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## **The Law of the Azerbaijan Republic About labour protection**

The present Law aims at the provision of employees right for labour protection, establishes uniform order of labour protection measures and spreads to all ministries, departments, corporations, concerns, associations, enterprises, organisations, co-operatives, collective and soviet farms, farms and other economic management bodies, independently of subordination, form of property and economic activity

### ***Chapter 1. General provisions***

#### ***Article 1. Definition of labour protection***

Labour protection represents a system of social-economic, organisational, technical, sanitary-hygienic and sanitary-medical arrangements and means, providing safety, protection of health and labour capacity of person during labour activity, based on corresponding legislative and other normative acts.

#### ***Article 2. Right of labour protection***

Citizens of the Azerbaijan Republic and foreign citizens have the right of labour protection, safety of their life and health in the process of labour activity on the whole republic territory.

#### ***Article 3. Labour protection legislation***

Labour protection legislation includes Constitution of the Azerbaijan Republic, Constitution of the Nakhchivan Autonomous Republic, present Law, other legislative acts of the Azerbaijan Republic, Nakhchivan Republic and normative acts adopted in accordance with the international normative-legal acts and international treaties, ratified by the Azerbaijan Republic.

Guarantees, established by other legislative acts, ensuring employees' rights of labour protection, are to be not less than the same guarantees, specified by the present Law. Acts, contradicting present Law, are considered void. Labour protection laws, standards, norms, rules, instructions are obligatory to all enterprises and organisations, their officials, employers and employees.

#### ***Article 4. Operation of labour protection legislation***

Operation of labour protection legislation spreads to all employees, having labour relations with enterprises, institutions and organisations of different property forms and economy, including separate employers; co-operative members, students of colleges of higher education, special secondary schools, vocational schools, secondary schools, having their working tests, military men, attracted for work at enterprises, persons, having been punished by court to work in reformatory labour institutions, as well as participants of other kinds of labour activity, organised in the interests of state and society.

#### ***Article 5. General principles of state policy in the field of labour protection***

The Azerbaijan Republic in the person of its administration authorities with participation of trade unions and other representation organisations of labourers and enterprises elaborates, fulfils, periodically reconsiders state policy in the field of labour protection on the basis of:

- unity of actions of all legislative, executive authorities, controlling administrative bodies, ministries, departments, services, local self-governing bodies, enterprises and organisations, directed at the improvement of labour conditions and safety, prevention of accidents and occupational diseases;
- priority of employee's life and health in relation to results of enterprise production activity;
- co-ordination of labour protection activity with other directions of economic and social policy, environmental activity;
- establishment of common labour protection requirements for all enterprises and organisations, independently of the form of property and economic activity;
- establishment of independent and efficient control over execution of labour protection requirements at all enterprises and organisations;
- wide use of achievements of science and technique, experience in labour protection, including foreign experience, to stimulate elaboration and inculcation of safe technique and technology, employees protecting means;
- pursuance of tax policy, furthering creation of healthy and safe labour conditions at enterprises and organisations;
- state participation in labour protection financing;
- free of charge provision of employees with special uniform and boots, other individual protective means, sanitary-medical catering;
- preparation of labour protection specialists in colleges of higher education and special secondary schools;
- obligatory consideration, account and analysis of each accident during production process , occupational diseases and using it as a basis for information of population about levels of production traumatism and occupational diseases;
- social protection of interests of workers, injured at the job place or got occupational disease;
- full support of activity of trade unions, other public organisations, enterprises and separate persons, aimed at the ensuring of labour protection;
- international co-operation during solution of labour protection issues.

***Article 6. Participation of public organisations in the elaboration and making of decisions about labour protection issues***

Enterprises, specialists, citizens can create public organisations to solve labour protection problems within the framework of the legislation of the Azerbaijan Republic about public organisations. State economic administrative bodies, control authorities and enterprises render full assistance and support to these organisations and take their decisions and recommendations into account during elaboration and adoption of resolutions about labour protection issues.

***Article 7. Labour protection at the implementation of international treaties and agreements.***

Enterprises and citizens of the Azerbaijan Republic fulfilling works abroad on the basis of international treaties or agreements apply requirements to labour protection fixed by them, unless otherwise specified. Peculiarities of regulation of relations in the sphere of labour protection for foreign citizens, working at the enterprises of the Azerbaijan Republic, are established on the basis of the agreement between interested parties.

***Chapter II. Organisational-technical and financial provision of labour protection***

***Article 8. State control over labour protection***

State control over labour protection is carried out by the Cabinet of Ministers of the Azerbaijan Republic, Cabinet of Ministers of the Nakhchivan Autonomous Republic, local authorities and specially authorised state bodies in accordance with the legislation of the Azerbaijan Republic.

The government of the Azerbaijan Republic:

- elaborates and pursues state policy in the sphere of labour protection, determines obligations of ministries, departments, concerns, associations, corporations, enterprises, organisations, co-operatives, local self-governing bodies and other authorities engaged in the improvement of labour conditions and ensuring of labour protection, co-ordinates and controls their activity on the provision of healthy and safe labour conditions;
- elaborates programmes of labour conditions and safety improvement and organises their implementation with participation of trade unions and other representative organisations of employees;
- adopts provisions about special state bodies and inspection authorities on the control over observance of legislation about labour protection;
- fixes state orders of enterprises for the production of labour protection means, makes decisions about creation of enterprises, including joint ventures, concerns, scientific-technical complexes, firms etc., with the aim of development and creation of these means;
- organises and co-ordinates scientific-investigation work, elaborates and implements national labour protection policy, determines the order and conditions of financing of these works;
- provides training of specialists in labour protection;
- establishes common state statistical accountability on labour protection for all enterprises;
- grants through authorised bodies licenses (permissions) ensuring the right of development, fabrication, assembly and use of equipment for potentially dangerous production, explosive works in the economic branches of the Azerbaijan Republic;

***Article 9. Authorities of ministries, departments, state concerns, associations and corporations of the Azerbaijan Republic***

Ministries, departments, state concerns and corporation:

- determine general directions of state labour protection policy on branch level and take planned measures with participation of branch trade unions and other representative workers' organisations;
- elaborate branch standards, norms, rules, instructions and other normative acts of labour protection, conduct expertise of construction units and reconstruction of production value units, new technological processes and equipment in respect to their correspondence to standards of safety, rules and norms of labour protection and hygiene;
- organise training and checking of knowledge of officials, specialists of enterprises on labour protection rules and norms;
- carry out internal departmental control over state of labour protection in the established order;
- organise fabrication of devices, protective means, providing labour protection at departmental enterprises.

***Article 10. Authorities of executive bodies***

Local executive bodies:

- ensure implementation of state labour protection policy on the controlled territory;
- carry out control over observance of labour protection legislation by the administrative structures and officials of enterprises, take necessary measures to them in the legally specified order;
- set up labour protection purpose fund at the expense of sharing participation of enterprises and other means to solve regional problems and render assistance to enterprises in the ensuring of labour protection in case of necessity;

***Article 11. Duties of enterprises administration***

The administration of enterprises, owner or administration body authorised by him, are to provide at the enterprise:

- observance of all standards, norms and rules of labour protection;
- safety of buildings, constructions, technological processes and equipment;
- determination of obligations and responsibilities of managers and officials in labour protection issues;
- putting of sanitary-hygienic conditions and labour protection in conformity with current normative at each working place;
- free of charge sanitary-medical catering according to confirmed list of employees of enterprises with extremely unfavourable labour conditions;
- organisation of necessary sanitary and medical service of employees;
- observance of optimum labour and rest regimes;
- free of charge provision of employees with the uniform, boots and other individual protection means in the assortment required and terms fixed;
- instruction, training of employees and checking of their knowledge of labour protection rules and norms, propaganda of labour protection;
- fulfilling of liabilities, specified by the collective contract (agreement);
- submittal of statistic report about labour protection conditions and results of work on putting them in conformity with current normative in the form, specified by statistical authorities in co-operation with trade unions;

### ***Article 12. Duties of employees***

Duties of employees, enterprises and organisations include:

- to study, master and follow requirements of labour protection, labour hygiene and fire prevention, specified by corresponding normative acts about labour protection;
- to come to work in working condition so that not to be harmful either for oneself or to other employees;
- work in provided uniform and boots, use individual and collective protection means, specified by technological process, labour protection norms, rules and instructions;
- timely inform representatives of administration about infringements of labour protection rules, as well as accidents.

### ***Article 13. Ensuring of labour protection requirements during design, construction, use of enterprises and units***

Design, construction and reconstruction of production premises and buildings, development and output of production means, inculcation of technologies, including technologies purchased abroad, not meeting the requirements of standards, rules and norms of labour protection, effective in the Azerbaijan Republic, is not permissible. Projects of enterprises and production means are subject to state expertise, whereas samples of production means - to state tests for their conformity with labour protection requirements.

At the demand of local authorities, state control bodies, trade unions, the customer or executor are bound to organise at their own expense conducting of independent expertise with attraction of corresponding organisations and specialists with the aim of determination of project (sample) conformity with the labour protection requirements.

It is prohibited to foresee application of dangerous substances, raw materials and materials, that have not come through toxicological, fire-technical, sanitary-hygienic, medical-biological expertise, other evaluations of their impact on human health.

Neither new or reconstructed enterprise, unit, production means cannot be accepted or put into operation without certificate-passport, issued in the established order.

Commissioning of new and reconstructed units of production significance is not permitted without permission of a state control body, technical labour inspection at trade unions and trade committee of the enterprise.

The work of the enterprise or use of production means, not meeting labour protection requirements and presenting a threat to the health or life of employees, are subject to suspension by authorised bodies in the legally applicable order until their putting in conformity with labour protection requirements.

#### ***Article 14. Training of labour protection specialists and instruction of employees***

State provides training of labour protection specialists in colleges of higher education. Colleges of higher education and secondary schools are to organise obligatory study of the course 'labour protection'<sup>a</sup> with consideration of peculiarities of corresponding production by students and pupils.

Enterprises and organisations are to provide system of training and improvement of labour protection qualification of all employees. The order, terms and period of training are determined by the administration in co-ordination with trade committee in accordance with the labour safety legislation currently in force.

Leading employees and specialists of enterprises are to periodically take courses on qualification improvement in corresponding institutions and check their knowledge of labour protection rules and norms not less than once three years after their appointment.

Apart from all forms of education and improvement of employees' qualification the training of labour protection is to be foreseen.

#### ***Article 15. Financing of labour protection measures***

Financing of labour protection measures is carried out either by state or at the expense of enterprises and organisations.

Budget allocations for labour protection, granted within limits corresponding budgets (republican and local) as a separate line are used for the financing of scientific-investigation works, implementation of state and regional purpose programs on labour protection, maintenance of labour safety control bodies. Administration of enterprises annually allots necessary financial and material means for labour protection measures depending on the conditions and safety of labour, level of traumatism and diseases.

The amount of financing of labour protection measures is determined by the collective contract (agreement). In this case the amount of annual expenses is not to be less than two percent interest of means, spent for salaries of employees of the enterprise.

The enterprise is entitled to set up funds of labour protection at the expense of profit (income), as well as other means.

Labour protection funds can be set up at Republican and local levels. The order of forming and spending of these funds is determined accordingly by the Cabinet of Ministers of the Azerbaijan Republic with participation of professional centre and branch trade unions of the Republic.

Employees are not to bear expenses, connected to financing of labour safety measures.

Enterprise means directed to the development of healthy and safe labour conditions are not subject to taxation.

#### ***Article 16. Provision of healthy and safe labour conditions at enterprises and organisations***

Provision of healthy and safe labour conditions at enterprises and organisations, organisation of control over dangerous and unfavourable production factors and timely supply of information to working collectives about results of control are to be carried out by the administration.

Administration elaborates and fulfils prospect and annual plans of enterprises, directed for the improvement of labour conditions, provision of labour protection and protection of employees health.

Mutual obligations of the administration and employees on the provision of health and safe labour conditions are specified by the collective agreement (contract) at the enterprise.

Employees engaged in production with dangerous labour conditions, as well as in works, conducted in special thermal conditions and connected with pollution, are provided free of charge with the uniform, boots and other means of individual protection, detergents and disinfecting substances in accordance with the specified norms.

Enterprises and organisations are bound to periodically conduct attestation of working places for their conformity with norms and rules of labour protection, in terms, agreed with the trade union. The working collective is to be informed about attestation results. According to results of attestation of working places

the administration is to take necessary measures for putting them into conformity with normative labour protection acts currently in force.

The administration is to provide storage, cleaning, drying, disinfection, degasation, deactivation and repair special uniform and boots, as well as other means of individual protection, given to employees.

The administration of the enterprise is to provide workers of hot shops with aerated salty water. The shops, where provision with aerated salty water is organised are to be determined by sanitary control authorities.

The administration of enterprises and organisations is bound to equip premises for heating and rest of employees, working in cold and hot seasons at open air or in closed unheated premises and hot shops. Employees are to be provided with special breaks for heating and rest, included into working hours, in accordance with the legislation.

### ***Article 17. Labour protection services***

Labour protection services are organised at ministries, departments, associations, enterprises and organisations to conduct labour protection works and control measures over observance of legislation, labour safety norms and rules by employees.

Labour protection services (engineers positions are opened) are set up at enterprises with a number of employees of 50 and more people. These functions are fulfilled by the heads of enterprises where number of employees is less and such services do not exist.

In case of employees number exceeding 500 people additional position of deputy head of the enterprise (chief engineer) of labour protection, released from other duties is opened.

At enterprises with the number of employees exceeding 1000 people the position of labour hygiene physician is set up within the composition of a labour protection service and industrial-sanitary laboratory is organised.

Labour protection service is organised of persons, having necessary background, equalised by its status to general services of a ministry, department and other administrative bodies of the enterprise, organisation and reports to its head.

Specialists of labour protection service are entitled to control the observance of labour protection norms and rules by all employees, issue orders about elimination of disclosed infringements obligatory for execution by heads of structural divisions, as well as inform heads of enterprises and organisations about holding responsible persons, violating labour protection legislation.

Specialists of labour protection service cannot be attracted to conduct works, not relating to their post duties and bear responsibility for wrong or unqualitative execution of their duties in the legally specified order.

Issues, connected to the re-organisation of labour protection service, are to be considered by the head of the enterprise in co-ordination with higher economic authority, state control authority in charge of labour protection legislation and technical inspections at trade unions.

Labour protection service is to be liquidated only in case of the termination of enterprise or organisation activity.

### ***Article 18. Provision of enterprise economic incentive in the output of labour protection means***

The profit of enterprises, scientific-investigation and design organisations, gained at the expense of foundation of new, output and sale of existing designs of employees collective and individual protection means, control devices, production media and dozimetric devices, are subject to easy taxation.

## ***Chapter III. Guarantees of realisation of employee's labour protection right***

### ***Article 19. Guarantees of labour protection right at the admittance to work***

Terms of labour contract are to correspond to the requirements of legislative and other normative labour protection acts.

The administration of the enterprise or organisation is to guarantee provision of healthy and safe labour conditions during conclusion of labour contract.

At the employees admittance to work with a high potential level of occupational disease the administration of the enterprise or organisation is to warn him about possible period of appearance of such disease and conclude a labour contract effective until that period with further provision of another work at the same salary.

#### ***Article 20. Social insurance and personal insurance of employees against accidents at work and occupational diseases***

Employees of enterprises and organisations are subject to obligatory insurance by the employer in the legally fixed order and terms.

The category of persons, working in conditions of increased risk and subject to obligatory personal insurance by the employer against accidents at work, amounts of insurance premiums are to be determined by the collective contract or agreement between the administration of enterprise or organisation and trade union.

#### ***Article 21. Obligatory medical examination***

Enterprises and organisations are bound to organise preliminary (during conclusion of labour contracts) and periodical (for a whole period of contract operation) free of charge medical examinations of employees of a number of professions and trade unions according to the order, specified by a public health authority.

In case of employees' evasion from medical examinations or non-fulfilment by them of recommendations, given by medical commissions at the results of conducted investigations, the administration has the right to hold these employees disciplinary responsible under current legislation or not to admit them to work. Employee's working place (position) and average salary are retained for the term of periodical medical examinations.

#### ***Article 22. Guarantees of labour protection right in the process of labour activity***

The administration is bound to inculcate modern labour protection means and provide sanitary-hygienic labour conditions, preventing production traumatism and occupational diseases.

In case of control bodies finding infringements of labour protection legislation by the administration the labour contract can be cancelled at the employee's notice with the payment of service benefit to him.

In case of employee's having occupational disease or loss of labour capacity in connection with accident at work, the administration is to transfer him to another job on the basis of a medical statement.

#### ***Article 23. Labour protection training and instruction of the staff***

The administration is to conduct labour protection instruction of the new staff, as well as staff transferred, train safe mode of work fulfilment and rendering of first medical aid to people, injured as a result of accident.

Employees, admitted to work at productions with increased risk or work, requiring professional skills, are to be trained in labour protection field with taking of exams and further periodical attestation.

All employees of enterprises and organisations, including supervisors, are bound to come through training, instruction, attestation and have their knowledge examined in the order and terms, established for their professions and kinds of work by state control authorities.

Admittance of persons, who failed to come through training, instruction, attestation and have their labour protection knowledge examined, to work is prohibited.

Unplanned examinations of knowledge can be conducted at the demand of state control authorities or

technical labour inspection at trade unions. Persons, failed to have their knowledge examined are to be dismissed.

***Article 24. Employees' right for information about labour conditions and safety***

Employees of enterprises and organisations are entitled to demand information about labour conditions and safety at working places, availability of due individual protection means, privileges and compensations.

***Article 25. Peculiarities of relations regulation in the field of labour protection for certain categories of employees***

Peculiarities of relations regulation in the field of labour protection for certain employees (women, the young, persons with limited labour capacity), as well as employees, engaged in works accompanied by risk and severe conditions, are fixed by the legislation.

The categories of employees, entitled for privileges and compensations in connection with risk and severe working conditions, character and amount of such privileges and compensations are to be determined by the relevant legislative acts.

Enterprises and organisations are entitled to establish by means of a collective contract (agreement) additional privileges and commissions to employees in connection with risk and severe working conditions at the expense of profit.

Employees, having been injured (either fully or partially) through the enterprise or organisation fault, as well members of family of the employees, lost as a result of accident at work or occupational disease, have the right for damage compensation in accordance with the present Law and other normative acts.

***Article 26. Prohibition of the activity of economic bodies, enterprises, organisations, officials and employees, not meeting requirements of labour protection***

The work of enterprises, organisations and their subdivisions, use of production means, activity of economic bodies, officials and employees, not meeting requirements of labour protection, creating threat to the employees health or life, are subject of suspension, until the elimination of infringements, by authorised control bodies (officials) in the applicable order.

***Article 27. Guarantees to employees for forced standing idle or denial to work in connection with non-provision of safe labour conditions***

During employees forced standing idle at enterprises and organisations, working places, not resulted from infringement of labour protection legislation by them, their working place (position) and salary are retained.

Denial of employee to conduct work in connection with non-provision of safe labour conditions, creation of threat to health or life is considered grounded and does not cause any responsibility.

***Chapter IV. Control over observance of labour protection legislation***

***Article 28. State control over observance of legislative and other normative acts of labour protection***

State control over observance of legislative and other normative acts of labour protection is carried out by specially authorised state bodies, not depending in their activity on the administration of enterprises and organisations or their higher authorities.

Decisions of state control bodies or their authorised representatives within rights rendered to them are obligatory for execution and can be claimed only in the established order.

**Article 29. Public control over observance of legislative or other normative acts of labour protection at enterprises and organisations**

Public control over observance of legislative or other normative acts on labour protection is carried out by working collectives and trade unions in the person of authorised representatives on labour protection elected by them at enterprises and organisations.

Authorised representative on labour protection is entitled to freely conduct examination of the situation with labour protection at working places, demand the elimination of infringements disclosed and in case of necessity raise a question of holding guilty persons responsible before the administration.

The authorised representative is given not less than two hours during working hours paid in the amount of an average salary.

**Article 30. Rights of trade unions on the execution of control over observance of legislative or other normative labour protection acts**

With consideration of rights, specified in the 'Law about rights and guarantees of Azerbaijan trade unions activity<sup>a</sup>, trade unions participate in the carrying out of control over the observance of legislative and other normative acts about labour protection by the administration, set up technical inspection for this purpose, operating in accordance with the legislation and provision, adopted by the trade centre of the Republic and co-ordinated with Cabinet of Ministers of the Republic.

Trade unions participate in the elaboration and co-ordination of normative acts about labour protection in the applied order, have the right to claim the putting of acts not co-ordinated with them into effect through corresponding state bodies.

Representatives of trade unions participate in the work of state committees of testing and approval for commissioning of units and production means, consideration of accidents at production, conduct examinations of labour protection, execution of measures for its improvement, specified by collective contracts (agreements) at enterprises and organisations, and introduce proposals about elimination of disclosed infringements based on the results of examinations.

In case of infringements of labour protection requirements, hiding of accidents at production by officials, trade unions have the right to appeal state, economic and law enforcement bodies for holding the guilty persons responsible.

In case of direct danger to employees' health or life, trade unions are entitled to suspend production of machines, mechanisms or other kinds of production with construction faults of labour protection character, application of materials, technical and technological means, affecting human health, as well as works and action of decisions, adopted by the administration, which contradict labour protection legislation. Claims of the administration in connection with such actions of trade unions are to be considered by court.

At their own initiative or statement of employees trade unions can appeal to court with claims about protection of their rights for the compensation of damages, incurred by injury or another damage to health in connection with the fulfilment of working duties or in other cases damaging employees' labour protection right.

**Chapter V. Responsibility for infringement of legislative and other normative labour protection acts**

**Article 31. Material liability of enterprises and organisations for non-provision of healthy and safe labour conditions**

In case of administration of enterprises and organisations failing to take effective measures for the provision of healthy and safe labour conditions, non-fulfilment of collective contracts, plans and other measures of labour conditions and safety improvement the government of the Azerbaijan Republic establishes increased tariffs of deductions from these enterprises and organisations for social insurance of employees at the conclusions of expertise of labour conditions or at the presentation of trade unions. Enterprises and organisations guilty of (fully or partially) the accident at production or occupational

disease, are to compensate the employee with the damage incurred by the injury or another health damage, as well as pay full cost of his treatment to medical institutions and fully compensate social insurance bodies with expenses connected with the payment of pension and other benefits to such employee in the legally applied order.

***Article 32. Material liability of enterprises and organisations in cases of constant loss of labour capacity or death of employee as a result of an accident or occupational disease at the production***

Enterprises and organisations bear material liability before persons, having been injured or died as a result of accidents or occupational diseases at the production, that took place during execution of working duties by them.

Enterprises and organisations guilty of damage, incurred to health are to recompense those injured at production as a result of accident or occupational disease or members of the families of people, died, in the form of single benefits, monthly payments, as well as payment of additional expenses.

The order, terms and amount of single, monthly compensations, as well as compensation of additional expenses to the people injured as a result of accidents or occupational diseases or members of their families are to be fixed by the rules, confirmed by the Cabinet of Ministers of the Azerbaijan Republic.

The amount of single compensations is not to be less than the average annual salary of the injured.

Monthly amounts of damage compensation, as well as compensation of additional expenses are subject to indexation in the legally specified order.

***Article 33. Economic liability of enterprises and organisations for the output and sale of production value goods, not meeting labour protection requirements***

Enterprises and organisations, outputting and supplying production value goods, not meeting labour protection requirements are to compensate damage to consumers in the order and terms, specified by the Republic legislation.

The sale and advertising of production means, means of individual and collective protection, including those purchased abroad, that do not meet established requirements of standards, norms and rules of labour safety are considered illegal. The profit gained by the enterprise or organisation as a result of such activity is subject to confiscation into republican or local budget.

***Article 34. Liability of officials for the infringement of legislative or other normative acts of labour protection***

Officials, guilty of infringement of legislative and other normative acts of labour protection or interfering with the activity of representatives of state and public control bodies (including technical labour inspection at trade unions), are drawn to administrative, disciplinary, material or criminal responsibility in the order, specified by the Republican legislation.

***Article 35. Employees responsibility for the infringement of normative acts of labour protection***

Employees of enterprises and organisations bear disciplinary, material and criminal responsibility, specified by the legislation for the infringement of legislative and other normative labour protection acts.

***President of the Azerbaijan Republic***

***Abulfaz Elchibey***

***Baku, September 29, 1992***

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