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RAP/RChA/AR/II(2008)

## **REVISED EUROPEAN SOCIAL CHARTER**

2nd National Report on the implementation of  
the European Social Charter (revised)

submitted by

**THE GOVERNMENT OF ARMENIA**

(Articles 1, 15, 18, 22 and 24 for the reference period  
01/01/2004-31/12/2006)

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Report registered by the Secretariat on 30 June 2008

**CYCLE 2008**



REPUBLIC OF ARMENIA

**EUROPEAN SOCIAL CHARTER  
(REVISED)**

**Report of the Republic of Armenia**

for the reference period  
2004-2006

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**Form  
of European Social Charter Reports  
(Revised)**

*Adopted by the Committee of Ministers on January 17, 2001.*

## REPORT

For the period 2001-2004 made by the Government of the Republic of Armenia in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was deposited on 21 January 2004.

This report also covers the application of such provisions in the following nonmetropolitan territories to which, in conformity with Article L, they have been declared applicable:  
Republic of Armenia

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to:

- Trade Union Confederation of Armenia
- Employers Organization <sup>1</sup>

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<sup>1</sup> Please state whether you have received any observations from these national organisations of employers and workers, and supply those they have asked you to transmit. The information provided would be usefully supplemented by your communicating a summary of all other observations, to which you might add any comments that you consider useful.

The reports drawn up on the basis of this Form should give, for each accepted provision of the Revised European Social Charter, any useful information on measures adopted to ensure its application, mentioning in particular:

1. any laws or regulations, collective agreements or other provisions that contribute to such application;
2. any judicial decisions on questions of principle relating to these provisions;
3. any factual information enabling an evaluation of the extent to which these provisions are applied; this concerns particularly questions specified in this Form.

The Parties' reports should be accompanied by the principal laws and regulations on which the application of the accepted provisions of the Revised Charter is based. These may be sent in their original language and translation in one of the official languages of the Council of Europe may be asked for in exceptional circumstances.

The replies of the governments should, wherever appropriate, specify explicitly:

- a. whether they are only concerned with the situation of nationals or whether they apply equally to the nationals of the other Parties (see Appendix to the Revised Charter, points 1 and 2);
- b. whether they are valid for the national territory in its entirety, including the nonmetropolitan territories if any to which the Revised Charter applies by virtue of Article 34;
- c. whether they apply to all categories of persons included in the scope of the provision.

A state bound by obligations under certain International Labour Conventions may find it sufficient to supply a copy of the relevant reports submitted to the ILO on the application of these conventions in so far as the latter cover the same field of application and the same reference period as the relevant provision of the Charter.

The information required, especially statistics, should, unless otherwise stated, be supplied for the period covered by the report.

Where statistics are requested for any provision, it is understood that, if complete statistics are lacking, governments may supply data or estimates based on ad hoc studies, specialised or sample surveys, or other scientifically valid methods, whenever they consider the information so collected to be useful.

The report should as far as possible be submitted by E-mail to the address *social.charter@coe.int* or be appended by a diskette *in Word format*.

If this is not possible, the Parties are requested to submit their reports in five copies and the

appendices in two copies.

PARTIES ARE REQUESTED:

- as far as the first report is concerned:  
to reply to all questions appearing in this Form;
- as far as subsequent reports are concerned:  
to update the information given in the previous report.

The secretariat is invited to distribute with this form a working document - that will be regularly updated - indicating the provisions of the United Nations, the ILO, the WHO, the European Union and the Council of Europe corresponding to the different articles of the Charter and a summary presentation of the different control mechanisms.

## **ARTICLE 1: THE RIGHT TO WORK**

### **ARTICLE 1 PARA. 1**

*"With a view to ensuring the effective exercise of the right to work, the Parties undertake:*

*to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;"*

#### **Question A**

Please indicate the policy followed by your government in attempting to reach and maintain full employment. Please supplement with details of the measures and programmes implemented to achieve as high and stable a level of employment as possible.

*The RA Law on Social Protection of Population in Case of Employment and Unemployment states /Articles 10, 11, 12, 13 and 20/ that:*

*- The objective of State Employment Policy is the creation of conditions for ensuring full and effective employment of the population.*

*- The State Employment Policy is developed by the public administration body authorized by the RA Government (RA Ministry of Labour and Social Issues) and implemented by the State Employment Service Agency functioning in its structure.*

*The basic principles of the State Employment Policy are the following:*

- 1. voluntary engagement in employment and freedom in selection of occupation;*
- 2. ensuring the employment of persons irrespective of their nationality, race, gender, age, language, religion, political or other persuasions, social origin, property or other status.*
- 3. creation of conditions for the implementation of rights to employment;*
- 4. occupational orientation aimed at vocational education in relevance with the labour market demands;*
- 5. ensuring free movement (internal and external) of the labour force;*
- 6. social partnership;*
- 7. social protection of population in case of unemployment.*

*With a view to the state regulation of the population's employment the Government of the Republic of Armenia implements adjustment of balance and structural consistency between labour offer and demand through financial, investment, taxation and demographic policies.*

*For the purpose of the state regulation of the population's employment annual employment programs are implemented that are financed from by the resources of the State Budget and are comprised of national and regional employment programs.*

*Employment Annual Programs include:*

- 1) analysis and forecast of regional and national labour market;*

2) projected activities, time schedule for their implementation and necessary financial resources as of marzes (regions),

3) results expected from the implementation of the programs (deliverables).

Employment Annual Programs for the regulation of population's employment are the following:

- payment of unemployment benefit;
- vocational education of persons having at least one year of insurance history;
- vocational education and rehabilitation of disabled persons;
- submission of recommendations in relation to awarding an old pension right earlier the defined term to persons at the age that is one year less than the pension age, to persons having the right to unemployment benefit for a period of 12 months and persons having at least 35 years of insurance history;
- compensation paid to the unemployed persons for the expenses incurred at relocation to another work place;
- occupational re-training of unemployed job seekers who receive long-term service benefits and privileged benefits;
- organization of activities aimed at labour market analysis and forecasts;
- payment of funeral benefit in case of the death of the unemployed.

The following are the employment support state programs implemented at the expense of the RA State Budget resources:

- vocational education of unemployed persons having no or up to one year's insurance history;
- Assistance to the unemployed for the state registration of the business and engagement in entrepreneurial activity;
- Partial compensation provided to the employer for paying salary to persons hired from the following labour market sensitive groups:
  - a/ persons with disabilities;
  - b/ persons, having returned from places of detention or from institutions taking medical measures of compulsory character, and having applied to the state employment service within six months after return;
  - c/ children at the employment age remained without parental care and persons belonging to the number of children without parental care in case of being continuously unemployed for a period of one year;
  - d/ persons registered in the state employment service after release from the military service in case of being continuously unemployed for a period of one year; .
  - e/ persons being continuously unemployed for a period of three years;
  - f/ refugees.
- organization of vocational education and rehabilitation of disabled persons having no or up to one year's insurance history, as well as financial assistance for state registration of the business for engaging in entrepreneurial activity; .
- organization of paid public works.

Please indicate, if possible, the trend in total employment policy expenditure over the past five years, including the relative shares of "active" (job creation, training, etc.) and "passive" (financial compensation, etc.) measures.

*One of the main functions of the State Employment Service Agency at the RA Ministry of Labour and Social Issues is providing consultation to the job seekers on issues of professional orientation. Vocational guidance is carried out in 51 territorial centers through individual and group work methods. Along with job seeker beneficiaries vocational guidance is provided to disabled persons applying to the center. This service is provided free of charge as well as other services. Within the reporting period the number of persons having received consultation and vocational training is the following:*

<i>Year</i>	<i>Number of persons having received consultation on professional orientation</i>	<i>Number of unemployed persons involved in vocational training activities</i>	<i>Financial resources spent /million AMD /</i>
<i>2002</i>	<i>5293</i>	<i>184</i>	<i>8.027</i>
<i>2003.</i>	<i>6451</i>	<i>479</i>	<i>26,3</i>
<i>2004</i>	<i>6641</i>	<i>408</i>	<i>27,7</i>
<i>2005</i>	<i>6503</i>	<i>1205</i>	<i>76,8</i>
<i>2006</i>	<i>7915</i>	<i>952</i>	<i>80,8</i>
<i>2007</i>	<i>10765</i>	<i>1183</i>	<i>110,8</i>

IN 2002-2007 ACTUAL FINANCING OF STATE PROGRAMS AIMED AT EMPLOYMENT OF POPULATION IN THE REPUBLIC

N	SUBPROGRAMS PROVIDED WITHIN THE FRAMEWOARK OF THE PROGRAMS	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million. AMD)					
		2002	2003	2004	2005	2006	2007
1	Payment of unemployment benefit	9497 /268.19(million AMD)	9901 /223.78(million AMD)	7179 /204.4(million AMD)	5520 /411.028(million AMD)	12500 /835.2(million AMD)	15800 /1859.5(million AMD)
2	Monetary aid	23930 /178.16(million AMD)	29298 /169.66(million AMD)	24319 /171.5(million AMD)	0	0	0
3	Arrangement of vocational training	184 /8.027 (million AMD)	479 /26.3(million AMD)	408 /27.7(million AMD)	1205/77.462(mil lion AMD)	948 /80.09(million AMD)	1179 /110.448(million AMD)
4	Relocation of the unemployed	0	0	0	0	1 /0.065(million AMD)	0
5	Establishment of specialized manufactures for the disabled and organization of vocational training for persons with disabilities	0	37 /3.51(million AMD)	48 /2.7(million AMD)	0		
6	Occupational retraining of unemployed job seekers who receive long-term service benefits and privileged benefits					4 /0.041(million AMD)	4 /0.3875(million AMD)
7	Vocational training of disabled persons	0	0	0	66 /4.5(million AMD)	98 /7.832(million AMD)	66 /6.381173(millio n AMD)

N	SUBPROGRAMS PROVIDED WITHIN THE FRAMEWOARK OF THE PROGRAMS	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million. AMD)					
		2002	2003	2004	2005	2006	2007
8	Organization of tender for carrying out scientific-research activities in social sphere and implementation of such activities	0	0	0	5.484(million AMD)	2.484(million AMD)	0
9	Partial compensation provided to the employer for paying salary to persons hired from labour market sensitive groups				0	52 /0.069(million AMD)	161 /20.152424(million AMD)
10	Financial assistance provided to the unemployed for running entrepreneurial activities and creating new jobs	0	0	0	0	8 /0.024(million AMD)	51 /0.4202(million AMD)
11	Funeral benefit					35 /0.945(million AMD)	75 /2.682(million AMD)
12	“Benefit for Work” program	11700 /404.4(million AMD)	8874 /455.24(million AMD)	10718 /486.41(million AMD)			
13	Organization of paid public works				7913 /576.569(million AMD)	10254 /656.716(million AMD)	9083 /692.0(million AMD)
14	UN “Food for Work” public works	527	1343	629	1330	1300	1600

***Taking into account the importance of the matter, in 2006 based on international experience a Vocational Guidance Center for Young People was established in Yerevan financed by the World Bank /Decision No. 1915 as of 14.12.2006, of the RA Government/, with the purpose of providing qualitative services in the area of professional orientation to young people living in the capital.***

Please indicate the active policy measures taken in order to favour access to employment of groups most exposed to or affected by unemployment (eg. women, the young<sup>1</sup>, older workers, the long-term unemployed<sup>2</sup>, the disabled, immigrants and/or ethnic minorities). Please give indications on the number of beneficiaries from these measures and information, if possible, on their impact on employment.

*Below are active programs implemented in the area of providing employment:*

*“Arrangement of Vocational Training” program*

*In 2007 the program organized trainings with respect to 50 occupations involving 1179 unemployed persons, 4 persons receiving long-terms service pension and 66 disabled.*

*In 2007 about 62% of persons having attended trainings under the “Arrangement of Vocational Training” program got their jobs.*

*“Partial salary compensation provided to the employer for the purpose of assisting in job placement of persons that are not competitive in the labor market” program*

*In 2007 the program involved 161 persons, 38 of which were disabled. During the year of 2007 44 out of 52 persons included in the program as of December 31, 2006 continued their activities.*

*“Arrangement of paid public works” program*

*In 2007 the program was implemented in 290 communities. For the implementation of the program a sum of 700 million AMD was appropriated from which every worker received a daily payment of 1400 AMD /in 2006 the daily payment rate was 1200 AMD/. In general 467 programs were carried out with 367585 man/day capacity. The number of persons involved in the program was 9083.*

*“State assistance provided to the unemployed and the disabled for the state registration of entrepreneurial activity” program*

*In 2007 financial support was provided to 49 unemployed persons.*

*Active employment programs were implemented also in cooperation with UN Development Program and UN World Food Program mission offices in Armenia resulting in job placement of 1610 job seekers.*

*In cooperation with USAID Armenia Social Protection Systems Strengthening Project in 2007 a job fair was organized for the first time in Yerevan /with participation of 100 employers and approximately 5000 job seekers/ thus creating the base for further arrangement of such job fairs and consultations on a nation-wide scale.*

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<sup>1</sup> Aged between fifteen and twenty-four.

<sup>2</sup> Persons without employment for over one year and seeking employment.

The table below reflects the information on the number of persons being unemployed for different time periods and persons accepted for employment.

BREAKDOWN OF UNEMPLOYED PERSONS ACCEPTED FOR EMPLOYMENT ACCORDING TO THE DURATION OF UNEMPLOYMENT

<i>End of year</i>	<i>Thousand persons</i>		
	2004	2005	2006
<b>Persons accepted for employment</b>	6.3	6.3	7.0
<i>As of the length of unemployment</i>			
< 3 months	0.3	0.2	0.4
3 - 6 months	0.4	0.4	0.5
6 - 12 months	0.8	0.8	1.0
12 >	4.8	4.9	5.0
<i>Average length of terminated unemployment (months)</i>	15.2	15.4	14.6

Question B

Please indicate the trends in employment<sup>1</sup> covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate<sup>2</sup>, the employment rate<sup>3</sup> and the breakdown of employment by region, by sex, by age, by employment status (employed, self-employed), by type of employment (full time and part time, permanent and fixed term, temporary), and by sector of activity.

*Below is the information on the employed classified according to economic activity, gender, age and distribution in the RA marzes (regions).*

BREAKDOWN OF EMPLOYMENT BY GENDER

*Annual average*

	<b>Employed (thousand people)</b>			<b>Rate of growth %</b>		
	Total	Man	Woman	Total	Man	Woman
2004	1081.7	584.2	497.5	97.7	100.4	94.6
2005	1097.8	597.1	500.7	101.5	102.2	100.6
2006	1092.4	593.0	499.4	99.5	99.3	99.7

<sup>1</sup> Reference is made to the definition of employment adopted by the Thirteenth International Conference of Labour Statisticians (Geneva, 1982) or any further versions.

<sup>2</sup> The activity rate represents the total labour force as a percentage of the population aged 15 years and over and living in private households. The labour force is defined as the sum of persons in employment plus the unemployed.

<sup>3</sup> The employment rate represents persons in employment as a percentage of the population aged 15-64 years and living in private households.

BREAKDOWN OF EMPLOYMENT AS OF RA MARZES

*Annual average*

	Employed (thousand people)			Rate of growth %		
	2004	2005	2006	2004	2005	2006
<b>Total</b>	1081.7	1097.8	1092.4	97.7	101.5	99.5
<b>c. Yerevan</b>	292.0	300.0	301.5	94.7	102.7	100.5
<b>Aragatsotn</b>	64.8	64.4	63.9	98.8	99.4	99.2
<b>Ararat</b>	108.4	116.2	115.9	95.8	107.2	99.7
<b>Armavir</b>	116.9	121.9	121.4	102.9	104.3	99.6
<b>Gegharqunik</b>	102.0	103.5	102.3	102.4	101.5	98.8
<b>Lori</b>	95.3	93.8	92.8	97.9	98.4	98.9
<b>Kotayk</b>	85.0	80.0	78.4	92.4	94.1	98.0
<b>Shirak</b>	89.6	87.6	86.7	102.6	97.8	99.0
<b>Syunik</b>	49.7	51.4	50.7	97.8	103.4	98.6
<b>Vayots Dzor</b>	26.8	27.7	27.0	98.2	103.4	97.5
<b>Tavush</b>	48.6	48.6	49.4	97.4	100.0	101.6

BREAKDOWN OF THE EMPLOYED ACCORDING TO TYPES OF ECONOMIC ACTIVITY

*Annual average*

	Total (thousand people)			% in relation to the total number		
	2004	2005	2006	2004	2005	2006
<i>Employed</i>	1081.7	1097.8	1092.4	97.7	101.5	99.5
<b>Agriculture, hunting and forestry</b>	507.0	507.5	504.3	99.6	100.1	99.4
<b>Fishery</b>	0.1	0.1	0.2	100.0	100.0	200.0
<b>Mining</b>	6.9	7.0	7.6	84.1	101.4	108.6
<b>Processing industry</b>	111.5	114.3	110.5	97.4	102.5	96.7
<b>Generation (production) and supply of electricity, gas and water</b>	21.2	18.9	22.8	91.0	89.2	120.6
<b>Construction</b>	33.3	34.6	29.7	89.5	103.9	85.8
<b>Trading, repair of cars, consumer equipment and article of personal use</b>	103.2	108.9	105.9	101.2	105.5	97.2
<b>Hotels and restaurants</b>	3.9	5.7	7.7	81.3	146.2	135.1
<b>Transportation and communication</b>	46.5	49.7	48.6	111.2	106.9	97.8
<b>Financing</b>	5.6	6.1	6.6	112.0	108.9	108.2
<b>Real estate operations, rent and customer services</b>	18.3	19.1	23.3	94.3	104.4	122.0
<b>Public administration</b>	29.1	28.2	34.9	105.1	96.9	123.8
<b>Education</b>	100.5	98.7	100.8	90.0	98.2	102.1
<b>Public health and social services</b>	49.8	50.6	48.8	82.6	101.6	96.4

	Total (thousand people)			% in relation to the total number		
	2004	2005	2006	2004	2005	2006
<b>Utilities, social and individual services</b>	<b>44.8</b>	<b>48.4</b>	<b>40.8</b>	<b>104.9</b>	<b>108.0</b>	<b>84.3</b>

#### BREAKDOWN OF THE EMPLOYED ACCORDING TO EMPLOYMENT STATUS AND GENDER

	Total	Hired employee	Other than hired employee	<i>of which</i>			
				Employer	Self-employed	Family member working without payment	other
<i>Total</i>				<i>%</i>			
<b>2004</b>	<i>100</i>	<b>56.3</b>	<b>43.7</b>	<b>1.8</b>	<b>28.9</b>	<b>12.9</b>	<b>0.2</b>
<b>2005</b>	<i>100</i>	<b>63.7</b>	<b>36.3</b>	<b>0.6</b>	<b>29.9</b>	<b>5.5</b>	<b>0.3</b>
<b>2006</b>	<i>100</i>	<b>63.2</b>	<b>36.8</b>	<b>0.6</b>	<b>31.6</b>	<b>4.4</b>	<b>0.1</b>
<i>Men</i>							
<b>2004</b>	<i>100</i>	<b>52.5</b>	<b>47.5</b>	<b>3.0</b>	<b>37.2</b>	<b>7.2</b>	<b>0.1</b>
<b>2005</b>	<i>100</i>	<b>62.5</b>	<b>37.5</b>	<b>0.6</b>	<b>30.8</b>	<b>5.8</b>	<b>0.2</b>
<b>2006</b>	<i>100</i>	<b>61.2</b>	<b>38.8</b>	<b>1.0</b>	<b>34.3</b>	<b>3.4</b>	<b>0.1</b>
<i>Women</i>							
<b>2004</b>	<i>100</i>	<b>61.2</b>	<b>38.8</b>	<b>0.3</b>	<b>18.0</b>	<b>20.3</b>	<b>0.2</b>
<b>2005</b>	<i>100</i>	<b>65.5</b>	<b>34.5</b>	<b>0.6</b>	<b>28.4</b>	<b>5.1</b>	<b>0.3</b>
<b>2006</b>	<i>100</i>	<b>66.0</b>	<b>34.0</b>	<b>0.1</b>	<b>27.9</b>	<b>5.9</b>	<b>0.2</b>

#### BREAKDOWN OF THE EMPLOYED ACCORDING TO GENDER AND AGE GROUPS

	<i>%</i>			<i>of which (as of gender)</i>					
	<i>Total</i>			men			women		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Employed persons</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>
15-19	<b>1.8</b>	<b>1.7</b>	<b>1.7</b>	<b>1.9</b>	<b>2.1</b>	<b>1.5</b>	<b>1.5</b>	<b>1.0</b>	<b>1.9</b>
20-24	<b>7.4</b>	<b>9.0</b>	<b>8.3</b>	<b>8.7</b>	<b>9.0</b>	<b>9.3</b>	<b>5.5</b>	<b>9.0</b>	<b>7.0</b>
25-29	<b>11.0</b>	<b>10.0</b>	<b>11.4</b>	<b>12.2</b>	<b>11.4</b>	<b>13.2</b>	<b>9.4</b>	<b>8.0</b>	<b>8.9</b>
30-34	<b>10.0</b>	<b>10.8</b>	<b>10.5</b>	<b>10.3</b>	<b>11.6</b>	<b>11.1</b>	<b>9.7</b>	<b>9.6</b>	<b>9.6</b>
35-39	<b>11.6</b>	<b>11.7</b>	<b>10.5</b>	<b>11.7</b>	<b>10.7</b>	<b>10.4</b>	<b>11.4</b>	<b>13.1</b>	<b>10.6</b>
40-44	<b>15.8</b>	<b>15.8</b>	<b>14.4</b>	<b>14.8</b>	<b>14.4</b>	<b>13.2</b>	<b>17.1</b>	<b>17.9</b>	<b>16.0</b>
45-49	<b>14.5</b>	<b>17.7</b>	<b>15.8</b>	<b>14.2</b>	<b>16.7</b>	<b>14.2</b>	<b>15.1</b>	<b>19.2</b>	<b>18.1</b>
50-54	<b>10.9</b>	<b>11.2</b>	<b>13.9</b>	<b>9.4</b>	<b>11.6</b>	<b>13.5</b>	<b>13.0</b>	<b>10.6</b>	<b>14.4</b>
55-59	<b>7.1</b>	<b>6.0</b>	<b>7.5</b>	<b>6.7</b>	<b>6.4</b>	<b>7.4</b>	<b>7.8</b>	<b>5.4</b>	<b>7.5</b>
60-64	<b>3.8</b>	<b>2.4</b>	<b>2.6</b>	<b>3.7</b>	<b>2.1</b>	<b>2.7</b>	<b>3.9</b>	<b>2.9</b>	<b>2.4</b>
65-69	<b>4.1</b>	<b>2.4</b>	<b>3.3</b>	<b>4.2</b>	<b>2.8</b>	<b>3.3</b>	<b>4.1</b>	<b>1.9</b>	<b>3.3</b>
70 >	<b>1.9</b>	<b>1.2</b>	<b>0.2</b>	<b>2.2</b>	<b>1.1</b>	<b>0.2</b>	<b>1.5</b>	<b>1.3</b>	<b>0.2</b>
<b>Average age</b>	<i>42.1</i>	<i>40.7</i>	<i>41.3</i>	<i>41.4</i>	<i>41.4</i>	<i>40.8</i>	<i>43.0</i>	<i>41.0</i>	<i>42.1</i>

## BREAKDOWN OF THE EMPLOYED ACCORDING TO THE NATURE OF THEIR OCCUPTION

%

	Employed persons, total	Permanent	Temporary	Seasonal	â³³Ñ³Ĵ, ÛÇ³Ý.³ÙÛ³
2004	100	63.3	10.6	23.7	2.4
2005	100	83.2	9.7	5.8	1.3
2006	100	75.6	8.2	11.8	4.3

Please give the trend of the figures and percentages of unemployed in your country, including the proportion of unemployed to the total labour force. Please give a breakdown of the unemployed by region, category, sex, age and by length of unemployment.

*In 2007 the number of job seekers registered in territorial employment centers has increased by 45% as compared to that of 2006 reaching the number of 89367 as of December 31, 2007, in which 75050 persons were unemployed. 43,7% of job seekers were included in employment programs in 2007 and 8322 persons, or 9,3% of job seekers, were accepted for employment thus exceeding the indicator of 2006 by 1,2%. 21,8% of those accepted for employment are young people and 300 persons that are uncompetitive in the labour market were also accepted for employment.*

*As of December 31, 2006 the level of unemployment in the republic was 7,2% and as of December 31, 2007 this level was 6,7%.*

*The statistical data on unemployment are stated below.*

## BREAKDOWN OF THE UNEMPLOYED ACCORDING OT GENDER

*Annual average*

	Unemployed (thousand people)			Rate of growth %		
	Total	Men	Women	Total	Men	Women
2004	114.8	35.0	79.8	92.0	87.3	94.2
2005	98.0	29.0	69.0	85.4	82.9	86.5
2006	88.9	25.5	63.4	90.7	87.9	91.9

## NUMBER OF THE UNEMPLOYED ACCORDING TO RA MARZEZ

*Annual average*

	Unemployed (thousand people)			<i>Rate of growth %</i>		
	2004	2005	2006	2004	2005	2006
<b>Total</b>	114.8	98.0	88.9	92.0	85.4	90.7
<b>c. Yerevan</b>	28.0	24.5	20.1	86.7	87.5	82.0
<b>Aragatsotn</b>	1.4	1.3	1.3	93.3	92.9	100.0
<b>Ararat</b>	3.9	3.3	2.9	84.8	84.6	87.9
<b>Armavir</b>	5.3	3.9	3.0	93.0	73.6	76.9
<b>Gegharqunik</b>	5.6	4.7	4.9	88.9	83.9	104.3
<b>Lori</b>	21.9	20.2	19.7	100.5	92.2	97.5
<b>Kotayk</b>	5.4	5.0	4.7	83.1	92.6	94.0
<b>Shirak</b>	24.9	19.4	17.1	92.6	77.9	88.1
<b>Syunik</b>	13.3	10.9	9.8	95.7	82.0	89.9
<b>Vayots Dzor</b>	1.7	1.4	1.3	100.0	82.4	92.9
<b>Tavush</b>	3.5	3.4	4.1	97.2	97.1	120.6

## BREAKDOWN OF THE UNEMPLOYED ACCORDING TO GENDER AND AGE GROUPS

%

	<i>Total</i>			<i>In which (as of gender)</i>					
				Men			Women		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Unemployed</i>	100	100	100	100	100	100	100	100	100
15-19	7.0	5.4	10.7	6.7	3.6	11.1	7.3	6.9	10.4
20-24	19.7	22.9	22.3	24.0	29.7	26.4	16.1	16.9	19.1
25-29	11.7	13.6	12.3	13.3	15.2	13.9	10.4	12.2	11.1
30-34	10.4	7.6	10.3	10.0	6.1	9.0	10.7	9.0	11.2
35-39	8.9	9.3	7.2	7.8	7.3	6.8	10.0	11.1	7.5
40-44	11.3	13.0	9.7	7.8	11.5	7.2	14.3	14.3	11.7
45-49	11.9	13.3	11.1	9.5	9.1	8.4	13.9	16.9	13.1
50-54	9.0	9.0	7.9	8.6	7.9	6.4	9.4	10.1	9.1
55-59	5.5	4.0	5.0	6.4	6.7	5.5	4.8	1.6	4.6
60-64	1.6	0.8	1.7	2.2	1.2	2.5	1.0	0.5	1.1
65>	2.9	1.1	1.8	3.7	1.8	2.9	2.0	0.5	1.0
<b>Average age</b>	36.4	35.4	34.5	35.9	34.8	33.7	36.9	35.9	34.5

### Question C

Please indicate the trend in the number and the nature of vacant jobs in your country.

*The labour market of the republic is characterized by deeply unbalanced features. In 2006 the average number of vacancies presented by the employers to the employment agency was about 1200. In the labour market of the capital there is a demand for civil servants, services sector specialists and a large number of labourers, and in marzes there is an unsatisfied demand mainly for doctors with different specializations and teachers (mostly of foreign languages). For the past two years the marzes needed also carpet-makers, tailors and construction labourers.*

*The information on the number of vacant jobs and statistical data on workforce demand present in the labour market of the Republic of Armenia is stated below.*

#### THE NUMBER OF VACANT JOBS

*By the end of the year*

	2004	2005	2006
<b>Vacant job positions</b>			
<i>Data of State Employment Service</i>	622	1129	1167
<i>Data of organizations included in statistical monitoring</i>	1174	992	1429

Information on workforce demand /in terms of occupations/ in the Republic of Armenia (as of 10.01.07)

N	Occupations	As of data from REC		As of data from mass media and other sources	Total
		Yerevan	Marzes		
1.	Engineers	2	-	-	2
2.	Teachers	6	24	1	31
3.	Doctors, pharmacists	4	148	-	152
4.	Accountants, clerks	1	4	2	7
5.	Specialists of services sector	202	17	8	227
6.	Labourer specialists (blue-collar workers)	148	249	-	397
7.	Inspectors, agents	19	-	-	19
8.	Tailors (sewers)	19	40	-	59
9.	Drivers	54	6	4	64
10.	Guards, cleaners	98	18	1	117

11.	Other occupations	35	110	16	161
	<b>Total</b>	<b>588</b>	<b>616</b>	<b>32</b>	<b>1236</b>

## **ARTICLE 1 PARA. 2**

*"With a view to ensuring the effective exercise of the right to work, the Parties undertake:  
to protect effectively the right of the worker to earn his living in an occupation freely entered upon;"*

[The Appendix to the Charter stipulates that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice.]  
*Elimination of all forms of discrimination in employment*

### Question A

Please give information concerning legislative or other measures taken to ensure the elimination of all discrimination in employment which might be based on sex, social or national origin, political opinion, religion, race, colour or age and to promote effectively equal opportunities in seeking employment and in taking up an occupation<sup>1</sup>.

***The Constitution of the Republic of Armenia states /Article 14.1/ that: "All are equal before law. Discrimination on the ground of gender, race, skin colour, ethnic or social origin, genetic characteristics, language, religion, philosophy, political or other convictions, belonging to national minority, property status, disability, age or other factor of personal or social character is prohibited".***

***The Constitution of the Republic of Armenia states /Article 32/ that: "Everyone is entitled to freedom of choice in employment".***

***The Labour Code of the Republic of Armenia defines /Article 3/ that.***

***1. The main principles of the labor legislation are:***

- 1) freedom of employment, including the right to employment, (which should be freely selected or agreed upon by each person); the right to administer the labor capacities, choose the profession and type of activity;***
- 2) prohibition of any type of compulsory work and violence with respect to employees;***
- 3) Legal equality of parties of labor relations irrespective of their gender, race, nationality, language, origin, citizenship, social status, religion, marital and family status, age, philosophy and convictions, political party, trade union or public organization membership, other factors unrelated to the employee's professional qualities;***
- 4) provision the right to fair working conditions for each employee, (including working conditions meeting occupational health and safety requirements);***

<sup>1</sup> The term "discrimination" in this Form is to be understood in terms of ILO Convention No. 111 (Discrimination, Employment, Occupations), Article 1.

- 5) *equality of the rights and opportunities of employees;*
  - 6) *provision of the timely and complete remuneration of each employee at the rate not lower than the minimal salary stipulated by the law;*
  - 7) *provision of the right to freely make union for the protection of the rights and interests of the employees and employers, including the rights to create trade and employers unions or join them;*
  - 8) *stability of labor relationships;*
  - 9) *freedom of collective negotiations;*
  - 10) *responsibility of the parties to the collective contract for their obligations.*
2. *The State shall ensure the implementation of the labor law rights in accordance with the provisions of this Code and other laws. Labor rights may be restricted only by law, if such restrictions are necessary for the protection of public security, public order, public health and morals, rights and interests of the others, honor and good reputation.*

*The Labour Code of the Republic of Armenia defines /Article 114, part 4/ that the following shall not be considered as legitimate reasons for the termination of the employment contract:*

- 1) *membership in a trade union or involvement in the activities of a trade union beyond the working hours or, with the consent of the employer, also during working hours;*
- 2) *acting as employees' representative at any time;*
- 3) *raising claims to the employer for violation of laws, other normative acts or the collective contract;*
- 4) *gender, race, nationality, language, origin, citizenship, social state, religion marital and family status, convictions or views, affiliation in political parties and public organizations;*
- 5) *age, except for the cases when an employee is already entitled to the full old age pension or is in receipt of it.*

Please give information in this respect on existing sanctions and remedies in cases of discrimination in employment.

*The RA Administrative Violations Code defines /Article 41/ that violation of the requirements of the labour legislation and other normative legal acts containing norms of labour law shall entail imposing of fine on the employer in the amount of one hundred-fold the defibed minimum salary.*

*The violation of the requirements of labour legislation and other normative legal acts containing norms of labour law that takes place within one year after the application of an administrative penalty shall entail imposing of a fine on the employer in the amount of two hundred-fold the defined minimum salary.*

*The responsibility measures defined in the RA Administrative Violations Code are of general nature and cover any violation of labour law, including discrimination on the ground of gender, social or national origin, political views, religion, race, colour or age.*

*Note. The RA Law on Making Amendments to the Administrative Violations Code of the Republic of Armenia, adopted on December 6, 2007, defines /Article 41/ that violation of the requirements of the labour legislation and other normative legal acts containing norms of labour law (except for cases prescribed by Articles 41.1, 41.2, 41.3, 96.1, Article 158, part 17 and Articles 169.5, 169.7, 169.8 of this Code) shall entail issuing of a warning with respect to the infringer.*

*The violation of the requirements of labour legislation and other normative legal acts containing norms of labour law within one year after the application of administrative penalty measures shall entail imposing of a fine on the employer in the amount of fifty-fold the minimum salary.*

*Article 41.1. Impediment to the representatives of employees in exercising their rights stipulated by the Labour Code of the Republic of Armenia shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the minimum salary for each case of violation.*

*The same violation being committed again within one year after applying administrative penalty measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the minimum salary for each case of violation.*

*Article 41.2. After a decision is taken to call a strike and during the strike prevention of all or individual employees to come to their work places, refusal to provide the employees with work, application of disciplinary sanction with respect to employees for participating in the strike shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the minimum salary defined.*

*The same violation being committed again within one year after applying administrative penalty measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the minimum salary defined.*

### Question B

Please indicate any methods adopted:

a. to seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of the above policy of non-discrimination;

*In the Republic of Armenia the social partnership is provided for by the Labour Code of the Republic of Armenia /Articles 39, 40/, by the RA Law on Social Protection of Population in Case of Employment and Unemployment, by the RA Law on Employer Union and by the RA Law on Trade Unions.*

b. to ensure the acceptance and observance of the above policy through educational efforts.

*RA Law on State Labour Inspectorate /Articles 9 and 10/: The tasks of State Labor Inspectorate include assistance to employers, trade unions and employees in receiving information on the application of more effective means and methods of enactment of the labor legislation and other legal acts containing labor right norms.*

*The authorities of the State Labour Inspectorate include organization of seminars related to enactment of the labor legislation and other legal acts containing labor right norms for employers, their unions, representatives of labour collectives.*

*Workshop-seminars are regularly organized with the participation of social partners. The “State Employment Service” Agency of the RA Ministry of Labour and Social Issues as well as the territorial bodies of the RA State Labour Inspectorate provide consultation to employers and employees.*

### Question C

Please indicate the guarantees, including applicable sanctions and remedies, which prevent any discrimination in regard to members of workers' organisations at the time of engagement, promotion or dismissal.

*The RA Labour Code stipulates /Article 35/: “Non-state supervision over adherence of employers to the labor legislation, other normative legal acts containing norms of labor laws and collective contracts shall be exercised by trade unions; and non-state supervision over adherence of employees to the labor legislation, other normative legal acts containing norms of labor laws and collective contracts shall be exercised by employers (representatives of employers)”.*

*The RA Labour Code stipulates /Article 34/: “State control and supervision over adherence of employers to the provisions of the labor legislation, other normative legal acts containing norms of labor law, and collective contracts shall be exercised by State Labor Inspectorate and - in cases established by law – by other institutions.*

*RA Administrative Violations Code stipulates /Article 41/ that that violation of the requirements of the labour legislation and other normative legal acts containing norms of labour law shall entail imposing of fine on the employer in the amount of one hundred-fold the defined minimum salary.*

*The violation of the requirements of labour legislation and other normative legal acts containing norms of labour law that takes place within one year after the application of an administrative sanction shall entail imposing of a fine on the employer in the amount of two hundred-fold the defined minimum.*

Note. *The RA Law on Making Amendments to the Administrative Violations Code of the Republic of Armenia, adopted on December 6, 2007, defines /Article 41/:*

*Violation of the requirements of the labour legislation and other normative legal acts containing norms of labour law (except for cases prescribed by Articles 41.1, 41.2, 41.3, 96.1, Article 158, part 17 and Articles 169.5, 169.7, 169.8 of this Code) shall entail issuing of a warning with respect to the person having committed the violation.*

*The violation of the requirements of labour legislation and other normative legal acts containing norms of labour law within one year after the application of administrative sanction measures shall entail imposing of a fine on the employer in the amount of fifty-fold the defined minimum salary.*

*Article 41.1. Prevention of the representatives of employees from exercising their rights stipulated by the Labour Code of the Republic of Armenia shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the defined minimum salary for each case of violation.*

*The same violation being committed again within one year after applying administrative penalty measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the defined minimum salary for each case of violation.*

*Article 41.2. After a decision is taken to call a strike and during the strike prevention of all or individual employees to come to their work places, refusal to provide the employees with work, application of disciplinary sanction with respect to employees for participating in the strike shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the defined minimum salary defined.*

*The same violation being committed again within one year after applying administrative sanction measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the defined minimum salary defined.*

*Prohibition of forced labour*

***The Constitution of the Republic of Armenia states /Article 32/ that: “Forces labour os prohibited”.***

***The Labour Code of the Republic of Armenia stipulates /Article 3, paragraph 2/ that Labor rights may be restricted only by law, if such restrictions are necessary for the protection of national and public security, public order, public health and morals, rights and interests of the others, honor and good reputation.***

#### Question D

Please indicate whether any form of forced or compulsory labour is authorized or tolerated<sup>1</sup>.

***The Constitution of the Republic of Armenia states /Article 32/ that: “Forced labour is prohibited”.***

***The Labour Code of the Republic of Armenia stipulates /Article 3, paragraph 2/ that Labor rights may be restricted only by law, if such restrictions are necessary for the protection of national and public security, public order, public health and morals, rights and interests of the others, honor and good reputation.***

#### Question E

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<sup>1</sup> The term "forced or compulsory labour" in this Form is to be understood in terms of ILO Convention No. 29 (Forced Labour), Article 2.

If so, please describe the nature and scope of any such labour and indicate the extent to which recourse has been had thereto during the reference period.

***There are no such cases.***

#### Question F

Please indicate what measures are being taken to secure the complete abolition of forced or compulsory labour and the date by which these measures will be fully implemented.

*The RA Penitentiary Code stipulates /Article 133/ that from the moment of entry into force of this Code the following shall be recognized as invalid:*

- *The Correctional Labor Code of the Republic of Armenia adopted on July 7, 1971 by the Supreme Soviet of the Armenian Soviet Socialist Republic;*
- *The Law of the Armenian Soviet Socialist Republic on Approving the Armenian SSR Correctional Labor Code*
- *the “Decree on Procedure and Terms of Executing Convicts’ Criminal Punishments Not Related to Correctional Labor in the Republic of Armenia” approved on January 30, 1985 by the Supreme Council Presidium of the Armenian Soviet Socialist Republic.*

*The RA Penitentiary Code entered into force on January 28, 2005.*

#### Question G

Please give information concerning the conditions under which work is carried out in prison establishments.

*The RA Penitentiary Code stipulates /Chapter 16/ the following:*

- *If possible, convicts shall be provided with work or vested with the right to find work individually in accordance with the procedure laid down in the internal by-laws of correctional institutions. When engaging a convict in employment, the administration of the correctional institution shall take into consideration his/her gender, age, work capacity, health status, and, to the degree possible, profession. The work activities of the convict may not impede the tasks subject to be implemented by the correctional institution.*
- *When providing with work, priority shall be given to convicts who have pecuniary liabilities or are in difficult financial conditions.*
- *Convicts’ work may not pursue the aim of generating income for the correctional institution.*
- *The labour relationships of convicts shall be regulated by the labor legislation of the Republic of Armenia, with the exception of cases provided by law.*
- *The Government of the Republic of Armenia shall define the list of works prohibited for convicts.*
- *The convict shall be entitled to remuneration for his/her work in accordance with the legislation of the Republic of Armenia.*
- *Monthly remuneration for the work performed by the convict may not be less than the defined minimum salary.*

- Upon the decision of the correctional institution head, convicts may, upon their consent, be involved in unpaid work aimed at improving the correctional institution and its adjacent areas.
- Convicts may be involved in unpaid work in turns, provided that such involvement is not on days-off, and does not last more than two hours a day.
- It shall be prohibited to involve in unpaid work those convicts who have first or second degree of disability, pregnant convicts, and convicts who have reached retirement age.

### **ARTICLE 1 PARA. 3**

*"With a view to ensuring the effective exercise of the right to work, the Parties undertake:  
to establish or maintain free employment services for all workers;"*

#### **Question A**

Please describe the operation of free employment services available in your country, indicating the age, sex and nature of occupation of persons placed by them in employment and persons seeking employment.

*The RA Law on Social Protection of Population in Case of Employment and Unemployment /Articles 12 and 15/ stipulate that the state regulation of the population's employment shall be implemented by the Authorized Body, i.e. the RA Ministry of Labour and Social Issues through its separate department named "RA State Employment Service" Agency.*

*The "RA State Employment Service" Agency is obligated to:*

- refer job seekers to employers in case of relevant vacant job positions;
- implement programs in terms of regulating the external and internal relocation of labour force; assist job seekers in selecting relevant jobs and provide employers with qualified specialists;
- publicize information through mass media on vacant jobs;
- keep record of job seekers.

*The "RA State Employment Service" Agency implements the mentioned activities at the expense of the RA State Budget resources through its 51 regional bodies.  
No payment or duty is collected from the citizens for the services of the RA State Employment Service.*

Please indicate as far as possible the number of vacancies, the placement rate and the duration of unemployment of persons placed.

*As of December 31, 2007, there were 89367 persons, of which 75050 unemployed, registered in the Regional Employment Centers. In 2007 the rate of job seekers included in employment programs was 43,7%, and 8322 persons or 9,3% of job seekers were accepted for employment.*

*The charts below reflect the information on vacant jobs and statistical data on the unemployed placed in employment.*

## NUMBER OF VACANT JOBS

### *End of the year*

	2004	2005	2006
<b><i>Vacant job positions</i></b>			
<i>Data of State Employment Service</i>	622	1129	1167
<i>Data of organizations included in statistical monitoring</i>	1174	992	1429

## BREAKDOWN OF UNEMPLOYED PERSONS PLACED IN EMPLOYMENT AS OF THE DURATION OF UNEMPLOYMENT

<i>Year end</i>	<i>Thousand people</i>		
	2004	2005	2006
<b><i>Persons accepted for employment</i></b>	6.3	6.3	7.0
<i>As of the duration of unemployment</i>			
<b>&lt; 3 months</b>	<b>0.3</b>	<b>0.2</b>	<b>0.4</b>
<b>3 - 6 months</b>	<b>0.4</b>	<b>0.4</b>	<b>0.5</b>
<b>6 - 12 months</b>	<b>0.8</b>	<b>0.8</b>	<b>1.0</b>
<b>12 &gt;</b>	<b>4.8</b>	<b>4.9</b>	<b>5.0</b>
<i>Average duration of terminated unemployment (month)</i>	15.2	15.4	14.6

### Question B

Please describe the organization of public employment services in your country indicating the accompanying measures for the unemployed, and where appropriate, the steps taken to revise the geographical distribution of local and regional employment centres and to redeploy resources when the changing patterns of economic activity and of population so warrant.

*The RA "State Employment Service" Agency implements the mentioned activities at the expense of the RA State Budget resources through its 51 regional bodies which are equally distributed in terms of geographical location.*

*The RA "State Employment Service" Agency:*

- carries out analytical studies; forecasts in terms of demand and supply of labour force; publicizes information through mass media on the labour market;*
- based on the results of studies and forecasts makes recommendations with respect to the professions trained free of charge in the educational institutions of preliminary (craft) education, middle professional education and high education.*
- refers job seekers to employers in case of relevant vacant job positions;*

- implements programs in terms of regulating the external and internal relocation of labour force; assists job seekers in selecting relevant jobs and provides employers with qualified specialists;
- publicizes information through mass media on vacant jobs;
- keeps record of job seekers.

### Question C

If both public and private free employment services exist in your country, please describe the steps taken to co-ordinate such services, and to determine the conditions governing the operation of private employment agencies.

*There are also private organizations dealing with provision of employment services. According to the legislation of the Republic of Armenia this type of activity is not subject to licensing.*

*According to the RA Civil Code legal entities shall have the right to implement any type of economic activity which is not prohibited by law. These organizations are registered in the State Register of Legal Entities of the RA Ministry of Justice however they are not subject to special registration as private companies providing employment services.*

### Question D

Please indicate whether and how the participation of representatives of employers and workers in the organisation and operation of the employment services and in the development of employment services policy is provided for.

*The RA Law on Social Protection of Population in case of Employment and Unemployment /Article 16/ states that:*

- upon the initiative of the State Employment Service national and regional conciliation committees are formed the purpose of making agreed decisions on issues concerning the development and implementation of national and territorial projects with respect to employment of population;
- representatives of trade unions representing employees' interests, representatives of employers' unions, representatives of national executive authorities, as well as representatives of the State Employment Service are equally included in the composition of a national conciliation committee;
- representatives of trade unions representing employees' interests, representatives of NGOs, representatives of local self-government bodies, as well as representatives of the State Employment Service are equally included in the composition of a territorial conciliation committee;
- the territorial conciliation committees consider the territorial draft projects aimed at employment of population and submit a relevant conclusion on them to the State Employment Service;
- the national conciliation committee consider the national a draft project on employment of population and submit a relevant conclusion on them to the authorized body implementing the state regulation of population's employment;

- the representatives of territorial and national conciliation committees have the right to receive information from the State Employment Service on the implementation progress of annual state programs for regulation of employment.

*The procedure of activities and the authorities of territorial and national conciliation committees are defined by mutual consent of the parties represented in the committees within their legal capacities.*

#### Question E

Please indicate what legislation or administrative guarantees are provided to ensure that these services are available to all.

*Legislative and administrative guarantees ensuring the accessibility of the above-mentioned services are the following:*

- the RA Civil Code;
- the RA Labour Code;
- the RA Law on Social Protection of Population in case of Employment and Unemployment;
- the RA Administrative Violations Code.

*The services of the RA “State Employment Service” Agency of the RA Ministry of Labour and Social Issues are available for the citizens of the Republic of Armenia as well as for foreign citizens living in the territory of the Republic of Armenia, refugees and persons without citizenship.*

*The services provided by the territorial bodies of the Service are free of charge.*

#### **ARTICLE 1 PARA. 4**

***"With a view to ensuring the effective exercise of the right to work, the Parties undertake:  
to provide or promote appropriate vocational guidance, training and rehabilitation."***

Please indicate, illustrating with relevant data as far as possible, what measures have been taken to provide or promote:

- a. vocational guidance;<sup>1</sup>
- b. vocational training;<sup>2</sup>
- c. vocational rehabilitation;<sup>3</sup>

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<sup>1</sup> If your country has accepted Article 9, it is not necessary to describe the vocational guidance services here.

<sup>2</sup> If your country has accepted Article 10, it is not necessary to describe the vocational training services here.

<sup>3</sup> If your country has accepted Article 15, it is not necessary to describe the rehabilitation services for physically or mentally handicapped persons.

*The right to education in Armenia is stated by the Constitution of the Republic of Armenia (Article 39) according to which the main general education is mandatory with the exception of cases stated by law. Education shall be free of charge in state secondary educational institutions. Every citizen is entitled to receive higher and other specialized education free of charge and on a competitive basis, in state educational institutions.*

*The sphere of education is regulated by the RA law “On education” /adopted in 14.04.1999/ and other legislative acts. The arrangement of vocational education of job seekers including unemployed and disabled people is regulated by the RA law “On social protection in case of employment and unemployment of population” /adopted in 24.10.2005/ (Articles 19 and 20), the RA law “On Education of persons with needs for special education terms” /adopted 25.05.2005/ and Order “On establishment of separate specialized enterprises for disable people and arrangement of their vocational education” approved by the RA Government Decree N 222 on 25 June 1997. According to the mentioned legal acts the State Employment Service on the base of results of the labour market analysis and forecast through the Ministry of Labour and Social Issues of RA submits suggestions to the Ministry of Education and Science on the specializations studied on the free of charge basis in the preliminary vocational (craftsman), middle professional and higher educational institutions.*

*Within education system of Armenia the following programs are implemented:*

- a. *preliminary vocational (craftsman) education: This programme is implemented in 26 craftsman senior schools, 1 fund and 12 middle professional educational institutions (colleges). At present, there are about 2700 students involved in the system.*
- b. *middle professional education: This programme is implemented in 84 state and 28 non state middle professional educational institutions where accordingly 27837 and 2981 students are involved.*
- c. *higher and postgraduate professional education: There are 22 state higher educational institutions with 11 branches and 67 non state higher educational institutions functioning in Armenia. There are 73716 students in the state institutions and 24148 students in non state institutions. 11 higher educational institutions have graduate schools where 788 graduate students study to receive master’s degree. There are about 7000 students in the distance learning educational system. The advanced learning courses and doctor studies are available in 11 higher educational institutions of the country. The advanced learning courses are attended by 1528 undergraduate students, of which 1309 study free of charge. 34 persons study for doctor’s degree, and 32 of them study on a free of charge basis.*

*The RA Labour Code states that / Article 49/ sectoral and territorial collective contracts may define the conditions of profession acquisition, qualification and re-qualification training for the employees.*

*The RA Labour Code states that /Article 164/ annual leave for the persons, who are studying without interruption of their employment, shall be adjusted at their request with the time of their examinations, tests, work on the graduation thesis, laboratory activities.*

*The RA Labour Code defines the educational leave as a special-purpose leave /Article 171/ and states the length of the educational leave /Article 174/.*

*“1. For the purpose of taking entrance examinations at the secondary vocational and higher education institutions and preparing for them employees shall be entitled to educational leave with the duration of three days for each examination.*

*2. Employees studying at general schools, secondary vocational or higher educational institutions shall be entitled to educational leave by the mediation of the educational institution”.*

*The RA Labour Code defines /Article 200/ that the employee studying in a general school, secondary-vocational or higher education institutions is paid for his/her educational holiday by the employer in the amount not less than the average daily wage of the employee for each day in case the employee was sent to receive education by the employer. The issue of payment for the educational holidays of employees taking exams or studying on their own initiative may be regulated under a collective contract or with the consent of the parties*

Please indicate whether equal access is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled people.

*The citizens of the Republic of Armenia, foreign citizens and persons with no citizenship residing in the Republic of Armenia reserve the right to make a choice between employment and unemployment, except for the cases stated by the legislation of the Republic of Armenia (RA law “On social protection in case population’s employment and unemployment of population ” Article 3).*

*In the frameworks of the state employment programmes the vocational guidance consultation and vocational education for job seekers is implemented including the preliminary vocational programmes, and working ability rehabilitation programmes for disable people are conducted as well.*

*The unemployed job seekers entitled for long-term service and privileged pensions can be involved in the vocational training programmes too.*

*In relation to the additional information request with respect to Article 1, paragraph 4 of the European Social Charter revised upon “Conclusions 2007, Armenia” by the European Committee of Social Rights we inform the following:.*

1. Upon the RA Government decree No:1915N of December 14, 2006 within the structure of the RA Ministry of Labour and Social Issues the “Vocational Guidance Center for Young People” non-commercial state organization was established. The scope and purpose of the Center’s activities are the following:

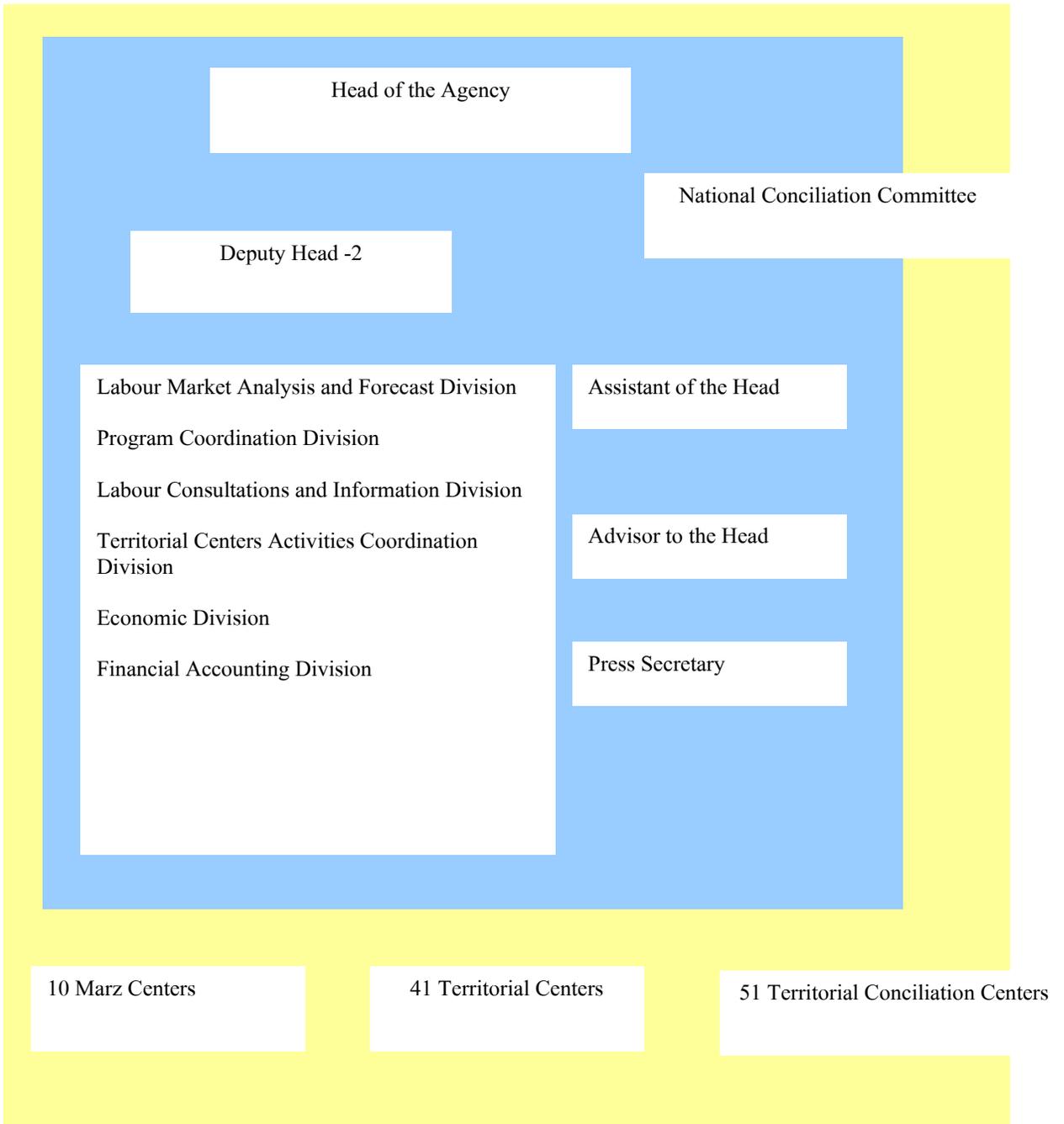
- a) performance of vocational guidance aimed at increase of competitiveness of the youth in the labour market and selection of a profession in accordance with the labour market requirements;
- b) providing consultations to 14-16 years old persons in relation to directions of education and selection of a profession (specialization);
- c) recognition and identification of skills, abilities and propensities of young people;
- d) provision of information to the youth on education, training, labour market and different spheres of professional activities;
- e) guidance of job seekers (including unemployed) in terms of participating in courses of vocational training, retraining, qualification development and re-qualification;
- f) providing assistance to young people in development of necessary skills for entering into labour life;
- g) carrying out studies and analysis on the present state and prospective developments of labour market;
- h) free of charges provision of legal consultations to young people in relation to acceptance for employment, dismissal, legal relationships between employers and employees.

For the purpose of ensuring its normal functioning the “Vocational Guidance Center for Young People” non-commercial state organization was provided with appropriate premises which are under construction and renovation. The staff of the center is already formed and trained. The center has already started giving consultations in the upper classes of general schools in terms of vocational guidance of the youth. The next National Report of the Republic of Armenia will give more detailed information about the activities of the center.

2. In the Republic of Armenia functions of vocational guidance in the labour market are provided by the “State Employment Service” Agency of the RA Ministry of Labour and Social Issues through its 51 territorial centers, by the “Vocational Guidance Center for Young People” non-commercial state organization at the RA Ministry of Labour and Social Issues. All of the services provided by the above-mentioned organizations are completely free of charge.

In the Republic of Armenia the services of vocational guidance can be provided also by private commercial organizations.

The “State Employment Service” Agency of the RA Ministry of Labour and Social Issues has the following structure:



The “State Employment Service” Agency of the RA Ministry of Labour and Social Issues has 405 employees.

- The “Vocational Guidance Center for Young People” non-commercial state organization under the RA Ministry of Labour and Social Issues has work groups specialized in labour issues consultations and information technologies, as well as administrative and support staff. Generally the center has 9 employees.

- Private commercial organizations providing employment services independently identify the administrative-organizational structure and the number of employees in their organizations.

3. Financial resources envisaged by the RA State Budget for the vocational guidance are not separated. They are separated only as of the types of implemented programs.

**IN 2002-2007 ACTUAL FINANCING OF STATE PROGRAMS AIMED AT EMPLOYMENT  
OF POPULATION IN THE REPUBLIC**

N	SUBPROGRAMS PROVIDED WITHIN THE FRAMEWORK OF PROGRAMS	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million AMD)					
		2002	2003	2004	2005	2006	2007
1	Unemployment Benefit	9497 /268.19(m AMD)	9901 /223.78(m AMD)	7179 /204.4(m AMD)	5520 /411.028(m AMD)	12500 /835.2(m AMD)	15800 /1859.5(m AMD)
2	Monetary Assistance	23930 /178.16(m AMD)	29298 /169.66(m AMD)	24319 /171.5(m AMD)	0	0	0
3	Organization of Vocational Trainings	184 /8.027 (m AMD)	479 /26.3(m AMD)	408 /27.7(m AMD)	1205/77.46 2(m AMD)	948 /80.09(m AMD)	1179 /110.448(m AMD)
4	Assistance to the unemployed for implementing entrepreneurial activity and to the employers for creating new jobs	0	0	0	0	0	51/0.4202 (m AMD)
5	Relocation of the unemployed	0	0	0	0	1 /0.065(m AMD)	0
6	Establishment of specialized manufactures for the disabled and organization of vocational trainings for the disabled	0	37 /3.51(m AMD)	48 /2.7(m AMD)	0		
7	Occupational retraining of unemployed job seekers who receive long-term service benefits and privileged benefits					4 /0.041(m AMD)	4 /0.3875(m AMD)
8	Vocational training of disabled persons	0	0	0	66 /4.5(m AMD)	98 /7.832(m AMD)	66 /6.381173(m AMD)
9	Organization of tender for carrying out scientific-research activities in the social sphere and implementation of such activities	0	0	0	5.484(m AMD)	2.484(m AMD)	0

10	Partial compensation provided to the employer for paying salary to persons hired from labour market sensitive groups				0	52 /0.069(m AMD)	161 /20.152424(m AMD)
11	Financial assistance provided to the unemployed for running entrepreneurial activities and creating new jobs	0	0	0	0	8 /0.024(m AMD)	51 /0.4202(m AMD)
12	Funeral benefit					35 /0.945(m AMD)	75 /2.682(m AMD)
13	“Benefit for Work” Program	11700 /404.4(m AMD)	8874 /455.24(m AMD)	10718 /486.41(m AMD)			
14	Organization of paid public works				7913 /576.569(m AMD)	10254 /656.716(m AMD)	9083 /692.0(m AMD)
15	UN “Food for Works” Public Works	527	1343	629	1330	1300	1600

4. In December 29, 2005 the RA Government approved “The Concept and Strategy of Adult Education” with a view to introducing a national policy for the education of adults in the Republic of Armenia.

*According to the document adult education is considered to be the education, which is organized with general and additional education programs, as well as with vocational education programs for persons having grown up from the age of general education, and which is an educational process organized with the help of appropriate curriculums, training methods, technical means, environment of vital activity, as well as pedagogical and social services necessary for the education of citizens.*

*The key purpose of additional education is the continuous development of professional qualifications of an individual at each stage of vocational education. This should be achieved in educational institutions of secondary, vocational and additional education, as well as through individual pedagogical activities.*

*Continuation of education is viewed as a process that provides ongoing education and development of a person and is divided into stages where each of them prepares basis for reaching upper stages.*

*“The Republic of Armenia Strategy for Preliminary (Trade) and Middle Professional Education and Training” defines the education of adults as a “process which is implemented in educational and non-educational institutions through certain educational and on-the-job training programs and aiming to reproduce, update, develop the skills gained in the result of fundamental education and effectively use these skills in line with the demands and requirements of the given time period”.*

*Much importance is given to adult education as a “continuous and never ending educational process that brings about renovation of human resources and adjustment of education in the course of whole life” adequate to the requirements of the labour market, i.e. is viewed as a process serving the purpose of retraining the adults.*

*The education (additional education) for elderly people is provided by market-oriented private and government organizations. They provide mainly short-term vocational training/retraining programs with no age limitation of participants, given the market demand.*

*The “State Employment Service” Agency of the RA Ministry of Labor and Social Issues provides vocational training programs for elderly people, by focusing on professional skills of unemployed or job seekers, as well as development of skills required for professional qualification or for starting a small business.*

*The adult education programs are addressed to everyone without any restrictions in terms of age, race, gender, etc., expand the opportunities to gain additional education for the RA citizens of all ages, create supplementary educational materials for adult education, develop a new and mass employment sphere in the economy of Armenia, raise the value of education in the system of market relationships and connections, promote cooperation with leading international centers for providing additional education.*

*Some higher educational institutions have distance learning systems for a number of professions. Some other higher educational institutions provide education through Faculties of Arts where a student can attain a second diploma for another profession studying it for two years in parallel with the main profession.*

*Besides, the civil service legislation stipulates mandatory advanced training of public servants once in every three years.*

*Adult education programs are also implemented by the RA state administration bodies through organizations therefore established. For example, the National Education Institute of the RA Ministry of Education and Science periodically organizes advanced training courses for teachers. Persons working in public health and social spheres also undergo advanced training courses. The Training Center of the RA Ministry of Finance and Economy organizes training and re-training courses on financial management. The “Palace of Culture” of the police under the RA Government, the “Home of Officers” of the RA Ministry of Defense implements various programs of adult education and retraining. Programs of adult education in Armenia are also implemented by Armenian missions of international organizations. The main task of the “Lifetime Education and Training of Adults” fund is to carry out studies with respect to the market of training services.*

*The key objective of this strategy is the education of adults having remained without education, provision of an opportunity for adults to gain a second profession, re-specialization of persons unable to work in a given occupation, organization of vocational education for registered unemployed persons, organization of vocational education for those who are unable to work by their profession due to health reasons.*

*Adult education is aimed at providing adult citizens with new profession and job in accordance with their skills and health status, as well as supporting them in adjusting to social conditions.*

*Adult education includes:*

- a) education of the unemployed;*
- b) retraining;*
- c) re-specialization.*

*Adult education is implemented irrespective of age, level of education, qualification level and knowledge of a language.*

*Adults having completed the course of education with education programs and having taken the conclusive attestation may receive a relevant qualification degree and a certificate.*

*5. The “State Employment Service” Agency of the RA Ministry of Labour and Social Issues organized training courses in relation to about 51 professions through 35 different organizations 8 of which were state educational institutions. Vocational trainings are organized solely at the expense of State Budget resources; learners receive state scholarship in the amount of 120% of the unemployment benefit.*

<b><i>Year</i></b>	<b><i>Number of persons having received consultation on professional orientation</i></b>	<b><i>Number of unemployed persons involved in vocational training activities</i></b>	<b><i>Financial resources spent /million AMD /</i></b>
<b><i>2004</i></b>	<b><i>6641</i></b>	<b><i>408</i></b>	<b><i>27,7</i></b>
<b><i>2005</i></b>	<b><i>6503</i></b>	<b><i>1205</i></b>	<b><i>76,8</i></b>
<b><i>2006</i></b>	<b><i>7915</i></b>	<b><i>952</i></b>	<b><i>80,8</i></b>
<b><i>2007</i></b>	<b><i>10765</i></b>	<b><i>1183</i></b>	<b><i>110,8</i></b>

*6. The “State Employment Service” Agency of the RA Ministry of Labour and Social Issues year by year increase the scope of trainings organized for job seekers, including disabled persons, and the number of vocations covered. The trainings are organized within the framework of state programs and at the expense of the State Budget resources. Taking into account the difficulties that disabled persons face in the labour market and based on the necessity for their integration into the society the RA Law on Social Protection of Population in Case of Employment and Unemployment, entered into force on January 1, 2006, defined disabled persons as an uncompetitive group in the labour market and consequently stipulated additional guarantees for them. Within the framework of state employment program the following programs are implemented for the disabled:*

*Vocational Training of the Disabled; Vocational Rehabilitation*

*During the accounting period regional (marzes) and territorial employment centers organized trainings for the disabled covering the subject of civil service and the following vocations: cooks, shoemakers, seamstress-tailors, plumbers, embroidery, furniture-makers, hairdressers, computer operators, manager assistant-secretary, computer design, repairing computer devices.*

<i>Year</i>	<i>Number of the disabled involved in vocational training activities</i>	<i>Number of the disabled placed in employment</i>	<i>Financial resources spent /million AMD /</i>
2004	48	37	2,7
2005	66	32	4,5
2006	98	25	7,5

*Partial compensation provided to the employer in case of hiring persons from uncompetitive groups in the labour market*

*The program works from December 2006. By the end of the year 2007 with the help of the program 51 disabled were accepted for employment, 11 of which in 2006 and 40 disabled persons were placed in employment in 2007.*

*The disabled are also provided with financial assistance for state registration and running of their own business.*

*Besides the above-mentioned programs with a view of addressing the issue of temporary employment of the disabled the employment centers involve them in programs of paid “public works”. One of such programs is the “Food for Training” program which is organized in the framework of UN World Food Program.*

*Taking into account the problems of the disabled the RA “State Employment Service” Agency of the RA Ministry of Labour and Social Issues initiated establishment of an Employment Rehabilitation Center for the Disabled in the city of Gyumri in 2008 with the financial assistance provided by the World Bank. The objective of this Center is to provide vocational guidance and employment rehabilitation to disabled persons with the purpose of integrating them into the common labour market.*

*Below is the statistical data on employment of the disabled in the labour market:*

***NUMBER OF EMPLOYED DISABLED PERSONS IN ACCORDANCE WITH THE ECONOMIC SECTORS***

	<i>Employed disabled (persons )</i>			<i>% in relation to the number of employees in the given sector</i>		
	2004	2005	2006	2004	2005	2006
<b><i>Total</i></b>	1082	1039	1928	0.3	0.3	0.6
<b><i>Agriculture, hunting, forestry and fishery</i></b>	-	-	10	-	-	0.4
<b><i>Industry</i></b>	594	513	542	0.9	0.7	0.8
<b><i>Construction</i></b>	30	17	44	0.2	0.1	0.5
<b><i>Services</i></b>	458	509	1332	0.2	0.2	0.5
<b><i>Including</i></b>						
<b><i>Transport and Communication</i></b>	29	49	137	0.1	0.2	0.5

<b>Financing</b>	-	-	<b>21</b>	-	-	<b>0.3</b>
<b>Education</b>	<b>88</b>	<b>84</b>	<b>381</b>	<b>0.1</b>	<b>0.1</b>	<b>0.4</b>
<b>Public health and social services</b>	<b>141</b>	<b>180</b>	<b>476</b>	<b>0.4</b>	<b>0.4</b>	<b>1.2</b>
<b>Other</b>	<b>200</b>	<b>196</b>	<b>317</b>	<b>0.3</b>	<b>0.2</b>	<b>0.4</b>

**ARTICLE 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY**

**ARTICLE 15 PARA. 2**

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;”

Question A

Please describe the measures taken to promote the employment of persons with disabilities in an ordinary working environment and in particular the measures concerning the placing of persons with disabilities; incentives for employers to hire persons with disabilities and, where appropriate, measures obliging employers to adjust working conditions.

Please provide information on employment obligation for persons with disabilities.

*Article 5 of the RA Law on Social Protection of Disabled Persons covers the issue of participation of enterprises, establishments and organizations in the social protection of disabled persons; and Article 20 covers the issue of labour activities of the disabled. In particular, Article 5 of the mentioned Law states that enterprises, establishments and organizations functioning in the RA territory that participate in the implementation of the public policy for the social protection of the disabled / financing the social assistance activities addressed to the disabled, production of technical and other products designed for disabled persons, provision of services, construction and maintenance of social infrastructure facilities providing services to the disabled, arrangement of production activities using exclusively labour force of disabled persons etc./ shall be entitled to tax privileges and other benefits according to the procedure defined by the RA Legislation.*

*Article 20 of the same Law states that bodies of public administration and local self-government create necessary conditions for the disabled persons to run their entrepreneurial activities, particularly by accommodating them with non-residential areas out of turn, assisting in procurement of raw materials and marketing of products.*

*Provisions ensuring the employment process of the disabled are also stated in the RA Law “On Social Protection of population in Case of Employment and Unemployment”. According to Article 15 of this Law the “RA Employment Service” Agency of the RA Ministry of Labour and Social Issues is obligated to provide financial support to the disabled persons for the state registration of their entrepreneurial activity. According to Article 19 the unemployed disabled job seekers have the right to free of charge vocational training, vocational rehabilitation and employment, as well as financial support for entrepreneurial activities at the expense of state resources.*

*Article 20 of the law states that with a purpose of ensuring the employment of disabled persons the “RA Employment Service” Agency jointly with the national and territorial conciliation committees develops and implements vocational training /vocational training for disabled persons can be implemented by vocational training institutions as well/, as well as salary compensation programs aimed at job placement (the programmes are financed from state resources).*

Please specify the measures to ensure the retention of persons with disabilities in employment (duty of occupational redeployment for persons who become disabled following an accident at work or an occupational disease, ban on dismissal of workers because of their disability, obligation for employers to adjust working conditions, provision of support for persons with disabilities to start their own business, etc.).

*Article 17 of the RA Law on Social Protection of Disabled Persons states that rejection to enter into an employment contract with a disabled person or to promote him/her, dismissal or redeployment to another workplace upon the initiative of the administration is prohibited except in cases when bodies of medical-social expertise give a conclusion that the person’s health hinders the performance of occupational duties or threatens the health and occupational safety of other persons.*

*The policy of the Republic of Armenia in the sphere of disability aims to achieve social security of disabled people in all spheres (legal, economic, etc.) and to ensure equal opportunities for disabled people with other citizens of the country. The disability status is determined by the medical-social expertise. The medical-social expertise is conducted by the authorized state body in the medical-social expertise sphere (currently this authorized body is the Medical-Social Expertise Agency with its 25 regional committees).*

*Disability is defined as a limitation of person’s vital activity because of health injuries. Despite the fact that definition of disability does not determine the degree of incapacity limitation the medical-social expertise committees give conclusion for each disable person about the limitation extent of their working capacity.*

*The authorized body in the medical-social expertise sphere decides on the nature and degree of vital activity limitation and rehabilitation potential of person, recognizes the person as disable, determines the disability group, the status of disable child, the causative relation, period and duration of disability, the loss degree of professional working capacity and etc.*

*The authorized body in the medical-social expertise sphere determines three groups of disability (first, second, third) for person recognized as disable and the “disable child” status for children less than 18 years. The disability is determined for duration of 1 or 2 years or timeless (without time limit). The responsibilities of the authorized body in the medical-social expertise sphere are stated by the RA law “On social protection in the Republic of Armenia”.*

*The procedure for recognizing a person as disable is stated by the RA Government Decree N 276 of March 2, 2006 “On Approving the Procedure for Carrying Out Medical-Social Expertise”. The classifiers used during the medical-social expertise and the criteria for definition of disability groups are stated by the RA Government Decree N780 of June 13, 2003 “On Approving the Classifiers Used in Medical-Social Expertise and the Criteria for Defining Disability Groups”. After the adoption of these legal acts the approach to the concept “disability” has been changed. If before it was considered as a defect or inferiority, after the adoption of these documents “disability” is defined as a limitation of person’s vital activity because of health injuries when the person needs social protection. In other words, the disabled person is considered as “social” model instead of “medical” model. Another change was made is that the status of “disable child” is defined under 18 years (instead of 16 years established before).*

*The working conditions of disabled people are also stated in the RA law “On social protection of disabled people in the Republic of Armenia”. The employers are obligated to establish necessary working conditions for disabled people according to the personal rehabilitation program. The working conditions of disabled people are stated by the RA law “On social protection of disabled people in the Republic of Armenia” /Article 19/:*

*“The conditions stated by the collective or individual contracts including wages, working and rest time regime, duration of annual and additional leaves can not aggravate the condition or restrict the rights of disabled person in comparison with other employees.*

*The involvement of disabled persons in overtime, non-working days or night works is allowed only upon their consent and under condition that such works are not prohibited by the medical conclusion.*

*Shorter work time is set for first and second group of disabled people – not more than 36 hours per week.*

*The employer is obliged to set incomplete working week by request of disabled persons and according to the individual rehabilitation programmes. In such cases the pay for work of disabled persons shall be proportionate to the actual time spent at work or the quantity of produced goods.*

*There is no probation period defined for disabled people.*

*In case of equal productivity and same qualification during reduction of the number of employees the disabled people have advantage to stay at work”.*

*The Article 20 of RA law “On social protection of disabled people in the Republic of Armenia” covers working activities of disabled persons. This Article states that the bodies of public administration and local self-government establish necessary conditions for disabled persons to conduct entrepreneurial activity, particularly, accommodate non-residential areas out of turn and provide assistance for obtaining raw materials and marketing the products.*

The statistical data on disability for the reference period 2001-2006 is stated below:

Reference period	Persons recognized as disable for the first time		Disability groups			At the age capable for work	Persons recognized as disable in a result of reexamination
	Total	Women	1st group	2nd group	3 <sup>rd</sup> group		
2001	13225	4777	1551	8158	3516	9197	42650
2002	12662	5065	1502	7380	3780	9141	44063
2003	14346	6021	1315	7554	4045	9903	47179
2004	13969	6242	1271	7635	3833	9648	44157
2005.	15898	7118	1396	8775	4481	10887	38769
2006.	17496	8225	1488	9009	5687	12103	40841

As of January 1, 2005, there are 141382 disabled persons registered in the republic, 7987 of which are disabled children under 18 years. From total number of disabled people 40% are women, 56% are disabled people at the age capable for work /16-63 years old/.

#### Question B

Please indicate the number (or an approximation) of persons with disabilities who during the reference period found paid employment (whether in specialised institutions or not; in the public or private sector).

The “RA Employment Service” Agency arranges vocational education, working ability rehabilitation, trainings and job placement for disabled people.

#### Vocational Training of the Disabled; Vocational Rehabilitation

During the accounting period regional (marzes) and territorial employment centers organized trainings for the disabled covering the subject of civil service and the following vocations: cooks, shoemakers, seamstress-tailors, plumbers, embroidery, furniture-makers, hairdressers, computer operators, manager assistant-secretary, computer design, repairing computer devices.

Year	Number of the disabled involved in vocational training activities	Number of the disabled placed in employment	Financial resources spent /million AMD /
2002	-	32	-
2003	56	34	3.51
2004	48	37	2,7
2005	66	32	4,5
2006	98	25	7,5

Partial compensation provided to the employer in case of hiring persons from uncompetitive groups in the labour market

The program works from December 2006. By the end of the year 2007 with the help of the program 51 disabled were accepted for employment, 11 of which in 2006 and 40 disabled persons were placed in employment in 2007.

The disabled are also provided with financial assistance for state registration and running of their own business.

Besides the above-mentioned programs with a view of addressing the issue of temporary employment of the disabled the employment centers involve them in programs of paid “public works”. One of such programs is the “Food for Training” program which is organized in the framework of UN World Food Program.

Taking into account the problems of the disabled the RA “State Employment Service” Agency of the RA Ministry of Labour and Social Issues initiated establishment of an Employment Rehabilitation Center for the Disabled in the city of Gyumri in 2008 with the financial assistance provided by the World Bank. The objective of this Center is to provide vocational guidance and employment rehabilitation to disabled persons with the purpose of integrating them into the common labour market.

Below is the statistical data on employment of the disabled in the labour market:

**NUMBER OF EMPLOYED DISABLED PERSONS IN ACCORDANCE WITH THE ECONOMIC SECTORS**

	Employed disabled (persons )			% in relation to the number of employees in the given sector		
	2004	2005	2006	2004	2005	2006
<b>Total</b>	1082	1039	1928	0.3	0.3	0.6
<b>Agriculture, hunting, forestry and fishery</b>	-	-	10	-	-	0.4
<b>Industry</b>	594	513	542	0.9	0.7	0.8
<b>Construction</b>	30	17	44	0.2	0.1	0.5
<b>Services</b>	458	509	1332	0.2	0.2	0.5
<i>including</i>						
<b>Transport and Communication</b>	29	49	137	0.1	0.2	0.5
<b>Financing</b>	-	-	21	-	-	0.3
<b>Education</b>	88	84	381	0.1	0.1	0.4
<b>Public health and social services</b>	141	180	476	0.4	0.4	1.2
<b>Other</b>	200	196	317	0.3	0.2	0.4

*The NGOs dealing with the issues of disabled people also introduce programmes regarding the vocational education and vocational guidance issues. These programmes are implemented under the state policy based on the suggestions and comments of disabled people.*

### Question C

Please provide information on sheltered employment structures (type, capacity, pay rates for persons with disabilities working there). Please indicate the opportunities which exist to transfer from sheltered employment to open employment.

*The specialized organizations with special conditions of work operate within the structure of NGOs – Armenian Union of Blind People, Armenian Union of Deaf People. The workplaces are adapted for disabled people and the safety conditions are fully ensured. Preparatory works in the place of work are conducted during three months with the disabled person accepted for employment. The calculation of the salary paid to persons working in the specialized organizations is made by general principle in accordance with the requirements set by the RA Labour Legislation.*

### **ARTICLE 15 PARA. 3**

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.”

### Question A

Please indicate how national policy promotes the independence, the full integration and participation in the life of the community of persons with disabilities. Please describe in particular how this applies to children with disabilities.

*The privileges of disabled people are stated by the law “On social protection of disabled people in the Republic of Armenia”. The amendments made in 2005 to the law “On social protection of disabled people in the Republic of Armenia” as well as the RA Law on Education regulate the issue of education of disabled persons and disabled children in the high educational and secondary vocational institutions. The Law on Social Protection of the*

*Disabled in the Republic of Armenia aims to regulate and clarify the rehabilitation procedure of disabled people, to ensure conditions for accessibility.*

*According to the RA Government Decision N1780 of December 24, 2003 “On Approving the Procedure for Providing Prosthetic and Orthopedic Tools and Rehabilitation or Other Technical Means”, disabled persons are entitled to receive free prosthetic-orthopedic tools and rehabilitation or other technical means in quantities and for the time period as specified in the Decision. The said Government Decision N1780-N is invalidated by the RA Government Decision N453-N dated April 14, 2007, which envisages new procedure for providing prosthetic-orthopedic tools and rehabilitation or other technical means to disabled persons.*

*According to the RA Law on Social Protection of the Disabled in the Republic of Armenia, the RA Law on Providing Medical Care and Service to the Population, the RA Government Decree N 318 of March 4, 2004 “On Free Medical Care and Service Guaranteed by the State” and other legal acts provide disabled persons with the following privileges:*

- persons from the 1<sup>st</sup> and 2<sup>nd</sup> groups of disability have free access to electric transport,*
- all disabled persons have the right to free medical care,*
- persons included in the 1<sup>st</sup> and 2<sup>nd</sup> group of disability have the right to get medicine free of charge; and persons from the 3<sup>rd</sup> group of disability have the right to get medicine with 50% discount.*

*The disabled veterans of Second World War and the military servants having become disabled during the military service receive monthly pecuniary aid since January 1, 2004 in order to get accessibility to some services (electric power, transport, gas, water supply and sewerage, heating) and make payments.*

*According to the RA Law on State Pensions /Articles 21 and 25/:*

*A disability pension is granted to a person who has been recognized as disabled by the authorized body carrying out social-medical expertise on the basis of the following:*

*1) the person has become disabled as a result of an occupational accident or occupational disease, irrespective of the insurance history;*

*2) the person has become disabled as a result of a general disease, inborn illness, man-caused and other disasters, if at the moment of setting disability status the person had the following insurance history:*

<i>Age group</i>	<i>Insurance History</i>
<i>Under 23</i>	<i>2 years</i>
<i>23 – 26</i>	<i>3 years</i>
<i>26 – 30</i>	<i>4 years</i>
<i>30 and more</i>	<i>5 years</i>

*The pension is awarded for the whole period of invalidity.*

*The basic amount of the disability pension equals to:*

- 1) 140% of the basic pension for the first group;*
- 2) 120% of the basic pension for the second group;*
- 3) 100% of the basic pension for the third group.*

*According to the RA Legislation, as of January 1, 2008, the amount of 6800 AMD is set as the basic pension.*

*In addition, according to RA Government Decision N2317-N of December 29, 2005 “On Approving the Procedure of Evaluation of the Poverty Status of Families and Protection of Personal Data Inserted in the Evaluation of the Poverty Status of Families’ Databases System and Amendments thereto and the Procedure on Exchange of Personal Data between the Ministry of Labor and Social Issues of the Republic of Armenia and the Territorial Social Service Agencies”, disability of a person is taken into account in evaluating the poverty status of the family and in approving the eligibility of the family to receive poverty benefit. In such case disability is viewed as a social vulnerability factor.*

*The “Strategy Program for Social Protection of Disabled Persons in 2006-2015” was adopted by the RA Government Protocol N 44 of November 3, 2005. The main objective of the Strategy Program is to integrate the disabled persons in the society ensuring the full participation of the disabled in all spheres of social life. The Strategy covers such spheres as public health, medical, social and mental rehabilitation, education, accessibility, transportation, communication, employment, human resources development, social protection and others. The Strategy Program provides for special approach in relation to groups requiring a large amount of consideration and attention (disabled children, disabled women, persons with multiple disabilities, etc.).*

*The main directions of the Strategy are the following:*

- ensuring accessibility, equal rights and opportunities for the disabled in all directions of social life;*
- ensuring the education of disabled children and promoting the employment of disabled persons;*
- ensuring the social partnership between governmental and non-governmental bodies in addressing the problems of disabled persons;*
- providing public education and awareness on issues concerning the problems of disability and disabled persons.*

*The RA Prime Minister Decree N 747, as of October 10, 2006, established a Council attached to the Republic of Armenia Prime Minister dealing with the issues of disabled persons. Public administration bodies, NGOs dealing with disability issues and specialized establishments are represented in the membership composition of the Council.*

*The objectives of the Council are the following:*

- to raise the effectiveness of the public policy implemented in the Republic of Armenia in relation to integrating the disabled persons in the society;*
- to ensure equal (available) conditions for the disabled persons in all the spheres of social life;*
- to ensure exercise of the rights and protection of interests of disabled persons;*
- to carry out appropriate activities aimed at elimination and prevention of discrimination against disabled persons in the society;*

- to improve the legislation aimed at social protection of disabled persons and to harmonize it with the provisions of the international legal documents;
- to develop programs and implement other activities aimed at prevention of disability and rehabilitation of the disabled;
- to ensure the collaboration of government authorities and NGOs in the sphere of disability.

Upon the RA Prime Minister Degree N 98-N, as of 25.02.2008, the above mentioned council was reorganized into a National Commission on Persons with Disabilities.

The RA Government policy for the social integration of disabled persons covers also the education of persons needing special educational conditions. This is aimed at implementing the right of disabled persons to receive education in circumstances of social adaptation. With a view of organizing the education of children needing special educational conditions 54 special state institutions of general education are functioning, 41 of such institutions are designed for children with physical and mental development problems, 5 institutions are designed for children remained without parental care and for poor families, 8 institutions are designed for supporting the education of gifted children and those showing exceptional capabilities. Boarding schools have 10585 students 52%- of which live in the institution at night. During the past years these institutions were undergoing activities aimed at their unloading. One of such activities is the "Inclusive Education' program. The program is meant to organize the constitutionally guaranteed education of a child with physical and/or mental development problems in a school of general education which is most adjacent to the place of residence of the child without separating him/her from the family. With a view of ensuring the availability of and equal opportunities for education, a list of diseases was approved that entitles persons in need of special educational conditions to receiving education at home.

For the purpose of identifying and ensuring the satisfaction of material and emotional needs necessary for the life activity and natural development of children having appeared in a difficult life situation /including children requiring special educational conditions/ the RA Minister of Education and Science, the RA Minister of Labour and Social Issues and the RA Minister of Health by their joint Decree of December 4, 2007 approved the "Procedure For Evaluating the Social Needs of Children having appeared in difficult life conditions, children requiring special educational conditions, children in need of social conditions". The Procedure regulates the following:

- the scope of material and emotional needs necessary for the life activity and natural development of children having appeared in a difficult life situation;
- the procedure for identifying the social, educational, psychological and health problems of a child with a view to providing for an individual social-psychological program of a child.

The Procedure defines that the evaluation of needs of children having appeared in a difficult life situation is carried out by the Children Rights Protection Divisions of the RA Marzpet's offices /regional municipalities/ (Yerevan Municipality) and by a multi-disciplinary group (social worker, pedagogue, doctor, psychologist and lawyer) of institutions responsible for child care and protection. The evaluation serves as a basis for drawing up an evaluation form of children's social needs and an individual program of social-psychological measures (activities).

*The RA Government Decree No: 1345-Ն of August 18, 2005 defined the procedure for organizing physical training and individual sports classes for physically handicapped or disabled children with a view to ensuring special conditions necessary for their complex development, healthy life-style, and physical training and engaging in sports.*

*According to Article 14 of the RA Law on Social Protection of Disabled Persons disabled persons receive their secondary, secondary-vocational and **higher** education in educational institutions of general type and, if necessary, in educational institutions of special type. Disabled persons that get positive (favorable) evaluation marks for entrance examinations in case of equal conditions enjoy the right of priority for entering state and accredited non-state higher educational institutions or secondary vocational educational institutions.*

*Disabled persons of the 1<sup>st</sup> and the 2<sup>nd</sup> groups and persons with the status of a disabled child that get positive (favorable) evaluation marks for entrance examinations are admitted in the unpaid system of state institutions of higher education or secondary vocational educational institutions in case of accruing required entry scores necessary for at least the paid system.*

*In case persons studying in the paid system of state institutions of higher and secondary-vocational education receive a status of a disabled child or a disabled person with the 1<sup>st</sup> and the 2<sup>nd</sup> group of disability they get transferred to the unpaid system of the educational institution.*

*The expenses connected with the education of persons, having a status of a disabled child or a disabled person with the 1<sup>st</sup> and the 2<sup>nd</sup> group of disability, are covered by the State Budget. In case these persons pass their regular exams with positive (favourable) evaluation marks they receive a scholarship irrespective of the allowance or pension received.*

## Question B

Please describe:

- a. the measures taken to overcome barriers to communication and mobility;

*In order to overcome the obstacles with communication and mobility the prosthetic-orthopedic tools and other technical means are provided to disabled people.*

<i>Type of the provided service</i>	<i>2001 /piece/</i>	<i>2002 /piece/</i>	<i>2003 /piece/</i>	<i>2004 /piece/</i>	<i>2005 /piece/</i>	<i>2006 /piece/</i>
<i>Prosthetic-Orthopedic tools</i>	<i>7.136</i>	<i>3.882</i>	<i>9.400</i>	<i>14.000</i>	<i>-</i>	<i>-</i>
<i>Wheelchair</i>	<i>-</i>	<i>500</i>	<i>543</i>	<i>826</i>	<i>385</i>	<i>338</i>
<i>Hearing tools</i>	<i>500</i>	<i>451</i>	<i>400</i>	<i>1131</i>	<i>585</i>	<i>346</i>

*Note. The prosthetic-orthopedic tools and rehabilitation or other technical means are provided to the disabled people according to their personal rehabilitation programmes. The*

*provision of prosthetics and orthopedics and rehabilitation tools are implemented by the two prosthetic-orthopedic enterprises functioning in the system of the RA Ministry of Labour and Social Issues at the expense of recourses allocated by the State Budget. Since 2004 persons in need of such tools receive them at the moment they apply for them.*

*Some TV channels broadcast news programs with gesture translation. Article 16 of RA law “On Social Protection of the Disabled in the Republic of Armenia” sets that persons with poor eyesight are guaranteed to receive education by Braille system, to have the accessibility to hearing tools and big format letters, as well as persons who lost their eyesight in old age are guaranteed to have the right to additional education by Brail system. The TV and radio companies established by state and local self-government authorities provide the broadcasting of children's and news programmes with gesture (hand-language) translation during the broadcast time prescribed by law.*

*The “Strategy of Social Protection of the Disabled for 2006-2015” stipulates gesture translation of news, children’s and training programmes provided by all TV channels, as well as recording of “Speaking books”, publication of books, writing-books, newspapers and magazines with Braille letter type. Moreover, it is planned to install alarms and relief signs in the central roads of Armenia regions and Yerevan. In the airports of Armenia there are already special units of social workers helping the disabled and old age persons to arrive and depart.*

b. the measures taken to enable access to transport, housing, cultural activities and leisure for persons with disabilities.

*Measures ensuring the natural life activity of the disabled and handicapped population groups are necessarily taken into account in the process of developing, conforming and approving the urban planning documents for building new apartment blocks, as well as in the process of their construction in the territory of the Republic of Armenia /irrespective of the form of ownership/.*

*The mentioned activities are regulated by legal acts and normative-technical documentation operating in the territory of the Republic, in particular by:*

- 1. RA Government Decree N1473-Ն of August 29, 2002 “On Approving the Procedure for Assigning an Architectural Design Task” /Appendix N2 “Design Requirements” /.*
- 2. RA Government Decree N812 of December 21, 1998 “On approving the procedure for developing, expertise, conforming, approving and amending the design documentation of residential, public and production buildings and constructions” /Form N1 “Design Task” /.*
- 3. RA Government Decree N392-Ն of February 16, 2006 “On approving the procedure for providing the accessibility of social, transport and civil engineering infrastructures for disabled and handicapped persons”.*
- 4. 62-91 “Design of Life Activity Environment Meeting the Needs of Disabled and Handicapped Persons” official construction norms.*

5. *IV-11.07.01-2006 “Accessibility of buildings and constructions for the handicapped persons” construction norms.*

*In particular the RA Government Decree N392-Ն of February 16, 2006 regulates the relationships between the builders performing investment activities within the framework of relevant urban planning projects and other urban planning entities in terms of ensuring an accessible environment for the life activity and especially transportation of the disabled and persons with limited mobility (handicapped); and the basic requirements for providing the the accessibility to social, transport and civil engineering infrastructure establishments for the disabled in the Republic of Armenia. According to these requirements:*

*- the requirements set by the laws and normative-legal acts on urban planning aimed at ensuring an accessible environment for the life activity and especially transportation of disabled persons and those with limited mobility are taken into account in the process of building up activities, design and construction of social infrastructure establishments in the residential areas of the Republic of Armenia;*

*- new requirements are established based on the given situation and to the most possible extent adjusted to the needs of disabled persons in case of impossibility to completely meet the requirements of ensuring the life activity and especially transportation of disabled persons and those with limited mobility in the process of rebuilding of existing built areas, reconstruction of houses and structures as well as historical and cultural monuments;*

*- measures, aimed at protection of disabled persons and those with limited mobility and established by architectural design works of social, transport and civil engineering infrastructure establishments under construction or re-construction, must comply with the requirements of normative-technical documentation ensuring life activity of the mentioned groups of persons;*

*- the expertise of the design documentation prepared for residential, social and production buildings and constructions is carried out with a consideration of implementing measures, aimed at ensuring conditions that are necessary for the life activity of disabled persons and those with limited mobility, and established by architectural design task;*

*- the acceptance of finished construction is registered when arrangements are made that provide necessary conditions for the life activity of disabled persons and those with limited mobility are made, provided that such a condition is meant by the architectural-design task and by the design documentation conformed and approved in accordance with a defined procedure;*

*- the roadway and pedestrian zones of the street, the pedestrian crossings (above-ground) and pedestrian subways (underground passages), buildings and adjacent premises, public areas of recreation, sports grounds and playgrounds must be furnished with suitable ramps and special facilities and tools, as well as with alarm lights, sound signals and other types of warning signals;*

*- the newly built apartment buildings must be adapted to disabled and handicapped persons in accordance with the requirements set by the architectural-design task with a view to ensuring the implementation of appropriate measures necessary for the mentioned groups. In particular, the entrances of the buildings must be furnished with ramps, and if necessary – with special hoists; the doors of the elevator in all the floors must have alarm lights or sound signals.*

*The number of apartments adapted for the residence of disabled persons and those with limited mobility is determined by the architectural-design task. The multi-apartment building blocks must to a most possible extent be adapted to the needs of disabled persons and those with limited mobility ensuring the arrangements necessary for habitation.*

*- newly built public buildings and premises designed for scientific, educational, public health, social protection, sports, recreation and entertainment purposes, hotels, buildings and premises used with the purposes of culture, religion, trade, public catering and consumer services, administrative, financial and banking activities, as well as buildings and constructions of transportation purposes, i.e. railway stations, airports, bus stations, parking places, public transport stops must be furnished with necessary tools and facilities and be accessible for disabled persons and those with limited mobility ensuring their free movement and access to public and social services. Public purpose buildings and premises under reconstruction must to the most possible extent be adapted to the needs of disabled persons and those with limited mobility ensuring necessary conditions for their free movement. If the absolute adaptation of the buildings is not possible, it is necessary to centralize public and social services in those places that are accessible for disabled persons and those with limited mobility.*

*- in the halls and auditoriums of buildings designed for sports, concerts, demonstrative-exhibitory purposes (museums, show-rooms, galleries, clubs, culture homes, theatres, cinemas, sport and concert complexes, circuses, etc.) the places for disabled persons and those with limited mobility are arranged in those zones which are suitable for ensuring the adequate comprehension of demonstrative-exhibitory, informational, educational and other programs.*

*- in the educational institutions there are specially arranged places for disabled persons and those with limited mobility;*

*- in the hotels, motels, camping sites, holiday homes and other similar structures, which are under construction, a certain number of appropriate (multi-purpose) rooms are planned by the architectural-design task for single disabled persons on wheelchairs or for those with families taking into consideration the feasibilities of the given reconstruction activities,*

*- in the buildings belonging to organizations that use the labour force of disabled persons and those with limited mobility the workplaces designed for these groups of persons and general purpose areas must provide adequate conditions for their activity taking into account the needs of the employed disabled person.*

*Besides, upon the initiative of the RA Ministry of Labour and Social Issues and NGOs dealing with problems of persons with disabilities, within the framework of the project of reconstructing the streets and sidewalks in the city of Yerevan arrangements are being made with a view to providing accessibility for disabled persons (ramps are built and continue to be built in the streets, crossroads and in the vicinity of social infrastructure establishments). The "Strategy for Social Protection of the Disabled in 2006 - 2015" plans to provide the accessibility of transportation means for disabled persons on wheelchairs, the accessibility of entrances in the buildings under construction and already constructed, particularly by ramps, to implement monitoring of these activities and make other arrangements that will provide accessibility to disabled persons in all spheres of life.*

### Question C

Please indicate how organisations representing or assisting persons with disabilities are consulted or involved in the formulation and implementation of the social integration policies for persons with disabilities.

*The activities aimed at social protection of disabled persons are organized on the principle of social partnership. These activities in relation to rehabilitation of disabled persons are implemented with the collaborative efforts of NGOs dealing with problems of the disabled and local authorities. While developing the projects their opinion is being taken into account and joint discussions are being organized. State authorities consider and resolve all the issues concerning the interests of disabled persons with the participation and consent of relevant NGOs.*

*With a view to coordinating and increasing the effectiveness of the activities carried out in relation to disability issues the RA Prime Minister Decree N 747, as of October 10, 2006, established a Council attached to the Republic of Armenia Prime Minister dealing with the issues of disabled persons. Public administration bodies, NGOs dealing with disability issues and specialized establishments are represented in the membership composition of the Council.*

*The objectives of the Council are the following:*

- to raise the effectiveness of the public policy implemented in the Republic of Armenia in relation to integrating the disabled persons in the society;*
- to ensure equal (available) conditions for the disabled persons in all the spheres of social life;*
- to ensure exercise of the rights and protection of interests of disabled persons;*
- to carry out appropriate activities aimed at elimination and prevention of discrimination against disabled persons in the society;*
- to improve the legislation aimed at social protection of disabled persons and to harmonize it with the provisions of the international legal documents;*
- to develop programs and implement other activities aimed at prevention of disability and rehabilitation of the disabled;*
- to ensure the collaboration of government authorities and NGOs in the sphere of disability.*

*Upon the RA Prime Minister Degree N 98-Ն, as of 25.02.2008, the above mentioned council was reorganized into a National Commission on Persons with Disabilities.*

*Those training-production and other enterprises, establishments and organizations, functioning under NGOs dealing with disability issues, where at least 50% of the total staff are disabled persons, are entitled to tax privileges in accordance with the procedure defined by the RA legislation (“RA Law on Social Protection of Disabled Persons in the Republic of Armenia”, Article 39).*

**ARTICLE 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES**

*The European Committee of Social Rights in its document /Conclusions, 2007 (Armenia)/ requested additional information which is presented below.*

Question 1.

What types of residence are stipulate by the RA legislation? What are the conditions for rendering and extending resident statuses? For how long are they granted? What rights are reserved to the holder of a residence card?

*According to the RA Law on Foreigners /Articles 14-19/ the following resident status permits are established for foreigners in the Republic of Armenia:*

- a) temporary;*
- b) permanent;.*
- c) special.*

*The temporary, permanent and special residence status in the Republic of Armenia is confirmed by temporary **residence card**, permanent **residence card** and the special passport respectively.*

*In the Republic of Armenia state duty is levied for granting residence permits to foreigners in accordance with the RA Law on State Duty.*

<i>N</i>	<i>Type of document</i>	<i>Amount of paid duty (AMD)</i>
<i>1</i>	<i>Granting a temporary residence permit in the Republic of Armenia, a temporary residence card and registration</i>	<i>105000,0</i>
<i>2</i>	<i>Granting a permanent residence permit in the Republic of Armenia, a permanent residence card and registration</i>	<i>140000,0</i>
<i>3</i>	<i>Granting a special residence status in the Republic of Armenia, a special passport and registration</i>	<i>150000,0</i>
<i>4</i>	<i>Extending the validity period of a temporary residence status in the Republic of Armenia</i>	<i>105000,0</i>
<i>5</i>	<i>Changing (replacing) the permanent residence card</i>	<i>20000,0</i>
<i>6</i>	<i>Restoring the residence cards of foreigners having permanent and temporary residence status in the Republic of Armenia</i>	<i>12000,0</i>
<i>7</i>	<i>Rendering a new special passport of the Republic of Armenia in place of the lost one</i>	<i>75000,0</i>

**Temporary residence permit is granted to** any foreigner, if the latter proves the existence of circumstances justifying his/her residence for one or more years in the Republic of Armenia.

Such circumstances may be the following:

- a) education,
- b) existence of a work permit,
- c) marriage to a citizen of the Republic of Armenia or to a foreigner lawfully residing in the Republic of Armenia;
- d) close relationship (parent, brother, sister, spouse, child, grandmother, grandfather, grandchild) with a citizen of the Republic of Armenia or with a foreigner having a permanent residence status in the Republic of Armenia;
- e) engagement in entrepreneurial activities.

Temporary residence status is granted for a period of one year with a possibility to extend it every time by one year. The application for extending the validity period of the temporary residence status must be submitted at least 30 days prior to the expiry date of the status.

**Permanent residence permit** is granted to a foreigner if the following 3 circumstances simultaneously exist in relation to the latter:

1. the person proves the existence of a close relative (parent, brother, sister, spouse, child, grandmother, grandfather, grandchild) in the Republic of Armenia;
2. the person is provided with housing accommodations and means of livelihood in the Republic of Armenia /conditions are considered satisfactory if the foreigner has enough resources necessary for covering the maintenance expenses of self and family members under his/her care, or has a family member or members who are able to provide resources for his/her sustenance;
3. prior to submitting an application for permanent residence status the person has been for at least three years residing in the Republic of Armenia in accordance with the procedure defined by law.

A permanent residence status may also be granted to a foreigner running entrepreneurial activities in the Republic of Armenia.

A permanent residence status is granted for a period of 5 years with a possibility to be extended every time by the same period.

An application for extending the validity period of the permanent residence shall be submitted at least 30 days prior to the expiry date of the card.

The application for receiving a temporary of permanent residence status is submitted to the police of the Republic of Armenia.

A decision on granting or refusing to grant a temporary of permanent residence status shall be taken within a period of 30 days.

*In case the foreigner, who has a permanent residence status in the Republic of Armenia, intends to be absent from the republic for more than six months, he/she shall give a written notification on that to the police.*

**A Special residence status** *is granted to foreigners with Armenian origin.*

*A special residence status may also be granted to other foreigners running economic or entrepreneurial activities in the Republic of Armenia.*

*A special residence status is granted for a period of ten years. It can be granted for more than one time.*

*Granting a special residence status may be refused to a foreigner if:*

*a) he/she was deported from the territory of the Republic of Armenia or was deprived of the residence status in the past; and three years have not passed since the decision on banishment or deprivation entered into force;*

*b) he/she was convicted in the Republic of Armenia for committing a grave (serious) or particularly grave crime; and the conviction is not lifted or redeemed in a defined procedure;*

*c) there are justified reasons to believe that he/she may be engaged in an activity, or may participate, establish or act as a member of an organizations that intends to:*

- damage the state security of the Republic of Armenia; to cause the collapse of the constitutional order, to diminish the defensive capacity of the state;*
- carry out terrorist activities;*
- unlawfully (without appropriate permit) convey across the boundary arms, ammunition, explosives, radioactive substances, drugs, psychotropic agents, or*
- deal with trade of people (trafficking) and/or unlawful crossings of the boundary;*

*d) he/she suffers from an incurable disease which threatens the health of the population, with the exception of those cases when this person comes to the Republic of Armenia with the purpose of treatment of that disease;*

*e) he/she poses a serious threat to the state security or public order of the Republic of Armenia;*

*f) he/she has submitted false information about himself/herself or failed to submit necessary documents when applying for a residence status or there is evidence on the purposes of his/her stay in the Republic of Armenia other than stated,*

*g) he/she was subjected to administrative responsibility for violating the provisions of the RA Law on Foreigners in the previous year.*

*In case the issuance of a residence status is rejected the foreigner may again apply for a residence status in one year that is noted in the decision on rejection.*

*According to the RA Law on Foreigners /Article 5/ in the Republic of Armenia foreigners have the rights, freedoms and obligations equal to those of the citizens of the Republic of Armenia, unless otherwise stated by the Republic of Armenia Constitution, laws and international treaties.*

*In the territory of the Republic of Armenia foreigners bear the responsibility equal to that of the citizens of the Republic of Armenia, unless otherwise stipulated by the international treaties of the Republic of Armenia.*

### **ARTICLE 18 PARA. 1**

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to apply existing regulations in a spirit of liberality;"

#### **Question A**

How is this paragraph observed in your country, both with regard to wage-earners and with regard to others?

*On December 25, 2006 the Republic of Armenia adopted the RA Law on Foreigners that regulates the issues connected to the entry of foreigners in the Republic of Armenia, the stay and residence of foreigners in the Republic of Armenia, labour of foreigners in the Republic of Armenia, transit passage of foreigners through the territory of the Republic of Armenia, the exit of the foreigners from the Republic of Armenia, as well as other relationships related to foreigners.*

*According to the current legislation of the Republic of Armenia the citizens of the Republic of Armenia, foreigners and persons without citizenship residing in the Republic of Armenia are entitled to freely decide on the issue of being employed or unemployed, except for cases defined by the laws of the Republic of Armenia (RA Law on Social Protection of Population in Case of Employment and Unemployment).*

*Besides, the RA Labour Code of RA /Article 2/ sets the following objectives and principles of the labor legislation:*

- *state guaranties for labor rights and freedoms for natural persons, i.e., citizens of RA, citizens of foreign countries, persons without citizenship (hereinafter citizen);*
- *freedom of employment, including the right to employment, which should be freely chosen or agreed upon by each person; the right to administer the labor capacities, choose the profession and type of activity;*
- *legal equality of parties of labor relations irrespective of their gender, race, nationality, language, origin, citizenship, social status, religion, marital and family status, age, philosophy, membership to a political party, trade union or public organization, other factors unrelated to the employee's professional qualities;*
- *equality of the rights and opportunities of the workers;*
- *provision of the timely and complete remuneration at the rate not lower than the minimal salary stipulated by law.*

*Foreign citizens, persons without citizenship have the same labour rights in the Republic of Armenia as the citizens of RA, unless otherwise stipulated by law.*

*The issue of the temporary employment of foreigners in the Republic of Armenia is covered also by Chapter 4 of the RA Law on Foreigners that provides equal rights for the parties of employment relationships irrespective of factors not related to the professional features of the worker.*

*Particularly, the Law states /Article 22/ that foreigners shall have the right to freely dispose of their skills and abilities, choose a vocation and a type of activity, engage in an economic activity not prohibited by the legislation of the Republic of Armenia observing the restrictions defined by the legislation of the Republic of Armenia. The principle of equality between the parties of labour relationships defined by the RA Labour Code is guaranteed irrespective of their gender, race, nationality, language, citizenship and other factors not related to the professional features of the worker.*

*The employers of the Republic of Armenia have the right to enter into an employment contract with a foreign national (services contract) and accept the latter for employment on the basis of a work permit of the foreigner issued by the authorized body. When issuing a work permit to a foreigner the authorized public administration body takes into account the demands and development of the RA labour market.*

*In terms of evaluating the RA labour market needs the RA government stipulates a certain time period for the employer to fill its vacant positions by citizens of the Republic of Armenia. In case the national employment services fail to find a competent candidate meeting the requirement of the employer the latter can find a competent foreign national and apply to the authorized body for obtaining a work permit with a specific time period for a particular foreign employee by submitting necessary documentation defined by the legislation of the Republic of Armenia.*

*The foreigner can have the right to be engaged in employment in the Republic of Armenia when the employer renders him/her the issued work permit.*

### Question B

Please indicate the number of permits granted compared with the number of applications made.

*There is no such practice yet due to the incompleteness of regulations necessary for the arrangement of legal employment relationships of foreigners in the Republic of Armenia.*

*The information requested above will be provided after the full enactment of the law.*

### Question C

Please state whether your country applies restrictions to the right to engage in a gainful occupation by nationals of other states and if so, please mention the grounds.

*The state ensures the implementation of labour rights according to the provisions of the RA Labour Code and other laws. The labor rights may be restricted only by law, if such restrictions are necessary for the protection of public security, public order, public health and morals, rights and interests of the others, honor and good reputation.*

*According to the Labour Code of RA /Article 178/ the wage of an employee shall depend upon the amount and quality of work, the results of the activities of the organization and the labor demand in the labor market.*

*However there are some restrictions that concern the cases when a foreigner may not take a high-ranking government office, may not be engaged in employment in civil service occupations, local self-government and judicial bodies, may not take elected offices and engaged in occupations for which RA citizenship is required by the legislation of the Republic of Armenia.*

*According to the RA Law on Foreigners /Article 24/ work permits are issued and rejected by the authorized body by a procedure and within the terms defined by the Government of the Republic of Armenia.*

*A foreigner is granted a work permit for not more than one year which can be extended with the same period only once. A foreigner may be granted a new work permit if he/she has been continuously residing outside the territory of the Republic of Armenia for not less than one year.*

*The work permit includes information on the job to be performed by the foreigner and on the employer.*

*A foreigner may receive a temporary residence status or extend an existing one for a period of time which is indicated in the work permit.*

*The state duty for the issuing a work permit, as well as for extending the terms of necessary permits, is paid by the employer by the procedure and in the amount defined by the RA Law on State Duty.*

*The issuance of a work permit is rejected if:*

- a) the situation in the RA labour market on the basis of a serious analysis of the latter does not allow for such occupation;*
- b) citizenship of the Republic of Armenia is required for doing the given work;*
- c) the submitted information or documentation is false;*
- d) the employer, that accepts the given foreigner for employment, has violated the requirements of hiring foreigners in the past;*
- e) there are reasons threatening the state security of the Republic of Armenia;*
- f) the employer does not have a license for engaging in activities that are subject to licensing.*

## **ARTICLE 18 PARA. 2**

"With a view to ensuring the effective exercise of the right to engage in a gainful

occupation in the territory of any other Party, the Parties undertake:  
to simplify existing formalities and to reduce or abolish chancery dues and other  
charges payable by foreign workers or their employers;"

### Question A

Please describe the formalities which must be observed by nationals of the other Contracting Parties and the members of their families or by their employers, with regard to their residence in the country and the exercise of an occupation, whether they are seeking paid employment or wish to engage as self-employed, distinguishing between wage-earners or salaried employees, self-employed traders or craftsmen, heads of agricultural or non-agricultural concerns, various professions.

*Due to the absence of the relevant legal acts enabling the application of the law, the official statistical data does not reflect the information on the occupations filled by foreigners. The RA Law on Foreigners does not require issuance of a work permit for engaging in entrepreneurial activity. The registration of the entrepreneurial activity is carried out by the same general procedure defined for the RA citizens. On this ground the foreigner receives a temporary residence status for a period of one year with a right to extend it every time by one year.*

*A permanent residence status in the Republic of Armenia /for a period of 5 years with the right to extend it every time by the same term/ may be granted also to a foreigner engaged in an entrepreneurial activity in the Republic of Armenia.*

*A special residence status /for a period of 10 years that can be granted for more than one time/ may be granted to other foreigners carrying out economic or cultural activities in the Republic of Armenia. No analytical data are collected on the preferences of foreigners in relation to gainful occupations and economic /entrepreneurial/ activities performed in the territory of the Republic of Armenia.*

Please state what derogations have been made to the rules normally applicable and with regard to what categories of persons.

*The issuance of a work permit is rejected if:*

- a) the situation in the RA labour market on the basis of a serious analysis of the latter does not allow for such occupation;*
- b) citizenship of the Republic of Armenia is required for doing the given work;*
- c) the submitted information or documentation is false;*
- d) the employer, that accepts the given foreigner for employment, has violated the requirements of hiring foreigners in the past;*
- e) there are reasons threatening the state security of the Republic of Armenia;*
- f) the employer does not have a license for engaging in activities that are subject to licensing.*

### **ARTICLE 18 PARA. 3**

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:  
to liberalise, individually or collectively, regulations governing the employment of foreign workers;"

#### **Question A**

Please specify whether, and if so under which conditions, a foreign worker may:

- a. change his place of occupation;
- b. change his occupation;
- c. claim the renewal of the permit.

*A foreigner is granted a work permit for not more than one year which can be extended with the same period only once. A foreigner may be granted a new work permit if he/she has been continuously residing outside the territory of the Republic of Armenia for not less than one year.*

*The work permit includes information on the job to be performed by the foreigner and on the employer that accepts him/her for employment.*

*A foreigner may receive a temporary residence status or extend an existing one for a period of time which is indicated in the work permit.*

*In case of termination of the employer's activities the foreign worker has the right to enter into a new employment contract (service contract) with another employer for a period of time remaining to the expiry of the validity term of his/her work permit, provided that at least three months remain to the expiry of the mentioned validity and the new employer has received the consent of the authorized body.*

#### **Question B**

Please describe the situation of the holder of a work permit if he loses or gives up his job while the permit is still valid.

*According to the RA Law on Foreigners /Articles 8; 30/ a work permit is declared invalid if:*

- *the foreigner has obtained the work permit by fraud;*
- *the foreigner has not entered into an employment contract (service contract) within one month after receiving the work permit or has changed the place of employment without permit.*

*The validity of the work permit terminates in case of expiry of the employment contract term (service contract) or rescission of the contract.*

*The work permit is recognized as having lost its force by the authorized body of the RA Government.*

*Within 5 days after taking a decision on recognizing the work permit as having lost its force the authorized body of the RA Government sends a written notification thereon to the RA police, employer and the foreigner.*

*The foreigner is obligated to voluntarily leave the territory of the Republic of Armenia if:*

- the validity period of his/her entry visa or residence status has expired;*
- his/her application for receiving a residence status or extending it has been rejected;*
- he/she was deprived of the residence status.*

### **Question C**

Indicate other measures taken in relation to this provision of the Charter.

*As it was already mentioned, the RA Law on Foreigners regulates the employment activities of foreigners in the territory of the Republic of Armenia. But issuance of work permits to foreigners is not yet carried out due to the absence of regulations necessary for the enactment of the law.*

*The regulatory procedures of the mentioned law and of the labour activities of foreigners, as well as the practical implementation will be presented by the Republic of Armenia in the next report of the Revised European Social Charter relating to the exercise of the right to engage in a gainful occupation in the territory of any other Party.*

### **ARTICLE 18 PARA. 4**

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties."

Please indicate whether there are any restrictions or special conditions affecting the right of such persons to leave the country for this reason and, if so, what the regulations are.

*According to Article 25 of the RA Constitution every person legally staying in the Republic of Armenia is entitled to freedom of movement and residence within the territory of the Republic of Armenia.*

*Everyone has the right to leave the Republic of Armenia.*

*Every citizen and everyone having a right of residence in the Republic of Armenia are entitled to return to the Republic of Armenia.*

*At present the exercise of the right to freedom of movement of the RA citizens is more or less governed by a number of laws and normative legal acts, in particular:*

- RA Law on State Boundary;*
- RA Law on Boundary Troops;*
- RA Law on Children's' Rights ;*
- RA Law on Military Duty;*
- RA Law on Military Training and Conscription;*
- RA Criminal Procedure Code;*
- Customs Code;*
- RA Government Decree N821, as of March 24, 1998, "On approving the procedure for the performance of functions by the state authorized bodies in the check-points on the state frontier of the Republic of Armenia".*

*The RA Criminal Code defines that preventive punishment measures are measures of coercion taken towards the suspect or the accused to prevent their inappropriate behavior during the criminal proceeding and to ensure the execution of the sentence. A written obligation not to leave a place is one of the types of preventive measures.*

*Preventive measure shall be executed by the court, prosecutor, investigator and inquiry body only when the material obtained for the criminal case provides sufficient reason to assume that the suspect or the accused may:*

- 1) hide from the body which carries out the criminal proceeding;*
- 2) inhibit the pre-trial process of investigation or court proceeding in any way, particularly by means of illegal influence on the persons involved in the proceeding, concealment and falsification of the materials relevant to the case, negligence of the subpoena without any reasonable explanation;*
- 3) commit an action forbidden by Criminal law;*
- 4) avoid the responsibility and the imposed punishment;*
- 5) oppose the execution of the verdict.*

*While considering the issue of necessity and kind of the preventive measure the following shall be taken into account:*

- 1) the nature and the degree of danger of the incriminated action;*
- 2) the personality of the suspect or the accused;*
- 3) the age and the health condition of the suspect or the accused;*
- 4) sex;*
- 5) the occupation of the suspect or the accused;*
- 6) marital status and availability of dependents;*
- 7) property situation;*
- 8) availability of a permanent residence;*

9) *other relevant circumstances*

*The preventive measure shall be executed upon the decision of the prosecutor, investigator, inquiry body or the court. The decision of the body in charge of the criminal proceeding shall be substantiated; it shall indicate the crime in which the suspect or the accused is suspected and prove the necessity of execution of one of the preventive punishment measures.*

*An undertaking not to leave a place shall contain a written promise of the suspect or the accused not to move to a new place without permission, or change place of residence, but to appear in court upon receiving a subpoena from the inquiry body, investigator, prosecutor and the court, and to inform them of a change of his place of residence.*

*For the purpose of exercising the right to freedom of movement a citizen of the Republic of Armenia is obligated to have a passport of a citizen of the Republic of Armenia which is his/her basic identity document in the Republic of Armenia and in foreign countries.*

*All the citizens of the Republic of Armenia at the age of 16 are obligated to have a passport of a citizen of the Republic of Armenia irrespective of their place of residence.*

*The citizens of the Republic of Armenia under the age of 16 may be given a passport of a citizen of the Republic of Armenia at discretion and upon the application of their parents or legal representatives.*

*A passport of a citizen of the Republic of Armenia is issued for a time period of 10 years. The validity period of passports suitable for use may be extended for another five years by the bodies of home affairs in the Republic of Armenia; and by the diplomatic representation offices or consulates of the Republic of Armenia in foreign countries.*

*A passport of a citizen of the Republic of Armenia is valid in foreign countries for five years.*

*Citizens of the Republic of Armenia reside in foreign countries with a passport of a citizen of the Republic of Armenia.*

*For issuing a passport a duty in the amount of 1000 AMD is paid by the citizen.*

*It is prohibited to seize, hand over to others and pawn the passport of a citizen of the Republic of Armenia, except for cases related to the suspects and the accused when the type of preventive measures imposed on them is the undertaking not to leave a place or detention.*

*The inquiry or investigation bodies or the court temporarily take the passports of persons sentenced to imprisonment by the court.*

*The passports of persons serving in the army are temporarily taken by the military registration and recruitment offices.*

*The passports are returned to their legal holders, i.e.:*

- to persons having completed the term of military service after demobilization (release);*
- to the suspects and the accused after lifting the preventive measure;*
- to convicted persons after they serve the sentence.*

*In specified cases persons are given other identity documents instead of passports.*

**ARTICLE 20: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX**

*“With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:*

- a. access to employment, protection against dismissal and occupational reintegration;*
- b. vocational guidance, training, retraining and rehabilitation;*
- c. terms of employment and working conditions, including remuneration;*
- d. career development, including promotion”.*

**Question A**

*Please state how the rights contained in this provision have been protected in legislation. This information should be specified according to the areas listed in paragraph 1 of Article 20.*

*The Constitution of the Republic of Armenia states that:*

- Discrimination on the ground of gender, race, skin colour, ethnic or social origin, genetic characteristics, language, religion, philosophy, political or other convictions, belonging to national minority, property status, disability, age or other factor of personal or social character is prohibited /RA Constitution, Article 14/;*
- Everyone is entitled to freedom of choice in employment. Everyone is entitled to fair salary not lower than the minimum salary established by the state, and to working conditions which meet sanitary and safety requirements /RA Constitution, Article 32/.*
- The RA Labour Code states that /Article 15/ the capacity (labor legal capacity) to have labor rights and bear responsibilities is recognized equally for all the citizens of the Republic of Armenia. The foreign citizens, persons with no citizenship in the Republic of Armenia shall have the same labor legal capacity, as the citizens of the Republic of Armenia if not otherwise stipulated by the law.*

*It should be noted that no form of discrimination and/or discriminatory attitude is stated in the laws and other legal acts of the Republic of Armenia.*

## Question B

*Please indicate whether legislation provides a right for a worker to take legal action before a court or other competent authority in order to ensure the effective implementation and exercise of his rights under this provision. The information shall cover the four areas specified in the provision.*

*In all four spheres specified in the provision the disputes between the employer and employee are considered as labor disputes. According to the RA Labour Code Article 264, paragraph 1, labour disputes are subject to examination through judicial procedure in accordance with the RA Civil Procedure Code.*

*According to Article 2 of the RA Civil Procedure Code an interested person may apply to court for the protection of his/her rights, freedoms and rightful interests defined by the Republic of Armenia Constitution, laws and other legal acts.*

*Persons who have such legal competence may apply to court for the protection of rights, freedoms and rightful interests of other persons.*

## Question C

*Please state whether clauses in collective agreements and employment contracts that contravene the principles of non-discrimination may be declared null and void and according to which procedure.*

*The RA Labour Code states the basic principles of the RA labour legislation /Article 3.1.3/ that is the legal equality of parties of labor relations irrespective of their gender, race, nation, language, origin, citizenship, social status, religion, marital and family status, age, philosophy or views, membership to a political party, trade union or public organization, other factors unrelated to the employee's professional qualities.*

*The RA Labor Code states /Article 5/, that the employer may adopt internal and individual legal acts for establishing more favorable conditions for employees or their specific groups as compared with working, social and other conditions defined by the labor legislation and other normative legal acts. If internal or individual legal acts contain provisions that are less favorable than the conditions defined for employees by labor legislation and other normative legal acts containing norms of labor law then these acts or their corresponding parts have no legal effect.*

*If in the course of investigations and inspections carried out by the RA State Labour Inspectorate the latter discovers any employment contract between the employer and the employee that in any form or on any ground, including discrimination, poses restrictions on the rights of the employee or establishes impaired conditions, the employment is considered as illegal according to the RA Labour Code, Article 102, paragraph 1(2) which states that the*

*work is illegal if it is performed on the basis of the employment contract concluded in violation of this Code, the law and other legal.*

#### Question D

*Please describe which safeguards legislation provides against gender discrimination and against retaliatory measures undertaken by the employer. Please state how it provides for the rectification of the situation (reinstatement in cases of dismissal, financial compensation, etc.). Please indicate also whether there are other sanctions against an employer who is guilty of such discrimination.*

*In the Republic of Armenia elimination of gender discrimination is stated in the following legislative acts:*

- RA Constitution;*
- RA Civil Code*
- RA Labour Code;*
- RA Administrative Violations Code.*

*Labour disputes /reinstatement and financial compensation/ are subject to investigation by the judicial procedure in accordance with the regulations defined by the Civil Procedure Code of the Republic of Armenia.*

#### Question E

*Please describe who has the burden of proof in cases of alleged gender discrimination in your country and whether this issue is regulated in legislation or case law. If the latter is the case, please enclose some decisions based on this case law.*

*In the Republic of Armenia elimination of gender discrimination is stated in the following legislative acts:*

- RA Constitution;*
- RA Civil Code*
- RA Labour Code;*
- RA Administrative Violations Code.*

*The Republic of Armenia had also ratified and joined the following conventions and international agreements against gender discrimination.*

- Convention on the Elimination of All Forms of Discrimination against Women /Ratified by the Republic of Armenia in 1993/;*
- Convention against Discrimination in Education /Ratified by the Republic of Armenia in 1993/;*
- Convention against Discrimination in Education, Protocol /Ratified by the Republic of Armenia in 1993/;*
- Convention against Discrimination in Employment and Occupations / Ratified by the Republic of Armenia in 1993/;*
- Convention on Policy in Employment / Ratified by the Republic of Armenia in 1993/;*
- Convention on Equal Pay / Ratified by the Republic of Armenia in 1995/;*

- *Convention on Protection of Human Rights and Fundamental Freedoms / Ratified by the Republic of Armenia in 2002/;*
- *Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women / Ratified by the Republic of Armenia in 2006/;*
- *Convention on Equal Pay /Joined by the Republic of Armenia 2006/.*

*There is no special body dealing with the problems of gender discrimination in Armenia. But the disputes on the grounds of gender discrimination between physical and legal entities can be heard within the framework of collective agreement acting in the given company or may be heard in the court.*

*In the Republic of Armenia protection of employees' rights is also within the competence of the RA State Labour Inspectorate functioning under the RA Ministry of Labour and Social Issues. By the procedure defined by law the State Labour Inspectorate controls and oversees the performance of obligations defined by collective contracts (agreements), takes necessary measures for the restoration of violated rights of employees.*

*Complaints against state and local self-government bodies and their representatives for violations of human rights and fundamental freedoms, provided for in the Constitution of the Republic of Armenia, the Laws of the Republic of Armenia, the international treaties of the Republic of Armenia and international law principles, may be submitted to the office of the Human Rights Defender in the Republic of Armenia.*

#### Question F

*Please describe the specific measures to prevent discrimination against women in matters of employment and occupation, particularly in cases of pregnancy, confinement and during the post-natal period.*

*The RA Legislation states guarantees for pregnant and nursing women. In particular, according to Article 117 of the RA Labour Code an employment contract may not be terminated with pregnant women from the day on which their employer receives a medical certificate confirming pregnancy, and for another month after maternity leave, as well as with employees taking care of a child under one year.*

*The legal grounds for maternity protection are stated in the RA Labour Code /Article 258/, according to which:*

*Pregnant women, women taking care of a child less than one year of age shall not be engaged in a job with dangerous factors and harmful conditions, which may have a negative impact on the health of the mother and child.*

*Where the elimination of dangerous factors is impossible, the employer shall take measures to improve the working conditions so that pregnant women and those taking care of a child less than one year of age are prevented from exposure to risks. If the exposure is impossible to eliminate in the result of the improving working conditions, the employer must transfer the woman (upon her consent) to another job in the organization.*

*Where a pregnant woman, woman taking care of a child under one year of age has to undergo medical examinations, the employer must release her from work preserving her average wage, which is calculated on the basis of the amount of average hourly wage. Apart from general break to rest and to eat, a nursing woman at least every three hours shall be given not less than 30 minute breaks for breast-feeding the newborn. At the woman's request, the breaks for breast-feeding may be joined or added to the general break (lunch time) or transfer to the end of the working day, shortening the working day accordingly. Payment for these breaks to breast-feed shall be calculated according to the average salary of the employee on the basis of an hourly pay.*

*Negligence or violation of the mentioned benefits by the employer shall give rise to responsibility according to Article 41 of the RA Administrative Violations Code.*

### Question G

*Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one or other sex, specifying whether this is due to the nature of the activity or the conditions in which it is carried out.*

*With a view of ensuring the implementation of the public policy aimed at protection of women and maternity the RA Legislation provides for a number of privileges for pregnant women and those raising a child under age in relation to their additional leave, rest hours, non complete workweek and other benefits.*

*According to the RA Labour Code, Article 141, paragraph 1(3), half-time workday or half-time workweek shall be set for a pregnant woman and an employee raising a child under the age of one year upon their request. Besides the annual leave women also have the right to certain types of special purpose leaves, i.e. maternity leave 140-180 days and a leave provided for raising a child less than three years of age.*

*The labour legislation provides for certain benefits for women in terms of their engagement in overtime or night work. In particular, "Pregnant women and the employee raising a child under the age of one year can be involved in overtime work only upon their consent." /RA Labour Code, Article 144, paragraph 4/ or "Pregnant women and the employee raising a child under the age of three years can be involved in night work only upon their consent." / RA Labour Code, Article 148, paragraph 4 /.*

*Such a restriction is stipulated also in relation to business trips and working on duty. According to the RA Labour Code, Article 149, paragraph 4: "Pregnant women and employees raising a child under three years may be appointed on duty at the organization or at home only upon their consent."; and Article 209, paragraph 3 states that: "Pregnant women, and the employees raising a child under the age of one year may be sent on business trips only upon their consent."*

***The RA Labour Code states that equal rights are established for men and women in the Republic of Armenia.***

## Question H

Please indicate whether measures of positive action in favour of one gender aimed at removing de facto inequalities are allowed under the legislation and, if so, whether such measures were taken during the reference period.

Equal rights are established for men and women in the Republic of Armenia.

All those benefits that are provided by the legislation for women, specifically for pregnant women and employees raising under age children, /see answer to Question G / are designed not for elimination of actually existing inequality or discrimination but for the purpose of establishing certain guarantees.

## Question I

Please provide information on the situation in practice covering the four areas specified in the provision, ie. on:

a. the employment situation of both sexes (ie. the number of men and women who are in employment, unemployed, working part-time or on fixed-term contracts or other forms of temporary contracts);

### BREAKDOWN OF THE EMPLOYED PERSONS AS OF THEIR GENDER

Annual average

	Employed (thousand persons)			Rate of growth %		
	Total	Men	Women	Total	Men	Women
2004	1081.7	584.2	497.5	97.7	100.4	94.6
2005	1097.8	597.1	500.7	101.5	102.2	100.6
2006	1092.4	593.0	499.4	99.5	99.3	99.7

### BREAKDOWN OF EMPLOYED PERSONS AS OF THEIR GENDER AND EMPLOYMENT STATUS<sup>1</sup>

	Total	Paid worker	Unpaid worker	In which			
				Employer	Self-employed	A family member working without pay	Other
<i>Total</i>		<i>%</i>					
2004	100	56.3	43.7	1.8	28.9	12.9	0.2
2005	100	63.7	36.3	0.6	29.9	5.5	0.3
2006	100	63.2	36.8	0.6	31.6	4.4	0.1

<sup>1</sup> Based on the results of selective survey of labour force in households.

<i>Men</i>							
<b>2004</b>	100	52.5	47.5	3.0	37.2	7.2	0.1
<b>2005</b>	100	62.5	37.5	0.6	30.8	5.8	0.2
<b>2006</b>	100	61.2	38.8	1.0	34.3	3.4	0.1
<i>Women</i>							
<b>2004</b>	100	61.2	38.8	0.3	18.0	20.3	0.2
<b>2005</b>	100	65.5	34.5	0.6	28.4	5.1	0.3
<b>2006</b>	100	66.0	34.0	0.1	27.9	5.9	0.2

BREAKDOWN OF THE EMPLOYED PERSONS AS OF GENDER AND AGE<sup>1</sup>

%

	<i>Total</i>			<i>In which (as of gender)</i>					
				<i>Men</i>			<i>Women</i>		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Employed</i>	100	100	100	100	100	100	100	100	100
15-19	1.8	1.7	1.7	1.9	2.1	1.5	1.5	1.0	1.9
20-24	7.4	9.0	8.3	8.7	9.0	9.3	5.5	9.0	7.0
25-29	11.0	10.0	11.4	12.2	11.4	13.2	9.4	8.0	8.9
30-34	10.0	10.8	10.5	10.3	11.6	11.1	9.7	9.6	9.6
35-39	11.6	11.7	10.5	11.7	10.7	10.4	11.4	13.1	10.6
40-44	15.8	15.8	14.4	14.8	14.4	13.2	17.1	17.9	16.0
45-49	14.5	17.7	15.8	14.2	16.7	14.2	15.1	19.2	18.1
50-54	10.9	11.2	13.9	9.4	11.6	13.5	13.0	10.6	14.4
55-59	7.1	6.0	7.5	6.7	6.4	7.4	7.8	5.4	7.5
60-64	3.8	2.4	2.6	3.7	2.1	2.7	3.9	2.9	2.4
65-69	4.1	2.4	3.3	4.2	2.8	3.3	4.1	1.9	3.3
70 >	1.9	1.2	0.2	2.2	1.1	0.2	1.5	1.3	0.2
<i>Average age</i>	42.1	40.7	41.3	41.4	41.4	40.8	43.0	41.0	42.1

BREAKDOWN OF UNEMPLOYED PERSONS AS OF GENDER<sup>2</sup>

*Annual average*

	<b>Unemployed (thousand persons)</b>			<b>Rate of growth %</b>		
	Total	Men	Women	Total	Men	Women
2004	114.8	35.0	79.8	92.0	87.3	94.2
2005	98.0	29.0	69.0	85.4	82.9	86.5
2006	88.9	25.5	63.4	90.7	87.9	91.9

<sup>1</sup> Based on the results of selective survey of labour force in households.

<sup>2</sup> Based on the information of the "State Employment Service" Agency of the RA Ministry of Labour and Social Issues

BREAKDOWN OF UNEMPLOYED PERSONS AS OF GENDER AND AGE<sup>1</sup>

%

	Total			In which (as of gender)					
				Men			Women		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Unemployed</i>	100	100	100	100	100	100	100	100	100
15-19	7.0	5.4	10.7	6.7	3.6	11.1	7.3	6.9	10.4
20-24	19.7	22.9	22.3	24.0	29.7	26.4	16.1	16.9	19.1
25-29	11.7	13.6	12.3	13.3	15.2	13.9	10.4	12.2	11.1
30-34	10.4	7.6	10.3	10.0	6.1	9.0	10.7	9.0	11.2
35-39	8.9	9.3	7.2	7.8	7.3	6.8	10.0	11.1	7.5
40-44	11.3	13.0	9.7	7.8	11.5	7.2	14.3	14.3	11.7
45-49	11.9	13.3	11.1	9.5	9.1	8.4	13.9	16.9	13.1
50-54	9.0	9.0	7.9	8.6	7.9	6.4	9.4	10.1	9.1
55-59	5.5	4.0	5.0	6.4	6.7	5.5	4.8	1.6	4.6
60-64	1.6	0.8	1.7	2.2	1.2	2.5	1.0	0.5	1.1
65>	2.9	1.1	1.8	3.7	1.8	2.9	2.0	0.5	1.0
<b>Average age</b>	36.4	35.4	34.5	35.9	34.8	33.7	36.9	35.9	34.5

*b. access to and participation in vocational guidance, training, retraining and rehabilitation and the extent to which women train for jobs which have traditionally been occupied by men and vice versa;*

**Statistical data are presented in the answer to “Question J”.**

*c. differences in terms of employment and working conditions, including remuneration (with an indication of the differences between full-time workers on permanent contracts and part-time workers or workers on fixed-term contracts or other forms of temporary contracts);*

*Equal rights for men and women are established in the Republic of Armenia.*

*d. differences in career advancement between the sexes in the various sectors of the economy.*

**Equal rights for men and women are established in the Republic of Armenia.**

Question J

*Please indicate what active policies carried out by your authorities to achieve equal opportunities and equal treatment in employment and what practical measures have been taken to implement these policies.*

<sup>1</sup> Based on the results of selective survey of labour force in households

***Equal rights for men and women are established in the Republic of Armenia.***

*Below is the information on actual financing of state employment programs in the Republic of Armenia (with man/woman breakdown).*

IN 2002-2007 ACTUAL FINANCING OF STATE PROGRAMS AIMED AT EMPLOYMENT OF POPULATION IN THE REPUBLIC OF ARMENIA

		NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million. AMD)					
N	SUBPROGRAMS PROVIDED WITHIN THE FRAMEWOARK OF THE PROGRAMS	2002	2003	2004	2005	2006	2007
1	Payment of unemployment benefit	Total 9497, of which women 2658 /268.19 (million AMD)	Total 9901, of which women 6430 /223.78(million AMD)	Total 7179, of which women 4963 /204.4(million AMD)	Total 5520, of which women 4029 /411.028(million AMD)	Total 12500, of which women 9630 /835.2(million AMD)	Total 15800 , of which women 11376 /1859.5(million AMD)
2	Monetary aid	Total 23930, of which women 15076 /178.16(million AMD)	Total 29298 , of which women 19044 /169.66(million AMD)	Total 24319, of which women 16537 /171.5(million AMD)	0	0	0
3	Arrangement of vocational training of the unemployed	184 /8.027 (million AMD)	479 /26.3(million AMD)	408 /27.7(million AMD)	1205/77.462 (million AMD)	948 /80.09(million AMD)	1179 /110.448(million AMD)
4	Compensation of expenses in relation to relocation of the unemployed persons to another work place (relocation allowance)	0	0	0	0	1 /0.065(million AMD)	0
5	Establishment of specialized manufactures for the disabled and organization of vocational training for persons with disabilities	0	37 /3.51(million AMD)	48 /2.7(million AMD)	0	0	0
	Vocational training and rehabilitation of disabled persons	0	0	0	66 /4.5(million AMD)	98 /7.832(million AMD)	66 /6.381173(million AMD)
6	Occupational retraining of unemployed job seekers who receive long-term service benefits and privileged benefits					4 /0.041(million AMD)	4 /0.3875(million AMD)

7	Arrangement of labour market studies and forecasts	0	0	0	5.484(million AMD)	2.484(million AMD)	0
8	Partial compensation provided to the employer for paying salary to persons hired from labour market sensitive groups	0	0	0	0	52 /0.069(million AMD)	161 /20.152424(million AMD)
9	Financial assistance to the unemployed and disabled for the state registration of their own businesses	0	0	0	0	8 /0.024(million AMD)	51 /0.4202(million AMD)
10	Funeral benefit	0	0	0	0	35 /0.945(million AMD)	75 /2.682(million AMD)
11	“Benefit for Work” program	Total 11700, of which women 5429 /404.4 (million AMD)	Total 8874, of which women 4437 /455.24 (million AMD)	Total 10718, of which women 4716 /486.41(million AMD)			
	Organization of paid public works	0	0	0	Total 7913 of which women 3007 /576.569 (million AMD)	Total 10254, of which women 3281 /656.716 (million AMD)	Total 9083, of which women 2997 /692.0 (million AMD)
12	UN “Food for Work” public works	527	1343	629	1330	1300	1600

\* During the year of 2005 the subprogram of “Optimization of school staff and social assistance” provided financing to 861 persons (88.438.950 AMD) through “Additional monetary pay” component; and to 56 persons (10.773.785 AMD) through “Relocation allowance” component.

## Question K

*Please indicate if social security matters as well as provisions concerning unemployment benefit, old age benefit and survivor's benefit are considered to be within the scope of this provision.*

*The RA Law on State Pensions stipulates /Article 21/ that the pension of disability resulting from work injury or occupational disease is granted irrespective of the existence of an insurance history.*

*Article 26 of the same law establishes the rights to survivor's pension. In particular, the right to survivor's pension is granted to the following members of the family:*

*1) a child less than 18 years old, brother, sister and grandchild, whereas the brother, sister and grandchild does not have able-bodied parents and is unemployed;*

*2) spouse or other able-bodied adult member of the family or the person, who by the procedure defined by law was recognized as guardian, irrespective of age and work capability if he/she takes care of the deceased breadwinner's child under eight years old, brother, sister or grandchild and is unemployed;*

*3) children recognized as invalid irrespective of age, parents, spouse having come to the age of 63 at the moment of the breadwinner's death and unemployed.*

*A student of an educational institution shall have the right to survivor's pension till the graduation from the educational institution, but until the age of 23.*

*These provisions apply also to the family of a person recognized as dead by the judicial procedure. In granting a survivor's pension to the family of a person recognized as dead the day of death is considered the day when the court decree enters into legal force or the day which is indicated in court decree having entered into legal force.*

*The whole Chapter 7 of the RA Law on Social Protection of Population in Case of Employment and Unemployment is completely focused on social guarantees in the sphere of employment. In particular, according to Article 28 the following guarantees are established for unemployed persons:*

*1) payment of unemployment benefit in case of having an insurance history of at least one year;*

*2) payment of scholarship for learning in vocational training courses.*

*Disabled persons are guaranteed to receive scholarship for learning in vocational education and rehabilitation courses.*

***Equal rights are established for men and women in the Republic of Armenia, thus the above mentioned provisions apply to men and women equally.***

## **ARTICLE 22: THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT**

*“With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:*

*a. to the determination and the improvement of the working conditions, work organisation and working environment;*

*b. to the protection of health and safety within the undertaking;*

*c. to the organization of social and socio-cultural services and facilities within the undertaking;*

*d. to the supervision of the observance of regulations on these matters.”*

#### Question A

Please describe the rules and/or the mechanisms whereby the right of workers to information and consultation within the undertaking either directly or through their representatives is guaranteed, for example through legislation, collective agreements or other means.

*The Labour Code of RA /Article 43/ defines that the employees reserve the right to receive information on labor relations not prohibited by the law. The employers provide the representatives and organizations of the employees the information regarding the labor relations. The extent of the information submitted is conditioned by the level of social partnership.*

*The information includes:*

- 1) information about present and future activities of the employer;*
- 2) information about the possible changes;*
- 3) information about measures to be implemented in case of possible reduction of the employees;*
- 4) other information about the labor relations, if that information is not considered to be state, internal and commercial secret.*

*The procedure and conditions for the submission of the information is defined by the agreement of parties.*

Please indicate by whom and on what basis the workers’ representatives are designated.

*The Labour Code of RA /Article 23/ defines that in labor relations the rights and interests of employees may be represented and protected by the trade unions.*

*Where an organization has no trade union the staff meeting (forum) may transfer functions of employee representation and interest protection to the corresponding sectoral or territorial trade union. In this case the staff meeting (forum) shall elect a representative (representatives) to participate at the collective negotiations with the given employer in the delegation of sectoral or territorial trade union.*

*One and the same representative may not represent and protect the interests of both the employees and the employers.*

### Question B

Please state whether workers' participation concerns all of the areas covered by Article 22:

- the determination and improvement of the working conditions, work organisation and working environment;
- the protection of health and safety within the undertaking;
- the organisation of social and socio-cultural services within the undertaking;
- the supervision of the observance of regulations on these matters.

*According to the Labour Code of RA state control and supervision over adherence of employers to the regulatory provisions of the labor legislation, other normative legal acts containing norms of labor law and collective contracts shall be exercised by State Labor Inspectorate (Article 34) and non-state supervision shall be exercised by trade unions (Article 35).*

### Question C<sup>1</sup>

If some workers are not covered by provisions of this type either by legislation, collective agreements or other measures, please indicate the proportion of workers not so covered.

*The provision has full coverage on all groups of employees.*

### Question D<sup>2</sup>

Please indicate whether certain undertakings are excluded from the obligations contained in Article 22 on the grounds that they employ less than a certain number of workers. If so, please state the specified number of workers below which undertakings are not required to comply with these provisions.

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<sup>1</sup> See Article I and the appendix thereto.

<sup>2</sup> See paragraph 6 of the appendix to Article 22.

*The organizations are not excluded from such obligations.*

#### Question E

Please indicate whether there are certain undertakings, such as religious undertakings or other undertakings within the meaning of para. 4 of the appendix to Article 22, excluded from the rights guaranteed in this provision. If so please provide details on this subject.

*Such organizations are also not excluded from such obligations.*

#### Question F

Please describe the legal remedies available to workers or their representatives who consider that their rights under this provision have not been respected. Please indicate the applicable sanctions.

*The Labour Code of RA /Article 26/ defines that an employer must:*

- 1) respect the rights of the representatives of the employees and do not interfere with their activities. The activities of the representatives of the employees may not be terminated at the employer's will;*
- 2) when making decisions that may affect the employees' legal position, hold consultations with the representatives of the employees and, in cases provided for by this Code, obtain their consent;*
- 3) ensure conduct of collective negotiations within short period of time;*
- 4) consider the proposals submitted by the representatives of the employees within the term set in this Code and where such term is not set – no late than within one month and respond to it in writing;*
- 5) provide free of charge necessary information on issues related to the work to the representatives of employees;*
- 6) perform other obligations provided for by collective contracts;*
- 7) ensure other rights of the representatives of the employees established by the legislation.*

*Labour Code of RA /Article 119/ stipulates that:*

- 1. Employees elected to representative bodies of employees (trade unions), may not be dismissed from work under Article 113 of this Code during the period for which they fulfill their authorizations without the preliminary consent of the state labour inspector, except for*

*the cases specified in the clauses 1, 2, 5-7 of section 1 of the Article 113 and section 1 of Article 123 of this Code without prior consent of the labor inspector.*

*2. The employer shall apply to the state labour inspector for receiving his consent for the dismissal of the representative of employees. The labor inspector must reply within 14 days from the receipt of the application of the employer. The labor inspector shall make the decision on his consent or rejection of the dismissal of the employee in written form.. If the labor inspector fails to reply to the employer within the defined period, the employer shall be entitled to terminate the employment contract.*

*3. The employer shall be entitled to appeal in the court the decision about the refusal of the dismissal of the employee. The court may recognize such a decision as invalid if the employer proves that this decision substantially violated his interests.*

## **ARTICLE 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT**

“With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b. the right of workers whose employment is terminated without valid reason to adequate compensation or other appropriate relief.

To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.”

### **Question A**

Please state the valid grounds for termination of employment provided by national legislation and whether national legislation prohibits certain cases of termination of employment.<sup>1</sup>

*The Labour Code of RA /Articles 109, 110, 111, 112, 113 and 114/ defines that an employment contract shall be terminated upon the consent of the parties, in case the contract expires, upon the initiative of the employee, upon the initiative of the employer in the following cases:*

- 1. upon the consent of the parties /when the mutual consent is reached upon termination of an Employment Contract/;*
- 2. in case the contract expires /when the employment contract signed for a definite term expires and parties or one of them does not offer to extend the terms/;*
- 3. upon the initiative of the employee /when employee gives a notice to the employer for termination of contract/;*

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<sup>1</sup> See paras. 1 and 3 of the Appendix to Article 24.

4. upon the initiative of the employer /an employer may terminate an employment contract signed for an indefinite term and one signed for a definite term prior to the expiry of the contract:

- 1) in case, when the organization is liquidated (the activity of the sole entrepreneur is terminated),
- 2) in case, when the employer is bankrupt,
- 3) in case, when the number of employees is reduced, which is preconditioned by changes in the volume of production, economic and technological conditions and conditions of organization of work, as well as by production needs,
- 4) in case, when the employee is not suitable for the position held or job done,
- 5) because of unsatisfactory result of the trial period,
- 6) for the employee's non-performance or incomplete performance of his duties,
- 7) in case, when the confidence towards the employee is lost,
- 8) in case of the long-term inability to work (in case the employee does not come to work for more than 120 consecutive days or for more than 140 days because of a temporary inability to work if it is not defined by the law and other normative acts that the job and title are preserved for a longer term in case of certain diseases),
- 9) because the employee reaches the retirement age;

5. in other cases envisaged by this code.

*The legislation prohibits the termination of an employment contract by initiative of employer:*

- 1) during the period of temporary inability of the employee to work;
- 2) during the leave of the employee:
- 3) after a decision on a strike is adopted and during the strike in case the employee partakes in this strike in the manner defined by this code
- 4) during the implementation of duties imposed on the employer by state and local self-governance bodies, except the temporary military service.

*The following shall not be considered as legitimate reasons for the termination of the employment contract:*

- 1) membership in a trade union or involvement in the activities of a trade union beyond the working time or, with the consent of the employer, also during working time;
- 2) performance of the function of employees' representative at any time;
- 3) raise claims to the employer for violation of laws, other normative acts or the collective contract;

4) gender, race, nationality, language, origin, citizenship, social status, religion marital and family status, convictions or views, affiliation in political parties and public organizations;

5) age, except for the cases when an employee is already entitled to the full old age pension or is in receipt of it.

*As to the additional information requested by the European Committee of Social Rights in relation to Article 24 of the Republic of Armenia national report of Revised Social Charter for the period of 2001-2004 we present the following information:*

*According to Article 120 of the RA Labour Code: “The employer has the right to rescind the employment contract on the basis of failure to meet the requirements set for the position held or job performed, in case the employee can not fulfill his/her duties because of incompetence or state of health.*

*Deterioration of the employee’s health status can become a ground for the rescission of the employment contract if the deterioration has constant character and prevents from continuing the work or eliminates the possibility to for continuing it.*

*The adequacy of the employee’s health state is determined by a medical examination.*

*In relation to the question of the European Committee of Social Rights concerning the determination of the pension/retirement age we inform that the pension age in the Republic of Armenia is fixed by the RA Law on Pensions. According to the Law /Article 12/ old age pension is granted to a person having come to the age of 63. According to Article 31 of the same law an old age **social pension** is awarded to a person at the age of 65 who does not have the right to the defined old age insurance pension.*

*A pension is granted on the basis of person’s application. A day of application is considered the day when the application together with all the necessary documents is accepted by the pension awarding division. If the application is submitted by mail with all the necessary documents enclosed then the day of application for pension is considered the day indicated on the stamp of the post office having delivered the application.*

*According RA Labour Code Article 113, item 3, changes in the volume of production, in economic, technological and work organization conditions due to production needs may serve as a lawful ground for the reduction of he number of employees /consequently for the alteration and termination of individual employment contracts /.*

*Employer is obligated to inform the employee about the intention of terminating the employment contract due to reduction of production volumes 2 months prior to the rescission of the employment contract.*

*Moreover, employees are entitled to receive information about the course of activities of the organization. Specifically, the employer shall provide the representatives of the employees with information about employment relationships, including:*

- 1) information about the present and future activities of the employer;*
- 2) information about possible changes in employment;*

3) information about measures to be taken in case of possible reduction of the number of employees;

4) other information about employment relationships, unless that information is considered as a state, official or commercial secret.

*Upon rescinding the employment contract on this ground the employer shall give the employee a dismissal pay in the amount of the average monthly salary of the employee.*

*In cases of failing to meet the requirements set for the position held or the job performed, coming to the pension age and leaving for temporary military service the employer pays a dismissal pay to the employee in the amount of the two weeks' salary.*

*A collective agreement may set a dismissal pay in a larger amount.*

Please specify whether these grounds appear in legislation or regulations or whether they are derived from court decisions or other sources.

*The above-mentioned grounds are stipulated by the Labour Code of RA /Chapter 15/.*

Provide examples of case law on this point.

*Such examples are not available.*

Please state whether termination of employment is notified in writing.

*Termination of employment is notified in written form.*

If so, whether the employer is required to state the reasons for dismissal in the notification.

*The Labour Code of RA /Article 115/ defines that the basis and reason of dismissal as well as year, month, day of dismissal shall be mentioned in the notification on the termination of the employment contract:*

Please state what are the workers' rights in cases of unilateral amendments by the employer to the substantive conditions of the employment contract.

*The Labour Code of RA /Article 38/ defines that the protection of labor rights, in accordance with cognizable cases set by the Code of Civil Procedures of the Republic of Armenia, shall be exercised by the court.*

*Labor rights shall be protected by trade unions according to the procedure set by this Code and laws regulating their activities*

*The protection of the labor rights shall be exercised in the following ways:*

- 1) through recognizing those rights;*
- 2) by restoring the situation existing before the violation of the right;*
- 3) by preventing and eliminating the actions, which violate the right or create a danger for its violation;*
- 4) by recognizing the act of state or local self-governance bodies invalid ;*
- 5) by not applying the act of state or local self-governance bodies by the court that contradicts the law;*
- 6) by self-protection of the right;*
- 7) by enforcing to perform obligations for in-kind;*
- 8) by reimbursing the damage;*
- 9) by confiscating fines;*
- 10) by terminating or modifying the legal relationships;*
- 11) in other ways prescribed by law.*

*However, the employer may make unilateral amendments in an employment contract only in case of changes in the volume of production, in economic, technological and work organization conditions, as well as in other cases conditioned by production needs. If the employee refuses to perform the work under changed conditions he/she may quit in accordance with the procedure established for the rescission of the contract.*

*In some cases provisions of the employment contract may change only in case of the written consent of the employee, particularly:*

- change of the place for performing the work;*
- change of position /which sets also the name of the occupation indicating requirements and functions necessary for qualification /;*
- rights and obligations of the employee;*
- other mandatory conditions defined by labour legislation or collective employment contract and subject to establishment in the employment contract.*

*it is prohibited to transfer an employee to another job which is counter-indicatory to his/her health.*

*The employer may change the conditions of remuneration for work without the written consent of the employee only in case of changes in the conditions of remuneration of work by law or collective contract.*

## Question B

Please state whether workers who consider that they have been dismissed without valid reason have a right of appeal to a tribunal or an impartial authority.

*The employment rights are protected in the court in accordance with the Civil Procedure Code.*

*According to the RA Labor Code /Article 265/: An employee, who disagrees with the change of working conditions, rescission or termination of the employment contract on the employer's initiative, shall be entitled to apply to court within one month from the day of receipt of the corresponding notice (document). If it is established that the working conditions were changed and the employment contract was rescinded without a valid reason or in violation of the procedure defined by the law, then the violated rights of the employee can be restored. In this case the employer pays a compensation to the employee in the amount of the average monthly salary for the entire time period the employee was in idle position, or in the amount of the difference of salary for the period of time when the employee was engaged in a less paid employment, with the exception of cases when due to economic, technological, organizational or other reasons or impossibility to restore employment relationships between the employer and the employee the court has taken a decision on not restoring the employee on his/her former employment by forcing the employer to pay a compensation to the employee for the whole time period of idleness in the amount of the average salary till the court decision enters into force.*

Please indicate the length of time period when the employee is entitled to appeal against the issue.

*An employee, who disagrees with the change of working conditions, rescission or termination of the employment contract on the employer's initiative, shall be entitled to apply to court within one month from the day of receipt of the corresponding notice (document) /shorter period of limitation of action/.*

*According to the RA Labour Code /Article 30/ the general period of limitation of action is 3 years. This means that within 3 years parties to employment relations shall have the right to apply to court with a claim on restoring or protecting their violated rights.*

*Limitation of action does not apply to the claims on protection of employee's honor and dignity, reimbursement of salary and compensation of damages caused to the life or health of the employee. In the mentioned cases parties to employment relations may apply to court without any time limits.*

Please state where the burden of proof lies.

*According to the RA Civil Procedure Code /Article 6/: Civil proceedings are carried out based on principles of competition between the parties and equality of rights, which means*

*that both parties participating in the case are obligated to present to the court facts and evidence proving their position.*

*The court assesses the evidence presented by the parties and takes a decision based on them.*

### Question C

If the court or tribunal to which the appeal lies considers that the termination of employment is unjustified, please indicate whether the worker is entitled to adequate damages (and describe how the level of damages is determined) or to any other form of compensation (and indicate what such compensation consists of).

*The Labour Code of RA /Article 241/ defines that the amount of the damage to be compensated shall comprise direct losses and the income, which has not been received.*

*The damage shall be computed taking into account those expenses of the victim that he incurred or will incur to restore the rights violated, the damage or loss of his property (real loss), as well as not received incomes, which that person would receive under the normal conditions of civil turnover, if his rights would not have been violated (missed revenue).*

Inasmuch as the remedy for unfair or unlawful termination of employment is monetary, please indicate:

a. whether this applies to all enterprises, regardless of their size;

*The monetary compensation of damage is applicable for all organizations regardless of their size.*

b. whether there is a minimum level of damages;

*No minimum level of damage compensation is defined. It is subject of full compensation.*

c. whether the choice of damages (instead of reinstatement) is left to the worker, the employer or the court.

*The choice of damage compensation can be made by the mutual consent between employee and employer or court.*

### Question D

Please list the categories of workers excluded from this protection and indicate how they are in conformity with item 2 of the Appendix to Article 24.

*All categories of workers have right to protection by the procedure prescribed by law in cases of dismissal.*

If workers who are employed under a fixed-term contract are excluded (item 2 of the Appendix to Article 24) from this protection, please provide a definition of a fixed-term contract.

*All categories of workers have right to protection by the procedure prescribed by law in cases of dismissal regardless of the term of the contract.*

*The issue of terminating the validity of a definite term employment contract is regulated by RA Labour Code, Article 111. According to this Article the employer or the employee shall be entitled to rescind the employment contract on the ground of validity expiry of the definite term employment contract.*

*Because of the expiry of the contract the employer shall be entitled to rescind the employment contract signed for a definite term, by giving the employee at least ten days notice.*

*The periods specified shall not be applied to those employees who have been employed to replace another employee.*

*Because of the expiry of the contract the employee shall be entitled to rescind the employment contract signed for a definite term, by giving the employer a notice at least ten days prior to the expiry of the validity of the contract. If the employee has not informed the employer about rescission of the contract signed for a definite term and has not come to the work on the day following the last day of the employment contract, then the contract is considered to be rescinded and the employer shall give a discharge pay to the employee within five days upon submission of such request.*

*The Code also states that if the employment contract signed for a definite term is not rescinded upon its expiry and the labor relationships continue, then the contract shall be considered as concluded between the parties for an indefinite term.*

If there is a trial period of employment for this protection, please indicate its length.

*During the trial period an employee has all rights and takes all responsibilities that are defined by the Labour Code, other laws and normative legal acts as well as collective and employment contracts.*