



# WORK AND FAMILY RELATIONS IN AZERBAIJAN



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## WOMEN AND THE ECONOMY IN AZERBAIJAN

Despite social rules which attempt to confine women to the domestic sphere, the majority of Azeri women undertake paid work outside the home. According to figures from 2008, women make up 49% of the total labour force.<sup>1</sup> However, 67% of women work for wages, compared with 77% of working men,<sup>2</sup> and on average, Azeri women earn only 44% of the average man's salary.<sup>3</sup> Women are over-represented as self-employed workers and contributing family members (56%), and less represented as employees (43%) where the conditions and durability of the employment tend to be more stable.<sup>4</sup> In rural areas, the overwhelming majority of married women undertake domestic and small-scale agricultural work. 40% of working Azeri women work in agriculture, and many of these women work on small family-run plots.



The extended family is a prominent social institution in Azerbaijan. An 'aila' (or clan) consists of the members of the extended family and is expected to work together as a unit. Patriarchy and a tendency toward promoting men is a central feature of aila structure. While such traditions seemed to be disappearing under Soviet rule, to be replaced by the nuclear family of husband, wife and children, they are reportedly undergoing a resurgence, particularly in rural areas, where 52% of the population lives.<sup>5</sup> The dominance of this model, combined with poor economic conditions restrict women's roles in the economy.

There is a strong perception, particularly in rural areas, that men should provide the cash income, and that women's primary function is to look after children, the household and, in rural areas, farm a small plot of land. There is considerable social pressure (both within the family and in wider society) for women to correspond to these norms and this is directly linked to women's ongoing discrimination.<sup>6</sup> In some communities, women who appear in public unaccompanied are subject to disapproval.

While in a typical rural family both partners work, women's choice of work is defined by culturally ascribed gender roles and tradition. While the fact that 69% of women and 72% of men in employment are married<sup>7</sup> may superficially suggest a move towards equal sharing of work and family responsibilities, it must be borne in mind that almost half of working women in Azerbaijan combine unpaid domestic work with work on family farms, which does not necessarily provide her with a cash income.

Women make up a small majority of professional and technical workers in the country (53%), largely due to the fact that 39% of working Azeri women work in the civil service. Women do hold relatively senior positions in government, including deputy speaker of Parliament, and deputy chair of the Central Election Commission. The high profile office of Ombudsman is held by a woman; and 28 of the 85 deputy-heads of rayons (administrative districts) are women. However, women

<sup>1</sup> International Labour Office (ILO) Labour Statistics (LaborLaboursta) (Ongoing: <http://laborsta.ilo.org/>).

<sup>2</sup> Alison Mandaville. 'Beyond Bread and Busses: Women and Work in Azerbaijan in the 21st Century', *Journal of Azerbaijani Studies*, 2009.

<sup>3</sup> UNDP 'Gender Empowerment Measure' 2009 ([http://hdr.undp.org/en/media/HDR\\_2009\\_EN\\_Table\\_K.pdf](http://hdr.undp.org/en/media/HDR_2009_EN_Table_K.pdf)).

<sup>4</sup> Ibid.

<sup>5</sup> Devtech Systems. 'Gender Assessment for USAID in the Caucasus/Azerbaijan, 2004.

<sup>6</sup> Ali Abassov. 'Gender Analysis of Social and Political Life in Azerbaijan', Institute of Philosophy and Political and Legal Research of the Azerbaijan National Academy of Research.

<sup>7</sup> State Statistics Committee of Azerbaijan, 2008.

*I have quarrelled with my wife again. She says that I even don't see our children – usually they are sleeping when I go to work and return. But can I have such a good salary anywhere else? I have to pay for my elder son's study in university and timely bank mortgage for the house..., who will solve our problems?*

46 years old Mukhtar, engineer



remain underrepresented in the very top jobs, including top positions in business and politics. As of 2010, there are 14 women in the 125-seat Parliament (11%). Just 5% of senior officials and managers are women; and there are no female ministers or heads of executive governments of cities or of any of the 85 rayons.<sup>8</sup>

Overall the Azeri economy has, since the mid-nineties, become very dependent on energy exports, mainly oil and gas. A boom in oil exports spurred huge growth in construction and real estate over the past decade. The fall in oil prices, coupled with the overall global downturn has meant that the country's economic growth rate fell from double digit between 2006 and 2008 to 3% in 2009.<sup>9</sup> Unemployment remains low, 6%, and higher for men (7%) than women (5%). This is possibly due to the fact that the sectors most affected by the downturn (i.e. oil and gas) are male dominated.<sup>10</sup>

## AZERI LEGISLATION ON THE PROTECTION OF WORKERS WITH FAMILY RESPONSIBILITIES

According to Article 35(II) of the Constitution of Azerbaijan Republic, "everyone has the right to choose independently, based on his/her abilities, his/her kind of activity, profession, occupation and place of work". Article 35(VI) stipulates that "everyone has the right to work in safe and healthy conditions, to get remuneration for his/her work without any discrimination, not less than minimum wages rate established by the state."

In 2006, the Azeri Parliament passed a law on the 'Guarantee of Gender Equality (men and women)'. According to the Law, women and men are granted equal rights and responsibilities in respect of recruitment, promotion and wage remuneration (Articles 7–9). In 1999 the government passed a resolution on the 'Confirmation of list of productions, occupations (positions), as well as underground works with hard and harmful working conditions in which employment of women is prohibited'. According to the resolution, women are prohibited from working in 38 separate spheres of industry and agriculture deemed harmful for women's health.

In 1995, Azerbaijan signed up to the UN's Convention on the Elimination of All Forms of Discrimination against

Women (CEDAW), and in 2001, ratified its Optional Protocol which "provides a Communications Procedure which allows either individuals or groups of individuals to submit individual complaints to the Committee (on the Elimination of Discrimination against Women)"<sup>11</sup> if all domestic remedies have been exhausted. In other words individual Azeri citizens can hold their government to account for breaching the terms of CEDAW, including for failing to "to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work".<sup>12</sup>

Since it joined the International Labour Organization in May 1992, Azerbaijan has ratified a total of 55 ILO Conventions, including the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No.111). A party to the Maternity Protection Convention (Revised), 1952 (No.103), it has recently completed the domestic procedure for the ratification of the up-to-date Maternity Protection Convention, 2000 (No. 183), as well as of the Workers with Family Responsibilities Convention, 1981 (No. 156).

<sup>8</sup> Ibid.

<sup>9</sup> CIA World Fact Book ([https://www.cia.gov/library/publications/the-world/geos/countrytemplate\\_aj.html](https://www.cia.gov/library/publications/the-world/geos/countrytemplate_aj.html)).

<sup>10</sup> 'An Overview of Women's Work and Employment in Azerbaijan' Decisions for Life MDG 3 Project, Amsterdam Institute for Advanced Labour Studies, 2009.

<sup>11</sup> Protocol to CEDAW, article 2.

<sup>12</sup> CEDAW, article 11(2).

## SELECTED ARTICLES FROM THE AZERI LABOUR CODE

### Leave for the reason of pregnancy and childcare

The employed women shall have remunerative leave of 126 calendar days in total covering both pregnancy and post-pregnancy periods (70 calendar days before and 56 calendar days after delivery). In case of complicated delivery or birth of 2 or more children the post pregnancy leave shall be 70 calendar days.

*Labour Code of Azerbaijan, article 125*

### Employment of Pregnant Women and Women with Young Children

Refusing to sign a labour contract with a woman who is pregnant or has a child under the age of three is prohibited by law.

*Labour Code of Azerbaijan, article 240*

It shall be prohibited to send pregnant women and women with child under 3 to night shifts or missions, to leave them for extra work or to call them to work on official days-off and holidays that are non-working days.

*Labour Code of Azerbaijan, article 242*

Upon request of women workers who are pregnant, or have children under age of 14, or have handicapped children under age of 16, or have to care for a sick family member, the employer has to give them part-time daily or weekly job with the pay based on their experience and seniority.

*Labour Code of Azerbaijan, article 245*

### Additional Leave for Childcare

Women workers who have children under age one and a half year old shall be given breaks for feeding (breast feeding) of their children, in addition to their regular lunch and rest breaks. These additional breaks shall be at least 30 minutes and shall be given every 3 hours. If a woman worker has two or more children who are under age of one and a half years old the duration of such breaks shall be at least one hour.

*Labour Code of Azerbaijan, article 244*

Regardless of the amount of base and additional vacation time, working women with two children under the age of 14 shall be eligible for 2 additional calendar days of vacation time; while women with three or more children of this age or with a disabled child under the age of 16 shall be eligible for 5 additional calendar days of vacation time.

*Labour Code of Azerbaijan, article 117*



All the labour related benefits specified in Chapter 37 of the Labour Code, namely articles 240 to 245 inclusive shall, according to article 246 "also apply to all fathers, foster parents, or legal guardians who have to raise the children themselves alone and without the mother for a particular reason (if the mother of the children has died, or has been deprived of her maternal rights, or has to be away for therapy in medical institutions, or has to spend time in jail)." Further to this, recommendations that the application of part time work and privileges stipulated for women with children should also apply to men who are single parents have been presented by State Committee on Family, Women and Children's Affairs.

While many aspects of the Labour Code can be classified as pro-family, they rest on deeply rooted assumptions about the gendered nature of care work. According to the Labour Code, the right to leave associated with childcare applies uniquely to women and can only be transferred to men if a

woman is unavailable for reasons of death, deprivation of maternal rights, hospitalisation or incarceration. There is no scope within labour law for the sharing of childcare respon-

sibilities and work. In this sense the Labour Code is both framed by, and reinforces, a patriarchal model of family duty, whereby mothers are responsible for children's welfare.

## CHILDCARE FACILITIES



Photo: ILO

Children have access to free (and compulsory) primary and secondary education from the age of six until seventeen, and as of 2006 Azerbaijan had a net enrolment rate of 85%.<sup>13</sup> However the provision of equal early childhood education opportunities for all children is of pressing concern in Azerbaijan, and one that, among other problems, impedes mother's access to, and success in the workplace. While there is some access to preschools and kindergartens

constructed in urban areas during the soviet era, childcare facilities are not universally available and are almost entirely lacking in rural areas.<sup>14</sup>

In 2005, only 20 per cent of the preschool population – ages 3 to 6 years old – were enrolled in kindergarten. Access to quality preschool services in Azerbaijan has declined from 25% to 13% between 1991 and 1998. While it has now climbed back to 20% coverage, there remains a large urban-rural divide. Only 8% of children in rural areas are attending pre-school, whereas 28% in urban areas are, mostly from wealthy urban families who can afford the average monthly fee of AMZ 200 (\$250 US) per child – more than 50% of the average monthly salary.<sup>15</sup>

The government is taking steps to expand pre-school education through the 'State Programme on Modernization of Pre-school Education 2007-2010'. Within the programme, there has been a focus on strengthening the technical basis and education provision of pre-school institutions, and summer camps have been built in all regions. The government is also completing a \$18 million programme (2006 – 2010) with the Asian Development Bank on 'Early Childhood Development' aimed at improving access.<sup>16</sup>

*My daughter will be 3 soon. I had permission to be absent from the office half an hour to bring my child to kindergarten. However, according to law this permission is given only to women who have children under 3. As my husband is also working we will be unable to bring our child to kindergarten. As I'm working for a public agency my time off may impede my career. Now I am at a loss.*

Samira, civil servant

## CONCLUSIONS

In many respects Azerbaijan's labour law is family friendly. A number of progressive laws and regulations protect women workers who are pregnant or have young children. However the fact that such regulations apply only to mothers and single parent fathers simply serves to reinforce the traditional social roles within families. Nonetheless, bearing in mind that (as in most societies) it is women that assume the greatest part of childcare and household duties, the fact that there is legal protections for them is, in itself, a positive thing. It undoubtedly helps women balance work and family life.

The reality remains that, like in many developing and developed countries alike, as long as pre-school education will remain too expensive for the vast majority of Azeri families, women with children under the age of six will have no choice but to stay at home and look after the children, or to entrust them to relatives or friends. While there are provisions in the Labour Code to protect women employees in caring for sick children and for looking after very young children, the lack of childcare facilities for most of the population will continue to impede women from successfully balancing their work and family lives.

<sup>13</sup> I-Fanf Elise Chang. 'Early Childhood Education in Azerbaijan', UNICEF, 2009.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Conference Notes: 'Reform of the Education System in Azerbaijan for a Sustainable Future', UNESCO, 2005.