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REVISED EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of
the European Social Charter (revised)

submitted by

THE GOVERNMENT OF ARMENIA

(Articles 2, 4, 5, 6, 22 and 28

for the period 01/01/2005 – 31/12/2008)

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CYCLE 2010

Annex

to the Protocol Decision No. 17 of the
Meeting of the Government of the
Republic of Armenia of 6 May 2010



EUROPEAN SOCIAL CHARTER

(REVISED)

Report of the

Republic of Armenia

Articles 2§1, 2§2, 2§3, 2§4, 2§5, 2§6, 4§2, 4§3, 4§4, 4§5, 5, 6§1, 6§2, 6§3, 6§4, 22, 28

Reporting period 2005 – 2008

Article 2. Right to just conditions of work

Article 2§1

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 4 of the Labour Code of the Republic of Armenia, labour relations are regulated by the Constitution of the Republic of Armenia, by the Labour Code of the Republic of Armenia, by other laws (Law “On Civil Service”, Law “On service in the Police” and other laws regulating labour relations), as well as by decrees and executive orders of the President of the Republic of Armenia, decisions of the Government and of the Prime Minister of the Republic of Armenia.

The main Law regulating labour relations is the Labour Code of the Republic of Armenia, while special services are regulated by laws adopted with regard to those services.

Labour legislation of the Republic of Armenia includes the following legal acts:

- Constitution of the Republic of Armenia (Articles 32 and 33) which lays down the basic provisions of labour relations;

- Labour Code of the Republic of Armenia;

- Decisions of the Government of the Republic of Armenia, in particular:

Decision No 1471-N of 25 August 2005 “On defining the procedure and form of maintaining the log book of work time calculation”; Decision No 1599 of 11 August 2005 “On defining the list of special category employees entitled to an extended annual leave for a period of up to thirty-five days (in exceptional cases up to forty-eight days)”; Decision No 1223-N of 11 August 2005 “On defining the list of jobs with a duration of twenty-four hours daily for special category of employees”; Decision No 1480 of 25 August 2005 “On approving the list of seasonal works”; Decision No 875-N of 11 August 2005 “On approving the list of special category employees entitled to monthly additional leave, the minimum length of that leave and the procedure for granting thereof”; Decision No 2335-N of 29 December 2005 “On

approving the minimum and maximum amount of reimbursement of travel expenses of employees sent to business trip and the procedure of reimbursement; on approving the procedures and amount of cash reimbursement of transportation expenses for travelling from the Republic of Armenia to a foreign state or returning from a foreign state to the Republic of Armenia, as well as expenses of rent of residential premises in a foreign state, incurred by a military serviceman, and the family members thereof, serving in the system of the Ministry of Defence of the Republic of Armenia sent to a foreign state for study or service, by a diplomat, and the family members thereof, sent for service to a diplomatic mission functioning in a foreign state”; Decision No 458-N of 23 March 2006 “On repealing the decision on approving the procedure for the registration and official examination of occupational diseases (intoxications), the procedure for the registration of accidents and occupational diseases (intoxications), approving the list of occupational diseases (intoxications) and Decision of the Government of the Republic of Armenia No 121 of 25 April 1996 “On approving the list of occupational diseases”; Decision No 2308-N of 29 December 2005 “On approving the list of works considered as hard and harmful for persons under the age of eighteen, pregnant women and women taking care of a child under the age of one”, etc.

The Labour Code of the Republic of Armenia states (Article 139) that the normal duration of working time may not exceed forty hours per week. Duration of daily working time may not exceed eight working hours, with the exception of cases provided for by the Labour Code of the Republic of Armenia, law, other legal acts and collective agreement. However, the Code defines exceptions as well, according to which duration of working time of special category employees (health care organisations working on an uninterrupted shift basis, guardianship (custodianship) organisations, child education institutions, specialised organisations of energy, gas and heat supply, specialised communications services and services for elimination of consequences of accidents, etc.) may amount twenty-four hours a day. The average duration of the working time in a week of such employees may not exceed forty-eight hours, and the rest time between working days may not be less than twenty-four hours. The list of such works is defined by Decision of the Government of the Republic of Armenia No 1223-N of 11 August 2005.

According to Article 152(1) of the Labour Code of the Republic of Armenia after the end of the first half of the working day (shift) but not later than four hours after the start of the work the employees shall be provided with a break for rest and eating for no longer than two hours and not less than half an hour.

According to Article 140 of the Labour Code of the Republic of Armenia, shorter working time is set:

(1) for employees at the age of fourteen to sixteen – twenty-four hours per week, for employees at the age of sixteen to eighteen – thirty-six hours per week;

(2) for employees in the workplace whereof it is impossible, due to technical or other reasons, to reduce the maximum permissible levels of hazardous factors to levels safe for health defined by legal acts on health and safety of employees. In that case the working time shall be set not more than thirty-six hours per week;

(3) for employees working at night.

The procedure for and conditions of reducing the working time of employees engaged in work related to mental and emotional defatigation shall be prescribed by law, collective or employment agreements.

According to the Labour Code of the Republic of Armenia (Articles 144, 145, 146), overtime works shall be performed at the request of the employer or upon consent of the parties.

A. The employer may engage the employee in the overtime work only in the following exceptional cases where:

(1) the work performed is necessary for the defence of the state, as well as for prevention of natural disasters, man-made accidents, epidemics, accidents, fires and other cases of emergency or for elimination of the consequences thereof;

(2) it is necessary to accomplish the started work which may not have been accomplished during the normal working time due to accidental or unforeseen obstacles and

where the cease of the started work may result in the deterioration, destruction of materials or breakdown of equipments;

(3) the work performed is related to repair or restoration of mechanisms or equipments the breakdown of which has caused interruption of work of a significant number of workers;

(4) the shift worker has not reported for work that may lead to disruption of continuity of work. In such cases the employer or the representative thereof shall be obliged to take immediate arrangements for replacing the absent person with another employee;

(5) loading or unloading and other related works are performed for preventing or eliminating the accumulation of freight in delivery and destination points and for prevention of idleness of transportation means, as well as for vacating warehouses of the organisation;

(6) there is a necessity of urgent fulfilment of contractual obligations of the employer.

B. The following persons may not be engaged in overtime work:

(1) employees under the age of eighteen;

(2) employees studying in general education and vocational schools without interrupting work in production – on the days of classes;

(3) employees working in productions with exposure to toxic, carcinogenic factors or those hazardous for health;

(4) employees working under other conditions provided for by the legislation of the Republic of Armenia and the collective agreement.

C. Pregnant women and employees taking care of a child under the age of one may be engaged in overtime work only upon their consent.

Disabled persons may be engaged in overtime work where the performance of such work is not forbidden by a medical opinion.

D. Overtime work, upon the request of the employer, shall not exceed four hours during two successive days, and 120 hours - during a year. The duration of overtime work - upon the consent of parties -- jointly with the main working time -- may not exceed twelve hours daily within two subsequent days (including breaks for rest and eating).

According to the Labour Code of the Republic of Armenia (Article 142), the specifics of work and rest schedule of employees working in the fields of health care, trusteeship (guardianship), child education, energy, gas and heat supply, communications and other spheres of work of special nature shall be defined by the Government of the Republic of Armenia. According to Decision of the Government of the Republic of Armenia No 201-N of 1 February 2007, the weekly:

(a) work and rest schedule of some employees working in the field of health care is set 24-36 hours;

(b) work and rest schedule of some employees working in the field of trusteeship (guardianship), child education, is set twenty-two to thirty-nine hours;

(c) specifics of work and rest schedule of employees working in the field of energy, gas and heat supply is set by a collective agreement;

(d) specifics of work and rest schedule of employees working in the field of communication are set by a collective agreement;

(e) work and rest schedule of employees working in educational institutions is set twenty-two to thirty-six hours;

(f) work and rest schedule of vehicle drivers is set forty to fifty hours.

According to the Labour Code of the Republic of Armenia (Article 139), the maximum duration of working time, including overtime working time, may not exceed forty-eight hours per week.

The maximum working time, including the time of overtime work upon the request of the employer, upon the consent of parties or arising from emergencies, may not exceed forty-eight hours during a week.

The duration of daily working time (including breaks for rest and eating) of an employee working on the basis of two and more employment contracts at different or the same employer may not exceed twelve hours a day. (Articles 139, 145)

According to the Labour Code of the Republic of Armenia (Article 152), after the end of half of the working day (shift), but not later than four hours after the start of work, employees shall be provided with a break for rest and eating for no longer than two hours and for not less than half an hour.

The duration of overtime work upon consent of parties (Labour Code of the Republic of Armenia, Article 146) may not exceed four hours within two days (including breaks for rest and eating).

A five-day working week with two rest days shall be prescribed for employees (Article 152 of the Labour Code of the Republic of Armenia.). In organisations, where the five-day working week cannot be applied due to the nature of production or other conditions, a six-day working week with one rest day is prescribed.

Articles 153, 154 and 156 of the Labour Code of the Republic of Armenia also regulate additional and special breaks, as well as weekly uninterrupted rest.

In case of a six-day working week the duration of work on the eve of rest days may not be more than five hours (Article 147).

The duration of a working day on the eve of non-working public holidays and commemoration days is reduced by an hour, except for employees working under shorter working time.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

State control and supervision over the compliance with the duration of working time shall be exercised by the State Labour Inspectorate, while non-state supervision is implemented by trade unions.

The Code of the Republic of Armenia "On administrative offences" stipulates that (Article 41):

Violation of the requirements of labour legislation and other regulatory legal acts containing norms of labour law (except for cases provided for by Articles 41.1, 41.2, 41.3, 96.1 and part seventeenth of Article 158, Articles 169.5, 169.7, 169.8) shall entail warning against the infringer.

Violation of requirements of labour legislation and other regulatory legal acts containing norms of labour law that has been committed within one year after imposition of administrative penalty measures shall entail imposition of a fine against the employer in the amount of fifty-fold of the minimum salary defined.

(3) Please provide pertinent figures, statistics or factual information, in particular: average working hours in practice for each major professional category; any measures permitting derogations from legislation regarding working time.

The employed based on actual working time and type of occupation

(Based on data of labour force survey conducted in 2000 households as of July 2008¹)

<i>Total</i>	<i>Total Hours</i>	<i>By gender</i>	
		<i>Men</i>	<i>Women</i>
	<i>42.8</i>	<i>46.1</i>	<i>38.9</i>
<i>Head (representatives) of all levels of authorities and administration bodies, head of institutions, organisations (Group 1)</i>	<i>47.46</i>	<i>47.79</i>	<i>46.23</i>
<i>Specialists with high level of qualification (Group 2)</i>	<i>38.37</i>	<i>42.72</i>	<i>35.13</i>
<i>Specialists with average level of qualification (Group 3) Service staff implementing data processing,</i>	<i>43.74</i>	<i>48.73</i>	<i>40.93</i>

<i>documentation, registration and delivering services (Group 4)</i>	42.12	42.19	42.10
<i>Workers in the field of services (housing and communal services, trade and related activities) (Group 5)</i>	49.56	49.36	49.78
<i>Qualified workers in the fields of agriculture, forestry, hunting, fishery, fishing industry (Group 6)</i>	32.19	34.60	30.18
<i>Skilled labourers working in big and small industrial organisations, in the fields of art goods manufacturing, construction, transportation, communications, geology and subsoil studies (Group 7)</i>	50.67	50.60	51.00
<i>Fitters, equipment and machine operators, instrument control specialists, engine drivers</i>	51.01	53.36	40.99
<i>Labourers (Group 9)</i>	48.61	53.36	40.99
<i>Armed Forces (regular career servicemen) (Group 0)</i>	43.37	43.67	40.00

1. Results and methodology of the survey are presented in the report on the results of one-off sample survey on "Labour force and informal employment in Armenia", which is posted at <http://www.armstat.am/Arm/Publications/publications.asp> address of webpage of the National Statistical Service of the Republic of Armenia.

Article 2§2

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 156 of the Labour Code of the Republic of Armenia, there are twelve paid public holidays and commemoration days. Engagement of employees in work on non-working public holidays and commemoration days shall be prohibited, except for which may not be terminated on technical grounds of production or which is necessary for the provision of services to the population, as well as for performing urgent repair, loading or unloading works.

Pregnant women, employees taking care of a child under the age of one and the employees under the age of eighteen may be engaged in work on non-working public holidays and commemoration days only upon their consent.

According to the Labour Code of the Republic of Armenia (Article 185), the work performed on a rest day and in days provided for by Article 156 (1) of this Code, unless it is envisaged by the work schedule, is remunerated in the amount not less than the double hourly (daily) rate or of the task rate, or – if requested by the employee – shall be compensated for by granting another rest day within one month or by adding that day to the annual leave.

According to the Code, remuneration for public holidays is paid to employees remunerated on the basis of monthly pay rate.

According to Article 192(1) of the Labour Code of the Republic of Armenia, salary for each month shall be calculated and paid to the employee on working days, at least once a month by the 15th of the following month. The employer may pay salary with a periodicity of more than once a month.

According to Article 169.8 of the “Code on administrative offences”, of the Republic of Armenia, failure by an employer to calculate or pay salary in the manner or within time limits prescribed by the legislation of the Republic of Armenia or failure to pay remuneration for the idleness emerged not by fault of the employee, or setting a salary less than the amount provided for by Article 1 and (or) Article 2 of the Law of the Republic of Armenia “On minimum monthly salary» or miscalculation of salary in the size exceeding the set amount entails imposition of a fine against the infringer in the amount of one quarter of the salary not calculated or not paid to each employee.

The same violation that has been committed repeatedly within one year after the imposition of measures of administrative penalty shall entail imposition of a fine against the infringer in the amount of half of each salary not calculated or not paid.

Article 198 of the Labour Code of the Republic of Armenia prescribes that where the salary or other equivalent payments are paid with violation of the defined time limits by the fault of the employer, the employer pays a penalty to the employee in the amount and manner defined by law.

The Labour Code of the Republic of Armenia is planned to be amended by making public holidays and commemoration days as payable for employees working on the basis of hourly and daily pay rate.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 34 of the Labour Code of the Republic of Armenia prescribes that state control and supervision over the implementation by the employer of labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and in other cases provided for by law, by other state authorities.

The “Code on administrative offences” of the Republic of Armenia (Article 41) prescribes the following:

Violation of requirements of the labour legislation and other regulatory legal acts containing norms of labour law (except for cases provided for by Articles 41.1, 41.2, 41.3, 96.1, part seventeenth of Article 158, Articles 169.5, 169.7, 169.8) shall entail warning against the infringer.

Violation of requirements of labour legislation and other regulatory legal acts containing norms of labour law that has been committed within one year after imposition of measures of administrative penalty shall entail imposition of a fine against the employer in the amount of fifty-fold of the minimum salary defined.

Failure to calculate or pay salary in the manner or within time limits prescribed by the legislation of the Republic of Armenia shall entail liability based on Article 169.8 of the “Code on administrative offences” of the Republic of Armenia, according to which: “Failure by an employer to calculate and (or) pay salary shall entail imposition of a fine in the size of one quarter of the amount not calculated or not paid to each employee”.

(3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

According to Activity Report for 2009 of the Ministry of Labour and Social Issues of the Republic of Armenia, 1595 employers have been subjected to administrative penalty, administrative fines totalling AMD 204 million have been imposed, of which 70 million is

collected. Cases of failure to pay salaries and equivalent payments totalling 1.633 billion drams have been detected, of which 393 million drams have been paid.

During the years 2005-2006 the State Labour Inspectorate of the Republic of Armenia has received from citizens approximately 347 complaints relating to violations of labour legislation, and on the basis of sufficient grounds existing in 299 of them ad-hoc controls have been implemented, administrative proceedings have been instigated in compliance with the requirements of the Law of the Republic of Armenia "On basics of administrative action and administrative proceeding", administrative acts have been adopted for the purpose of restoration of infringed rights. Only two of the mentioned acts were appealed against through judicial procedure, but the court has considered the complaints as ungrounded and refused to satisfy them.

During the years 2005-2006 there have been carried out 4816 planned and 299 ad-hoc controls as a result of which administrative fines totalling AMD 304.181.341 have been imposed.

Among detected offences, there were 101 cases of failure by the employer to calculate or pay the salary, and administrative fines totalling AMD 39.681.341 have been imposed.

Article 2§3

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia (Article 159), the duration of the average annual leave is set twenty-eight calendar days. Moreover, the annual leave may be granted in parts upon the request of the employee. Unless the employer and employee agree otherwise, one of the parts of the paid leave shall be at least two uninterrupted working weeks (Article 163).

According to the Labour Code of the Republic of Armenia (Article 164), the annual leave for the first working year shall be granted as a rule, after six months of uninterrupted work at the given organisation.

According to the Labour Code of the Republic of Armenia (Article 160), the annual extended leave for a period of up to thirty-five days (in exceptional cases up to forty-eight days) shall be granted to special category employees working under special working conditions, whose work is related to mental and emotional defatigation or occupational hazard. The list of special category employees entitled to such leave is defined by Decision of the Government of the Republic of Armenia No 1599 of 11 August 2005 "On defining the list of special category employees entitled to an extended annual leave for a period of up to thirty-five days (in exceptional cases up to forty-eight days)".

According to the Labour Code of the Republic of Armenia (Article 167, 171), in case of temporary inability to work, entitlement to educational leave, pregnancy and maternity leave during the period of the annual paid leave, the annual paid leave of an employee shall be extended by the corresponding number of days.

Failure to report for work during the working period due to illness or injury does not affect in any way the right to annual paid leave.

An employee shall not have the right to waive the annual paid leave or to demand compensation for it. However, according to the Labour Code of the Republic of Armenia (Article 167), upon the consent of the employee the transfer of the leave to the next year shall be allowed if the employee is temporarily incapable to work, is on special purpose leave, is excused from work for the performance of state or public duties, takes part in activities of prevention of natural disasters, man-made accidents, epidemics, accidents, fires and other cases of emergency or urgent elimination of the consequences thereof.

According to Article 170 of the Labour Code of the Republic of Armenia, it is not allowed to replace the minimum annual leave with monetary compensation. Where due to cancellation of the employment contract the annual leave cannot be granted to the employee or the granting thereof is not needed by the employee, he or she shall be paid monetary compensation.

According to the Labour Code of the Republic of Armenia (Article 7), the mentioned provisions shall not apply to citizens serving their punishment in correctional institutions.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 34 of the Labour Code of the Republic of Armenia states that state control and supervision over the implementation by an employer of labour legislation, other regulatory legal acts containing norms of employment law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and in other cases provided for by law, by other state authorities.

The “Code on administrative offences” of the Republic of Armenia (Article 41) prescribes the following:

Violation of requirements of labour legislation and other regulatory legal acts containing norms of labour law (except for cases provided for by Articles 41.1, 41.2, 41.3, 96.1, part seventeenth of Article 158, Articles 169.5, 169.7, 169.8) shall entail warning against the infringer.

Violation of the requirement of labour legislation and other regulatory legal acts containing norms of labour law that has been committed within one year after imposition of measures of administrative penalty shall entail imposition of a fine against the employer in the amount of fifty-fold of the minimum salary defined.

Failure to calculate or pay the salary in the manner or within time limits prescribed by the legislation of the Republic of Armenia shall entail liability based on Article 169.8 of the “Code on administrative offences” of the Republic of Armenia.

Article 2§4

(1) Please, provide a description of the general legal framework. Please, specify the nature, reasons and extent of any conducted reforms.

Chapter 23 of the Labour Code of the Republic of Armenia, including Articles 242 to 262, covers safety and health matters of the employees. In particular, the Code provides that the employer is obliged to ensure health and safety working conditions, such as due operation of mechanisms, equipment and other devices of work, appropriate quality of

materials and tools necessary for the performance of work, working conditions safe and harmless for health (compliance with technical norms and rules, ensuring adequate lighting of work-place, heating, air conditioning, ensuring that the noise, radiation, vibration and other dangerous factors having negative impact on the health of the employee do not exceed the minimum standards defined), etc.

Besides, the work-place and environment of each employee should be safe, comfortable and harmless for health, equipped in compliance with the requirements of the regulatory legal acts on ensuring the safety and maintaining the health of employees.

Pursuant to the Labour Code of the Republic of Armenia, the employer is obliged to ensure the safe performance of work, organisation of free medical examination of certain groups of employees, create sanitary-hygienic conditions at work-place and sanitary and personal hygiene rooms, provide the employees with personal protection means, etc. (national policy, being implemented for health and safety working conditions, pays particular attention to the employees under the age of eighteen, disabled persons and the issues related to the protection of maternity).

The Labour Code of the Republic of Armenia (Article 153) defines that, taking into consideration the working conditions, the employees may be provided with additional break for rest during the working day. Special breaks should be granted where the work is performed if the air temperature is above +40°C or is below -10°C, as well as under other hazardous conditions of hard physical or mental and emotional defatigation or with negative impact for health. Additional and special breaks are included in the working time.

During the shift work, employees under the hazardous impact of ultrasound and vibration, after an hour of work shall be provided with additional and interim break of ten to fifteen minutes of duration for medical hygienic practices, as provided for by sanitary rules and norms.

The Labour Code of the Republic of Armenia provides for the participation of employees in the implementation of measures for ensuring their safety and maintenance of their health.

Functions of evaluation and revision of the situation, as well as those of state supervision and control are carried out by the State Labour Inspectorate and other state and non-state authorities.

Pursuant to Article 140 of the Labour Code of the Republic of Armenia, short duration of working time is defined for the employees in workplaces of which it is impossible, due to technical or other reasons, to reduce the maximum permissible level of hazardous factors to the level safe for health defined by legal acts on health and safety of employees. In this case, the working time shall be defined as not more than 36 hours per week.

Pursuant to the Decision of the Government of the Republic of Armenia No. 1384-N of 11 August 2005 "On establishing the list of certain group of employees entitled to annual additional leave, the minimum duration of the leave concerned and the procedure for the provision thereof", additional monthly leave is prescribed for persons working under harmful conditions and those performing work particularly hazardous for health. Such employees shall be provided with additional paid leave lasting two to twelve days.

(2) Please, indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 34 of the Labour Code of the Republic of Armenia states that state control and supervision over implementation by the employer of the labour legislation, other regulatory legal acts containing norms of employment law and regulatory provisions of collective agreements shall be exercised by the State Labour Inspectorate, and in other cases provided for by law, by other state authorities.

(3) Please, provide pertinent figures, statistics or, if necessary, any other relevant information.

Guarantees and compensations provided for employees working under harmful and hazardous conditions

people

	2006					
	Total, list number of employees who have been granted with		including those by sectors of economy			
	additional leave	shorter working time	public		private	
		additional leave	shorter working time	additional leave	shorter working time	
Total, including those by areas	11945	3609	5062	1961	6883	1648
Mining and manufacturing industry	6833	1154	2345	119	4488	5
Electricity, gas, water production and distribution	2700	1719	1719	1719	981	-----
Construction	673	61	127	---	546	61
Transport and communication	1739	675	871	123	868	552
	2007					
	Total, list number of employees who have been granted with		including those by sectors of economy			
	additional leave	shorter working time	public		private	
		additional leave	shorter working time	additional leave	shorter working time	
Total, including those by areas	13163	2847	3427	1755	9736	1092
Mining and manufacturing industry	8571	605	896	13	7675	592
Electricity, gas, water production and distribution	2135	1740	1740	1740	395	----
Construction	822	26	----	----	822	26
Transport and communication	1635	476	791	2	844	474

2008

	Total, list number of employees who have been granted with		including those by sectors of economy			
	additional leave	shorter working time	public		private	
			additional leave	shorter working time	additional leave	shorter working time
Total, including those by areas	12970	2744	3023	1745	9947	999
Mining and manufacturing industry	7349	554	38	---	7311	554
Electricity, gas, water production and distribution	2632	1730	1730	1730	902	----
Construction	1079	19	----	----	1079	19
Transport and communication	1910	441	1255	15	655	426

In Armenia, the number of deaths due to occupational injuries is rather reliable, but information relating to occupational injuries which do not cause death and long-term incapability to work is mainly missing.

Most of the **victims of industrial accidents** are residents of Yerevan, Lori, Kotayk and Syunik (Table), as harmful and hazardous productions are mainly located just therein. Men prevail among the victims of productions accidents for the reason that in most cases employees working in productions with harmful and hazardous conditions are men as well. Such productions are traditionally considered as "male" occupational fields.

Table

Victims of production accidents by marzes of the Republic of Armenia, 2007¹

	Victims of work related injuries		<i>Of which: deaths</i>	
	W	M	W	M
<i>Proportional to total, by percentage</i>				
City of Yerevan	66.7	20.9	100.0	21.5
Aragatsotn	-	-	-	-
Ararat	-	4.7	-	7.1
Armavir	-	7.0	-	7.1

¹ Source: Social sphere statistics, NSS of the Republic of Armenia.

Gegharkunik	-	-	-	-
Lori	-	8.1	-	28.6
Kotayk	-	8.1	-	-
Shirak	-	1.2	-	7.1
Syunik	33.3	50.0	-	28.6
Vayots Dzor	-	-	-	-
Tavush	-	-	-	-
Total in the Republic of Armenia	100.0	100.0	100.0	100.0
<i>Distribution by sex, percentage</i>				
City of Yerevan	10.0	90.0	25.0	75.0
Aragatsotn	-	-	-	-
Ararat	-	100.0	-	100.0
Armavir	-	100.0	-	100.0
Gegharkunik	-	-	-	-
Lori	-	100.0	-	100.0
Kotayk	-	100.0	-	-
Shirak	-	100.0	-	100.0
Syunik	2.3	97.7	-	100.0
Vayots Dzor	-	-	-	-
Tavush	-	-	-	-
Total in the Republic of Armenia	3.4	96.6	6.7	93.3

Article 2§5

(1) Please, describe the general legal framework. Please, specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia (Article 155), the common weekly rest day is Sunday, and in case of a five-day working week the rest days are Saturday and Sunday.

In organisations where the work on common rest day may not be terminated due to the need to provide services to the population (public transport, specialised organisations supplying energy, gas, and heat, theatres, museums, public catering, etc.), the rest day shall be defined by the Government of the Republic of Armenia.

In organisations where work may not be terminated due to technical conditions or to the need for uninterrupted and continuous servicing of the population, as well as in other

organisations with uninterrupted work regime, the rest days are granted on other days of the week in a sequence prescribed by the work schedule for each group of employees. These schedules shall be drawn up and approved in the manner prescribed by the Labour Code of the Republic of Armenia (Article 142).

In case of summarised calculation of working time, the rest days are granted in accordance with the work schedule (shift work).

Weekly uninterrupted rest should not be less than 35 hours. Two rest days, to be provided in cases provided for by the Code, shall follow each other.

Engagement of employees in work on rest days shall be prohibited, except for works which are impossible to terminate for technical reasons of production or which are necessary for the servicing of the population, as well as for the performance of urgent repair, loading or unloading works.

Pregnant women, employees taking care of a child under the age of one and those under the age of eighteen may be engaged in work on rest days only upon their consent.

Employees under the age of eighteen shall be provided with at least two rest days per week.

Supervision and control are carried out by the State Labour Inspectorate over ensuring effectively the right of employees to weekly rest.

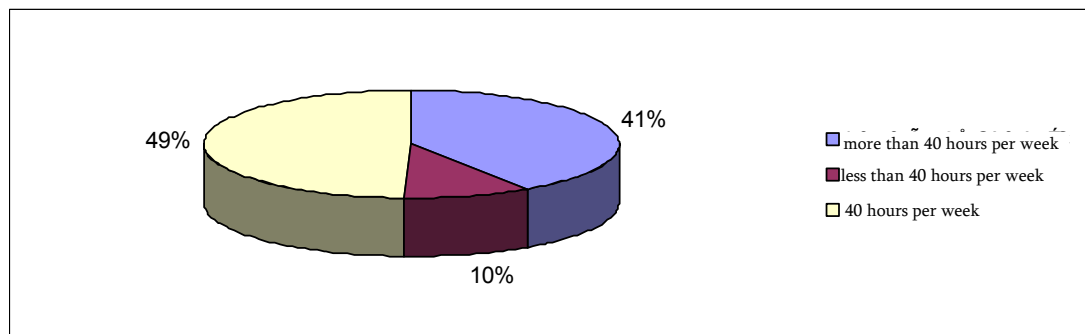
(2) Please, indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Supervision and control are carried out by the State Labour Inspectorate over ensuring effectively the right of employees to weekly rest.

(3) Please, provide pertinent figures, statistics or any other relevant information, in particular: circumstances under which the postponement of the weekly rest period is provided.

Pursuant to the survey report submitted by the National Institute of Labour and Social Research in 2009 "On the disclosure of competitiveness of remuneration for work of civil servants", the research of working time of employees of organisations, having participated in the survey, has provided an opportunity to find out that nearly 49% of employees is employed full time, 41% of those works more than forty hours per week, and 10% of those, having been surveyed, are partially employed (Diagram), including those who perform seasonal work and constitute 6.3%.

Diagram. Working time schedule of the employees in the organisations having participated in the survey



Article 2§6

(1) Please, provide description of the general legal framework. Please, specify the nature of, reasons for and extent of any reforms.

Pursuant to Article 14 of the Labour Code of the Republic of Armenia, employment relations between employees and employers arise on the basis of an employment contract concluded in the manner prescribed by the labour legislation and other regulatory legal acts containing norms of employment law.

Article 83 of Labour Code of the Republic of Armenia states: "An employment contract is an agreement between an employee and employer according which the employee is obliged to work or render services of specific profession, qualification complying with the labour discipline at the

² Within the scope of the research, information regarding the work and remuneration of 2047 employees has been collected and analysed

workplace, and the employer shall be obliged to provide the employee with the work stipulated by the employment contract, to pay the salary agreed for the work performed by him or her, and to ensure working conditions provided for by the legislation of the Republic of Armenia, other regulatory legal acts, collective agreement, and upon the agreement of parties.”

Article 84 of the Labour Code of the Republic of Armenia clearly defines the mandatory conditions of the employment contract. At the same time, part 3 of Article 84 of the Labour Code of the Republic of Armenia states: “Parties may include in the employment contract other conditions not provided for by part 1 of this Article.”

Provision of information regarding employment contracts or provisions of employment relations of the employees, is envisaged by Articles named “Content of employment contract” (Article 84) and “Form of employment contract and procedure for the conclusion thereof” (Article 85) of the Labour Code of the Republic of Armenia.

The employment contract shall include first name and last name (also patronymic name where he or she wishes) of the employee concluding an employment contract and name of the employer (first name and last name (also patronymic name where he or she wishes), where the employer is a citizen).

The employment contract shall include the following conditions:

- (1) workplace by indicating structural subdivision;*
- (2) date of commencement of work;*
- (3) title of the position, profession by indicating qualification requirements or employment functions;*
- (4) rights and duties of the employee;*
- (5) rights and duties of the employer;*
- (6) conditions and the amount of remuneration;*
- (7) description of working conditions, benefits and compensations for employees working under grave, harmful and/or hazardous working conditions;*
- (8) validity period of the employment contract;*

(9) date of concluding the employment contract.

In certain cases, labour legislation or collective agreement may include other mandatory conditions to be specified in the employment contract.

Parties may include in the employment contract other conditions not provided for in the above mentioned part.

Inclusion in the employment contract of other conditions not provided for by law is permissible insofar as such conditions do not contradict the laws and regulatory legal acts containing norms of employment law and do not aggravate the state of the employee. With this regard, the second paragraph of part 1 of Article 6 of the Labour Code of the Republic of Armenia states: "Collective and employment contracts may not contain conditions which aggravate the state of the employee as compared with the working conditions laid down by the labour legislation and other regulatory legal acts containing norms of employment law. Where the collective or employment contracts contradict the Labour Code of the Republic of Armenia, the laws and other regulatory legal acts, such conditions shall have no legal force."

Part 2 of Article 6 of the Labour Code of the Republic of Armenia states: "Where the labour legislation and other regulatory legal acts containing norms of employment law do not directly prohibit the parties to employment relations to establish themselves mutual rights and responsibilities on a contractual basis, the parties, while establishing such rights and responsibilities on a contractual basis, shall be guided by the principles of fairness, reasonableness and honesty."

The employment contract shall be concluded in writing through drawing up a document signed by parties. The employment contract shall be concluded in two copies. The employment contract shall be signed by the employer or his or her representative and the employee. One copy of the signed employment contract shall be provided to the employee, while the other copy shall be kept by the employer. The employer permits the employee to start the work only after the employment contract is concluded and the second copy thereof is provided to the employee. The employer shall bear the responsibility of drawing up properly the employment contract. When hiring an employee the employer or his or her authorised person is obliged to familiarise the person, to be admitted to work, with

conditions of work, collective agreement (if any), internal disciplinary rules, other legal acts regulating his or her work at the workplace, upon a signature.

Pursuant to Article 43 of the Labour Code of the Republic of Armenia, employees shall have the right to receive information on employment relations which is not prescribed by law.

(2) Please, indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 34 of the Labour Code of the Republic of Armenia states that state control and supervision over the implementation by the employer of labour legislation, other regulatory legal acts containing norms of employment law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and by other state authorities in cases provided for by law.

Pursuant to Article 102 of the Labour Code of the Republic of Armenia, work shall be deemed to be illegal where:

- *it is performed without concluding an employment contract;*
- *it is performed on the basis of employment contract concluded in violation of the Code, law and other legal acts.*

State control over illegal work shall be exercised by tax authorities and the State Labour Inspectorate.

Public control shall be exercised by trade unions.

The Code of the Republic of Armenia “On administrative offences” (Article 169.5) states:

Hiring an employee without concluding an employment contract or failure to include in an employment contract the conditions referred to in points (1), (4), (5), (6), and (7) of part 1 of Article 84 of the Labour Code of the Republic of Armenia entails imposition of a

fine on the infringer in the amount of 50-fold of minimum salary defined for each case of infringement.

The same infringement having been committed repeatedly during one year after applying measures of administrative penalty entails imposition of a fine on the infringer in the amount 100-fold of minimum salary defined for each case of infringement.

(3) Please, provide pertinent figures, statistics or, if necessary, any other relevant information.

During the first quarter of 2005-2008, 10571 inspections were carried out by the Inspectorate.

During the proceedings carried out in 2007 on the basis of applications of the employees, violated rights of 172 employees were reinstated (non-formalisation of work, working time, salary, end-of-service payment, compensation for damage caused to life or health of the employee at work-place, rescission of employment contract, etc.).

Article 4. The right to fair remuneration

Article 4§2

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 184 of the Labour Code of the Republic of Armenia:

For each hour of overtime and night work, an additional payment shall be fixed in the amount not less than one and a half times of the hourly rate.

Upon the agreement of the parties, each overtime hour shall be remunerated at the rate not less than the hourly rate fixed for the employee.

The Labour Code of the Republic of Armenia also allows granting of other days-off instead of double remuneration (Article 185).

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to Article 34 public control and supervision over implementation by the employer of labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and in the cases provided for by law -- by other state authorities.

The Code of Administrative Offences of the Republic of Armenia stipulates the following (Article 41):

Violation of the requirements of the labour legislation and other regulatory legal acts containing the norms of labour law (except for cases provided for by Articles 41.1, 41.2, 41.3, 96.1 and Article 158(17), Articles 169.5, 169.7, 169.8) shall entail warning to the infringer.

Violation of the requirement of labour legislation and other regulatory acts containing norms of labour law, which has been repeated after imposition of administrative penalty within one year shall entail imposition of a fine on the employer in the amount of 50-fold of the minimum salary defined.

Failure to calculate the salary in the manner or terms specified by the legislation of the Republic of Armenia shall entail liability according to Article 169.8 of the Code of Administrative Offences of the Republic of Armenia.

(3) Please provide pertinent figures, statistics (estimates, if necessary) or any other relevant information, in particular: methods used to calculate the increased rates of remuneration; impact of flexible working time arrangements on remuneration for overtime hours; special cases when exceptions to the rules on remuneration for overtime work are made.

1. *Statistics on the increased rates of remuneration*

The minimum salary in the Republic of Armenia as of 1999 was set at 5000 Armenian drams, which was maintained including until 2003.

Since 1 January 2004 the minimum salary has been set at 13000 Armenian drams showing 160 percent increase against the previous minimum salary of 5000 Armenian drams.

Since 1 January 2006 the minimum salary has been set 15000 Armenian drams, and since 1 January 2007 - 20000 Armenian drams. Since 1 January 2008 the minimum monthly salary has been set at 25000 Armenian drams showing 25 percent increase against previous 20000 Armenian drams. Since 1 January 2009 the minimum monthly salary has been set at 30000 Armenian drams showing 20 percent increase against previous 20000 Armenian drams. The salary set at 30000 Armenian drams in 2009 is maintained in 2010.

The minimum salary increase in 2001-2009 on the average amounted to 25.3 percent, whereas the average salary increase amounted to 24 percent.

In 2002 the minimum monthly salary has constituted 18.3 percent of the average monthly salary, in 2003 – 14.4 percent, in 2004 – 29.9 percent, in 2005 – 26.9 percent, in 2006 – 31.1 percent, and in 2007 – 26.6 percent, in 2008 – 28.7 percent.

Indicators	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Minimum salary	5000	5000	5000	13.000	15.000	15.000	20.000	25.000	30000	30000
Minimum salary increase rate	-	-	-	160%	-	15.3%	33.3%	25%	20%	0%
Average salary	24483	27324	34783	43445	52060	62293	74227	87406	102054	
Average salary increase rate		11.6%	6.5%	49.4%	19.8%	19.6%	20.6%	40.5%	11.3%	

II. impact of flexible working schedule arrangements on remuneration for overtime hours

According to Article 184 of the Labour Code of the Republic of Armenia for each overtime and night work hour, an additional payment shall be set in the amount not less than one and a half times the base hourly rate. Upon the agreement of the parties, each overtime hour shall be remunerated at the rate not less than the hourly rate fixed for the employee.

Remuneration for each overtime hour is calculated in the amount of the hourly rate and additional payment (not less than one and a half times the hourly rate) calculated against it. If the hourly rate for an employee is 1000 Armenian drams, the employer is obliged to pay additional

payment in the amount of 1500 Armenian drams for each overtime hour. The total remuneration for each overtime hour will amount to 2500 Armenian drams.

III. Exceptions to the rules on remuneration for overtime work

The work of persons holding political, discretionary or civil positions, as well as that of the officials of civil and other state (special) services prescribed by law and of those holding position of first subgroup (in the presence of it) in the group of highest and chief positions and of other officials prescribed by law is not deemed as overtime work.

The abovementioned article laying down exceptions to the remuneration of overtime work is deleted in the draft law of the Republic of Armenia on Making Amendments and Supplements to the Labour Code of the Republic of Armenia approved by the Government of the Republic of Armenia in December 2009 (it is currently in the National Assembly of the Republic of Armenia) taking into account the comments of the European Social Committee on the Report submitted by Armenia on the European Social Charter.

According to the results of the research conducted in 2009 by the National Institute of Labour and Social Research on the topic “Revealing the competitiveness of remuneration of civil servants”, only 16.4 percent of the respondents work under special working conditions; i.e. heavy and harmful, mental and emotional defatigation conditions, high mountainous areas, or perform overtime work, work on weekends, holidays, night time. Moreover, not all people enjoy the privileges provided for by legislation on the specified grounds.

Table. Share of employees working in special working conditions in non-public sector according to the type of privilege granted

(expressed in percent for all 2047 respondent employees)

	Working conditions	Additional payment provided	Short working day provided	Additional vacation provided	No privileges provided
1.	Under normal conditions	8,3	2,7	3,3	50,6
2.	Under heavy and harmful conditions	5,7	3,9	4,5	2,7

3.	Under <i>emotional defatigation conditions</i>	1,2	0,6	1,2	3,3
4.	High mountainous areas (1500 or/and more meters above sea level)	0,3	0,3	0,0	0,6
5.	Night work	4,5	1,2	2,4	6,8
6.	Overtime work	9,8	5,1	5,4	19,3
7.	Work on weekend, holiday, commemoration days	9,8	3,6	4,2	53,6

Article 4§3³

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia (Article 3) one of the main principals of the labour legislation is the equality of parties to employment relations irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital status, age, beliefs or views, affiliation to parties, trade unions or non-governmental organisations, other circumstances not associated with the professional skills of an employee. Ensuring the right of every employee to fair remuneration in a timely manner and fully and not less than the minimum salary rate laid down by the law.

1. According to Article 178(2) of the Labour Code of the Republic of Armenia:

Men and women receive equal pay for equal or equivalent work.

2. According to Article 180(2) of the Labour Code of the Republic of Armenia:

When applying the system of work-qualification, the same criteria shall be applied for both men and women and this system shall be developed in a way that will exclude any gender discrimination.

³ The Parties having adopted Article 20 of the (revised) European Social Charter should not necessarily answer the questions relating to Article 4§3; however they should consider these questions while answering the questions relating to Article 20.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to Article 34 public control and supervision by the employer over implementation of labour legislation, other regulatory legal acts containing norms of employment law and regulatory provisions of collective agreement are exercised by the State Labour Inspectorate, and in the cases provided for by law -- by other state authorities.

The Code of Administrative Offences of the Republic of Armenia stipulates the following:

Violation of requirements of labour legislation and other regulatory legal acts containing norms of labour law (except for cases provided for by Articles 41.1, 41.2, 41.3, 96.1 and part 17 of Article 158, Articles 169.5, 169.7, 169.8) shall entail warning to the infringer.

Violation of requirements of labour legislation and other regulatory acts containing norms of labour law, which has been committed within one year after imposition of measures of administrative penalty shall entail imposition of a fine on the employer in the amount of 50-fold of the minimum salary defined.

(3) Please supply detailed statistics or any other relevant information on pay differentials between men and women not working for the same employer by sector of the economy, and according to level of qualification or any other relevant factor.

The results of analysis of the structure of employment of men and women show that the gender gap becomes higher in the low-pay segment of the labour market with prevalence of women and lower in case of women with high education, thereby contributing to decrease in the gap between the salary of men and women (tables).

These differences are nothing else but concealed discrimination in the field of employment and salary. The existence of professional discrimination reflects gender stereotypes dominating in the society.

The male-female salary gap depends on their different productivity which is conditional upon the profession or the spheres they are skilled in. The salary gap may also arise due to the fact that each of those observable characteristics is evaluated differently on the labour market. Thus, current discrimination in salaries of individuals having the same opportunities in the labour market is conditioned by the mentioned difference.

The analysis of the impact of salary on the gender situation in the Republic shows that:

- *women as social working group are paid less everywhere, also where they constitute majority;*
- *status of women in vertical and horizontal terms is more proportional than that of men;*

Table

Average monthly nominal salary by the sector of business activity, 2007⁴

	Average monthly salary, AMD		Salary ratio of women and men, %
	W	M	
Total	58101	96802	60.0
Agriculture, hunting and forestry	50089	64232	78.0
Fishing, fish-breeding	40000	45139	88.6
Mining industry	96119	181298	53.0
Manufacturing	54844	88692	61.8
Electricity, gas, water production and distribution	112777	113992	98.9
Construction	79658	104392	76.3
Trade in, repair of motor vehicles, and personal and household goods	47056	64000	73.5
Hotels and restaurants	61148	77967	78.4
Transport and communication	80254	94471	85.0
Financial activity	172311	304290	56.6
Activities associated with real estate, renting and provision of services	76552	122753	62.4
Public administration	68973	103995	66.3
Education	51951	62293	83.4

⁴ Source: Labour statistics, NSS of the Republic of Armenia.

Health and provision of social services	40681	56568	71.9
Provision of public utility, social and individual services	41789	59628	70.1

Table

Dynamics of Salary Ratio of Women and Men in the Republic of Armenia, 1998-2007 (in %)⁵

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Salary in primary employment places	48	55	56	49	41	42	53	56	53.9	60.0

The provided data refer only to large and medium sized enterprises. In case of including the data relating to small enterprises in the statistics, this gap will probably increase. Since small enterprises usually have low level of salary, the most part of risks is borne by the employees, and women are mostly centralised in the service sector, where enterprises with small number of employees operate.

In 2007, like in the previous years, higher level of salary is maintained in the male employment sector of the labour market. Moreover, the salary in the male employment sector of the labour market increases faster than in the whole economy.

The following two facts should be considered while comparing salary levels.

First, the economy of Armenia faced the problem of non payment or late payment of salary. It concerned rather men than women. Thus, the pay differentials should be adjusted by increasing the salaries.

Second, as a rule, the salaries in the primary employment are compared. However, the phenomenon of secondary employment has become common in the economy of Armenia. Moreover, the majority of men has the second job and on other equal grounds they receive higher salary there than women. In 2007 men having the

⁵ Women and men of Armenia. Ministry of Statistics, State Register and Analysis of the Republic of Armenia. Yerevan, 1999. Family and children in Armenia. National Statistical Service of the Republic of Armenia. Yerevan, 2001. Women and men of Armenia. National Statistical Service of the Republic of Armenia. Yerevan 2004-2007.

second job amounted to 42.2 percent of the salaried employees, whereas women -- 36.5 percent.⁶ It is worth mentioning that men constitute 57.8 percent of double employed persons, whereas women -- 42.2 percent (Table 7.13). Moreover, the majority of them have higher or secondary vocational education.

Thus, the juxtaposition of salaries from all jobs also increases the gender gap in salaries.

However, this gap is concealed by the juxtaposition of the average level of the salary, as an important indicator of the economic status of men and women. The existing gap should not be associated only with poorer positions of women compared with men in the economy or only with discriminatory factors. Quality characteristics of human capital of men and women, employment regimes and fields may significantly differ, and these differentials have their impact on the size of salary.

In Armenia women earn less than men with the same education level. Moreover, even the differences in work experience and education level are not considered in the initial salary level. Since in this case women and men have the same initial level of human capital and consequently equal opportunities of work productivity, but their salary is not equal, it may be concluded that gender discrimination has its impact on their salary level.⁷

Thus, it may be concluded that the equal level of human capital does not ensure equal remuneration. Moreover, such pay differentials, which cannot be explained by differences having impact on productivity or spent labour hour, constitute 15-50 percent⁸ of pay differentials of women and men. The principle of equal remuneration for equal work is provided for by the Constitution of the Republic of Armenia, the Law of the Republic of Armenia "On Salaries" and Labour Code of the Republic of Armenia. According to these legal acts equal remuneration is envisaged for equal work. However, in fact, high salary is prevalent in such sectors which are inclined to the use of male employment.

⁶ Labour force in the Republic of Armenia in 2001-2006. Statistical books. Yerevan, 2007, page 39.

⁷ G. Hovhannisyanyan, Gender and Economics. Yerevan, "Asoghik", 2004, pages 92-102.

⁸ Ibid.

Decades are needed if not for eliminating than at least for reducing that gap. Long-time observations show that despite the salary of women increases from time to time, this process is solely of “levelling” nature and cannot be otherwise. The gap in salary of women and men has

Official posts in the organisation	Gender	Average salary rate	Frequently occurring salary rate	Share	Minimum salary rate	Maximum salary rate
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occurred long ago. Its roots go deep into public relations.

This is a serious problem, since the public need to regulate the salary by gender is not reflected in the state measures of the employment policy and system of labour relations. To some extent, it is distorted by the established perception that the amounts not paid to women in the form of salary are compensated by their large share in the social maternity benefits. However, taking into account small amounts of benefits, it can be concluded that this perception is not proven in practice.

Women entrepreneurship is a significant contribution to overcoming the stereotype of patriarchy in the family and society, reduction of poverty, large scale female unemployment, discrimination in salaries.

According to the data of 2007, women constituted 48 percent of the total number of self-employed persons, and 10.3 percent - the persons having employer’s status. The same indicators among men constituted 52 percent and 89.7 percent respectively.

According to the results of the research conducted in 2009 by the National Institute of Labour and Social Research on the topic “Revealing the competitiveness of remuneration of civil servants” the share of women in the staff of organisations against that of men is larger (51.1 percent), however they are mainly involved in the occupations of specialists with average level of qualification, where they constitute 73.3 percent of specialists with average level of qualifications, and the number of women in managerial positions constitutes only 13.8 percent; moreover their salaries for those positions is lower by 23 percent from that of men for the same position. The same picture is in the group of positions of "Head of the subdivision of organisation".

Table. Average, maximum and minimum salaries according to gender affiliation within the group of posts

Head of the organisation	Male	247 220	100 470	86.2	60 000	700 000
	Female	190 320	104 055	13.8	62 000	577 840
Head of he unit of the organisation	Male	258 780	190 680	69.2	60 000	2 368 140
	Female	209 220	123 820	30.8	36 000	807 320
Specialist with high level of qualification	Male	221 070	103 090	43.3	43 060	473 630
	Female	174 000	96180	56.7	30 000	578 950
Specialist with average level of qualification	Male	159 820	73 370	26.7	43 060	360 000
	Female	122 030	65155	73.3	21 530	578 950
General	Male	226 765	135 740	48.9	43060	2 368 140
	Female	151 550	92 200	51.1	21530	807 320
Official posts in the organisation	Gender	Amount of average salary	Frequently occurring amount of average salary	Share	Minimum amount of salary	Maximum amount of salary
Head of the organisation	Male	247 220	100 470	86.2	60 000	700 000
	Female	190 320	104 055	13.8	62 000	577 840
Head of the subdivision of the organisation	Male	258 780	190 680	69.2	60 000	2 368 140
	Female	209 220	123 820	30.8	36 000	807 320
Specialist with high level of qualification	Male	221 070	103 090	43.3	43 060	473 630
	Female	174 000	96180	56.7	30 000	578 950
Specialist with average level of qualification	Male	159 820	73 370	26.7	43 060	360 000
	Female	122 030	65155	73.3	21 530	578 950
General	Male	226 765	135 740	48.9	43060	2 368 140
	Female	151 550	92 200	51.1	21530	807 320

Article 4§4

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

1. *Article 115 of the Labour Code of the Republic of Armenia:*

When rescinding the employment contract on grounds provided in Article 113(1)(1) and (3) (liquidation of the organisation (termination of the activity of an individual entrepreneur, reduction of the number of employees preconditioned by changes in production volume, economic, technological and work organisation conditions, as well as by production needs) the employer is obliged to notify thereon to the employee not later than two months in advance.

When rescinding the employment contract on grounds provided in Article 113(4) (liquidation of the organisation (the employee does not meet the requirements of the position held or the job performed) the employer is obliged to notify thereon to the employee not later than two months in advance.

Longer periods as compared with the notice periods provided in this part may be defined by the collective agreement and the employment contract.

2. Article 111 of the Labour Code of the Republic of Armenia:

(2) The employer may rescind the employment contract concluded for a definite period due to the expiry of the contract by giving a written notice thereon to the employee at least ten days in advance.

(4) The employee may rescind the employment contract concluded for a definite period by giving a written notice thereon to the employer at least ten days before the expiry of the contract. Where the employee has not notified the employer about rescinding the contract concluded for a definite period and has not come to work on the day following the last day envisaged by the employment contract, the contract is deemed as rescinded and the employer is obliged to make a final settlement with the employee within five days upon filing such a claim.

3. Article 112 of the Labour Code of the Republic of Armenia:

(1) The employee has the right to rescind the employment contract concluded for an indefinite period, as well as the employment contract concluded for a definite period before the expiry thereof by giving a written notice thereon to the employer at least fourteen days in advance. The collective agreement may envisage a longer period of notice. After the expiry of the period of notice, the employee has the right to terminate his or her work, whereas the employer is obliged to formulate the rescission of the employment contract and make final settlement with the employee.

(2) The employee has the right to rescind the employment contract concluded for an indefinite period, as well as the employment contract concluded for a definite period before its expiry by giving a written notice thereon to the employer at least five days in advance, where the rescission of the employment contract is justified by the illness of the employee preventing the performance of work or occupational mayhem or there exist other good reasons envisaged by the collective agreement, or where the employer fails to fulfil the duties envisaged by the employment contract, violates the law or the collective agreement, as well as in other cases provided for by this Code

(3) The employee has the right to withdraw his or her notice on rescinding the employment contract not later than in three days after withdrawing the notice. He or she may withdraw his or her notice after the mentioned period only with the consent of the employer.

According to the Labour Code of the Republic of Armenia (Article 123) the employment contract is subject to rescission without a notice in the following cases when:

(1) there is a judgement having entered into legal force, according to which the employee has been subjected to such liability that prevents him or her from continuing his or her work;

(2) the employee has been deprived of special rights to perform certain works in the manner prescribed by the legislation;

(3) the employee may not hold that position or perform that work in accordance with the opinion of the Medical and Social Commission of Experts;

(4) the employee is under the age of fourteen to sixteen and one of his or her parents, an adopter or a curator or a physician carrying out medical control over his or her health or a State Labour Inspector demand the rescission of the employment contract;

Pursuant to Article 123(2) of the Labour Code of the Republic of Armenia the employment contract is allowed to be rescinded without notifying thereon to the employee in case:

(1) the employer is declared as bankrupt (Labour Code of the Republic of Armenia, Article 125);

(2) the employee has been subjected to disciplinary liability at least twice within the last year due to failure to fulfil or improper fulfilment of his or her obligations (Article 121 of the Labour Code of the Republic of Armenia), or the employee has committed a gross violation of the labour discipline even once provided for by Article 221 (2) of this Code;

(3) in case of loosing confidence in the employee (Article 122 of the Labour Code of the Republic of Armenia), where the employee has spoiled, damaged or lost the property of the employer, as well as has committed an illegal taking of property at the workplace, exposed the maintenance of the property of the employer to danger, caused non-confidence among consumers, customers or partners of the employer, as a result of which the employer has suffered or might have suffered losses;

(4) in case of conscripting to regular military service (Article 124 of the Labour Code of the Republic of Armenia) not later than three days prior to the date mentioned in the relevant notice, the employer terminates the employment relations with the employee for the entire period of service and rescinds the employment contract.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to the Labour Code of the Republic of Armenia (Article 115) in case the time limits specified for rescission of the employment contract are not observed, the employer is obliged to pay a fine to the employee for every overdue day of notice which is calculated based on the size of the average hourly salary.

Employment disputes are subject to judicial examination (Article 264) in the manner prescribed in the Civil Procedure Code of the Republic of Armenia.

Article 4§5

(1) Please, describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

1. Article 213 of the Labour Code of the Republic of Armenia:

1. Deductions from salary may be made in the manner and cases defined by law.

2. For the purpose of covering the arrears to the employer, the following deductions or charges from salaries may be made:

(1) the advance payment of the salary paid to the employee;

(2) the excess payments made as a result of mechanical errors of calculation;

(3) the part of the advance payment provided to an employee for a business trip or a shift to another workplace or for employment at another workplace or for performance of specific tasks, which was not spent and not returned appropriately;

(4) the amount of compensation of damage caused to an employer through the employee's fault.

In cases mentioned in this Part, when the debt of an employee does not exceed his monthly average salary, the employer shall be entitled to make deductions where no later than within a one-month period upon the date of expiry of time limits for return of advance payment, of making excess payments executed as a result of mechanical errors of calculation, of returning the amount of advance payment not spent and not returned in time and the date of detecting the damage caused to an employee, it has published a relevant legal act on making deductions. Deductions or charges from the salaries of employees may also be made with the purpose of covering the arrears to the employer, when the employee is dismissed until the end of the working year for which he has been provided with a vacation. In this case, the amount paid for the days not worked is charged.

No charges are made for these days if the employee is dismissed not through his fault.

3. It shall not be permitted to deduct or charge the salary calculated and paid in excess due to the incorrect application of law, except for cases of mechanical errors of calculation.

2. Article 214 of the Labour Code of the Republic of Armenia:

Upon the payment of salary, the overall size of deductions and charges shall be calculated in the manner defined by law, which can not exceed the fifty percent of the monthly salary of the employee.

Article 5. Right to organise

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The relations are regulated through the following legal documents:

1. Constitution of the Republic of Armenia

2. Labour Code of the Republic of Armenia;

3. Civil Code of the Republic of Armenia

4. Law of the Republic of Armenia "On trade unions" adopted on 5 December 2000, amended on 24 October 2006.

5. Law of the Republic of Armenia "On employers' associations" adopted on 27 February 2007, and other legal acts.

A trade organisation or trade union is a public association which shall unite employees on voluntary grounds for representing their labour and related social and other interests and rights and for protecting those.

It is also one of the forms of exercising the right to form associations, including the right to form and join trade unions prescribed by Article 28 of the Constitution of the Republic of Armenia.

The rights to form and to join trade unions may be restricted in the manner prescribed by law for the officers of armed forces, police, national security bodies and prosecutor's office, as well as for judges and members of the Constitutional Court.

No one may be forced to join any association.

The activities of associations may be suspended or prohibited only in cases provided for by law and through judicial procedure.

According to Article 3 of the Labour Code of the Republic of Armenia, the main principles of the labour legislation are ensuring the right to freedom of association with others for the protection of employment rights and interests of employers and employees (including the right to form or join trade unions and employers' associations).

According to Article 21 of the Labour Code of the Republic of Armenia, for the purpose of protection and representation of their rights and interests, employers and employees may freely and voluntarily join and establish trade unions and employers' associations in the manner prescribed by law.

According to Articles 4 and 5 of the Law of the Republic of Armenia "On trade unions", a trade union is founded based on the decision adopted during the founding meeting (congress, conference) convened at the initiative of its founders (at least three employees).

The founding meeting approves the charter of the organisation as well as elects the governing and supervising bodies.

Two and more trade unions and (or) associations of trade unions may, upon the decision of the meeting (conference, congress) of their representatives, found one federation of trade unions, by approving its statute and selecting a head and supervisory authorities.

According to Article 27 of the Labour Code of the Republic of Armenia and Article 2 of the Law of the Republic of Armenia "On employers associations", in collective and individual employment relations of the organisation the head (director, general director, chairperson, etc.) of the organisation acts as a representative of the employer. In cases provided for by the law or the statute of the organisation or within the scope of their powers, employers may also be represented by other persons.

The employer shall have the right to assign his or her powers in the field of employment right or some part thereof to citizens or legal persons.

In collective relations at national, branch and territorial levels, the relevant association of employers shall act as a representative of employers.

The association of employers is a legal person, regarded as a non commercial organisation that unites employer-organisations and employer-citizens. Employer-organisations, acting as members of the association, may be represented in the association through their proxies.

There are no special legislative provisions on trade unions for particular groups of employees in the Republic of Armenia, especially for state institutions and organisations.

According to Article 13 of the Law of the Republic of Armenia “On trade unions”, a trade union shall be independent from state bodies, local self-government bodies, employers, other organisations and political parties, shall not be accountable to them and shall not be subject to their control except for the cases provided for by the law.

Public administration bodies, local self-government bodies, other organisations and natural persons shall be prohibited to impede or interfere with the exercise of rights prescribed by the statute of a trade union, except for the cases provided by the law.

According to Article 2 of the Law of the Republic of Armenia “On employers’ associations”, employers’ associations shall carry out their activity independent from public administration and local self-government bodies, trade unions, political parties, and other organisations.

Public administration and local self-government bodies and their officials shall be prohibited from interfering with the activity of employers’ associations.

Relations between employers’ associations shall be defined by themselves, in accordance with their statutes and decisions of governing bodies.

According to Article 4(3) of the Law of the Republic of Armenia “On employers’ associations”, employers’ associations may cooperate with international associations of employers and those of other countries, as well as participate (affiliate) in international associations of employers, in accordance with the legislation of the Republic of Armenia and their statutes.

According to Article 11 of the same Law, an association of employers may be set up through establishment or through reorganisation (division, separation, amalgamation, merger) of the existing association (associations) of employers.

For the purpose of setting up an association of employers through establishment, more than one employer and (or) employers shall take a decision, at the founding meeting, on the establishment of the employers' association, approval of the statute of the employers' association, selection of bodies envisaged by the statute of the association, and submission of the association for state registration.

The employers' association shall be deemed to be set up from the moment of its state registration.

In accordance with Article 14 of the Law of the Republic of Armenia "On trade unions", a trade union may, in accordance with the legislation of the Republic of Armenia and the statute of a trade union, cooperate with international trade unions and those of other countries and with other public associations, as well as participate (affiliate) in international trade unions and those of other countries.

According to Articles 10 and 11 of the Law of the Republic of Armenia "On trade unions", legal personality of a trade union shall arise from the moment of its state registration and shall terminate at the moment of making an entry in the state register of legal persons on the winding up.

Registration and rejection of registration of a trade union shall be conducted in the manner prescribed by law.

According to Article 12 of the Law of the Republic of Armenia "On employers' associations", state registration, re-registration of employers associations, as well as registration of amendments to the statute or of replaced statute, and state registration of liquidation shall be conducted in the manner prescribed by law and by the law regarding state registration of legal persons.

The state registration authority shall – within a thirty-day period upon making an entry in the register on accepting the application for registration and the required documents of the employers association – be obliged to consider the application and to register the employers' association or to reject the registration of the employers' association based on appropriate grounds. State registration of the employers' association may be rejected in the manner and cases defined by law.

Rejection of state registration, as well as evasion from state registration may be appealed in the court.

Unions are created in accordance with Chapter 5 of the Civil Code of the Republic of Armenia.

According to Article 8 of the Law of the Republic of Armenia “On legal regime of marshal law”, prohibition or restriction to conduct assemblies, meetings, demonstrations, rallies and other mass events, prohibition of other events terminating or suspending the activity of organisations and strikes, suspension of campaign aimed against capacity for defence and security of the Republic of Armenia at conditions of marshal law and other activity of political parties, non-governmental and religious organisations and associations which have launched other activity, in the manner prescribed by law.

The right of citizens of the Republic of Armenia, of foreign nationals, stateless persons and legal persons to conduct peaceful, armless assemblies, meetings, rallies and demonstrations prescribed by the Constitution of the Republic of Armenia and international treaties shall be exercised in accordance with the Law of the Republic of Armenia “On conducting assemblies, meetings, rallies and demonstrations”.

In accordance with Articles 161 and 163 of the Criminal Code of the Republic of Armenia, obstruction of or interference with the exercise of the right to establish associations (non-governmental or trade unions) or political parties or lawful activities of an association or a political party shall be punished by a fine in the amount of 100-fold to 300-fold of the minimum wage or by detention for a maximum term of one month.

The same act that has caused essential violation of the rights and lawful interests of an association or a political party shall be punished by a fine in the amount of 200-fold to 400-fold of the minimum wage or by detention for a maximum term of two months.

Establishment or management of such a religious or non-governmental organisation the activities of which are accompanied with causing harm to persons' health or encroaching on other persons' rights or inducing persons to refuse their civil obligations shall be punished by a fine in the amount of 200-fold to 400-fold of the minimum wage or by detention for a maximum term of three months.

Obstruction of organisation of or participation in lawful meetings, rallies, processions or demonstrations or compelling to participate in meetings, rallies, processions or demonstrations by use or threat to use violence shall be punished by a fine in the amount of 100-fold to 300-fold of the minimum wage or by detention for a maximum term of two months or by imprisonment for a maximum term of two years.

According to Article 39 of the Law of the Republic of Armenia "On police service", a police officer may not be a member to any political party, non governmental-political, public (except for organisations unified based on common scientific, cultural, sports, hunting, veteran's and similar interests), including religious or trade unions, use his or her official position for the interests of political parties, non-governmental, including religious associations, advocate an attitude for them, as well as carry out other political or religious activity when performing his or her official duty.

Article 6. Right of workers to bargain collectively

Article 6§1

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In the Republic of Armenia, this field is regulated through the following legal documents:

1. Constitution of the Republic of Armenia as amended by the referendum of 27 November 2005.

2. Labour Code of the Republic of Armenia, adopted on 9 November 2004.

3. Law of the Republic of Armenia "On trade unions", adopted on 5 December 2000 and amended on 24 October 2006.

4. Law of the Republic of Armenia "On employers' associations", adopted on 27 February 2007.

The Labour Code of the Republic of Armenia defines (Article 39) that social partnership is the system of relationships between the employees (their representatives), employers (their representatives), and in cases prescribed by this Code, the Government of the Republic of Armenia, which is called upon to ensure the consolidation of the interests of the employees and employers in collective employment relations.

Furthermore, the Law defines the basic principles, system, and forms of cooperation.

The main principles of social partnership shall be the equality of the parties, freedom to collective bargaining, taking into consideration the interests of the parties and demonstrating respectful attitude, compliance with the requirements of labour legislation and other regulatory acts by parties and their representatives, authorisation of the representatives of the parties, freedom of choice of work-related issues offered for discussion, voluntary character of the parties to assume obligations, feasibility of the obligations assumed by the parties, mandatory nature of the collective agreement, control and supervision over the implementation of the collective agreement, liability for non-implementation of the collective agreement by fault of the parties or their representatives.

The Labour Code of the Republic of Armenia (Article 40) defines that the employees and employers are the parties to social partnership, in the person of their representatives. In case of trilateral social partnership, representatives of the Government of the Republic of Armenia shall participate, on equal bases, with the representatives of employees and employers.

The Labour Code of the Republic of Armenia (Article 41) defines that the system of social partnership involves the following levels:

- 1. national level, which establishes the basics for the regulation of the labour relations in the Republic of Armenia. The parties of such partnership are the Government of the Republic of Armenia, the Republican Association of Trade Unions, the Republican Association of Employers;*
- 2. branch level, which defines the basics for the regulation of the labour relations in the relevant branch of economy (production, service, profession).*
- 3. The parties to this partnership are the branches of Republican Association of Trade Unions and the relevant branch association of employers.*

4. *territorial level, which defines the basics for the regulation of labour relations in a specific territory. The parties to such partnership are the relevant territorial trade union and the relevant territorial association of employers;*
5. *organisation level, which defines certain mutual labour obligations between the employer and employees. The parties to such partnership are the employer and the trade union.*

The Labour Code of the Republic of Armenia (Article 42) defines that social partnership, as a rule, shall be carried out in the following forms:

1. *conduct of collective bargaining in connection with drafting and concluding a collective agreement;*
2. *holding of mutual consultations and exchange of information.*

As result of negotiations between social partners held for the purpose of regulating the law-making activity in the field of labour relations, the so-called "Decent Work" Technical Cooperation Programme was concluded in 2006-2009 between the Ministry of Labour and Social Affairs of the Republic of Armenia, the Union of Manufacturers and Businessmen (employers), the Confederation of Trade Unions and the International Labour Organisation.

The Prime Minister of the Republic of Armenia, the President of the Confederation of Trade Unions of Armenia and the President of the Employers' Republican Association of Armenia signed, on 27 April 2009, the National Collective Agreement which defines additional guarantees for regulating social and labour relationships and mutual actions of the parties for the implementation thereof. The National Collective Treaty will be effective till 30 June 2012. Within the framework of social cooperation, the Ministry of Labour and Social Affairs of the Republic of Armenia, the Confederation of Trade Unions of Armenia and the Employers' Republican Association of Armenia have elaborated and communicated to the International Labour Organisation the National Description on "Labour Protection in the Republic of Armenia".

Article 6§2

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 3 of the Labour Code of the Republic of Armenia:

One of the main principles of the labour legislation is the following: ensuring employers' and employees' right to freedom of association for the protection of employment rights and interests (including the right to form or join trade unions and employers' associations).

According to Article 21 of the Labour Code of the Republic of Armenia:

For the purpose of protection and representation of their rights and interests, employers and employees may freely and voluntarily associate in the manner prescribed by law and establish trade unions and employers' associations.

Under Article 45 of the Labour Code of the Republic of Armenia:

1. Collective agreement is a voluntary agreement — concluded in writing between the employer (the employer's representative) or employers' association on the one hand and the trade union as well as, in cases provided for by the Code, the Government of the Republic of Armenia on the other hand — which regulates labour relations between employees and employers. Collective agreements are bilateral, except for collective agreements concluded with the participation of the Government of the Republic of Armenia, which are trilateral.

2. Parties to collective labour relations and their representatives reconcile their interests and settle disputes by way of collective negotiations. A party willing to enter into collective negotiations is obliged to notify the other party thereon in writing. The notification shall indicate the objective of collective negotiations, as well as the proposals and claims.

3. The parties to collective negotiations shall agree upon the day of starting of, and the procedure for, collective negotiations.

4. Collective negotiations must be conducted in a due manner and without any undue delay.

5. Parties to the collective agreement or their representatives have the right to make mutual inquiries on issues relating to collective negotiations. The replies to the inquiries must be submitted not later than within fifteen days after the day of inquiry. This time limit may be changed upon an additional agreement of the parties or their representatives.

6. The party providing information has the right to request the other party not to disclose the received information.

7. Unless otherwise agreed by the parties, collective negotiations are deemed completed upon conclusion of a collective agreement or drawing up a protocol of disagreements or communicating a written notice by one of the parties to the other on withdrawing from collective negotiations.

8. Collective negotiations shall be deemed as not having taken place, if the party notified in accordance with part 2 of this Article refuses to enter into collective negotiations.

According to Article 56 of the Labour Code of the Republic of Armenia:

1. The parties to a collective agreement of the organisation are the group of employees of the organisation, represented by the trade union acting in the organisation, and the employer, represented by the head of the organisation or the person authorised by him or her.

2. Where several trade unions exist in the organisation, the collective agreement of the organisation is concluded between the joint representative body of the trade unions on the one hand and the employer on the other.

3. The joint representative body of trade unions shall be formed by trade unions through appropriate negotiations. Where the trade unions fail to reach an agreement on the formation of a joint representative body of trade unions, the decision on the formation of a joint representative body may be adopted by the staff meeting (conference).

4. In case the functions of representation of employees and of protection of their interests are transferred to the appropriate territorial or sectoral trade union due to the absence of a trade union within the organisation, the parties to the collective agreement are the employer and the appropriate territorial or sectoral trade union.

According to Article 58 of the Labour Code of the Republic of Armenia:

1. The parties, having reached, in accordance with Article 45(2) and (3) of the Labour Code of the Republic of Armenia, an agreement to enter into negotiations on the conclusion of a collective agreement, form a committee, on the basis of the principle of equal membership, to draft the collective agreement of the organisation. The composition of the committee is laid down in a protocol. The date of signing the protocol marks the opening of the collective negotiations.

2. Upon commencing the collective negotiations, the parties agree on the content of information to be provided by them, the time limits for the provision thereof, the procedure and time limits for drafting the collective agreement of the organisation, which is laid down in a protocol.

3. If no agreements are reached on the terms referred to in part 2 of this Article, a protocol of disagreements is drawn up. The protocol shall specify the recommendations of the parties for eliminating the disagreements and shall set the time limit for resuming the collective negotiations.

4. The draft collective agreement of the organisation elaborated as a result of collective negotiations is submitted to the staff meeting (conference) for consideration. If the staff meeting (conference) does not approve the draft collective agreement of the organisation, the staff meeting may take a decision to recommence the collective negotiations or to initiate a collective labour dispute. Collective labour disputes may also be initiated in case of failure to eliminate disagreements specified in part 3 of this Article. If the staff meeting (conference) approves the draft collective agreement of the organisation, the agreement is signed by the representatives of the employer and of the employees.

Where more than half of the employees (delegates) employed by the employer do not participate in the staff meeting (conference) convened for the discussion of the draft collective agreement, a new staff meeting (conference) is convened not later than within five days following the day of the meeting (conference).

Rules of collective labour relations may be applied to officers of civil service and other state (special) services as prescribed by law, to officers of local self-government bodies, as well as to employees (officers) of the Central Bank of the Republic of Armenia, only in cases and in the manner provided for by relevant laws.

Rules prescribed in the Code Section on collective labour relations shall not apply to labour relations with participation of persons holding political, discretionary, and civil posts.

According to Article 28 of the Constitution of the Republic of Armenia, the rights to form political parties and trade unions and to join them may be restricted, in the manner prescribed by law, for the officers of the Armed Forces, Police, bodies of National Security and Prosecutor's Office, as well as for judges and members of the Constitutional Court.

According to Article 45 of the Labour Code of the Republic of Armenia, collective agreement is a voluntary agreement — concluded in writing between the employer (the employer's representative) or employers' association on the one hand and the trade union as well as, in cases provided for by the Code, the Government of the Republic of Armenia on the other hand — which regulates labour relations between employees and employers. Collective agreements are bilateral, except for collective agreements concluded with the participation of the Government of the Republic of Armenia, which are trilateral.

Parties to collective labour relations and their representatives reconcile their interests and settle disputes by way of collective negotiations. A party willing to enter into collective negotiations is obliged to notify the other party thereon in writing. The notification shall indicate the objective of the collective negotiations, as well as the proposals and claims.

The parties to collective negotiations agree upon the day of starting of, and the procedure for, collective negotiations.

Collective negotiations must be conducted in a due manner and without any undue delay.

According to Article 23 of the Law of the Republic of Armenia "On trade unions", state authorities, local self-government bodies, employers and other organisations, officials thereof, as well as other persons are obliged to refrain from any violation of the rights of a trade union and its participants (members) prescribed by the legislation of the Republic of Armenia.

Violation of the rights of a trade union, representatives thereof, as well as obstruction of statutory activities of an organisation, persecution of heads and representatives of a trade union entails liability in the manner prescribed by the legislation of the Republic of Armenia.

Participation of a trade union in relations pertaining to the termination of the employment contract of an employee at the initiative of the employer, including in case of cutting jobs, to transferring the employee to another work and subjecting him or her to a disciplinary sanction, as well as in collective and individual disputes, is regulated by the labour legislation of the Republic of Armenia.

According to Article 15 of the Law of the Republic of Armenia "On employers' associations", employers' associations have the right to hold consultations (negotiations) with unions and state authorities on the main directions pertaining to the social and economic policy.

Freedom of collective negotiations is one of the main principles of the labour legislation of the Republic of Armenia.

According to Article 23 of the Labour Code of the Republic of Armenia, in the absence of a trade union within the organisation, the staff meeting (conference) may transfer functions of employees' representation and of protection of their interests to the appropriate sectoral or territorial trade union. In this case, the staff meeting (conference) elects a representative (representatives) to participate — as a member of the delegation of the sectoral or territorial trade union — in the collective negotiations conducted with the given employer.

The procedure for holding preliminary consultations of collective negotiations is as prescribed by the Labour Code of the Republic of Armenia.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to Article 53 of the Labour Code of the Republic of Armenia, control over the implementation of national, sectoral, and territorial collective agreements is exercised by the parties or the representatives thereof authorised for that purpose. The state authorised body may exercise control and supervision over the implementation of national, sectoral, and territorial collective agreements, where parties to the collective agreement are unable to exercise control on their own and have filed a request to that effect with the state authorised body.

Article 6§3

(1) Please describe the general legal framework as regards conciliation and arbitration procedures in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to the Labour Code of the Republic of Armenia (Article 64), collective labour disputes are disagreements — between the trade union and the employer or between the parties having the right to enter into a collective agreement — with regard to claims filed by the parties and not satisfied, which arise during negotiations directed at the conclusion of a collective agreement, as well as while changing the conditions laid down in the legislation, other regulatory legal acts or collective agreements, or establishing new working conditions, concluding and implementing a collective agreement.

According to Article 67 of the Labour Code of the Republic of Armenia, the procedure for considering collective labour disputes comprises the following phases:

(1) Consideration of the collective labour dispute in the Conciliation Committee (including with participation of a mediator). Consideration a collective labour dispute by the Conciliation Committee is a mandatory phase in the consideration of collective disputes;

(2) Examination of the collective labour dispute in a court, where the collective labour dispute concerns the implementation process of the collective agreement.

No party to a collective labour dispute has the right to avoid conciliation procedures.

For the purpose of resolving the collective employment dispute, the representatives of the parties, the Conciliation Committee, and the mediator are obliged to employ all the facilities provided for by the legislation.

According to Article 70(1) of the Labour Code of the Republic of Armenia, where agreement is reached in the Conciliation Committee on the submitted claims, a written decision is adopted on considering the collective labour dispute settled and on the completion of the conciliation process. The decision of the Conciliation Committee is binding on the parties and is subject to execution in the manner and within the time limits prescribed by the decision of the Conciliation Committee.

Where no agreement is reached in the Conciliation Committee on all or part of the submitted claims, the parties to the collective labour dispute draw up a protocol of disagreements and make a decision to continue the consideration of the collective labour dispute with participation of a mediator (if the dispute concerns the conclusion of, or amendment to, the collective agreement) or on failure to settle the dispute and on completing the conciliation process.

According to the Labour Code of the Republic of Armenia (Article 71), labour disputes are considered with participation of a mediator where disputes concern the conclusion of, or amendment to, the collective agreement.

Where necessary, the parties to the collective labour dispute may apply to the state authorised body in the labour sector regarding the candidacy of a mediator.

The consideration of a collective labour dispute with participation of a mediator is carried out within seven days upon inviting him or her; where an agreement is reached in the Conciliation Committee on the claims submitted, a written decision is adopted on considering the collective labour dispute settled; and where no agreement on all or part of the submitted claims is reached - on failure to settle the dispute and on completing the conciliation process.

According to the Labour Code of the Republic of Armenia (Article 72), where no agreement is reached in the Conciliation Committee with regard to a collective labour dispute on the implementation of the provisions of the collective agreement, the parties to the collective labour dispute may, within ten days upon drawing up a protocol of disagreements and taking the decision on failure to settle the dispute and on completing the conciliation process, apply to a court.

Article 6§4

(1) Please describe the general legal framework as regards collective action in the private as well as the public sector, providing information on relevant decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to Article 60 of the Labour Code of the Republic of Armenia, the procedure for amending and supplementing a collective agreement of an organisation is prescribed by the collective agreement of the organisation. Where no such procedure is defined by the collective agreement of the organisation, amendments and supplements to the collective agreement are made by the procedures laid down by the Code for the conclusion of the agreement.

Where a collective labour dispute arises with regard to making amendments and supplements to the collective agreement of the organisation, it is discussed in the Conciliation Committee (including, with participation of a mediator). Where a collective labour dispute is not solved (including where collective negotiations do not take place, and refusal to consider the matter in the Conciliation Committee), the collective agreement of the organisation remains valid for its remaining term, and the organisation of a strike is prohibited.

As per Article 1 of the Law of the Republic of Armenia No. HO-130-N of 9 June 2009 "On making amendments to the Labour Code of the Republic of Armenia", the words "and the organisation of a strike shall be prohibited" have been deleted from Article 60(2).

Article 73 of the Labour Code of the Republic of Armenia -- "Strike is a temporary cessation of work of the employees or a group of employees of one or several organisations in case of failure to settle a collective dispute as regards conclusion of a collective agreement (including where collective negotiations do not take place, and refusal to discuss the matter in the Conciliation Committee) or to execute the decision of the Conciliation Committee to the satisfaction of the employees adopted in accordance with Article 70(1) of the Code." -- has been replaced by the following:

"Article 73. Strike

1. Strike is a temporary cessation of work, completely or partly, of the employees or a group of employees of one or several organisations, for the purpose of settling a collective labour dispute.

2. Trade unions shall have the right to organise a strike in cases provided for by the Code and their statutes, where:

(1) as a result of conciliation processes, the dispute related to the conclusion of a collective employment contract has not been settled;

(2) the employer avoids from carrying out a conciliation process;

(3) the employer fails to execute the decision of the Conciliation Committee to the satisfaction of employees adopted in accordance with Article 70(1) of the Code or fails to comply with his obligations assumed under an existing collective employment contract”.

Under Article 75 of the Labour Code of the Republic of Armenia, declaration of strikes in the Police, Armed Forces (other equivalent services), Security Services, centralised energy, heat, and gas supply organisations, as well as first medical aid services is prohibited. Claims made by employees of such organisations and services are discussed at the national level of social partnership, with the participation of the appropriate trade union and the employer.

2. Strikes in natural disaster areas as well as in regions where martial law or emergency situation (state of emergency) has been declared in the prescribed manner, are prohibited until the elimination of the consequences of natural disaster or lifting of martial law or emergency situation (state of emergency) in the prescribed manner.

3. Declaration of a strike during the entire term of the collective agreement is prohibited.

As per Article 3 of the Law of the Republic of Armenia No. HO-130-N of 9 June 2009 "On making amendments to the Labour Code of the Republic of Armenia", Article 75(3) of the Code: "Declaration of a strike during the entire term of the collective agreement shall be prohibited" has been repealed.

Article 22. The right to take part in the determination and improvement of the working conditions and working environment

(1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The regulation is implemented through the following legal instruments:

- Constitution of the Republic of Armenia

- Labour Code of the Republic of Armenia, and other legal acts

(a) According to Articles 244 and 245 of the Labour Code of the Republic of Armenia, the employer is obliged to ensure normal working conditions so that the employees can fulfil the work quotas. These conditions include:

(1) adequate condition of machinery, equipment, and other means of work;

(2) provision with technical documentation in a timely manner;

(3) adequate quality and timely provision of materials and tools necessary for the performance of the work;

(4) provision of the production with electricity, gas, and other types of energy;

(5) working conditions which are safe and harmless for health (adherence to safety regulations; adequate lighting, heating, and ventilation; ensuring that the noise, radiation, vibration, and other dangerous factors having an adverse effect on the health of the employee do not exceed the prescribed minimum level);

(6) other conditions necessary for the performance of certain works.

The workplace and the environment of each worker must be safe, comfortable, and harmless for health, and must be equipped in compliance with the requirements of the regulatory legal acts on assurance of safety of the employees and on protection of their health.

New and reconstructed facilities (complexes, enterprises, plants, workshops, etc.) are put into operation in the manner prescribed by the Government of the Republic of Armenia.

(b) According to Articles 49 and 242 of the Labour Code of the Republic of Armenia:

1. The content and structure of national, sectoral, and territorial collective agreements is determined by the parties to the agreement.

2. A national collective agreement may define:

(1) additional measures ensuring safety and hygiene of work;

(2) additional guarantees for employment;

(3) additional social and employment guarantees deemed appropriate by the parties;

(4) the procedure for receiving information on the implementation of the collective agreement and for exercising control over its implementation.

3. Sectoral and territorial collective agreements may define:

(1) terms of remuneration for work, regulatory mechanisms of remuneration for work, taking into account the level of inflation and increase in prices;

(2) working conditions;

(3) working and rest time (including the provision of leaves, and their duration);

(4) procedure and terms of reducing the number of employees, as well as guarantees in case of reductions;

(5) safety and hygiene conditions of work;

(6) conditions of ecological safety of the production and of protection of the health of employees;

(7) conditions of acquiring profession, raising qualification, and re-qualification of employees;

(8) guarantees and compensations deemed appropriate by the parties;

(9) procedure for receiving information on the implementation of the collective agreement and exercising control and supervision over its implementation;

(10) liability for failure to comply with the collective agreement;

(11) the procedure and time limits for filing claims by employees and employers in case of collective labour disputes;

(12) measures of social partnership aimed at preventing collective disputes and strikes;

(13) other issues, upon the agreement of the parties (Article 49).

Safety and health of employees is a system of protection of the life and health of employees during the working activity, which includes legal, socio-economic, organisational and technical, sanitary-hygienic, medical and preventive, rehabilitation, and other measures (Article 242).

Article 28. The right of workers' representatives to protection in the undertaking and facilities to be accorded to them.

(1) Please provide the description of the general legal field, including, if possible, the description of the decisions adopted by courts or other judicial authorities. Please specify the nature of, reasons for and extent of any reforms.

Article 22 of the Labour Code of the Republic of Armenia prescribes that the employers and employees may acquire employment rights and obligations, alter or waive them and protect them through their representatives. The representation of employers and employees may be realised both in collective and individual labour relations. Representation in collective labour relations shall be regulated by the Labour Code of the Republic of Armenia, whereas representation in individual labour relations shall be regulated by the Civil Code of the Republic of Armenia.

Representation in collective labour relations shall occur, if the representative represents the will of more than the half of employees. Obligations of general nature assumed through such representation shall also be binding to all employees, who have not vested special powers in the representative of the team, who fall within the scope of such obligations.

The Labour Code of the Republic of Armenia (Article 23) prescribes that the rights and interests of the employees may be represented and protected in labour relations by trade unions. In case of absence of a trade union in an organisation, the functions of representation and protection of interests of the employees may be transferred to the respective branch and territorial trade union by the meeting (congress) of the employees. In such cases, the meeting (congress) of the employees shall elect a representative (representatives) who shall participate in collective bargaining with the employer in the composition of the delegation of the branch or territorial trade union.

One and the same person may not meanwhile represent and protect the interests of both the employees and employers.

The draft law of the Republic of Armenia “On making amendments and supplements to the Labour Code of the Republic of Armenia” envisages to replace the first part of Article 23 of the Labour Code of the Republic of Armenia by the following:

“The representatives of the employees, i.e., trade unions or the body elected by the meeting (congress) of the employees, shall have the right to represent and protect the rights and interests of the employees in labour relations. The body elected by the meeting (congress) of the employees, representing the rights and interests thereof and protecting them in labour relations shall have equal rights as a trade union, except the right to go on strike.

In case of absence of representatives of the employees in an organisation, the functions of representation and protection of interests thereof may be transferred to the respective branch and territorial trade union by the meeting (congress) of the employees. In such case, the meeting (congress) of the employees shall elect a representative (representatives) who shall participate in collective bargaining with a given employer in the composition of a delegation of the branch or territorial trade union.”.

The Labour Code of the Republic of Armenia (Article 25) prescribes that the representatives of the employees shall have the right to conduct collective bargaining, conclude collective contracts, exercise control over their implementation, submit proposals to the employer on the arrangement of works, organise and manage strikes and other lawful measures, which the employees have the right to hold, submit proposals to state and local self-government bodies, carry out non-public supervision over the implementation of the labour legislation of the Republic of Armenia and other regulatory legal acts containing norms of labour law, receive information from the employer in a manner prescribed by law, appeal - by court order - the actions and decisions of an employer and the authorised persons thereof violating the rights of the representative of the employees as well as those contradicting the legislation of the Republic of Armenia, collective and employment contracts.

Representatives of the employees shall also be entitled to carry out other lawful actions for representation of the interests of the employees.

1. In accordance with Article 26 of the Labour Code of the Republic of Armenia, the employer shall be obliged to:

(1) respect the rights of the representatives of the employees and not to impede to their activities. The activities of representatives of the employees may not be terminated by the employer's will;

(2) consult with the representatives of the employees while adopting decisions that affect the legal state of the employees and, in cases foreseen by the legislation, to obtain their consent;

(3) ensure conduct of collective bargaining within short time limits;

(4) within the time limits defined by the Code and, in case such time limits are not defined no later than within one month, discuss the proposals of the representatives of the employees and to reply them in writing;

(5) provide necessary information free of charge on issues related to the work to the representatives of employees;

(6) perform other duties laid down by collective contracts;

(7) ensure the exercise of the rights of the representative of the employees prescribed by the legislation.

2. When the representative of the employees violates the employer's rights, requirements of the legislation or norms of contracts, the employer shall have the right to apply to the court as prescribed by the legislation requesting termination of unlawful activities of the representative of the employees.

The Labour Code of the Republic of Armenia (Article 43) prescribes that the employees shall have the right to receive information on labour relations not prohibited by law. The employer shall provide the information on labour relations to representatives of

employees. The volume of the information provided shall be conditioned by the social partnership level.

The information shall include:

(1) information on employer's current and future activities;

(2) information on possible changes in personnel employment;

(3) information on measures to be implemented in case of possible reduction in the number of employees;

(4) other information on labour relations, unless such information is deemed to be a state, official or commercial secret.

Procedure and terms of provision of information shall be defined upon consent of the parties.

The Labour Code of the Republic of Armenia (Article 119) prescribes that the employees elected in the representative bodies (trade union) of the employees may not be dismissed at the initiative of the employer (Article 113) while they carry out their powers without the initial consent of State Labour Inspector, except for when:

- the organisation is liquidated (the activity of an individual entrepreneur is terminated);

- the employer has been declared bankrupt;

- the result of the probation period is unsatisfactory;

- the employee does not perform or improperly performs his or her duties;

- the employee no longer enjoys the employer's confidence;

- a judgement enters into legal force that makes the continuation of the work impossible;

- the employee is deprived of special right to perform certain works in a manner prescribed by legislation;

- the employee cannot hold that position or perform that work under the opinion of the Medical and Social Commission of Experts;

- due to the employee being from fourteen to sixteen years old, one of the parents, the adopter or curator, the doctor in charge of his or her health or the State Labour Inspector demand to rescind the employment contract.

2. The employer shall refer to the State Labour Inspector for receiving his or her consent on dismissing the representative of the employees. The State Labour Inspector shall be obliged to reply to the employer within fourteen days after the receipt of the application. The State Labour Inspector shall be obliged to submit the decision on his or her consent or rejection of the dismissal of the employee in writing. Where State Labour Inspector fails to reply to the employer within the specified time limit, the employer shall have the right to rescind the employment contract.

3. The employer shall have the right to judicially appeal against the decision on the refusal of the dismissal of the employee. The court may declare the decision invalid whereby the interests of the employer are violated.

4. The guarantee provided for in part 1 may be applied to the employees not deemed to be a representative of employees where it is envisaged by the collective employment contract.

The Law of the Republic of Armenia 'On Trade Unions' (Article 23 and 25) prescribes that the state bodies, local self-government bodies, employers and other organisations and the officials thereof as well as other persons are obliged not to violate the rights of trade unions and the participants (members) thereof prescribed by the legislation of the Republic of Armenia

During the period of performing public duties and participating in the events of a trade union, the matters with regard to the absence from work of the members of the elected body of a trade union as well as their remuneration during such period shall be regulated by the legislation of the Republic of Armenia and the collective contract (agreement) concluded with the employer.

Other guarantees may be foreseen by the collective contract (agreement) for persons elected in the trade union bodies.

The Law of the Republic of Armenia “On Trade Unions” (Article 23) prescribes that violation of rights of a trade union and its representative or impeding to the statutory activity of the organisation, persecuting the heads of a trade union or its representatives shall give rise to liability in a manner prescribed by the legislation of the Republic of Armenia.

The Labour Code of the Republic of Armenia (Article 38) prescribes that the protection of labour rights - in compliance with the jurisdiction over the cases prescribed by the Civil Procedure Code of the Republic of Armenia - shall be exercised by the court.

The protection of employment rights shall be exercised:

(1) by recognising the right;

(2) by restoring the situation before the violation of the right occurred;

(3) by preventing or eliminating actions violating the right or creating a danger for such violation;

(4) by declaring the act of a state or local self-government body invalid;

(5) through non-application of the act of a state and local self-government body contradicting the law by the court;

(6) through self-protection of the right;

(7) by enforcing to perform the obligations in-kind;

(8) by receiving compensation for damage;

(9) by levy of execution on penalty (fine);

(10) by terminating or amending the legal relationship;

(11) through other means provided for by law.

The Law of the Republic of Armenia 'On Trade Unions' (Article 23) prescribes that the employer – in a manner prescribed by the collective contract (agreement) - shall provide necessary conditions for the organisation and exercise of works foreseen by the Charter of the trade union.

The state bodies, local self-government bodies, employers, other organisations and natural persons shall have no right to impede to or interfere into the exercise of rights prescribed by the Charter of a trade union, except for the cases foreseen by law.

(2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The Code of Administrative Offences of the Republic of Armenia (Article 41) prescribes the following:

The impediment to the exercise of rights of the representatives of employees prescribed by the Labour Code of the Republic of Armenia shall give rise to a penalty against the infringer in the amount of fifty-fold of the prescribed salary for each case of violation.

The same violation that has been re-committed within one year after the administrative penalty has been applied shall give rise to a penalty against the infringer in the amount of one hundred-fold of the prescribed minimum salary for each case of violation.

3) Please provide pertinent figures, statistics or, if necessary, any other relevant information.

Table. Labour mobility as per economic areas

	The number of hired and dismissed persons against the list number of employees (expressed in percentages)									
	2003		2004		2005		2006		2007	
	Number of hired	Number of dismissed	Number of hired	Number of dismissed	Number of hired	Number of dismissed	Number of hired	Number of dismissed	Number of hired	Number of dismissed
Total	16.4	23.6	156	18.7	20.0	18.4	17.8	16.4	19.4	17.6
Agriculture	22.4	36.7	35.6	37.8	46.5	39.5	36.0	44.0	57.6	53.0
Industry	25.9	31.8	27.1	32.2	35.8	37.4	30.6	28.8	30.7	29.3
Construction	85.1	92.8	74.8	70.2	93.5	69.5	80.2	76.2	77.1	62.7

Transport and communication	15.8	20.8	11.6	15.5	13.1	12.7	15.1	12.9	13.3	16.4
Financial activity	31.8	31.8	18.4	10.2	18.5	9.8	28.3	20.0	31.0	17.8
Education	3.3	9.4	3.7	7.3	3.8	4.3	8.3	7.6	9.4	9.3
Health and provision of social services	2.9	22.1	2.7	10.6	4.2	3.4	5.9	5.4	7.9	6.8
Other	16.1	18.0	13.8	13.4	18.0	15.0	16.4	14.9	19.6	16.2

Table. Distribution of those dismissed as per reason of dismissal and economic areas against all those dismissed, %

	Those dismissed on their own will					Those dismissed due to reduction					Those dismissed on other reasons				
	2003	2004	2005	2006	2007	2003	2004	2005	2006	2007	2003	2004	2005	2006	2007
Total	57.4	57.8	64.7	74.3	74.5	18.4	21.5	16.2	5.5	5.8	24.3	20.9	19.3	14.4	3.3
Agriculture	33.3	23.3	76.5	72.7	65.0	16.7	17.6	5.9	0.0	6.9	55.6	52.9	17.6	9.1	8.2
Industry	55.2	63.5	67.0	67.5	74.5	19.4	16.8	14.2	3.7	4.1	25.4	19.7	18.4	19.4	2.0
Construction	54.8	53.8	62.6	66.2	74.2	12.5	14.2	16.8	9.1	5.0	32.7	31.1	20.6	19.5	4.2
Transport and communication	61.0	56.2	61.8	82.2	75.0	20.2	29.8	19.9	6.1	7.1	18.8	14.9	19.4	9.3	3.1
Financial activity	45.7	53.1	74.1	88.6	74.3	41.3	21.9	3.7	2.9	9.9	13.0	25.0	22.2	8.6	5.1
Education	40.6	33.3	50.0	79.2	65.4	42.6	56.5	40.0	6.9	7.9	17.8	10.1	10.0	11.1	4.4
Health and provision of social services	91.7	72.1	57.1	78.3	80.8	3.3	20.9	14.3	13.0	8.6	5.0	7.0	28.6	4.3	0.2
Other	49.6	64.5	61.9	81.9	79.5	13.0	18.3	18.1	5.7	5.8	36.6	19.4	21.9	9.5	2.5

In relation to matters of ensuring the rights of the representatives of employees in enterprises from the year 2005 to 2008, the State Labour Inspection -- based on Article 119 of the Labour Code of the Republic of Armenia -- discussed three motions submitted by the employers on giving consent to rescind, at the initiative of the employer, the employment contracts concluded with the chairpersons of the trade unions and representatives of employees. The motions were declined in all three cases upon a decision of the Head of the State Labour Inspection of the Republic of Armenia.