



# **DATA UPDATE – Women, Business and the Law 2023**

## **Azerbaijan**

### **Ministry of Labour and Social Protection of Population**

## **1. Workplace**

### **Comment received from Government:**

#### *1. Does the law prohibit discrimination in employment based on gender?*

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.

Suggested data modification: Yes, addition to the referred legal documents

Date of entry into force: 29.06.2018

Legal basis: - Law of the Republic of Azerbaijan "On Guarantees of Gender (men and women) Equality", Article 7 and 8 (dated 10.10.2006); - Law of the Republic of Azerbaijan "On Employment", Article 8.0.4. ensuring all persons regardless of race, ethnicity, religion, language, gender, persons with disabilities (except the cases where it is difficult to perform the job due to the 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 (dated 29.06.2018)

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

The *Women, Business and the Law* team notes the legal texts provided by the Government and will review and update these where relevant. The answer for this question is already "Yes" and will remain "Yes".

### **Comment received from Government:**

#### *2. Are there criminal penalties or civil remedies for sexual harassment in employment?*

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.

Suggested data modification: According to Article 151 of the Criminal Code of the Republic of Azerbaijan, forcing persons (female or male) to engage in sexual intercourse, procreation or other acts of a sexual nature with the threat of destroying, damaging or taking away victim's property or using the material or other dependence of the victim, shall be punishable by correctional labor for a term of one to two years, or imprisonment for a term of one to three years.

Civil remedies: According to the Article 205 of the Code of Administrative Offenses of the Republic of Azerbaijan, officials are fined from 1,500 to 2,500 manats for pressuring or harassing an employee who has complained about sexual harassment to an employer or supervisor.

### **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 law (a) addresses sexual harassment, in the context of employment, intended as unwelcome sexual

advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another in connection with employment; and (b) establishes criminal sanctions, such as fines or imprisonment, for sexual harassment in employment. Regarding civil remedies, the answer is “Yes” if the criminal code provides for reparation of damages for offenses covered by the code or if the law provides for compensation for victims of sexual harassment in employment or the workplace (as defined above), even after dismissal of the victim. The answer is “No” if the law (a) does not address sexual harassment in employment, or, among others, if the behavior or gesture of sexual nature addressed in the law includes the use of force or violence or the threat of force or violence, which is understood to constitute a crime (e.g., sexual assault or abuse); and (b) does not establish criminal sanctions for sexual harassment in employment nor civil remedies or compensation for victims of sexual harassment in employment. Regarding civil remedies, the answer is “No” if the law only prohibits sexual harassment in employment and sets forth that the employer should apply discretionary sanctions.

Please note that Article 151 of the Criminal Code of the Republic of Azerbaijan criminalizes the use of force and threats to engage in sexual intercourse, an act which, as per the WBL methodology, does not correspond to the definition of sexual harassment.

Similarly, per WBL methodology, the provisions on the availability of civil remedies should be designed to compensate the victims from the harm suffered as a result of the harassment they incurred at the workplace. Article 205 of the Code of Administrative Offenses of the Republic of Azerbaijan imposes a monetary fine on officials culpable of pressuring or harassing employees, which per the WBL methodology, does not constitute the existence of a provision facilitating civil remedies for victims of sexual harassment in employment. Therefore, the answer to these questions remains “No.”

## 2. Pay

### **Comment received from Government:**

#### *1. 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.

Suggested data modification: Yes. A draft Law of the Republic of Azerbaijan “On Amendments to the Labour Code of the Republic of Azerbaijan in order to expand the rights of women concerning the nighttime and overtime working hours as well as sending employees on business trips” (Articles 98, 242, etc.) was prepared and submitted to the relevant authorities.

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

The *Women, Business and the Law* team notes that the draft law of the of the Republic of Azerbaijan “On Amendments to the Labour Code of the Republic of Azerbaijan in order to expand the rights of women concerning the nighttime and overtime working hours as well as sending employees on business trips” (Articles 98, 242, etc.) was prepared and submitted to the relevant authorities.

Please, note that the *Women, Business and the Law 2023* report will assess the impact of reforms implemented between October 2, 2021 and October 1, 2022. Since the above-mentioned law is still a draft

and has not been enacted, the team will continue monitoring this issue and will assess its impact in future reports.

**Comment received from Government:**

*2. Can a woman work in a job deemed dangerous 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.

Suggested data modification: Yes. 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 Labour 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 and 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 list of works 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 Parliament (Milli Majlis) during first hearing.

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

The *Women, Business and the Law* team notes the technical support by the World Bank and the initiative for amending the Labour Code of the Republic of Azerbaijan to eliminate jobs restricted to women. The team will continue monitoring information related to this planned amendment and will assess its impact in future reports.

**Comment received from Government:**

*3. 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

Suggested data modification: A draft Law of the Republic of Azerbaijan “On Amendments to the Law of the Republic of Azerbaijan "On Guarantees of Gender (Men and Women) Equality" regarding equal pay for different jobs of the same value has been prepared and submitted to the relevant authorities.

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

The *Women, Business and the Law* team notes that the draft law of the of the Republic of Azerbaijan “On Amendments to the Law of the Republic of Azerbaijan "On Guarantees of Gender (Men and Women) Equality" was prepared and submitted to the relevant authorities.

Please, note that the *Women, Business and the Law 2023* report will assess the impact of reforms implemented between October 2, 2021 and October 1, 2022. Since the above-mentioned law is still a draft and has not been enacted, the team will continue monitoring this issue and will assess its impact in future reports.

**3. Parenthood**

### **Comment received from Government:**

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

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.

Suggested data modification: The draft law of the Republic of Azerbaijan "On Amendments to the Labor Code of the Republic of Azerbaijan" has been prepared on granting fathers 14 calendar days of paid paternity leave before or after the birth. The draft law was agreed with relevant authorities and submitted to the Cabinet of Ministers.

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

The *Women, Business and the Law* team notes that the draft law of the of the Republic of Azerbaijan “On Amendments to the Law of the Republic of Azerbaijan "On Amendments to the Labor Code of the Republic of Azerbaijan" granting fathers 14 calendar days of paid paternity leave was prepared and submitted to the relevant authorities.

Please, note that the *Women, Business and the Law 2023* report will assess the impact of reforms implemented between October 2, 2021 and October 1, 2022. Since the above-mentioned law is still a draft and has not been enacted, the team will continue monitoring this issue and will assess its impact in future reports.

### **Communications**

For questions on this note, please contact:

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