



DATA UPDATE – Women, Business and the Law 2022

Azerbaijan

Ministry of Labour and Social Protection of Population

Women, Business and the Law – Azerbaijan

1. Pay

Comment received from Government:

1. Does the law mandate equal remuneration for work of equal value?

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions. According to Article 9.1 of the Law of the Republic of Azerbaijan "On Guarantees of Gender (men and women) Equality" equal wages, bonuses and other incentives shall be paid to employees for performing equal jobs of equal value in the same working conditions, having the same qualifications regardless of their gender.

Type of data update: Data correction

Suggested data modification: Yes

Date of entry into force: 10/10/2006

Legal basis: Law of the Republic of Azerbaijan "On Ensuring Gender Equality (men and women)", Article 9.1

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer is "Yes" if employers are legally obliged to pay equal remuneration to male and female employees who perform work of equal value. "Remuneration" refers to the ordinary, basic, or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising from the worker's employment. "Work of equal value" refers not only to the same or similar jobs but also to different jobs of the same value. The answer is "No" if the law limits the principle of equal remuneration to equal work, the same work, similar work, or work of a similar nature. The answer is also "No" if the law limits the broad concept of "remuneration" to only basic wages or salary, or if the law limits the principle of equal remuneration for work of equal value to the same place of business or same employer

Article 9 of Law of the Republic of Azerbaijan "On Ensuring Gender Equality (men and women)" provides only for equal wages for men and women having the same qualifications who perform the same job of the same value in the same working conditions. This concept is narrower than the standard of equal remuneration for work of equal value, as it does not address men and women performing different work that is nevertheless of equal value. Therefore, the answer to this question is "No." Please also see the [comments](#) of the ILO Committee of Experts on the Application of Conventions and Recommendations on Armenia's compliance with Convention 100 on Equal Remuneration.

Comment received from Government:

2. Can a woman work at night in the same way as a man?

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions. Law of the Republic of Azerbaijan on "Guarantees of Gender Equality", Art. 7, 8, 3.2 Labour Code of the Republic of Azerbaijan, Art. 16.1, 16.2 and 98 are not considered as discrimination.

Type of data update: Data correction
Suggested data modification: Yes

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology the answer is “Yes” if nonpregnant and non-nursing women can work the same night hours as men. The answer is also “Yes” in the following cases: when restrictions on women’s ability to work at night do not apply to the food retail sector, women’s consent to work at night is required, or an employer needs to comply with safety measures (such as providing transportation). The answer is “No” if the law broadly prohibits women, including those with children over the age of 1, from working at night or limits the hours women can work at night. The answer is also “No” if the law gives the relevant minister or ministry the power to restrict or prohibit women’s night work.

Article 98 of the Labor Code of Azerbaijan prohibits women with children under the age of 3 from working at night. Because this includes women with children over the age of one, the answer is “No.”

Comment received from Government:

3. *Can a woman work in a job deemed dangerous in the same way as a man?*

World Bank experts provided technical support to the Ministry of Labour and Social Protection of Population in 2019-2020 to eliminate legal barriers to employment of women in Azerbaijan. As part of this support, it is planned to amend the Labor Code of the Republic of Azerbaijan, as well as the relevant decision of the Cabinet of Ministers arising from the Code, in order to increase employment opportunities for women in the country, to ensure gender equality and employment of women in higher-paying fields. In this connection, it is planned to abolish the List of approximately 700 professions (positions) and work prohibited for women, and instead to approve Lists of prohibited jobs and harmful substances and factors for pregnant women and women with children under one year of age in accordance with international standards. The main and additional drafts have been developed for this purpose and were already approved by five government agencies, approval of one government agency is pending.

Type of data update: Reform
Suggested data modification: No

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team will continue monitoring information related to this planned amendment and will assess its impact in future reports.

Comment received from Government:

4. *Can a woman work in jobs deemed morally inappropriate in the same way as a man?*

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions. Labour Code of the Republic of Azerbaijan, Art.241, Decision No.170 of Cabinet of Ministers, 20 October, 1999

Suggested data modification: Yes

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if no laws prohibit or restrict nonpregnant and non-nursing women from working in a broad and subjective category of jobs deemed “morally inappropriate.” The answer is “No” if the law prohibits or restricts women from working in jobs deemed morally inappropriate. The answer is also “No” if the employer or relevant minister or ministry can determine whether particular jobs are too morally inappropriate for women but not for men.

In Azerbaijan, no laws or regulations that prohibit or restrict nonpregnant and non-nursing women from working in a broad and subjective category of jobs deemed “morally inappropriate” could be located. The answer for the question above is already “Yes” and will remain “Yes.”

Comment received from Government:

5. *Can a woman work in an industrial job in the same way as a man? Energy*

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions. Labour Code of the Republic of Azerbaijan, Art. 211.

Suggested data modification: No

Response from Women, Business and the Law team:

The *Women, Business and the Law* team has noted the legal texts above and will review and update these in our records where relevant. The answer for the question above is already “No” and will remain “No.”

2. Parenthood

Comment received from Government:

1. *Is there paid leave available to fathers?*

According to Article 6 of the Law of the Republic of Azerbaijan "On Social Insurance", in case of occurrence of social insurance event, childcare allowance shall be paid until the child reaches the age established by the law. Also, according to Article 127 of the Labor Code of the Republic of Azerbaijan, one of parents directly caring for a child or other family member shall be entitled to partially paid social leave in the amount stipulated by the law for taking care of the child until the child reaches the age of 3 (note: fathers are also entitled to this type of leave).

Type of data update: Data correction

Suggested data modification: Yes

Legal basis (if applicable): Labour Code of the Republic of Azerbaijan, Article 127

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if fathers are legally entitled to at least one day of paid leave for the birth of a child, or if the law reserves a portion of paid parental leave specifically for fathers—that is, through “use-it-or-lose-it” policies or fathers’ quotas. The answer is also “Yes” if fathers are individually entitled to paid parental leave. The answer is “No” if the law does not guarantee fathers any paid paternity leave or other specific leave for the birth of a child; or allowances for the birth of a child must be deducted from annual or sick leave.

Article 127 of Labour Code of the Republic of Azerbaijan does not provide specific paid leave for fathers for the birth of a child nor does it reserve a portion of paid parental leave specifically for fathers. Therefore, the answer to this question is “No.”

Comment received from Government:

2. Is there paid parental leave? Shared Days

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions.

Type of data update: Data correction

Suggested data modification: Yes, 3 years (1095 days)

Legal basis: Labour Code Of the Republic of Azerbaijan, Art.127.1

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if both parents are legally entitled to some form of full-time paid parental leave either shared between mother and father or as an individual entitlement that each can take regardless of the other. The answer is “No” if the law does not mandate any form of paid parental leave.

Article 127 of the Labor Code of the Republic of Azerbaijan provides that parents are entitled to paid parental leave until the child is three years old. The answer for the question above is already “Yes” and will remain “Yes.” With regards to the duration of shared paid parental leave, the answer is 1039 days because paid parental leave is granted until the child is 3 years old (1095 days), but the first 56 days after the birth constitute postnatal maternity leave under article 125. Subtracting the postnatal maternity leave period, the answer is therefore 1039.

Comment received from Government:

3. Is there paid parental leave? Days for the mother

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions.

Type of data update: Data correction

Suggested data modification: Yes, 3 years (1095 days)

Date of entry into force: 01/02/1999

Legal basis: Labour Code Of the Republic of Azerbaijan, Art.127.1

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if both parents are legally entitled to some form of full-time paid parental leave either shared between mother and father or as an individual entitlement that each can take regardless of the other. The answer is “No” if the law does not mandate any form of paid parental leave.

Article 127 of the Labor Code of the Republic of Azerbaijan provides that parents are entitled to paid parental leave until the child is three years old. The answer for the question above is already “Yes” and will remain “Yes.” With regards to the underlying data on paid parental leave for the mother, the answer is “0” because mothers are not individually entitled to paid parental leave nor does the law do reserve a portion of paid parental leave specifically for mothers.

Comment received from Government:

4. Is there paid parental leave? Days for the father

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions.

Type of data update: Data correction

Suggested data modification: Yes, 3 years (1095 days)

Date of entry into force: 01/02/1999

Legal basis: Labour Code Of the Republic of Azerbaijan, Art.127.1

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer to the question on paid parental leave is “Yes” if both parents are legally entitled to some form of full-time paid parental leave either shared between mother and father or as an individual entitlement that each can take regardless of the other. The answer is “No” if the law does not mandate any form of paid parental leave.

Article 127 of the Labor Code of the Republic of Azerbaijan provides that parents are entitled to paid parental leave until the child is three years old. Therefore, the answer is already “Yes” and will remain “Yes.” With regards to the underlying data on paid parental leave for the father, the answer is “0” because fathers are not individually entitled to paid parental leave nor does the law do reserve a portion of paid parental leave specifically for fathers.

3. Pension

Comment received from Government:

1. Is the age at which men and women can retire with full pension benefits the same?

Retirement age for both men and women is set at 65. The process of gradual alignment of the retirement age for men and women started in 2017 and will end in July 2026 when both men and women will be entitled for pension at the age of 65.

Type of data update: Reform

Suggested data modification: Yes

Legal basis: Law of the Republic of Azerbaijan on Labor Pension, Art. 7

Response from *Women, Business and the Law* team:

According to the *Women, Business and the Law* methodology, the answer to this question is “Yes” if the statutory age at which men and women can retire and receive irrevocable minimum old-age pension is the same. The answer is “No” if there is a difference in the statutory age or if there is no national law on pension benefits. Note that this question only looks at workers employed in the private sector. If transitional provisions gradually increase, decrease or equalize the statutory retirement age, the answer will reflect the retirement age as of October 1, 2021, even if the law provides for changes over time.

The *Women, Business and the Law* team notes the gradual alignment of the retirement age for men and women under article 7 of the Law of the Republic of Azerbaijan on Labor Pension. Please note that the *Women, Business and the Law 2022* report will assess the impact of reforms implemented between October 2, 2020 and October 1, 2021. Since the above-mentioned initiative will not be complete until July 2026, the team will assess its impact in future reports.

Comment received from Government:

2. *Are periods of absence from work due to childcare accounted for in pension benefits?*

While the previous data provided for the survey did not elucidate the exact state of situation in the country, therefore the information in the current survey includes the most up-to-date answers to the set questions.

Type of data update: Data correction

Suggested data modification: No

Legal basis (if applicable): Law of the Republic of Azerbaijan on Labor Pension, Art. 21.2.1

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team has noted the legal texts above and will review and update these in our records where relevant. The answer for the question above is already “No” and will remain “No.”

Communications

For questions on this note, please contact:

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