

On the approval of the European Social Charter

LAW OF THE REPUBLIC OF AZERBAIJAN

The Milli Majlis of the Republic of Azerbaijan **decides:**

- I. To ratify the Amended European Social Charter of 3 May 1996 with relevant declarations (the text of the declarations is attached).
- II. This Law enters into force on the day of its publication.

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

Baku city, January 6, 2004  
No. 575-IIQ

## AMENDED EUROPEAN SOCIAL CHARTER

### PREAMBLE

Governments that are members of the Council of Europe and have signed the Charter,

Considering that the purpose of the Council of Europe is to achieve closer unity among its member states in order to protect and implement the ideals and principles considered as their common heritage and to assist their economic and social progress, especially through the guarantee and wider realization of human rights and fundamental freedoms ,

Considering that in the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on November 4, 1950 and in its Protocol, the member states of the Council of Europe agreed to provide their populations with the civil and political rights specified in these documents,

Bearing in mind that the European Social Charter and its Protocol, which were announced for signature in Turin on October 18, 1961, agreed to provide the member states of the Council of Europe with the social rights specified in these documents in order to improve the standard of living and social well-being of their populations,

Recalling that the Ministerial conference on human rights held in Rome on November 5, 1990, noted, on the one hand, the need to preserve the indivisibility of civil, political, economic, social and cultural human rights and, on the other hand, to give a new impetus to the European Social Charter,

Determined to update and refine the basic content of the Charter, particularly in order to take into account the significant social changes that have taken place during the period since the adoption of the Charter, as agreed at the Ministerial Conference held in Turin on October 21-22, 1991,

Recognizing the merits of enshrining the rights enshrined in the text of the original Charter, its amendments and the Additional Protocol of 1988, as well as new rights, in the amended Charter, which should gradually replace the existing European Social Charter,

have agreed on the following:

#### PART I

The parties accept the creation of conditions that ensure the effective implementation of the following rights and principles as the goal of their policy, which they will implement with the help of all necessary national and international means:

1. Every person shall have the opportunity to earn a living by his own labor in the profession of his free choice.
2. All workers have the right to fair working conditions.
3. All workers have the right to safe and healthy working conditions.
4. All workers have the right to fair remuneration sufficient for a normal standard of living for themselves and their families.

5. All workers and employers have the right to freely associate in national or international organizations for the protection of their economic and social interests.
6. All employees and employers have the right to conclude a collective agreement.
7. Children and adolescents have the right to special protection from the threat of physical and moral harm to which they are exposed.
8. Working women have the right to special protection during maternity.
9. Every person has the right to the necessary opportunities for vocational guidance in order to assist him in choosing a profession in accordance with his personal abilities and interests.
10. Everyone has the right to the necessary opportunities for vocational training.
11. Every person has the right to use any means that allows him to maintain his health in the best possible condition.
12. All employees and their dependents have the right to social security.
13. Every person without adequate means has the right to social and medical assistance.
14. Everyone has the right to benefit from social welfare services.
15. *Persons with disabilities* have the right to independence, social integration and participation in public life. [\[1\]](#)
16. The family, which is the main core of society, has the right to appropriate social, legal and economic protection to ensure its comprehensive development.
17. Children and young people have the right to appropriate social, legal and economic protection.
18. Citizens of any Party have the right to engage in any gainful activity in the territory of any other Party on an equal basis with its nationals, except for serious restrictions caused by economic or social reasons.
19. Migrant workers who are citizens of any party and their family members have the right to protection and assistance in the territory of any other party.
20. All workers have the right to equal opportunities and equal treatment in the field of employment, without discrimination based on sex.
21. Employees have the right to receive information and consultation within the enterprise.
22. Employees have the right to participate in the determination and improvement of working conditions and production environment in enterprises.
23. Everyone has the right to social protection.
24. All employees have the right to protection in cases of termination of employment.
25. All employees have the right to defense of their claims in case of insolvency of the employer.
26. All workers have the right to protection of their dignity in the workplace.
27. Every person with family responsibilities who is employed or wants to be employed shall have the right to do so without discrimination and as far as possible without conflict between his work and family responsibilities.
28. Workers' representatives in enterprises have the right to be protected from actions that harm them, and they should be given the necessary opportunities to perform their functions.
29. All employees have the right to receive information and also to be consulted during collective redundancies.
30. Everyone has the right to protection from poverty and social exclusion.
31. Every person has the right to housing.

## PART II

The parties undertake to determine that they are bound by the obligations set forth in the article and paragraphs below, as provided in Part III.

### Article 1. **Right to work**

In order to ensure the effective implementation of labor rights, the Parties undertake the following obligations:

- 1) to accept as one of its main goals and obligations the achievement of the highest possible and stable level of employment and its maintenance in order to achieve full employment;
- 2) to effectively protect the employee's right to earn a living through the work of his free choice;
- 3) create or maintain free employment services for all employees;
- 4) to provide or develop appropriate professional guidance, training and rehabilitation.

#### **Article 2. Right to fair working conditions**

In order to ensure the effective implementation of the right to fair working conditions, the Parties undertake the following obligations:

- 1) provide for a reasonable working day and working week, as well as gradually reduce the working week to the extent that productivity growth and other relevant factors allow;
- 2) determine paid holidays;
- 3) to provide at least four weeks of paid annual leave;
- 4) eliminate the dangers associated with dangerous and health-harmful work, as well as, if it is not yet possible to eliminate or sufficiently reduce such dangers, to provide for the reduction of working hours or additional paid leave for employees involved in such work;
- 5) allocate a period of rest for each week that coincides with a day of the week known as a day of rest according to the customs and traditions of the relevant country or region;
- 6) to provide information to employees about the important aspects of the labor contract or labor relations as soon as possible or in any case not later than two months after the start of their employment;
- 7) to ensure that employees receive privileges that take into account the nature of night work.

#### **Article 3. Right to safe and healthy working conditions**

In order to effectively ensure the right to safe and healthy working conditions, the Parties, in consultation with employers and workers' organizations, undertake the following obligations:

- 1) To honestly articulate, implement and periodically revise a consistent national policy on the protection of the working and industrial environment and healthy conditions. The main objective of this policy should be to improve occupational health and safety by minimizing the causes of accidents and health damage or work-related risks, most importantly, risks inherent in the production environment;
- 2) publish safety and health regulations of working conditions;
- 3) take measures to control the application of such rules;
- 4) to support the progressive development of labor protection and health services covering all workers, above all, including advisory and preventive functions.

#### **Article 4. The right to fair remuneration for work**

In order to ensure the effective implementation of the right to fair remuneration, the Parties undertake the following obligations:

- 1) to recognize the right of workers to be paid for their labor to the extent that it provides workers and their families with a decent standard of living;
- 2) to recognize the right of workers to a higher level of remuneration for work done overtime, except in special cases;
- 3) to recognize the right of working men and women to be paid equally for work of equal volume;
- 4) to recognize the right of all employees to be given notice of termination of employment within a reasonable time;
- 5) allow deductions from wages only under the conditions and to the extent provided for in national legislation or regulations, or determined by collective agreements or arbitration awards.

The exercise of these rights is achieved through freely concluded collective agreements, statutory wage determinations, or other means appropriate to national circumstances.

#### **Article 5. The right to organize**

In order to ensure or support the freedom of workers and employers to establish and join local, national or international organizations for the protection of their economic and social interests, the Parties undertake that national legislation and its application will not limit these freedoms. The extent to which the guarantees provided for in this article apply to the police shall be determined in national legislation or regulations. The principle governing the application of these guarantees to members of the armed forces and the extent to which they apply to such categories of persons are also defined in national legislation or regulations.

#### **Article 6. The right to conclude collective agreements**

In order to ensure the effective implementation of the right to conclude collective agreements, the Parties undertake the following obligations:

- 1) to help conduct joint consultations between employees and employers;
  - 2) to support the mechanism of voluntary negotiations between employers or employers' organizations and workers' organizations through collective agreements in necessary and appropriate cases in order to regulate the terms and conditions of work through collective agreements;
  - 3) support the establishment and use of appropriate conciliation and voluntary arbitration mechanisms for the settlement of labor disputes;
- and
- 4) recognize the right of collective action, including the right to strike, of employees and employers in cases of conflict of interest, provided that they comply with the obligations that may arise from collective agreements concluded in advance.

#### **Article 7. The right to protection of children and young people**

In order to ensure the effective implementation of the right to protection of children and young people, the Parties undertake the following obligations:

- 1) to set the minimum age limit for employment at 15 years, provided that children are employed in light jobs that do not harm their health, morals or education;
- 2) to determine the minimum age limit for employment at 18 years in relation to jobs considered dangerous or harmful to health;
- 3) to determine that persons receiving compulsory education should not be employed in jobs that could deprive them of the opportunity to receive their full education;
- 4) to determine the limitation of the working day of persons up to the age of 18 according to the needs of their development, especially the need for professional training;
- 5) to recognize the right of young workers and students to receive a fair salary or other appropriate benefits;
- 6) with the consent of the employer, determine whether the time allocated to professional training of young workers during normal working hours is considered a part of the working day;
- 7) to determine the right of employees under the age of 19 to at least four weeks of paid annual leave;
- 8) to determine that persons under the age of 18 should not engage in night work, except for certain types of work provided for in national legislation or regulations;
- 9) to determine the regular medical examination of persons under 18 years of age who are engaged in certain activities provided for in the national legislation or regulations;
- 10) to ensure special protection of children and young people from physical and moral dangers to which they may be exposed, especially from dangers arising directly or indirectly from their work.

#### **Article 8. Working women's right to maternity protection**

In order to ensure the effective implementation of the right to maternity protection of working women, the Parties undertake the following obligations:

- 1) to determine the granting of paid leave to working women before and after childbirth for a total period of not less than 14 weeks, or through relevant social benefits, or through benefits from public funds;
- 2) consider it illegal for the employer to issue a notice of dismissal of a woman from the time the woman informs the employer about her pregnancy until the end of her pregnancy leave;

- 3) to determine the right of nursing mothers to receive enough breaks for this purpose;
- 4) To regulate the night work of pregnant women, mothers who have recently given birth and are nursing their children;
- 5) to prohibit pregnant women, recently born and nursing mothers from working in underground mines and other jobs that are not suitable in terms of danger, health and severity, and to take appropriate measures to protect the labor rights of such women.

#### **Article 9. Right to profession**

In order to ensure the effective implementation of the right to professional direction, the Parties, if necessary, determine or support services that will help all persons, including *persons with disabilities , with problems related to job selection and development, taking into account the characteristics of the person and their attitude to work opportunities*; such assistance should be free for both young people, including schoolchildren, and adults. [2]

#### **Article 10. The right to vocational training**

In order to ensure the effective implementation of the right to vocational training, the Parties undertake the following obligations:

- 1) To the extent possible and in consultation with employers' and workers' organizations, to provide technical and vocational training to all persons, including persons with disabilities, or to assist in providing them, and to provide funds that make higher technical and university education possible, exclusively based on personal ability criteria . ; [3]
- 2) to create or support the development of apprenticeship or other systems of professional training of boys and girls in various specialties according to the workplace;
- 3) when necessary, to provide or develop the following:
  - a) sufficient and easily available resources for professional training for older workers;
  - b) special funds caused by the demands of technical progress and new trends in the field of employment for the purpose of professional retraining of older workers;
- 4) to take special measures for the purpose of retraining those who have been unemployed for a long time and involving them in the production process, or to support the implementation of these countermeasures;
- 5) to encourage the maximum use of available opportunities due to the following necessary measures:
  - a) reduction or cancellation of any tuition fees;
  - b) provision of financial assistance in appropriate cases;
  - c) inclusion of the time spent by employees on additional professional training at the request of their employer in the normal working hours;
  - d) the effective organization of apprenticeships and any other system through the necessary supervision in consultation with employers' and workers' organizations and the provision of adequate protection for young workers as a whole.

#### **Article 11. The right to health protection**

In order to ensure the effective implementation of the right to health protection, the Parties undertake to take appropriate measures, directly or in cooperation with public or private organizations , *inter alia, aimed at:*

- 1) eliminate the causes of diseases as much as possible;
- 2) identify counseling and educational services to promote health and encourage personal responsibility in health matters;
- 3) prevent epidemic, endemic and other diseases as well as accidents as much as possible.

#### **Article 12. The right to social security**

In order to ensure the effective implementation of the right to social security, the Parties undertake the following obligations:

- 1) create and maintain the social security system;
- 2) to maintain the social security system at a satisfactory level, at the minimum level required for the approval of the European social security code;
- 3) achieving a gradual raising of the social security system to a higher level;

4) to take measures to ensure the following by concluding appropriate bilateral and multilateral agreements or by other means and by complying with the conditions stipulated in these agreements:

a) establishment of the same regime for its own citizens and citizens of other Parties in matters related to the right to social security, including the preservation of the advantages provided for by the social security legislation, regardless of any movement of the protected person between the territories of the Parties;

b) Granting, maintaining and restoring the right to social security by means of summing up the periods of insurance or work experience carried out in accordance with the legislation of each of the parties.

#### Article 13. **The right to social and medical assistance**

In order to ensure the effective implementation of the right to social and medical assistance, the Parties undertake the following obligations:

1) to provide appropriate assistance through payments within the social security system to every person who does not have enough means to live and is unable to obtain these means either as a result of his personal efforts or from other sources, and in cases of illness, to provide the care necessary for his condition;

2) to ensure that the political and social rights of the persons benefiting from such assistance are not violated, precisely because of this;

3) to provide that each person may receive advice and personal assistance that may be required in order to eliminate or alleviate the financial needs of himself and his family through the means and mediation of relevant public or private services;

4) in accordance with their obligations under the European Convention on Social and Medical Assistance, signed in Paris on December 11, 1953, citizens of other Parties who are legally (located) in their territory under the conditions applicable to their own citizens in paragraphs 1, 2 and 3 of this article to apply the said provisions.

#### Article 14. **The right to benefit from social welfare services**

In order to ensure the effective implementation of the right to benefit from social welfare services, the Parties undertake the following obligations:

1) to support or provide services that help the welfare and development of individuals and groups in society, as well as their adaptation to the social environment, using social work methods;

2) to encourage the participation of individuals and also voluntary or other organizations in the creation and operation of such services.

#### Article 15. **The right of persons *with disabilities* to independence, social integration and participation in the life of society [4]**

Regardless of age, nature and origin of disability, the Parties undertake the following obligations in particular for the purpose of effective implementation of the right of persons *with disabilities* to independence, social integration and participation in the life of society:

1) in order to provide persons with disabilities with the necessary orientation, education and professional training, when possible, within the framework of relevant general systems, and when not possible, take necessary measures through specialized state or private enterprises ; [5]

2) with the help of all possible measures encouraging entrepreneurs to employ *disabled* persons and maintain them in a normal working environment, and if this is impossible due to their disability, then to adjust the working conditions according to the capabilities of such persons by creating types of employment designed for them in accordance with their *disability* . *to facilitate the employment of persons with physical and mental disabilities* . In certain cases, specialized employment and assistance services may be required in the implementation of such measures; [6]

3) to support the full social integration of such persons and their participation in society, including the removal of obstacles that limit their contact and movement, and providing technical means for transportation, accommodation, cultural activities and full-value leisure.

#### Article 16. **The right to social, legal and economic protection of the family**

In order to ensure the necessary conditions for the full development of the family, which is the main core of society, the Parties undertake to support the economic, legal and social protection of family life through social and family allowances, tax concessions, accommodation suitable for family needs, concessions for young families and other relevant measures. they take

#### Article 17. **The right of children and young people to social, legal and economic protection**

Parties in order to effectively implement the right of children and young people to be educated in conditions that support the full development of personality

undertake to take all necessary and necessary measures, directly or with the cooperation of public or private organizations, for the following:

- 1) a) to ensure that children and young people receive the care, assistance, education and professional training necessary for them, taking into account the rights and obligations of their parents, including by creating or supporting sufficient and adequate institutions and services for this purpose;
  - b) protect children and young people from lack of supervision, violence and exploitation;
  - c) providing protection and special assistance by the state to children and young people who have temporarily or permanently lost the support of their families;
- 2) to provide children and young people with free primary and secondary education, as well as support stable school attendance.

**Article 18. The right to engage in income-generating activities in the territory of other Parties**

In order to ensure the effective implementation of the right to engage in income-generating activities in the territory of the other Party, the Parties undertake the following obligations:

- 1) apply the current legislation in a liberal spirit;
- 2) simplify the existing formality and reduce or abolish stamp duty and other fees collected from foreign workers or their employers;
- 3) to liberalize the legislation regulating the employment of foreign workers on an individual or collective basis;

and:

- 4) to recognize the right of its citizens to leave the country in order to engage in income-generating activities in the territory of the other Party.

**Article 19. The right to protection and assistance of labor migrants and their families**

In order to ensure the effective implementation of the right to protection and assistance of labor migrants and their families in the territory of any Party, the Parties undertake the following obligations:

- 1) To maintain or ensure the availability of adequate and free services to assist such workers, especially in obtaining accurate information, and to take all necessary measures to the extent permitted by national legislation and regulations against misinformation on emigration and immigration matters;
- 2) within its jurisdiction to take appropriate measures to facilitate the departure, travel and reception of these counter workers and their families and to provide them with the necessary sanitary and medical services and also good hygiene conditions within their jurisdiction during the trip;
- 3) to support the cooperation of public and private social services of emigration and immigration countries when it is considered appropriate;
- 4) to the extent that these issues are regulated by laws or regulations or are included in the powers of administrative authorities, to provide labor migrants in their territory with a favorable regime that is no worse than the regime created for their own citizens in the following areas:
  - a) remuneration and labor remuneration and other conditions;
  - b) membership in trade unions and use of benefits provided by collective agreements;
  - c) place of residence;
- 5) to ensure the creation of a regime no less favorable than the regime created for its own citizens in matters related to the amount of deduction of taxes and fees collected from hired workers for labor migrants who are legally present in their territories;
- 6) to support as much as possible the reunification of the families of labor migrants who have been allowed to settle in their territories;
- 7) to ensure the establishment of a regime no less favorable than the one created for its own citizens in matters related to the possibility of applying to the courts for the issues mentioned in this article for labor migrants who are legally present in their territories;
- 8) to ensure that labor migrants who are legally present in their territory are not expelled, except in cases where they pose a threat to national security or harm public order or morality;
- 9) to allow labor migrants to send any part of their earnings and savings within the limits allowed by law;
- 10) to apply the protection and assistance provided by this article to self-employed migrants to the extent applicable;

11) to promote and support the teaching of the national language of the state receiving labor migrants, and if there are several such languages, then one of them;

12) to encourage and support the learning of the native language of their parents by the children of labor migrants to the extent practically possible.

#### **Article 20. The right to equal opportunities and equal treatment in matters of employment and work, regardless of sex**

In order to ensure the effective implementation of the right to equal opportunities and equal treatment in matters of employment and work, regardless of gender, the Parties undertake to take the necessary measures to ensure the recognition and implementation of this right in the following areas:

- a) access to work, protection from dismissal and professional reintegration;
- b) vocational guidance, vocational training, retraining and rehabilitation;
- c) working terms and conditions, including remuneration;
- d) career development including promotion.

#### **Article 21. Right to information and advice**

In order to ensure the effective implementation of the right of employees to receive information and consult with them within the framework of the enterprise, the Parties undertake to take measures that allow employees and their representatives to:

- a) to receive regular or timely and clear information about the economic and financial situation of the enterprise employing them, taking into account the possibility of refusing to disclose certain information that may harm the enterprise or its secrecy; and
- b) consult in advance on draft decisions that may significantly affect the interests of employees, especially those that may have an important impact on the employment situation in the enterprise.

#### **Article 22. The right to participate in determining and improving working conditions and working environment**

In order to ensure the effective implementation of the right of employees to participate in the determination and improvement of the working conditions and working environment in the enterprise, the Parties undertake, in accordance with national legislation and practice, to take or promote measures that allow employees or their representatives to participate in the following:

- a) determination and improvement of labor conditions, labor organization and work environment;
- b) protection of health and safety in the enterprise;
- c) organization of social and socio-cultural services in the enterprise and creation of appropriate conditions;
- d) control over compliance with the rules for these enterprises.

#### **Article 23. Right of elderly persons to social protection**

In order to ensure the effective implementation of the right to social protection of the elderly, the Parties, directly or in cooperation with state and private institutions, take the following obligations to take or promote the necessary measures, including:

to enable the elderly to remain fully valued members of society for as long as possible by providing for the following:

- a) sufficient funds that allow them to lead a decent life and play an active role in state, social and cultural life;
- b) information about the services and benefits available for elderly people and their opportunities to use these services;

to enable intelligent people to freely choose their own way of life and to lead an independent life in the conditions to which they are accustomed and to the best of their ability, in the following ways:

- a) by providing accommodation according to their needs and health status or providing assistance in re-equipment of their living spaces according to their needs;
- b) with care for their health, with medical and other services according to their health condition;

to support elderly people living in nursing homes while respecting the privacy of their private lives, and to ensure their participation in decision-making that affects living conditions in nursing homes.

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

In order to ensure the effective implementation of the right to defense in cases of termination of employment relations, the Parties undertake to recognize the following:



a) the right not to terminate the employment relationship without legal reasons for all employees, their duty or behavior, or to terminate the employment relationship based on the production requirements of the enterprise, department or service;

b) the right to receive adequate compensation or other appropriate benefits for workers terminated without legal reasons.

For this purpose, the Parties undertake to ensure the right of the employee who considers the termination of the employment relationship to be unjustified, to complain to an impartial body.

#### **Article 25. The right of employees to defend their legal claims if the employer is insolvent**

If the employer is insolvent, in order to effectively exercise the right of the employees to defend their legal claims, the Parties undertake to provide the employees' claims arising from the employment contracts or employment relationships with appropriate guarantee institutions or any other effective form of protection.

#### **Article 26. Right to dignity at work**

In order to ensure the effective implementation of the right of all workers to dignity at work, the Parties, in consultation with employers and workers' organizations, undertake the following obligations:

1. take all necessary measures to support the explanation, awareness and prevention of workplace or work-related sexual harassment and to protect employees from such behavior;

2. to support the explanation, information and prevention of persistent ugly or especially negative and offensive actions directed against individual employees in the workplace or related to work, and to take all necessary measures to protect employees from such behavior.

#### **Article 27. Right to equal opportunities and equal treatment of employees with family obligations**

In order to ensure the effective implementation of the right to equal opportunities and treatment of male and female employees with family obligations, as well as between these employees and other employees, the Parties undertake the following obligations:

1. take appropriate measures for the following:

a) to allow employees with family responsibilities to enter and maintain their jobs, as well as to resume work after a break caused by family responsibilities, taking into account the measures taken in the field of professional orientation and professional training;

b) their requirements regarding working conditions and social security;

c) to develop public and private social services, including kindergartens and other children's institutions, or to support their development;

2. to ensure that any of the parents receive leave for the purpose of taking care of the baby after pregnancy and childbirth, the duration and conditions of which shall be determined by national legislation, collective agreement or practice;

3. to ensure that family obligations do not in themselves serve as a reason for termination of employment.

#### **Article 28. The right to protection and concessions of employee representatives in enterprises**

In order to ensure the effective implementation of the right of employee representatives to perform their functions, the Parties undertake to achieve the protection of the following by employee representatives in enterprises:

a) implementation of effective protection against actions directed against them, including dismissal as employee representatives, based on their status or activity in that enterprise;

b) providing them with the necessary resources and opportunities to perform their functions practically and effectively, taking into account the labor relations system of a specific country, as well as the needs, size and capabilities of the enterprise.

#### **Article 29. The right to inform and consult employees during collective layoffs due to layoffs**

In order to ensure the effective implementation of the right of employees to inform and consult with them in cases of collective layoffs due to layoffs, the Parties shall provide information by employers to employee representatives about such upcoming layoffs and, in parallel with the layoffs, for example, the reinstatement of the laid-off employees. undertake to ensure consultation on ways and means to limit the extent and mitigate the consequences of such layoffs by taking social measures aimed at providing employment or supporting their new vocational training.

#### **Article 30. The right to protection from poverty and social exclusion**

In order to ensure the effective implementation of the right to protection from poverty and social exclusion, the Parties undertake the following obligations:

a) take measures that enable employment, housing, culture, as well as social and medical assistance in the context of social exclusion and poverty within the framework of a unified and coordinated approach;

b) revise these measures, if necessary, in order to adapt to changing conditions.

#### **Article 31. Right of residence**

In order to ensure the effective implementation of the right to residence, the Parties undertake the following obligations to take measures aimed at:

1) to support the possibility of housing that meets the necessary requirements;

2) reduce homelessness in order to prevent and gradually eliminate it;

3) to make housing affordable for people who do not have enough funds.

### **PART III**

#### **Article A**

##### **Obligations**

1. Taking into account the provisions of Article B below, each of the Parties undertakes the following obligations:

a) to regard Part I of this Charter as a declaration of the objectives which it shall endeavor to achieve by all appropriate means, as stated in the introductory paragraph of the above-mentioned Part;

b) to consider at least six of the nine articles of Part II of this Charter - 1, 5, 6, 7, 12, 13, 16, 19 and 20 - binding on him;

c) consider the articles or numbered clauses of Part II of this Charter, which he chooses additionally, to be binding for him, provided that the total number of articles and numbered clauses considered mandatory is not less than sixteen articles or sixty-three numbered clauses.

2. The articles and articles selected in accordance with subparagraphs "b" and "c" of paragraph 1 of this article are notified to the Secretary General of the Council of Europe when the ratification decree or the instrument of acceptance or approval is recommended for storage.

3. Notwithstanding the provisions of Clause I of this Article, each of the Parties may subsequently declare to the Secretary General that it considers any other article or numbered clauses of Part II of the Charter that it has not yet adopted to be binding for itself. Such commitments shall be treated as an integral part of the ratification, acceptance or approval and shall take effect as such from the first day of the month following the date of notification.

4. Each of the parties has a labor inspection system according to its national conditions.

#### **Article B**

##### **Relations with the European Social Charter and its additional protocol of 1988**

1. No Party to the European Social Charter or to the Protocol of 5 May 1988 may ratify, accept or approve this Charter until it has complied with the provisions of the European Social Charter and, where necessary, of its Additional Protocol. consider that it is binding for

2. Acceptance of obligations in accordance with any provision of this Charter means that from the moment these obligations enter into force for the relevant Party, the relevant obligations of the European Social Charter of that Party, and, if necessary, its Additional Protocol of 1988, that Party of the first of these documents or each it loses its effect from the moment it deems it necessary for the two to remain binding for itself.

### **PART IV**

#### **Article C**

##### **Control over the implementation of the obligations contained in this Charter**

The implementation of the legal obligations contained in this Charter must be monitored in the same way as in the European Social Charter.

#### **Article D**

##### **Collective complaints**

1. The provisions of the Additional Protocol of the European Social Charter, which provides for the system of collective complaints, are also applied to the obligations established by this Charter for the states that have ratified the said Protocol.

2. When any state that does not consider the Additional Protocol of the European Social Charter, which provides for a system of collective complaints, to be binding for itself, submits its ratification decree or instrument of acceptance or approval for storage, through a notification addressed to the Secretary General of the Council of Europe, mentioned in the Protocol declares that it accepts the rule of control over compliance with the obligations under the Charter in accordance with the prescribed procedure.

## PART V

### Article E

#### **Non-discrimination**

The fulfillment of the rights expressed in this Charter is ensured without discrimination based on race, skin color, sex, language, religion, political and other occupation, health, any nationality, birth or other status signs.

### Article F

#### **Refusal to fulfill obligations in cases of war or national danger**

1. In cases of war or other threat to the life of the nation, any Party shall take measures to the extent necessary in relation to the situation to withdraw from the fulfillment of its obligations under this Charter, provided that these measures do not conflict with its other obligations under international law.

2. Any Party using the right to withdraw from the fulfillment of its obligations, within a reasonable time, informs the Secretary General of the Council of Europe about the measures taken and the reasons for taking them. It shall also inform the Secretary-General when these measures cease to have effect and the provisions of the Charter which it has adopted shall again be fully implemented.

### Article G

#### **Restrictions**

1. The practical realization of the rights and principles given in Part I and their effective implementation as provided for in Part II, the restrictions established by law and necessary for the protection of the rights and freedoms of other persons or the state interest, national security, public health and morals in a democratic society except that it shall not be subject to any other restrictions not set forth in these sections.

2. The limitations permitted by this Charter on the rights and obligations expressed in it shall not be applied to other purposes, except for the purposes provided for in advance.

### Article H

#### **Relationship between the Charter and domestic law or international agreements**

The provisions of the Charter shall not be applied to the detriment of the provisions of domestic law, any bilateral or multilateral treaty, convention or multilateral agreement, convention or agreement which has already entered into force or may enter into force and which may be more favorable to the persons protected by it.

### Article I

#### **Fulfillment of obligations**

1. Without prejudice to the methods of fulfillment of the obligations stipulated by those articles, the corresponding provisions of articles 1-31 of part II of this Charter are fulfilled with the help of the following:

- a) laws and normative acts;
- b) agreements between entrepreneurs and entrepreneurial organizations and labor organizations;
- c) one or another combination of the two methods mentioned above;
- d) other suitable methods.

2. Clauses 1, 2, 3, 4, 5 and 7 of Article 2 of Part II of this Charter, Clauses 4, 6 and 7 of Article 7, Clauses 1, 2, 3 and 5 of Article 10 and compliance with the obligations arising from articles 21 and 22 may be considered effective if these provisions are applied to the absolute majority of employees to whom the provisions apply in accordance with paragraph 1 of that article.

### Article J

#### **Corrections**

1. In order to expand the rights guaranteed by this Charter, amendments to Parts I and II of this Charter, as well as amendments to Parts III-IV proposed by any Party or Government Committee, shall be sent to the Secretary General of the Council of Europe, who shall forward them to the Parties that are members of this Charter. .

2. Any amendment proposed in accordance with the above paragraph shall be submitted to the Government Committee for discussion, which shall send the adopted text to the Committee of Ministers for approval after consultation with the Parliamentary Assembly.

3. Any amendment to Parts I and II of this Charter shall enter into force for the Parties accepting such amendment on the first day following the expiration of a period of one month after the date on which the three Parties notify the Secretary-General of its acceptance.

For any Party which later accepts an amendment, the amendment shall enter into force on the first day following the expiration of a period of one month after the date on which that Party notifies the Secretary-General of its acceptance.

4. Any amendment to Parts III-VI of this Charter shall enter into force on the first day following the expiration of a period of one month after the date on which all Parties notify the Secretary-General of its acceptance.

## PART VI

### Article K

#### **Signature, ratification and entry into force**

1. This Charter is open for signature by the member states of the Council of Europe. It must be ratified, accepted or approved. Ratification decrees are submitted to the Secretary General of the Council of Europe for confirmation of acceptance or approval.

2. This Charter shall enter into force on the first day of the following month after the expiration of a period of one month from the period during which the three member states of the Council of Europe must give their consent for this Charter to become binding for them in accordance with the above-mentioned article.

3. This Charter shall enter into force on the first day of the following month after the expiration of a period of one month from the date of submission of the ratification decree or document on the acceptance or approval of the Charter for each member state that subsequently agrees to its binding force.

### Article L

#### **Area application**

1. This Charter applies in the metropolitan area of any Party. Each signatory government of the Charter may send an application to the Secretary General of the Council of Europe at the time of submission of the ratification decree or instrument of its signature or acceptance or approval, indicating the territory to be considered as the territory of the metropolis for this purpose.

2. Each of the parties shall, at the time of submission of the ratification decree or instrument of the signing or acceptance or approval of this Charter for storage, or at any time thereafter, in the name of the Secretary General of the Council of Europe, the effect of the Charter as a whole or any of its parts, as indicated in the application and its may send an application to apply to the territories it represents in international relations, or for which it is responsible, or to territories outside the metropolis. The application specifies those articles and clauses of Part II of the Charter, which the Party accepts as binding on the territories listed in the application.

3. The effect of the Charter shall extend to the territory or territories specified in the above-mentioned application beginning on the first day of the month following the expiration of a period of one month from the date of receipt by the Secretary-General of notification of such application.

4. Any Party may subsequently, by sending a notification to the Secretary General of the Council of Europe, declare, in accordance with paragraph 2 of this article, with regard to one or more territories to which the effect of this Charter applies, that it has not yet accepted, in relation to that territory or territories, considers any article or clause marked with a number to be binding. Such undertakings shall be treated as part of the first previous application in respect of those territories and shall take effect to that extent beginning on the first day of the month following the expiration of a period of one month from the date of receipt of such notification by the Secretary-General.

### Article M

#### **Do not declare invalid**

1. Any Party may terminate this Charter after five years from the date of its entry into force, or after the expiration of any biennium thereafter, and six months in advance by sending a prior notification to the Secretary General of the Council of Europe, and the latter by informing the other Parties accordingly . can cancel.

2. In accordance with the provisions of the above article, any Party may declare invalid any article or clause adopted by it from Part II of the Charter, provided that the number of articles or clauses binding on such Party shall be sixteen in the first case, and sixteen in the second case. and not less than sixty-three, and this number of articles and paragraphs should include, as before, the articles chosen by the Party, which are specifically mentioned in the number of those specifically mentioned in subparagraph "b" of paragraph 1 of Article A.

3. Any Party to which the effect of the Charter extends, on the basis of its application referred to in paragraph 1 of this article and made in accordance with paragraph 2 of article 1, shall apply this Charter or any article or clause of Part II thereof. can declare it invalid provided that it is related to the territory.

Article N

#### **Additional**

Annexes to this Charter are integral parts thereof.

Article O

#### **Notices**

The Secretary General of the Council of Europe shall notify the member states of the Council and the Director of the International Labor Office of the following:

- a) about any signing;
- b) on the submission for storage of any ratification decree or document of acceptance or approval;
- c) on any date of entry into force of this Charter in accordance with Article K;
- d) on each application submitted for the fulfillment of clauses 2 and 3 of Article A, clauses 1 and 2 of Article D, clause 2 of Article F, clauses 1, 2, 3 and 4 of Article L;
- e) on any amendment pursuant to Article J;
- f) Any declaration of invalidity in accordance with Article M;
- g) on any other act, notification or information regarding this Charter. The undersigned, being duly authorized thereto, sign in approval of this amended Charter.

The Charter was signed on 3 May 1996 in English and French, both texts being equally authentic, in a single copy, which copy shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall send duly certified copies to each member state of the Council of Europe and to the Director General of the International Labor Office.

### **ANNEXES TO THE REVISED EUROPEAN SOCIAL CHARTER**

#### **The scope of the amended European Social Charter on persons covered by protection**

1. Without prejudice to Clause 4 of Article 12 and Clause 4 of Article 13, persons to whom the effects of Articles 1 to 17 and 20 to 31 are spread include foreigners only if they are citizens of the other Party and If they live and work permanently in the territory of the party, they are admitted on the basis of the provisions of articles 18 and 19, provided that those articles are explained and understood. This explanation does not preclude the extension of a similar right by any contracting Party to other persons.

2. Each Party shall, as far as possible and in each case in accordance with the Convention relating to the Status of Refugees signed on July 28, 1951 and the Protocol of January 31, 1967 and established in the Protocol of January 31, 1967, be favorable to the refugees living in its territory and in each case the said Convention and that provides a condition no less favorable than that provided for by the Party's obligations under any other international agreements currently in force applicable to refugees.

3. Any Stateless person legally residing in its territory (stateless persons) shall be given the name applicable to its Party to the Convention on the Status of Stateless Persons, adopted in New York on September 28, 1954, to the maximum extent possible, applicable to such stateless persons. creates an appropriate regime no less favorable than the obligations assumed by that Party under the Convention and any other international documents in force.

PART I

#### **Clause 18 and Part II, Clause 1 of Article 18**

It is understood that these provisions do not affect access to the territory of the Party and do not prejudice the provisions of the European Convention on Settlements signed in Paris on December 13, 1955.

PART II

#### **Clause 2 of Article 1**

This provision shall not be construed as prohibiting or authorizing any bylaws or the practice of securing through unions.

#### **Clause 6 of Article 2**

The parties provide that this provision shall not apply to:

regarding employees who have an employment contract or enter into an employment relationship for a period of no more than one month, or also a working week of no more than eight hours;

regarding persons who have an employment contract or casual or specific labor relations, provided that non-application of that provision is justified by objective reasons.

#### **Clause 4 of Article 3**

It is understood that for the purposes of that provision, the function, organization and conditions of effect of these services shall be determined by national laws, regulations, collective agreements or other means appropriate to national conditions.

#### **Clause 4 of Article 4**

That provision should be understood in such a way that it does not preclude dismissal in case of serious misconduct.

#### **Clause 5 of Article 4**

It is understood that where the majority of employees do not allow deductions from wages either by law, collective agreements, or arbitration awards, a Party assumes the obligation under this clause.

#### **Clause 4 of Article 6**

It is understood that, where applicable, each Party may regulate the exercise of the right to strike by law, provided that any other possible limitation of that right can be justified in accordance with the provisions of Article "G".

#### **Clause 2 of Article 7**

That provision stipulates that young people who have not reached the minimum age limit for employment can work to the extent necessary for vocational training, with the conditions of carrying out this work in accordance with the conditions foreseen by the competent authorities and taking measures to protect the health and safety of these young people in the national legislation of the Parties. do not prevent him from catching.

#### **Clause 8 of Article 7**

It is understood that a Contracting Party may undertake the obligation required by this paragraph provided that it provides in advance in its national legislation that the majority of young people under the age of 18 shall not work at night.

#### **Clause 2 of Article 8**

This provision should not be interpreted to mean that it imposes an absolute prohibition. For example, there may be exceptions in the following cases:

- a) if a female employee commits an act that justifies the violation of labor relations;
- b) if the relevant obligation is no longer valid;
- c) if the employment contract has expired.

#### **Clause 4 of Article 12**

The words "subject to compliance with the conditions stipulated in these agreements" in the introduction of that paragraph should be considered as giving the following meaning: for example, in the case of granting benefits independent of the membership insurance fee, when granting such benefits to the citizens of the other Contracting Parties, the Contracting Party may require the expiry of the previously stipulated period of residence.

#### **Clause 4 of Article 13**

Governments that are not members of the European Social Charter on social and medical assistance may ratify (approve) that Charter in relation to this clause, when they can create a regime corresponding to the provisions of the mentioned Convention for their citizens of other Contracting Parties.

#### **Article 16**

There is an understanding that the protection provided in that provision also extends to single-parent families.

#### **Article 17**

There is an understanding that if the age of majority does not begin earlier under applicable law, then that provision applies to all youth under 18 years of age. This does not apply to other specific provisions of the Charter, including Article 7.

This does not imply an obligation to provide compulsory education up to the specified age.

#### **Clause 6 of Article 19**

For the purposes of this provision, the term "family of a migrant worker" shall be construed as including at least the worker's spouse and unmarried children who are minors and dependent on the receiving State.

#### **Article 20**

1. There is an understanding that social security issues can be excluded from the scope of that article, like other provisions on old-age pensions, unemployment and bereavement benefits.
2. The provisions related to the protection of women, including the protection of pregnancy, childbirth and maternity, should not be considered as discrimination in terms of the content of that article.
3. That article should not prevent measures aimed at eliminating actual inequality.
4. Types of professional activities that can be assigned only to persons of a certain gender due to their characteristics or performance may be excluded from the scope of that article or some of its provisions. This cannot be interpreted as a request to the Parties to include in the composition of laws or normative acts a list of tasks that can be assigned only to persons of a certain gender due to their nature or performance.

#### **Article 21 and 22**

1. For the purposes of the application of these articles, the term "employee representatives" means persons recognized by national legislation or practice in such part.
2. The term "national legislation and practice" includes collective agreements, other agreements concluded between employers and workers' representatives, customs and relevant judicial practice, as well as laws and normative acts.
3. For the purposes of the application of these articles, the term "enterprise" means a complex of material or immaterial components, having the status of a legal entity or not, created for the purpose of obtaining financial benefits for the production of goods or providing services, and provided with the powers to determine their own market policy. means
4. It is understood that religious societies and their institutions, even if they are "institutions" within the meaning of paragraph 3, may be excluded from the scope of application of these articles. Enterprises that operate and are inspired by certain ideals or follow certain moral concepts and ideals and are protected by national legislation may be excluded from the scope of application of these articles to the extent necessary to protect the direction of such enterprise.
5. There is an understanding that when the rights expressed in those articles are exercised in different departments of the enterprise, the relevant Party should be considered as the party fulfilling the obligations arising from those provisions.
6. The parties may exclude enterprises employing less than a certain number of employees from the scope of application of those articles. Such enterprises are determined by national legislation or practice.

#### **Article 22**

1. This provision does not affect the state powers and obligations regarding labor protection and hygiene in workplaces, nor the powers and responsibilities of supervisory bodies over their implementation.
2. The terms "Social and socio-cultural service and the creation of opportunities for it" are social or cultural services and opportunities provided to employees by some enterprises, including financial assistance, sports facilities, rooms for nursing mothers, libraries, children's camps, etc. it is understood.

#### **Clause 1 of Article 23**

For the purposes of this clause, the term "as long as possible" refers to the physical, psychological and intellectual capabilities of elderly persons.

#### **Article 24**

1. It is understood that for the purposes of that article, the term "termination of employment" means termination at the initiative of the entrepreneur.
2. It is understood that this article covers all workers, but a Party may exclude in whole or in part from the scope of protection the following categories of wage workers:

- a) employees who have an employment contract for a certain period of time or for the time of performance of certain work;
- b) employees who have passed the probationary period, the time of which is determined in advance and the continuation of which is logical;
- c) workers hired for a short period of time on an irregular basis.

3. For the purposes of that article, for example, the following circumstances are not valid reasons for termination of employment:

- a. to be a member of a trade union and to participate in the work of the trade union during non-working hours or during working hours with the consent of the entrepreneur;
- b. promotion and performance to perform the functions of employee representatives, including in the past;
- c. not to file a complaint against the entrepreneur or participate in a lawsuit brought against him, accusing him of violating the law or normative acts, or to apply to the competent administrative bodies;
- d. race, color, sex, marital status, family obligation, religion, political opinion, national or social affiliation;
- e. leave due to pregnancy and childbirth or taking care of a baby;
- f. temporary absence from work due to illness or injury.

4. There is an understanding that compensation or other necessary benefits in cases of termination of employment without valid reason are determined by national laws or normative acts, collective agreements or other acts relevant to national conditions.

#### Article 25

1. There is an understanding that the competent national body may exclude certain categories of workers from the scope of protection provided for by that provision by means of elimination and after consultation with employers and workers' organizations due to the nature of their labor relations.
2. There is an understanding that the definition of the term "insolvent" should be provided by national law and practice.
3. Employee comments covered by that article include at least the following:
  - a. employee complaints about wages during the specified period of no less than three months in the benefits system and eight weeks in the guarantees system until the enterprise's insolvency or termination of employment;
  - b. remarks on the payment of leave in exchange for work performed during the year of enterprise bankruptcy or termination of employment;
  - c. employee comments on the amount due for other types of paid absences for a period of not less than eight weeks in the benefits system until the enterprise's insolvency or termination of employment.
4. National laws and regulations may limit the protection of employee claims to a certain amount that corresponds to a socially acceptable level.

#### Article 26

There is an understanding that this article does not require the adoption of relevant legislation by the Parties. It is understood that paragraph 2 does not cover sexual harassment.

#### Article 27

It is understood that the article applies to working men and women in relation to their dependent children and other immediate family members who are clearly in need of their care and assistance when family obligations limit their preparation for, access to, participation in, and success in economic activity. is done. The terms "dependent children" and "other immediate family members who are clearly in need of their care and assistance" mean such persons as the national legislation of the Party concerned defines in this respect.

#### Article 28 and 29

For the purposes of the application of these articles, the term "employee representatives" means persons recognized as such by national legislation or practice.

### PART III

It is understood that the Charter includes legal obligations of an international nature, the implementation of which can be controlled only as provided for in Part IV of this Charter.



### **Clause 1 of Article A**

It is understood that the number of "numbered clauses" may include only single clause items.

### **Clause 2 of Article B**

The provisions of the amended Charter in relation to Article B, paragraph 2, correspond to the provisions of the previous Charter, the articles and clauses of which are numbered, with the exception of the following:

- a. paragraph 2 of Article 3 of the amended Charter corresponding to paragraphs 1 and 2 of Article 3 of the former Charter;
- b. paragraph 3 of article 3 of the amended Charter, corresponding to paragraphs 2 and 3 of article 3 of the former Charter;
- c. paragraph 5 of article 10 of the amended Charter, which corresponds to paragraph 4 of article 10 of the former Charter;
- d. paragraph 1 of Article 17 of the amended Charter corresponding to Article 17 of the former Charter.

### **PART V**

#### **Article E**

A differentiating approach based on objective and logical grounds should not be seen as a discriminatory approach.

#### **Article F**

The term "in case of war or other national danger" should be understood as including the threat of war.

#### **Article I**

It is understood that when calculating the number of employees covered, employees who are required to be removed in accordance with the appendices to articles 21 and 22 are not taken into account.

#### **Article J**

The term "amendment" also includes the addition of new articles to the Charter.

### **To the amended "European Social Charter".**

**(Strasbourg, May 3, 1996) regarding**

#### **STATEMENTS**

1. "The Republic of Azerbaijan declares that it is unable to guarantee the fulfillment of the provisions of the Charter in the territories occupied by the Republic of Armenia until the occupied territories are liberated (a schematic map of the occupied territories is attached)".\*

2. "According to Article A of Part III of the Charter, the Republic of Azerbaijan declares that it is bound by the following articles of Part II of the Charter:

- |               |                  |
|---------------|------------------|
| 1) Article 1  | 10) Article 16   |
| 2) Article 4  | 11) Article 20   |
| 3) Article 5  | 12) Article 21   |
| 4) Article 6  | 13) Article 22   |
| 5) Article 7  | 14) Article 24   |
| 6) Article 8  | 15) Article 26   |
| 7) Article 9  | 16) Article 27   |
| 8) Article 11 | 17) Article 28   |
| 9) Article 14 | 18) Article 29." |

## LIST OF SOURCE DOCUMENTS USED

1. Law of the Republic of Azerbaijan [No. 608-VIQD dated October 11, 2022](#) ( official website of the President of the Republic of Azerbaijan , November 12, 2022, "Azerbaijan" newspaper, November 13, 2022 , No. 247 )

## LIST OF AMENDMENTS AND AMENDMENTS TO THE ACT

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[1] Law of the Republic of Azerbaijan [No.608-VIQD dated October 11, 2022](#) (official website of the President of the Republic of Azerbaijan, November 12, 2022, "Azerbaijan" newspaper November 13, 2022, No. 247) "Amended Europe In paragraph 15 of Part I of the Social Charter, the word "Disabled" was replaced by the words **Persons with Disabilities**

[2] Law of the Republic of Azerbaijan [No.608-VIQD dated October 11, 2022](#) (official website of the President of the Republic of Azerbaijan, November 12, 2022, "Azerbaijan" newspaper November 13, 2022, No. 247) "Amended Europe In Article 9 of Part II of the Social Charter, the word "to the disabled" was replaced by the words **to persons with disabilities**

[3] Law of the Republic of Azerbaijan [No.608-VIQD dated October 11, 2022](#) (official website of the President of the Republic of Azerbaijan, November 12, 2022, "Azerbaijan" newspaper November 13, 2022, No. 247) "Amended Europe In the first paragraph of the first part of Article 10 of Part II of the Social Charter, the word "disabled" was replaced by the words **persons with disabilities**

[4] Law of the Republic of Azerbaijan [No.608-VIQD dated October 11, 2022](#) (official website of the President of the Republic of Azerbaijan, November 12, 2022, "Azerbaijan" newspaper November 13, 2022, No. 247) "Amended Europe In the name of Article 15 of Part II of the Social Charter, the word "Disabled" has been replaced by the words **Disabled**

[5] Law of the Republic of Azerbaijan [No.608-VIQD dated October 11, 2022](#) (official website of the President of the Republic of Azerbaijan, November 12, 2022, "Azerbaijan" newspaper November 13, 2022, No. 247) "Amended Europe In the first part of Article 15 of Part II and paragraph 1 of that part, the word "disabled" was replaced by the words **disabled**

[6] Law of the Republic of Azerbaijan [No.608-VIQD dated October 11, 2022](#) (official website of the President of the Republic of Azerbaijan, November 12, 2022, "Azerbaijan" newspaper November 13, 2022, No. 247) "Amended Europe In the first sentence of paragraph 2 of the first part of Article 15 of Part II of the Social Charter, the word **disabled** is replaced by the words **with a disability** the words "to the degree of physical and mental deficiency" are replaced by the words **disability physical and mental disability** "physical and mental deficiency" was replaced by the words.