

Committee on the Application of Standards

Date: 19 May 2025

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 19 May 2025.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Azerbaijan (ratification: 1992)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Government has provided the following written information.

Under the Labour Code, a collective agreement is a written agreement between an employer, a labour collective, and/or a trade union organization, that regulates labour, socio-economic, domestic, and other relations. The Code defines a collective bargaining agreement as an accord concluded between the relevant executive authority, trade unions, and employers' republican, professional, sectoral, or territorial associations. It outlines the obligations of the parties regarding joint activities on improving working conditions of employees, ensuring occupational safety and employment, and implementing other social protection measures.

According to Article 23 of the Labour Code, during the conclusion, amendment, and implementation of collective agreements and accords, any interference by executive authorities, other employers, political parties, public associations, or religious organizations that restricts or hinders the rights or the legitimate interests of the parties protected by law is prohibited.

According to Article 25 of the Labour Code, the right to initiate collective bargaining for the preparation, conclusion, and amendment of a collective agreement and accords lies, within their respective competences, with trade union organizations (associations), labour collectives, employers, the relevant executive authority, and representative bodies of employers.

Article 29 of the Labour Code stipulates that one party to a collective agreement is the employer, while the other party is the trade union organization. In the absence of a trade union organization at the enterprise, the second party to the collective agreement shall be the labour collective.

As the relevant provisions of national labour legislation indicate, the State does not participate in the process of concluding collective agreements in the private sector. When

developing the system of collective bargaining, it is essential to recognize the right to collective negotiation in both the private and public sectors. At the same time, the legislation stipulates that representative bodies of employers hold the right to initiate collective bargaining for the preparation conclusion, and amendment of collective accords.

The State can contribute to the broad and effective functioning of the collective bargaining system by supporting collective bargaining committees established for the conclusion or revision of sectoral agreements, even if such committees do not have a permanent structure. Negotiations conducted in good faith strengthen mutual trust between the parties and lay the foundation for sound and harmonious labour relations. However, in certain situations, the parties may have different perceptions of how the collective bargaining mechanism should operate.

Considering the above, collective bargaining in the Republic of Azerbaijan complies with the requirements of Article 4 of the Convention No. 98. At the same time, it should also be noted that when concluding sectoral collective agreements, the parties involved are the relevant executive authorities and professional and sectoral trade union associations; for territorial (district) collective agreements, the parties are the relevant executive authorities and territorial trade union associations.

In each of the cases outlined above, one party is represented by the relevant executive authority, its leadership (representing the State), which is also the employer. For example, in education, healthcare, or culture, collective bargaining agreements are concluded between the sectoral trade union associations and the relevant executive authority, which acts as the employer. In order to regulate social-labour relations, ensure social stability, coordinate collective negotiations, prepare the draft of the General Collective Agreement, discuss drafts of normative legal acts in the field of social security, and establish agreed principles of socio-economic policy between the parties, it is proposed to add a new article to the legislation, establishing the creation of a permanent Tripartite Commission on Social and Economic Issues. This commission will operate nationwide, consisting of an equal number of authorized representatives from the relevant executive authority (or institution) designated by the executive authority, trade unions, and the employers' nationwide (republican) union. The commission's creation will be based on the principle of equality of rights of the parties and will be established by a joint decision of the aforementioned organizations.

According to paragraph 6.2.8 of the General Collective Agreement, the parties have committed to working together on the preparation and adoption of a draft Law of the Republic of Azerbaijan "On social partnership", with the aim of improving social partnership relations and strengthening the institutional and legal framework.

As part of the implementation of this paragraph, a working group composed of representatives of the social partners has been established under the Tripartite Commission on Social and Economic Issues. The drafting of the initial version of the proposed law is nearing completion. The draft law sets out provisions on social partnership, including its objectives and functions, guiding principles, main forms and organization, the conduct of collective bargaining between social partners, the procedures for drafting and concluding agreements, as well as other related matters.

Additionally, a draft model collective agreement has been prepared and submitted to the Tripartite Commission for Social and Economic Issues. Following feedback, it is intended to be revised and resubmitted.

Furthermore, we would like to inform you that the issue mentioned in the query will be proposed for inclusion in the agenda of the next meeting of the Tripartite Commission on Social and Economic Issues for discussion.

The workshop on “Self-assessment Methodology for Social Dialogue Institutions”, jointly organized by the International Labour Organization and the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan was held in Baku on 15–16 May 2025. The workshop brought together ILO experts in social dialogue and labour management, members of the Tripartite Commission on Social and Economic Issues of Azerbaijan, as well as representatives from relevant government agencies and social partners. As a result of the productive and constructive discussions held during the workshop, the implementation of the aforementioned methodology in Azerbaijan has officially commenced.