

The Law of the Azerbaijan Republic on social protection of disabled persons

The current Law determines the state policy concerning disabled persons in the Azerbaijan Republic and guarantees these persons and other citizens the same opportunities in involving in economical, political and social life as well as guarantees creation of necessary conditions to lead a life as full value according to their individual abilities and interests.

Article 5

The Fund of social protection of disabled persons

The financing of activities on social protection of disabled persons (excepting provision of pensions) is being implemented by the Fund of social protection of disabled persons of the Azerbaijan Republic.

The statute of the fund is approved by the Cabinet of Ministers of the Azerbaijan Republic taking into account opinions of the republican public organisations of disabled persons.

The budget of the Fund of social protection of disabled persons in the Azerbaijan Republic is formed on the basis of the republican budget resources, charitable payments of organisations, labour collectives and citizens as well as other payments of organisations, labour collectives and citizens as well as other incomes such as entrepreneurship, which is not prohibited by the current legislation. The means of such funds are kept on the special bank account and prohibited to be withdrawn.

Article 6

The State bodies being responsible for the social protection of disabled persons

The State management in the field of security of social protection of disabled persons is being implemented by the Ministry of social welfare, Ministry of public health, Ministry of public education, Ministry of culture, State committee for labour and social affairs, State Committee for physical training and sport of the Azerbaijan Republic and local government bodies of the Azerbaijan Republic.

The representatives of the republican public organisations of disabled persons are members of the body of the Ministry of social welfare of the Azerbaijan Republic and the Ministry of public health of the Azerbaijan Republic.

The Ministry of social welfare of the Azerbaijan Republic jointly with other Ministries and Departments, local government bodies public organisations of disabled person's work out long-term and short-term programmes on following the state policy concerning disabled persons as well as take a control of their implementation.

The Ministry of social welfare of the Azerbaijan Republic and public organisations of disabled persons submit to the Cabinet of Ministers of the Azerbaijan Republic the proposals on problems of social protection as well as other problems of disabled persons.

The State promotes the development of co-operation between organisations mentioned above and foreign countries in the field of social protection of disabled persons.

The participation of enterprises, institutions and organisations in implementation of the state policy of social protection of disabled persons. The enterprises, institutions and organisations participate in implementation of the state policy on the problems of disabled persons.

For the purpose of social welfare of disabled persons the life insurance and the insurance against accidents are being carried out by the special means of enterprises, institutions and organisations. The enterprises, institutions and organisations' profits directed at the production of goods and services for disabled persons as well as at the purchase of equipment, running of social and cultural centres and sports centres for disabled persons are free from all kind of payment to the state budget kind of payment.

The enterprises, organisations and co-operative societies assigned their specialisation to product technical and other means for disabled persons have privileges which establishment procedure and conditions should be determined by the legislation of the Azerbaijan Republic as well as resolutions of local government bodies.

Article 15

Providing disabled persons with conditions to get education and vocational training

The State guarantees disabled persons the necessary conditions to get education and vocational training.

The Public Education Services jointly with the Social Welfare Services and Health Services with the order established by the legislation of the Azerbaijan Republic provide disabled children with pre-school and out-school education as well as disabled persons with secondary, vocational training, specialised

secondary and higher education according to the individual rehabilitation programme.

The Education and vocational training of disabled persons are being carried out in different forms such as education at home and individual training plans.

The State provides teachers' staff with training particularly for education and vocational training of disabled persons.

Article 19

Secondary, specialised secondary and higher education of disabled persons

The Secondary, specialised secondary and higher education of disabled persons is being carried out in common educational institutions and in case of need in specialised educational institutions.

For the purpose of providing with special conditions for education of disabled persons there are specialised faculties or departments of vocational training schools, technical secondary schools and institutes of higher education to be established.

Studies are being organised also for disabled children taking treatments at medical prophylactic permanent establishments or rehabilitation institutions.

The gifted disabled children are entitled to free musical education as well as education of fine and applied arts in common educational institutions and specialised out-of-school educational institutions.

The necessary conditions are being created for passing an entrance examination of disabled persons. In the case of successful passing an examination the disabled persons are entitled to enter higher and specialised secondary educational schools without any competition.

During study period pensions and grants are being paid at full rate. The disabled students of 1 and 2 groups are entitled to get bonus at the rate of 50% of received grant.

The State provides young disabled specialists with placing in job according to their specialities.

On leaving educational school the disabled persons get an advantage in choice of job.

In the case of refusal to place in a job or to give a job by speciality of disabled person assigned to work on leaving educational school or in the case of non-observance of other terms of the labour legislation the management of the enterprise (association), institute and organisation should reimburse the travelling expenses to get a place of work and back a permanent residence as well as travelling expenses for accompanying person in the case of his need.

Article 21

Vocational training and improvement of professional skill of disabled persons

The Vocational training and improvement of professional skill of disabled persons are being provided in accordance to the individual rehabilitation programme in educational schools, enterprises and organisations (specialised or common) jointly with the institutions on rendering social assistance to disabled persons and their public organisations

The blind and weak sight children are provided with text books printed by the Bryler writing system, sounding books, manuals, special tape-recorders, magnifiers and walking-sticks as well the deaf persons are provided with deaf-aids and other means of teaching deaf mutes and blind and in this context the specialises schools and libraries and recording studios are arranged for them.

The material security of disabled persons during their vocational training and improvement of professional skill is provided by the order and conditions determined by the legislation of the Azerbaijan Republic.

The Special measures on placing in job of disabled persons include the activities intended at the providing these persons with jobs and legislative terms on rendering financial assistance as well as providing with advantages the enterprises, institutions and organisations (irrespective of their property forms) created special jobs for disabled persons and used their labour.

Article 24

Implementing the disabled persons' right to work

For the purpose of use of creative production abilities of disabled persons and taking into account the individual rehabilitation programmes these persons are entitled to work in the enterprises, institutions and organisations having common conditions of work and specialised enterprises, workshops and sites using their labour as well as they are entitled to be engaged in enterprisership and other labour activities not prohibited by the Law.

The refusal to conclude labour agreement with disabled person or to promote him in service as well as his dismissal, transference to other jobs without his consent by the initiative of the management because of an invalidity is prohibited excepting the cases when the state of health prevents disabled person from discharge, of professional duties or threatens health and labour safety of other people by the resolution of the medical labour expertising Committee.

The dismissal of the person taking a medical, professional and social rehabilitation in the corresponding institutions irrespective of the period for stay there by the initiative of the management is prohibited.

Article 25

Providing disabled persons with the employment

The local government bodies, enterprises (associations), institution and organisations, services of the Ministry of social welfare jointly with the public organisations of disabled persons provide them with the employment by the way of creating enterprises and corresponding organisations as well as with training on special programmes and undertaking other measures.

The local government bodies jointly with the trade unions of disabled persons' societies and social welfare services approve the proposals on creating of jobs and quota for disabled persons in enterprises, institutions and organisations.

In the case of non-observance of the quota mentioned above or evasion to place in job the disabled persons the enterprises, institutions and organisations irrespective of property forms deduct from the annual income for the Fund of social protection of disabled persons the means at extent of 3 established minimum wages for each working place during months of no providing the disabled persons with jobs.

The assignment of disabled persons to jobs determined by the quota is being implemented by the local government employment services. This assignment is necessary for all enterprises and organisations having the quota irrespective of their property forms and activities.

The number of workers to be considered for establishing quota at the enterprises and organisations as well as quota size, tax and fiscal privileges, enterprises responsibilities for placing in job are determined by the legislation of the Azerbaijan Republic.

Article 26

The Employers' obligations on placing in job the disabled persons

The enterprises, institutions, organisations, co-operative societies, collective farms and private entrepreneurs must create and provide with new jobs the persons became invalids as the result of industrial accidents or vocational diseases. In the case of non-observance of this obligation the enterprise, while cancelling labour contract must transfer to the Fund of social protection of disabled persons the means at extent of 10 years wage of this worker.

Article 27

Creation of specialised enterprises, workshops and sites to use labour of disabled persons

Taking into account the needs of disabled persons and local features the corresponding employment services as well as enterprises and organisations irrespective of their property forms and activities create specialised enterprises, workshops and sites to use labour of disabled persons.

Article 26

The advantages and privileges of the enterprises used labour of disabled persons

The enterprises, institutions and organisations having 30% of all staff being invalids are entitled to preferential financing and material and technical security.

Such enterprises, institutions and organisations are provided with the privileges at extent of 50% of income tax.

The enterprises, institutions and organisations having invalids which number is not less than 50% of total staff are income tax-free.

The procedure and terms of preferential taxation, financing and material and technical, security of the enterprises, institutions and organisations used labour of disabled persons are established by the legislation of the Azerbaijan Republic.

The enterprises of the disabled persons' public organisations are entitled to get advantages in production of the definite range of goods. The production of such goods by other institutions, enterprises, organisations and co-operative societies irrespective of their property forms is prohibited.

The Cabinet of Ministers establishes and approves the list of such goods taking into account the opinions of disabled persons' public organisations.

Article 29

The Conditions of work of disabled persons

The disabled persons engaged in enterprises, institutions and organisations are provided with necessary conditions of work according to the individual rehabilitation programmes.

The conditions of work as well as payment of work, period of work, rest time and duration of annual and additional holidays determined by collective or individual labour contracts should not worsen state of invalids or restrict their rights as compared with other workers.

The Management of enterprises or organisations is entitled to decline a rate of output and pay for a work of invalidity at higher rate depending on their health.

The involving disabled persons in overtime work as well as work on holidays and night-time is possible by their consent subject to not being prohibited by medical recommendations.

The disabled persons (irrespective of invalidity groups and reasons) are provided with annual holidays which duration is twice as much minimum period of holiday determined by the current legislation.

The disabled persons (irrespective of invalidity groups and reasons) are provides with unpaid holiday no less than one calendar year.

The short working day no more than 36 hours par week is determined for invalids of 1 and 2 groups.

The probation period is not determined for invalids while placing in a job. During staff reduction the disabled persons are entitled to keep their jobs subject to equal qualifications. The interruption period in a work of 1 and 2 groups' invalids getting disability because of industrial accidents is included in their common and unbroken record of service.

Article 30

Homework and entrepreneurial activities of disabled persons

The local government bodies create necessary conditions to arrange homework and entrepreneurial activities of invalids by the way of providing uninhabitable accommodation as well as assistance in getting raw materials and sale of goods.