

## Measuring working hours in Azerbaijan

According to the Labor Code (adopted in 1999) labor relations between employers and employees are created based on an employment agreement (contract). Under the Civil Code, establishment of labor relations on the basis of a civil contract is also possible, but Labor Code does not apply to persons with civil contract as specified in Labor Code.

According to the Republic of Azerbaijan Law on Employment (in force since 2001), the employment legislation of the Republic of Azerbaijan consists of the Constitution of the Republic of Azerbaijan, this Law, other relevant legal and regulatory acts and international treaties supported by Republic of Azerbaijan

Working hours: According to the Labor Code of the Republic of Azerbaijan full working hours – full time schedule is considered the time during which an employee must perform his duties during weekly and daily working hours provided in this Code. In general, an employee has a five-day work week with two days off. In this case daily working hours may not exceed 8 hours. Standard weekly working hours corresponding to normal daily working hours may not exceed 40 hours.

Pursuant to the Labor Code shorter working hours of no more than 36 hours per week, determined by the legislation, is established for employees depending on the categories of employees, hazardous and hard working conditions and characteristics of labor. With the decision of the Cabinet of Ministers Indicating concrete working hours, the list of occupations and positions on work conditions with high degree of sensitivity, excitement, mental, physical and nervous strain, or other factors negatively affecting human health for which short working hours of no more than 36 hours per week is established (short working hours with 24-36 hours was determined for 30 cases) and with the decision 175 dated November 6, 2004. The list of occupations and positions on working conditions hazardous to human health with regard to physical, chemical, biological and industrial factors for which short working hours of no more than 36 hours per week is established” (shorter working hours with 33-36 hours was determined

for 1341 cases in the fields of economy) was approved. Wages for employees working short working hours are paid as for standard working hours in fixed full amount.

According to the Labor Code part-time work – part-time working day or week may be defined with the agreement between the employee and employer in the labor contract, in the labor relations process.

In order to regulate observance of work schedule and apply the work schedule norm in a common form in the country at the end of every year the Ministry of Labor and Social Protection of Population pursuant to the Labor Code determines the work schedule norm for the next year and spread it in media. The annual work schedule norm is used in the preparation of shift tables, as well as in the calculation of working hours balance on different categories of employees by employers.

The analysis of actual working hours per week in the country indicates that in 2006-2009 the actual working hours per week did not exceed standard working hours per week despite of the fact that employees working more than 40 hours per week was 34.8% in 2006, 38.5% in 2007, 37.8% in 2008, 24.4% in 2009 and 18.2% in 2010. This situation, as mentioned above, is explained by the application of short work schedule with 24-36 hours in certain workplaces determined by the legislation in the country and as well as the application of part-time work schedule to certain employees with upon their request due to family-life conditions pursuant to the Labor Code as mentioned above.

It is seen from the indicators that the number of employees working overtime tends to significantly decrease in recent years. Thus, this rate increased to 38.5% in 2007 and 18.2% in 2010.

Working hours per year for every hired worker is decreasing every year. The figures were 1584.1 hours in 2010 while this indicator was 1803.1 hours in 2006. The parameters show that the rate of annual real working hours in annual working hours norm gradually increased in 2006-2008. This case may be explained with the increase of cases of employees not enjoying their right for a vacation and of involvement in overtime work. In 2009-2010 the figures significantly decreased and this may be explained to grant vacations and to prevent overtime work in the country.

Part-time employment per week has increased during the years of economic crisis. The rate was 8,8% in 2008, 22,8% in 2009 and went to 7,6% in 2010. This situation may be explained by the preference of part-time schedule by most employers during the economic crisis

due to decrease of work volume in enterprises which is realized with the payment of full wage or in proportion to the employees working time based on the Labor Code.

The Republic of Azerbaijan ratified ILO Hours of Work (Industry) Convention 1919 (1), Hours of Work (Commerce and Offices) Convention 1930 (30) and Forty-Hour Week Convention 1935 (47).

It is necessary to note that the survey on Studying of correspondence of indicators including in worked hours to ILO criteria was carried out in enterprises and organizations in 2010 (for January-June). According to the result of survey we have obtained additional data regarding the (i) Working hours in the structure of actual working hours used by employees for directly implementing of job and occupation duties in job place, (ii) Working hours used by employees for preparation of jobsite for production activity, if necessary cleaning or repair of tools, machine-tools, (iii) Working time used by employees during workday for short-time rest, (iv) Hours not worked in job place through no fault of employees irrespective of the fact that they are ready to work.

According to the results of survey, working hours used by employees for directly implementing of job and occupation duties in job place made 95,1 per cent, for preparation of jobsite for production activity, if necessary cleaning or repair of tools, machine-tools made 1.6 per cent, working time used by employees during workday for short-time rest made 3.2 per cent and hours not worked in job place through no fault of employees irrespective of the fact that they are ready to work made 0.1 per cent in full time.

As well as, it were different the working hours used by employees for directly implementing of job and occupation duties and for preparation of jobsite for production activity, if necessary cleaning or repair of tools, machine-tools by economic activity in full time. So, the most working hours used by employees for directly implementing of job and occupation duties was especially in the fields of wholesale and retail trade; repair of motor vehicles, personal and household goods, information and communication (96.0-98.6 per cent), construction (90.5 per cent) and real estate activities (100.0 per cent). And working hours for preparation of jobsite for production activity, if necessary cleaning or repair of tools, machine-tools was especially in the fields of electricity, gas and steam production, distribution and supply (2.5 per cent), construction (8.8 per cent), transport and storage (3.8 per cent), accommodation and food service activities (4.0 per cent).

I think that definition of the working hours from the standpoint of labour productivity of employees having higher, secondary and lower specialty by different occupation and position in the frame of types of economic activities is one of the main terms. It will be expedient to carry out such kind of researches with the aim of international comparability of working hours.

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