrect information found in the submitted documents and information;

5.11.5. in the case of submission of an application for removal from the register as unemployed;

5.11.6. in the case of admission to the full-time department of higher and secondary specialized educational institutions.

5.12. Registration of the following persons as an unemployed shall not be allowed:

5.12.1. Persons related to employees under Article 4 of this Law;

5.12.2. persons under the age of 15;

5.12.3. full-time students of a higher and secondary specialized educational institution;

5.12.4. persons who have been granted an old-age pension or an old-age benefit in accordance with the laws of the Republic of Azerbaijan "On labor pensions" or "On social benefits";

5.12.5. Except for the cases specified in paragraph 1 of Article 74 and paragraphs "b" and "c" of Part 2 of Article 75 of the Labor Code of the Republic of Azerbaijan, persons who, on their own initiative, terminated an employment contract signed on the basis of a direction earlier than the deadline established by this contract - for six (6) months.

5.13. A person not registered as an unemployed person or whose registration as an unemployed person is canceled on the basis of article 5.11.4 of this Law remains registered as an employer in the authority (organization) determined by the relevant executive authority and has the right to re-apply for registration as an unemployed person in 1 (one) month.

5.14. In accordance with Section 5.9.3 of this Law, a person whose registration as a job seeker has been canceled has the right to re-apply for registration as a job seeker after the specified circumstance has been eliminated.

## **Section 6. Suitable Job**

6.1. A job that takes into account education, a job seeker's specialty, work experience in a previous trade, a state of health, an ability to travel by public transport to the place of an offered job and back, shall be considered a suitable job for a job seeker.

6.2. The maximum distance of a suitable job location from the employer's place of residence shall be determined by the authorities (organizations) designated by the relevant executive authority, taking into account the capabilities of the transport network in the area.

6.3. Upon the expiration of the period of payment of unemployment insurance benefits established by the Law of the Republic of Azerbaijan "On unemployment insurance" for unemployed persons who cannot be offered a suitable job, a job that does not require learning a new trade (specialty), taking into account their education, specialty, health status shall be considered a suitable job as well.

6.4. For the following persons, paid work that complies with the requirements of labor legislation, including temporary jobs that do not correspond to education, specialty and experience in a previous trade, do not require prior professional training shall be considered suitable:

6.4.1. not working for more than 3 years, not having a trade(specialty);

6.4.2. those who refuse to get an additional education in a trade that they have, get second education corresponding to the trade, or learn a new trade upon expiry of the period for paying unemployment insurance benefits;

6.4.3. registered with an authority (organization) designated by the relevant executive authority for more than 24 months.

6.5. In cases where a change of residence is required for the job seeker in connection with a new job without his consent, as well as in cases where working conditions do not meet the standards of labor protection, the work offered to him cannot be considered suitable.

6.6. It is not allowed to offer job seekers and unemployed persons the same suitable work repeatedly.

### **Article 7. Creation of a vacancy bank**

7.1. The vacancy bank shall be created in the electronic information system by the authority (organization) designated by the relevant executive authority, based on information about the newly created jobs and vacancies made by employers in this system in accordance with article 18.3 of this Law.

7.2. On the basis of information entered by employers in accordance with Article 5.1 of the Labor Code of the Republic of Azerbaijan and Article 7.1 of this Law in the electronic information system, this system creates a table of staffing position for each employer.

7.3. When creating a vacancy bank, the information resources pooled by legal entities licensed to generate information resources of personal data and create information systems and their maintenance, and an agreement on the exchange of electronic information with the authority (organization) designated by the relevant executive authority can be used.

7.4. Employers not entered the information provided for in Article 7.2 of this Law into the electronic information system during the period provided for in Article 18.3 of this Law shall be held liable in accordance with the law.

### **Section 8. State Duties in the Field of Employment**

8.0. State duties in the field of employment are as follows:

8.0.1. improving the regulatory framework in the field of employment;

8.0.2. development of financial, credit, insurance, investment and tax measures aimed at the effective placement of productive forces, creation of new technologies, development of professional skills, organization and development of entrepreneurship and labor activities on an individual basis, introduction of a flexible work pattern;

8.0.3. development of measures to support employers in creating new jobs, preserving and developing existing jobs;

8.0.4. ensuring all persons regardless of race, ethnicity, religion, language, gender, disabled (except the cases where it is difficult to do this because of their disability) and family status, social origin, place of residence, property status, beliefs, affiliation with political parties, trade unions and other public associations, equal opportunities in exercising the right to free selection of job and employment;

8.0.5. protection of labor and entrepreneurial initiatives of persons carried out within the framework of the law, assisting them with the goal of developing entrepreneurship and self-employment;

8.0.6. creation of conditions for the free will of persons in the choice of work and employment;

8.0.7. providing social protection for job seekers and unemployed persons, taking measures to promote the employment of people experiencing difficulties with employment;

8.0.8. coordination of activities in the field of employment with other areas of economic and social policy;

8.0.9. encouraging employers which create additional jobs for the persons requiring special social protection and experiencing difficulties with employment;

8.0.10. coordination of government bodies, trade unions, employers' associations in the preparation and implementation of measures aimed at providing employment, as well as monitoring their implementation;

8.0.11. creating conditions for citizens of the Republic of Azerbaijan to engage in labor outside the country, as well as foreigners and stateless persons in the territory of the Republic of Azerbaijan, subject to the protection of the internal labor market;

8.0.12. compliance with the international labor standards;

8.0.13. implementation of incentive measures aimed at preventing informal employment;

8.0.14. adaptation of the education system to the needs of the labor market;

8.0.15. introduction of compulsory unemployment insurance.

8.0.16. *implementation of electronic services in the field of employment via centralized electronic information system of the relevant executive authority.* [\[2\]](#)

## Chapter 2

## **Rights of persons in the field of employment and state guarantees**

### **Article 9. Rights of persons in the field of employment**

9.1. Persons in the field of employment have the following rights:

9.1.1. freely choose the type of activity, trade , occupation and job;

9.1.2. freely choose a job through direct application to employers with free mediation of the authority (organization) designated by the relevant executive authority, or through labor fairs, labor exchanges, by giving ads in the media and Internet resources and other means not prohibited by law;

9.1.3. receive free vocational advisory support in order to select in the authority (organization) designated by the relevant executive authority, occupation, job and work pattern, take part in vocational training and additional education, as well as receive information about the labor market;

9.1.4. participate in active employment measures implemented in the labor market;

9.1.5. to insure against unemployment and receive insurance payments in the manner and in accordance with the conditions established by the Law of the Republic of Azerbaijan "On unemployment insurance";

9.1.6. challenge the authority (organization) designated by the relevant executive authority, or the actions or omissions of their officials by an administrative or judicial procedure.

9.2. Except for the following cases, the involvement of persons in forced labor is not allowed:

9.2.1. there is an effective court decision;

9.2.2. during military service;

9.2.3. during military and emergency situations.

### **Article 10. State guarantees of the enjoyment of the right to work**

10.1. The state provides each person with the following guarantees in the enjoyment of the right to work:

10.1.1. free selection of an occupation, including multi-pattern work;

10.1.2. legal protection in accordance with the Labor Code of the Republic of Azerbaijan of unreasonably dismissed persons or persons who were unreasonably refused in employment;

10.1.3. unemployment insurance in the manner and in accordance with the conditions established by the Law of the Republic of Azerbaijan "On unemployment insurance".

10.2. The state provides job seekers and unemployed persons with the following guarantees:

10.2.1. assistance in the selection of suitable job through the mediation of the authority (organization) designated by the relevant executive authority, and employment;

10.2.2. career guidance and training by the assignment of the authority (organization) designated by the relevant executive authority;

10.2.3. participation in paid public works, taking into account the age and other characteristics of the person;

10.2.4. payment of insurance payment in the manner and in accordance with the conditions established by the Law of the Republic of Azerbaijan "On unemployment insurance";

10.2.5. promoting self-employment;

10.2.6. participation in other active employment measures implemented by the authority (organization) designated by the relevant executive authority;

10.2.7. free medical examination in the cases stipulated by the Labor Code of the Republic of Azerbaijan, upon employment by the assignment of the authority (organization) designated by the relevant executive authority.

#### **Article 11. Additional guarantees for persons requiring special social protection.**

11.1. The state provides additional guarantees to the persons requiring special social protection and experiencing difficulties with employment by creating additional jobs and social enterprises, organizing vocational training courses on the basis of training programs adapted to them, as well as by setting quotas.

11.2. The procedure for setting quotas persons requiring special social protection and experiencing difficulties with employment, and the list of enterprises to which the quota is not applicable shall be designated by the authority (organization) designated by the relevant executive authority.

11.3. The size of the quota is designated depending on the situation on the labor market in the relevant administrative and territorial unit, with the condition that it does not exceed 5 percent of the average number of employees in the enterprise.

11.4. Employers who do not accept those in need of special social protection and who experience difficulties with the employment of persons referred by the authority (organization) designated by the relevant executive authority to the jobs established by quota for them are liable in accordance with the law.

### **Chapter 3**

#### **Organization of Employment**

##### **Article 12. Republican and territorial employment programs**

12.1. The authorities (organizations) designated by the relevant executive authority, and local self-government authorities, employers' associations and trade unions shall develop republican and territorial employment programs that provide measures to promote employment in accordance with this Law.

12.2. Republican and territorial employment programs shall be developed on the basis of indicators of economic and social development forecasts prepared by the relevant authorities (organizations) designated by the relevant executive authority.

12.3. Republican and territorial employment programs shall be approved by the authorities (organizations) designated by the relevant executive authority and ensure their implementation.

##### **Article 13. Employment of citizens of the Republic of Azerbaijan abroad, foreigners and stateless persons - in the Republic of Azerbaijan**

Issues related to the labor activities of citizens of the Republic of Azerbaijan abroad, foreigners and stateless persons on the territory of the Republic of Azerbaijan are regulated in accordance with the Migration Code of the Republic of Azerbaijan, this Law, other regulatory acts of the Republic of Azerbaijan in the field of employment and international agreements to which The Republic of Azerbaijan is a party.

##### **Article 14. Mediation in Employment**

14.1. Mediation in the employment of job seekers and unemployed persons in the Republic of Azerbaijan, as well as in the employment of citizens of the Republic of Azerbaijan abroad (hereinafter referred to as mediation in employment) shall be carried out only by legal entities, taking into account the requirements of this Law.

14.2. The authority (organization), designated by the relevant executive authority shall maintain a register of legal entities engaged in employment intermediation in an electronic form.

14.3. The procedure for maintaining the register of legal entities engaged in employment mediation and the requirements for such legal entities shall be established by the authority (organization) designated by the relevant executive authority.

14.4. Legal entities that mediate in the employment of job seekers and unemployed persons shall provide information on the number of people who applied for work and provided with work in the manner and form defined by the authority (organization) designated by the relevant executive authority to the authority (organization) designated by the relevant executive power authority.

14.5. Legal entities that mediate in the employment of job seekers and unemployed persons shall provide a mutual exchange of information on the accumulated information resources with the authority (organization) designated by the relevant executive authority.

14.6. Legal entities engaged in employment mediation in violation of Section 14 of this Law shall be held liable in accordance with the law.

### **Article 15. Coordination Committees Promoting Employment**

15.1. In order to develop harmonized employment decisions, local coordinating committees composed of representatives of trade unions, employers' associations, authority (organization) designated by the relevant executive authority, relevant state structures and local governments, public associations representing the interests of persons requiring special social protection in equal numbers shall be established (hereinafter referred to as coordinating committees) to provide assistance in employment.

15.2. The powers, rules of operation and composition of the coordination committees shall be regulated by the Regulations approved by the authority (organization) designated by the relevant executive authority.

### **Section 16. Participation of Local self-government Authorities in Employment**

16.1. Local self – government authorities have the following rights in employment:

16.1.1. organize paid public works for job seekers and unemployed persons at their own expense;

16.1.2. participate in the development of employment programs in accordance with Section 12 of this Law to promote employment;

16.1.3. participate in the coordinating committees providing assistance in employment;

16.1.4. provide for additional guarantees related to promoting employment of the population in local programs for social protection and social development in accordance with Article 4 of the Law of the Republic of Azerbaijan “On the Status of Municipalities”.

16.2. In accordance with the Law of the Republic of Azerbaijan on Family and Peasant Economy, local self – government authorities shall register family and peasant farms and notify the authority (organization) designated by the relevant executive authority within one (1) month from the date of their registration.

### **Article 17. Participation of trade unions in providing employment**

17.1. Trade unions, their elected bodies have the following rights in the field of employment:

17.1.1. make proposals to employers or their parent authorities to postpone or temporarily suspend measures related to the mass dismissal of employees;

17.1.2. ensure the protection of persons in the issues relating to employment assurance, employment (service), dismissal , provision of social benefits and guarantees in accordance with the Labor Code of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan "On Trade Unions";

17.1.3. make proposals with regard to the implementation of work on the development, adoption and implementation of professional standards, training, development of workers' skills and evaluation and participate in their implementation.

17.2. Dismissal of employees at the initiative of the employer due to the rationalization of production, improvement of labor organization, liquidation of enterprise, reduction in the number of employees or staff shall be implemented with prior (at least 3 months) written notification of the relevant trade union bodies and holding negotiations with the employees regarding protection of their rights interests, with the exception of cases stipulated by the Labor Code of the Republic of Azerbaijan.

17.3. Employers (their associations) and authorities (organizations) designated by the relevant executive authority, at the suggestion of the trade unions shall conduct joint consultations on the employment issues. As a result of consultations, measures to assist in employment can be provided for in accordance with the Labor Code of the Republic of Azerbaijan in collective contracts (agreements).

### **Section 18. Employers' Participation in Employment**

18.1. Employers shall contribute to the implementation of state employment policy on the following basis:

18.1.1. compliance with the terms of labor agreements (contracts), collective agreements or agreements regulating labor relations in accordance with the Labor Code of the Republic of Azerbaijan;

18.1.2. the implementation of measures stipulated in collective agreements (agreements) to protect employees in case of production suspension or dismissal;

18.1.3. creation of conditions for additional education and organization of additional education;

18.1.4. employment of persons requiring special social protection as prescribed by this Law;

18.1.5. participation in the development and implementation of professional standards, as well as in the implementation of work to improve and assess professional skills.

18.2. When reducing the number of employees or staffs, employers shall within a period of not less than the warning period established by the Labor Code of the Republic of Azerbaijan, officially notify the authority (organization) designated by the relevant executive authority about their dismissal, indicating trade, specialty and amounts of salary of dismissed employees.

18.3. Employers, no later than five (5) days from the date of the emergence of a new job vacancy or vacating of a workplace shall enter this information into the electronic information system in the manner and form established by the authority (organization) designated by the relevant executive authority indicating salary.

18.4. Employers shall submit to the authority (organization) designated by the relevant executive authority shall file monthly reports on the persons employed by the assignment of this authority, including the persons employed by the quota and the persons dismissed.

18.5. Reports provided for in Article 18.4 of this Law shall be entered by the authority (organization) designated by the relevant executive authority in the prescribed manner and in the established form into an electronic information system.

18.6. Employers recruit people who arrived at the direction of the authority (organization) designated by the relevant executive authority on an equal basis with the persons who addressed them directly.

18.7. Employer no later than 5 (five) working days from the date of submission of referral of the authority (organization) designated by the relevant executive authority shall take a decision whether to fill the vacancy and present it to the authority (organization) designated by the relevant executive authority.

18.8. Employers established by legal entities and individuals of foreign countries, international organizations, and stateless persons and operating in accordance with the Civil, Labor, Migration and Tax Code of the Republic of Azerbaijan shall meet their manpower requirements (including positions of managers and specialists) by using local staff in the first instance and through their training, unless otherwise stated by the international agreements of the Republic of Azerbaijan.

## **Article 19. Financing of the measures related to social protection of job seekers and unemployed persons**

Measures related to the social protection of job seekers and unemployed persons shall be financed from the sources provided for by the Law of the Republic of Azerbaijan on Unemployment Insurance.

## **Article 20. Professional training of job seekers and unemployed persons**

20.1. Professional training of job seekers and unemployed persons registered with an authority (organization) designated by the relevant executive authority, is conducted by the authority (organization) identified by the relevant executive authority in the following cases:

20.1.1. where it is impossible to select suitable job for job seekers and unemployed persons due to their lack of the necessary trade or specialty;

20.1.2. where a job seeker and an unemployed person lose the ability to work in the same trade(specialty).

20.2. Professional training of unemployed persons shall be organized free of charge by the authority (organization) designated by the relevant executive authority. Job seekers shall be involved in professional training on a fee paid basis.

20.3. When organizing vocational training, persons provided for in Article 6.4.1 of this Law shall have a preferential right.

20.4. The procedure for organizing vocational training for job-seekers and unemployed persons shall be established by the authority (organization) designated by the relevant executive authority.

## **Article 21. Organization of paid public works**

21. 1. In order to ensure temporary employment of unemployed persons at enterprises, regardless of the type of property and organizational-legal form, the authority (organization) designated by the relevant executive authority, organizes their involvement in paid public works.

21.2. A fixed-term labor contract shall be signed with the unemployed persons wishing to participate in paid public works in accordance with the Labor Code of the Republic of Azerbaijan. Unemployed persons who do not receive unemployment insurance benefits shall have a preferential right to sign such contracts.

21.3. Unemployed persons engaged in paid public work shall get salary for the work actually performed, but not below the minimum level set by the authority (organization) designated by the relevant executive authority.

21.4. Public works shall be financed at the expense of enterprises that organize paid public works, or at the expense of unemployment insurance in accordance with article 19.0.2.3 of the Law of the Republic of Azerbaijan "On unemployment insurance".

21.5. The rules for organizing paid public works shall be established by the authority (organization) designated by the relevant executive authority.

## **Section 22. Consulting services on vocational guidance**

22.1. The authority (organization) designated by the relevant executive authority shall provide counseling services to youth (students and apprentices of educational institutions), job seekers and unemployed persons aimed at selecting a trade and specialty in accordance with their education, skills and personality traits to organize their career guidance through interviews and testing.

22.2. Consulting services on career guidance shall be provided in the areas as follows:

22.2.1. informing on the current state of the labor market and the most much-in-demand trades and specialties in the labor market;

22.2.2. Informing on the job opportunities for an existing trade and specialty, or engaging in vocational training and additional education;

22.2.3. assisting on the basis of the requirements of the labor market in selecting job and trade , taking into account social and psychological features, professional knowledge, skills and competencies, and the state of health of an unemployed person.

22.3. The procedure for the provision of consulting services for vocational guidance is approved by the authority (organization) designated by the relevant executive authority.

## **Article 23. Organization of labor exchanges and labor fairs**

23.1. Provision of temporary employment of the population on the basis of demand and supply on the labor market, as well as on the basis of incoming orders shall be implemented through labor exchanges organized by an authority (organization) designated by the relevant executive authority.

23.2. Labor fairs shall be organized by an authority (organization) designated by the relevant executive authority to facilitate the receipt by the job seeker and the unemployed person of information on the vacancies available in the concerned administrative-territorial unit, engaging in active employment measures, as well as facilitating employers to select staff with the required trade, specialty and experience within the shortest possible time.

23.3. Procedure for organizing and operating labor exchanges and labor fairs shall approved by the authority (organization) designated by the relevant executive authority.

## **Article 24. Promotion of self-employment**

24.1. Organization of self-employment of unemployed persons shall be implemented by the authority (organization) designated by the relevant executive authority, and shall include the following steps:

24.1.1. providing unemployed persons with consultations and information on self-employment organization;

24.1.2. assistance in the selection and organization of the direction of self-employment by branches of economy based on analysis of the labor market;

24.1.3. assistance in the preparation of business plans to organize self-employment;

24.1.4. providing unemployed persons with materials, equipment and other property (hereinafter referred to as property) for 2 (two) years on a contractual basis to organize the chosen direction of self-employment;

24.1.5. monitoring the activity of a person participating in self-employment during the period specified in Article 24.1.4 of this Law.

24.2. The authority (organization) designated by the relevant executive authority shall monitor the activity of the person participating in the self-employment during the contract period, and if it meets the submitted business plan by the end of the contract period, the property provided for the self-employment organization shall be transferred to the ownership of the persons involved in self-employment.

24.3. If a person participating in self-employment does not use the property transferred to him in accordance with Section 24.1.4 of this Law on a contractual basis for one (1) year without a valid reason, then he shall return the property or its value to the authority (organization) designated by the relevant executive authority, at the market price at the time of return of the property.

24.4. If a person participating in self-employment for a contract period damaged the property provided to him intentionally, or used this property for other purposes, then he shall reimburse a damage caused in accordance with the Civil Code of the Republic of Azerbaijan to the authority (organization) designated by the relevant executive authority.

24.5. A market price specified in Article 24.3 of this Law shall be set by the authority (organization) designated by the relevant executive authority on the basis of prices published by the authority (organization) designated by the relevant executive authority on the same (similar) property, for no more than one (1) one month from the date of return of the property in the presence of person participating in self-employment.

24.6. When revoking property transferred to the person participating in self-employment in accordance with Section 24.3 of this Law, and inability to transfer this property to another person

participating in self-employment, the property shall be sold through bidding by the authority (organization) designated by the relevant executive authority in the manner established by the authority (organization) designated by the relevant executive authority.

24.7. Disputes arising between the parties when a person participating in self-employment refuses to return the value of the property provided to him in accordance with Articles 24.3 and 24.4 of this Law, or to reimburse for the damage caused to such property shall be resolved in court.

24.8. Persons referred to in Article 4.1.3 of this Law and who own land shares suitable for agriculture but who do not have other employment shall also be involved in self-employment by the authority (organization) designated by the relevant executive authority, provided that they will exceed 50 percent of the total number of unemployed persons participating in self-employment during one (1) year.

24.9. When organizing self-employment of unemployed persons a preference will be given to the persons receiving targeted state social assistance, disabled people and children with disabilities under age of 18, persons registered as unemployed for more than one year, persons with less than two years until the retirement age, persons released from correctional facilities, forced migrants,.

24.10. Unemployed persons who receive unemployment insurance benefits do not participate in self-employment.

24.11. The procedure for organizing self-employment of unemployed persons shall be established by the authority (organization) designated by the relevant executive authority.

## **Section 25. Financing of Salaries of Employees together with Employers**

25.1. The procedure for financing a part of the salaries of employees at social workplaces by an authority (organization) designated by the relevant executive authority shall determined by the authority (organization) designated by the relevant executive authority.

25.2. An amount of the part of salaries financed by unemployment insurance not above an average monthly nominal salary in the country for the previous year, established by the authority (organization) designated by the relevant body, however not above a minimum monthly salary set by the authority (organization) designated the relevant executive authority, is 50 percent of the salary provided for by the employer's staffing unit and deductions from the salary (compulsory social insurance, calculated from the payroll budget, unemployment insurance premium, compulsory insurance against occupational disability resulting from accidents at work and occupational diseases).

25.3. Part of the salaries of workers employed at social workplaces under employment contract signed for a period of at least two (2) years shall be financed by the authority (organization) designated by the relevant executive authority for a period of at least 3 (three) months and not more than 12 (twelve) months.

25.4. Bonuses, salary increments, increments (ratios) stipulated by the salary system, as well as payment for work performed during non-working hours, and other payments shall be financed by employers in the manner provided for by the Labor Code of the Republic of Azerbaijan.

25.5. When organizing social jobs a preference shall be given to the people with disabilities and children with disabilities under the age of 18, young people, persons released from correctional facilities and people registered as unemployed for more than one year.

25.6. A number of social jobs for each employer should not exceed 5 percent of the total number of employees of this employer.

25.7. An amount of salaries at social workplaces cannot differ by more than 10 percent from the amount of salaries at other workplaces of the employer.

### **Article 26. Creation of social enterprises and additional jobs and implementation of targeted programs**

26.1. In order to ensure the employment of persons requiring special social protection and experiencing difficulties with employment, an employer or authority (organization) designated by the relevant executive authority can create additional jobs over quota, social enterprises and implement targeted programs. In this case, full-time vacancies available at the enterprise are not considered additional jobs.

26.2. Standards of social enterprises and workplaces in excess of quotas shall established by the authority (organization) designated by the relevant executive authority.

### **Section 27. Individual Employment Program**

27.1. An individual employment program shall be drawn up by the authority (organization) designated by the relevant executive authority to help person registered as unemployed return to the labor market and find a job.

27.2. Unemployed person shall submit a report on the implementation of an individual employment program determining participation in active employment measures provided for in an individual employment program in electronic form to the authority (organization) designated by the relevant executive authority on a monthly basis before the end of the last working day of the month.

27.3. Upon submission of the report on the implementation of the individual employment program by unemployed person, the authority (organization) designated by the relevant executive authority shall take decision on whether to pay insurance premiums, whether to register as unemployed, or takes measures to amend the individual employment program.

## **Chapter 4**

## **Social guarantees in the field of employment**

### **Article 28. Social guarantees for job seekers and unemployed persons**

28.1. The state provides job seekers and unemployed persons with the following guarantees:

28.1.1. provision of guarantees to employees dismissed from the enterprise in accordance with article 77 of the Labor Code of the Republic of Azerbaijan;

28.1.2. payment of scholarships during the period of participation in training;

28.1.3. provision of insurance premium to the persons entitled to receive unemployment insurance benefit in accordance with Article 13.1 of the Law of the Republic of Azerbaijan "On unemployment insurance";

28.1.4. involvement in paid public works;

28.1.5. promoting self-employment;

28.1.6. financing of salaries of employees together with employers;

28.1.7. creation of additional jobs and social enterprises to provide jobs for the persons requiring special social protection and experiencing difficulties with employment, and the implementation of targeted programs;

28.1.8. reimbursement of expenses (excluding taxi expenses) of a person connected with a referral, at the suggestion of the authority (organization) designated by the relevant executive authority, from one city and (or) district administrative-territorial unit (excluding urban areas) to another one for work (vocational courses).

28.2. A period for receipt of unemployment insurance premium by a person in the manner prescribed by law, and engaging him to active employment measures, as well as a period for engaging in labor activity in foreign countries shall be legally included in the total labor experience.

28.3. Payments under the guarantees established by Article 28.1 of this Law shall be made by cashless transfer.

### **Section 29. Scholarship granted to an unemployed person engaged in vocational training**

29.1. During the period of vocational training by the assignment of the authority (organization) designated by the relevant executive authority, the unemployed person shall be granted a scholarship in the amount of the minimum monthly salary established by the authority (organization) designated by the relevant executive authority.

29.2. If an unemployed person receiving unemployment insurance premium is engaged to vocational training during the period of receipt of unemployment insurance premium, a scholarship shall not be granted to him.

29.3. The procedure for paying scholarships to an unemployed person engaged in vocational training shall be established by the authority (organization) designated by the relevant executive authority.

## **Chapter 5**

### **Informal employment**

#### **Article 30. Identification of informal employment**

30.1. If in the cases specified in Article 1.1.9 of this Law, information on the employment of a person is not entered in the employees register in accordance with Articles 4.4-4.8 of this Law, the authority (organization) designated by the relevant executive authority together with an authority exercising control in the field of an employment legalization shall implement control measures in accordance with the branch of activities to identify and prevent informal employment.

30.2. Coordination of activities of the authorities exercising control in the field of legalization of informal employment, as provided for in Article 30.1 of this Law, shall be implemented by an authority (organization) designated by the relevant executive authority.

30.3. The procedure for the implementation and coordination of control measures in the field of the legalization of informal employment shall be implemented by the authority (organization) designated by the relevant executive authority.

30.4. Authorities exercising control in the field of legalization of informal employment shall transmit information identified during the implementation of control measures relating to cases of informal employment to the relevant state authorities for the adoption of measures established by law, and the report on this information in the form established by the authority (organization) designated by the relevant executive authority – to the authority (organization) designated by the relevant executive authority.

30.5. Informal employment entails legal liability.

#### **Article 31. Unified electronic information resource "Control over informal employment"**

31.1. The electronic information resource "Control over informal employment" shall be created to identify and prevent informal employment based on the integration of information resources on labor resources, as well as other information systems and resources, allowing to identify informal employment by notification of an employment

contract to the electronic information system by the authority (organization) designated by the relevant executive authority.

31.2. The list of information resources and systems to be integrated into a single electronic information resource "Control over informal employment" shall be approved by the authority (organization) designated by the relevant executive authority.

31.3. To implement the control measures provided for in Article 30 of this Law, in accordance with the Law of the Republic of Azerbaijan "On regulation of inspections in the field of entrepreneurship and protection of interests of entrepreneurs", establish risk groups, take preventive measures aimed at preventing informal employment and introduce an assessment system risk authorities (organizations) designated by the relevant executive authority, shall be implemented through a single electronic information resource "Control over informal employment. "

### **Article 32. Education in the field of informal employment**

In order to identify and prevent informal employment, the authorities exercising control in the field of legalization of informal employment, trade union associations and representative authorities (associations) of employers, as well as public associations shall work together to educate, inform and promote in accordance with the Law of the Republic of Azerbaijan "On Advertising", order social advertisements, issue special bulletins and other publications.

## **Chapter 6**

### **Final Provisions**

#### **Section 33. Liability for the Violation of a Law and Resolving Disputes**

33.1. Individuals and legal entities shall be held liable in the cases provided for by the Administrative Offenses Code of the Republic of Azerbaijan for violation of the requirements of this Law.

33.2. 25% of the funds accumulated from the fines imposed by the authority (organizations) designated by the relevant executive authority in accordance with the Administrative Offenses Code of the Republic of Azerbaijan for violation of the requirements of this Law are transferred to the accounts of the authorities (organizations) identified by the relevant executive authority for the purposes of social protection of employees of the authorities (organizations) designated by the relevant executive authority, and improvement of the material and technical base of the authority (organization) designated by relevant executive authority. Distribution of these funds and the procedure for their use shall be established by the authority (organization) designated by the relevant executive authority.

33.3. Disputes in the field of employment shall be resolved in an administrative order and a judicial order.

#### **Article 34. International cooperation in the field of employment**

International cooperation in the field of employment shall be implemented in accordance with international agreements to which the Republic of Azerbaijan is a party.

#### **Section 35. Supervision in the of field of Employment**

35.1. Supervision over compliance with the requirements of this Law shall be implemented by the authority (organization) designated by the relevant executive authority with the participation of trade unions.

35.2. The procedure for exercising supervision, as provided for in Article 35.1 of this Law, shall be approved by the authority (organizations) designated by the relevant executive authority.

#### **Article 36. Transitional Provision**

Registration of persons registered as unemployed prior to the entry into force of this Law shall remain in force after the entry into force of this Law.

#### **Section 37. Entry into Force of the Law**

From the day this Law came into force, the Law of the Republic of Azerbaijan “On Employment” dated July 2, 2001 No. 170-IIQ (Collection of Laws of the Republic of Azerbaijan, 2001, No. 8, Article 522, No. 12, Article 731; 2003, No. 1, Article 16; 2007 No. 10, Article 938; 2008, No. 5, Article 341, No. 7, Article 602; 2010, No. 11, Article 949; 2011, No. 2, Article 71, No. 10, Article 884; 2014, No. 11, Article 1344 , No. 12, Article 1528; 2017, No. 7, Article 1280) shall be abolished.

**Ilham Aliyev,  
President of the Republic of Azerbaijan**

**Baku city, June 29, 2018  
No. 1196-VQ**