

on approval of certain normative legal acts related to the application of the 'Law of the Republic of Azerbaijan on Compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases'

In order to ensure the implementation of Items 1.3, 1.5, 1.6, 1.7 and 1.8 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 the Cabinet of Ministers of the Republic of Azerbaijan **decides** to:

1. approve 'Regulation on classification of those who are compulsorily insured against loss of occupational capacity as a result of industrial accidents and occupational diseases by categories according to the nature of labor functions performed in production', 'Regulation on calculation of one-year salary fund of persons in whose favor a compulsory insurance agreement should be concluded in case of loss of occupational capacity as a result of industrial accidents and occupational diseases', 'Regulation on calculation of the average monthly salary for purposes of determining the amount of monthly insurance payments for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases', 'Regulation on calculation of the amount of one-time insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' and 'Regulation on calculation of the amount of additional insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' (annexed).

2. determine that, until the 'Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' takes effect, regulations, conditions and amount of payments to an employee whose health is impaired as a result of an industrial accident or occupational disease, or to the family members and other dependents of the employee who died as a result shall be regulated with Resolution No 3 of the Cabinet of Ministers 'on Approval of the Regulations, conditions and amount of payments to an employee whose health is impaired as a result of an industrial accident or occupational disease, or to the family members and other dependents of the employee who died as a result' dated 9 January 2003 (Legislative Collection of the Republic of Azerbaijan, 2003, No. 1, Article 66; 2004, No. 8, Article 657; 2008, No. 2, Article 130, No. 9, Article 855; 2009, No. 10, Article 857; 2010, No. 3, Article 262).

3. This Resolution shall take effect from the day of signing.

A.RASIZADEH
Prime Minister of the Republic of Azerbaijan

Baku city, 29 October 2010

№ 192

REGULATION

on classification of those who are compulsorily insured against loss of occupational capacity as a result of industrial accidents and occupational diseases by categories according to the nature of labor functions performed in production

1. General provision

This Regulation has been developed to ensure the implementation of Para 1.3 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 and regulate the procedure for classification of those who are compulsorily insured against loss of occupational capacity as a result of industrial accidents and occupational diseases by categories according to the nature of labor functions performed in production.

2. Categories of the insured

2.1. Those who are compulsorily insured against loss of occupational capacity as a result of industrial accidents and occupational diseases are divided into the following categories according to the nature of labor functions performed in production:

2.1.1. workers – employees directly engaged in production of products (goods), supply of services, as well as repairs, transportation of loads, cleaning, storage, security and other such works.

2.1.2. servants – employees engaged in performance of works or services related to managers, specialists and technical executives:

2.1.2.1. managers – heads of enterprises, offices and organizations or any of their structural units and their deputies, as well as senior specialists;

2.1.2.2. specialists – workers who perform labor functions as engineers and technicians, economists, lawyers, sociologists and other similar positions; civil servants holding administrative positions in the civil service;

2.1.2.3. technical executors – clerks, secretaries, recorders, copiers, archivists, agents and other such employees who carry out the preparation and formalization of documents; civil servants holding supplementary positions in the civil service.

REGULATION

on calculation of one-year salary fund of persons in whose favor a compulsory insurance agreement should be concluded in case of loss of occupational capacity as a result of industrial accidents and occupational diseases

1. General provisions

1.1. This Regulation has been developed to ensure the implementation of Para 1.5 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 and determines the procedure for calculation of one-year salary fund of persons in whose favor a compulsory insurance agreement should be concluded in case of loss of occupational capacity as a result of industrial accidents and occupational diseases.

1.2. This Regulation also applies to remuneration received by persons who perform labor functions based on civil agreements for performance of labor functions.

2. Calculation of one-year salary fund

2.1. A one-year salary fund, applied to establish an insurance premium of the person in whose favor a compulsory insurance agreement is concluded, equals to twelve times the monthly salary stipulated in his/her employment agreement (the monthly part of the salary for the performance of the labor function stipulated in the civil agreement).

2.2. During calculation of the one-year salary fund of the insured person who has undergone production experience (training), if his/her salary under the employment agreement is less than the tariff (position) salary of the profession (position) he/she studied (worked), his/her one-year salary fund is calculated based on the tariff (position) salary of that profession (position).

REGULATION

on calculation of the average monthly salary for purposes of determining the amount of monthly insurance payments for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases

1. General provisions

1.1. This Regulation has been developed to ensure the implementation of Para 1.6 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 and determines the procedure for calculation of average monthly salary for purposes of determining the amount of monthly insurance payments for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases.

1.2. This Regulation also applies to average monthly wage received by persons who perform labor functions based on civil agreements for performance of labor functions.

2. Calculation of the average monthly salary

2.1. The average monthly salary is calculated by dividing the sum of the amount of payments taken into account under the 'Extensive list of payments taken and not taken into account in calculation of the average salary for the period of leave' approved by Decision No. 137 of the Cabinet of Ministers of the Republic of Azerbaijan dated 25 August 1999 or total amount of wages paid for performance of labor functions under civil agreements during full twelve months preceding the date of the insured person's inability for work (actual full months if the employment or civil agreement was valid for a shorter period prior to that date) by twelve (if the employment or civil agreement is valid for a shorter period before that date, for the full number of months).

2.2. In calculation of the average monthly salary, the months in which the insured person did not work full-time are replaced with previous full-time months according to the beneficiary's wish, and if such replacement is not possible, they are deducted from the account by reducing the number of divided months.

2.3. If the employment or civil agreement is valid for less than one month prior to the insurance event date, the amount got by multiplying the part of amount intended for payment for labor under that agreement per day by the number of working days in that month is considered as the average monthly salary or wage of the insured person.

2.4. If the actual salary of the insured person undergoing production experience (training) is less than tariff (position) salary for the profession (position) he studied (worked), his/her average monthly salary is calculated based on the tariff (position) salary of that profession (position).

REGULATION

on calculation of the amount of one-time insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases

1. General provisions

1.1. This Regulation has been developed to ensure the implementation of Para 1.7 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 and determines the procedure for calculation of the amount of one-time insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases.

1.2. Definitions used herein bear the following meanings:

1.2.1. the insured person's annual salary fund – relevant amount determined with the 'Regulation on calculation of one-year salary fund of persons in whose favor a compulsory insurance agreement should be concluded in case of loss of occupational capacity as a result of industrial accidents and occupational diseases' in cases of loss of occupational capacity as a result of industrial accidents and occupational diseases;

1.2.2. rate of loss of occupational capacity – percentage expression of continuous loss of occupational capacity that the insured person had prior to the insurance event.

2. Calculation of the amount of one-time insurance payment

2.1. The one-time payment is calculated as follows in the cases specified in the legislation:

2.1.1 if *disability of the insured person*, injured as a result of the insurance event, is determined without specifying the next examination period, the amount of the one-time insurance payment is calculated according to the specified formula:

$$OTIP = P \times \frac{W}{100} \times A$$

where:

OTIP – one-time insurance payment;

P – insured person's annual salary fund;

W – rate of loss of occupational capacity of the insured person (in percentage);

A – calculation coefficient specified in the 'if the period is not determined' column of Table 3 herein.

2.1.2. in the event the insured person dies as a result of the insurance event:

2.1.2.1. the amount of one-time insurance payment for any beneficiary is calculated with the below formula:

$$OTIP_1 = \frac{P \times A_i}{N + 1}$$

where:

OTIP₁ — one-time insurance payment given to the beneficiary;

i — the number index of the beneficiary;

N — the number of insured person's dependents (taking into account the child to be born after his/her death);

P — insured person's annual salary fund;

A_i — calculation coefficient of any beneficiary according to the age specified in relevant table in Item 2.1.3 herein, and in the event of the case specified in Item 5.1.2.3 herein, the age of the youngest of the served.

2.1.2.2. in the event the amount of the insurance payment (sum of insurance payments) calculated for the beneficiary(ies) in accordance with Item 2.1.2.1 herein is over the amount calculated in accordance with Item 2.1.1 herein for the case the rate of loss of insured person's occupational capacity is 100 percent, the insurance payment(s) should be distributed to the beneficiary(ies) in proportion to the amount(s) calculated according to Item 2.1.2.1 of the last amount;

2.1.3. the calculation coefficient specified herein is determined as follows depending on the relevant person's age:

2.1.3.1. In relation to the insurance payment provided to beneficiaries under the age of 23 specified in Articles 5.1.2.1 and 5.1.2.2 of the Law — according to Table 2;

2.1.3.2. In relation to the insurance payment provided to beneficiaries engaged in caring for persons under 14 years of age, specified in Article 5.1.2.3 of the Law — according to Table 1;

2.1.3.3. In relation to the insurance payment provided to beneficiaries engaged in caring for persons under the age of 14, specified in Article 5.1.2.3 of the Law — according to the relevant column of Table 3, depending on the period determined for the next examination related to the *disability* of the person being cared for;

2.1.3.4. In relation to the insurance payment provided to the beneficiaries provided for in Article 5.1.2.4 of the Law depending on the period determined for the next examination related to loss of beneficiary's occupational capacity — according to the relevant column of Table 3;

2.1.3.5. In relation to the insurance payment in cases where occupational capacity of beneficiaries provided for in Article 5.1.2.1 and 5.1.2.4 of the Law is considered lost without determining the next examination period, as well as when the beneficiary is considered incapacitated by the legislation due to reaching a certain age — according to the 'If the period is not determined' column of Table 3;

2.1.3.6. In relation to the insurance payment in cases where the period for the next examination related to the *disabled* person provided for in Article 5.1.2.3 of the Law is determined without determining the period — according to the 'If the period is not determined' column of Table 3.

2.2. In the absence of any person defined by Article 5.1.2 of the Law, the one-time insurance payment is calculated in the amount of twelve times the average monthly salary of the insured person calculated in accordance with the 'Regulation on calculation of the average monthly salary for purposes of determining the amount of monthly insurance payments for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' approved with the relevant decision of the Cabinet of Ministers.

Table 1

Age	Calculation coefficient	Age	Calculation coefficient
0	9,2172	7	5,9677
1	8,9635	8	5,3002
2	8,5942	9	4,5788
3	8,1597	10	3,7988
4	7,6776	11	2,9564
5	7,1532	12	2,0459
6	6,5841	13	1,0625

Table 2

Age	Calculation coefficient	Age	Calculation coefficient
0	11,9745	12	8,4598
1	11,9521	13	7,9517
2	11,8040	14	7,4032
3	11,5968	15	6,8105
4	11,3556	16	6,1706
5	11,0903	17	5,4795
6	10,8000	18	4,7329
7	10,4842	19	3,9271
8	10,1403	20	3,0569
9	9,7684	21	2,1165
10	9,3654	22	1,0995
11	8,9306	—	—

Table 3

Age group	Calculation coefficient depending on the period determined for next examination					
	1 year	2 years	3 years	4 years	5 years	if the period is not determined
0-4	1,0628	2,0464	2,9568	3,7997	4,5793	14,1331
5-8	1,0627	2,0463	2,9567	3,7996	4,5791	14,1085
9-12	1,0626	2,0461	2,9564	3,7990	4,5788	14,0546
13-16	1,0625	2,0458	2,9558	3,7979	4,5770	13,9718
17-20	1,0623	2,0450	2,9540	3,7948	4,5725	13,8686
21-24	1,0622	2,0447	2,9534	3,7938	4,5712	13,7562
25-28	1,0621	2,0444	2,9528	3,7929	4,5698	13,6112
29-32	1,0621	2,0441	2,9521	3,7916	4,5677	13,4216
33-36	1,0620	2,0436	2,9510	3,7895	4,5642	13,1740
37-40	1,0616	2,0422	2,9477	3,7838	4,5556	12,8546
41-44	1,0612	2,0405	2,9441	3,7775	4,5457	12,4653
45-48	1,0605	2,0375	2,9366	3,7628	4,5208	11,9834
49-52	1,0602	2,0275	2,9172	3,7345	4,4862	11,4389
53-56	1,0599	2,0201	2,9119	3,7188	4,4566	10,8382
57-60	1,0558	2,0183	2,8943	3,6903	4,4125	10,0194
61-64	1,0525	2,0048	2,8648	3,6399	4,3365	9,1894
65-68	1,0482	1,9866	2,8227	3,5648	4,2209	8,3029
69-72	1,0403	1,9570	2,7629	3,4675	4,0808	7,4226
73-76	1,0338	1,9306	2,7053	3,3721	3,9442	6,5952
77-80	1,0274	1,9042	2,6474	3,2723	3,7916	5,7222
81-84	1,0116	1,8412	2,5116	3,0444	3,4602	4,6563
85-88	0,9838	1,7341	2,2926	2,6973	2,9815	3,5976
89-92	0,9408	1,5753	1,9861	2,2397	2,3882	2,6515
over 92	0,8743	1,3462	1,5825	1,6909	1,7357	1,8475

REGULATION

on calculation of the amount of additional insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases

1. General provision

This Regulation has been developed to ensure the implementation of Para 1.8 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 and determines the procedure for calculation of the amount of additional insurance payment on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases.

2. Calculation of the amount of additional insurance payment

2.1. The amount of the additional insurance payment, in cases where the insured person, who was injured as a result of an insurance event needs treatment, supplemental nutrition, medication, prosthetics, care by someone else, sanatorium-resort treatment, a special vehicle, training for another profession due to the circumstances that are the direct cause of that event, and the right to receive these free of charge is not provided for in the legislation, is calculated as follows being determined by the decision of the *medical and social expert commission (hereinafter – the MSEC) of the State Medical-Social Expertise and Rehabilitation Agency under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan* ~~whose Statute was approved by Resolution No 93 of the Cabinet of Ministers of the Republic of Azerbaijan dated 19 August 1997:~~

2.1.1. in case the insured person needs additional nutrition, in accordance with market prices of the products included in the additional nutrition ration determined by the relevant medical institution, reflected in documents of district (city) statistical bodies;

2.1.2. if the insured person needs medication, cost of medication is paid by the insurer based on invoice issued by the relevant pharmacy. Expenses related to the provision of medicine to the insured person are determined based on free medicine prescriptions of treatment-prophylactic institutions approved by the Ministry of Health of the Republic of Azerbaijan and drawn up as per the form established by that Ministry.

A separate prescription is written for each free medicine and the free medicine prescription is issued according to the course of treatment indicated in the patient's outpatient card;

2.1.3. in case the insured person needs prosthetics, a special vehicle, including *wheelchairs* and other rehabilitation tools for a *disabled* person, in accordance with the

amount of payment stipulated in the relevant invoice of the enterprise that provides the service and (or) sale of such facilities;

2.1.4. in the event the insured person needs someone else's care, in the amount of monthly expenses for the service provided to the insured person, no less than 50 percent of the monthly salary of the social worker of the local agency of the *the State Medical-Social Expertise and Rehabilitation Agency under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan*;

2.1.5. in case the insured person needs sanatorium-resort treatment, the price of the trip to the corresponding sanatorium-resort set by MSEC, as well as an official record of the relevant medical institution that the insured person needs an escort, transportation in connection with sending the escort to the corresponding sanatorium-resort establishment, accommodation and food costs.

2.2. The specified additional insurance payment is provided from the date and within the period set by the relevant decision of the MSEC, in addition to one-time or monthly insurance payments to the insured person.