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EUROPEAN SOCIAL CHARTER

12th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF ARMENIA

- Article 2, 4, 5, 6, 22 and 28 for the period 01/01/2013 - 31/12/2016

- Complementary information on Article 1§1, 1§2, 1§3, 15§2 and 15§3 (Conclusions 2016)

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CYCLE 2018

Annex

to Protocol Decision of the sitting
of the Government of the Republic of Armenia No 1 of 11
January 2018

EUROPEAN SOCIAL CHARTER

(REVISED)

Report of the Republic of Armenia

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

Reporting period: 2013-2016

Article 2. Right to just conditions of work

Article 2.1.

Information with regard to changes undertaken during the reporting period and to questions submitted by the European Committee of Social Rights (hereinafter referred to as "the Committee")

In 2015, large-scale amendments were made to the Labour Code of the Republic of Armenia and were mainly aimed at solving the problems having emerged in the law enforcement practice, clarifying certain provisions of the labour legislation of the Republic of Armenia that were unclear or could lead to various interpretations, as well as bringing certain provisions of the Labour Code of the Republic of Armenia into compliance with the requirements of the European Social Charter (Revised) and UN Conventions.

Amendments have been made to Article 144 of the Labour Code of the Republic of Armenia by Law HO-96-N of the Republic of Armenia of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia" (the Law entered into force on 22 October 2015). In particular, the scopes of overtime work have been further clarified, and part 1 of Article 144 has been amended as follows:

"1. The overtime work shall be the work the duration of which is more than the working time defined by parts 1 or 2 or 4 of Article 139 or Article 140 or Article 141 or parts 1 or 2 or part 7 of Article 142 or part 1 of Article 147 of this Code."

By Law of the Republic of Armenia HO-96-N "On making supplements and amendments to the Labour Code of the Republic of Armenia" adopted on 22 June 2015, an amendment has also been made to part 4 of Article 148 of the Labour Code of the Republic of Armenia according to which pregnant women and employees taking care of a child under the age of three may be engaged in night work only upon their consent, after undergoing a preliminary medical examination and submitting a medical opinion to the employer.

At the same time, we would like to note that in April 2017, the Prime Minister of the Republic of Armenia gave an assignment to develop, within a 9-month period, a draft of radical amendments to the Labour Code of the Republic of Armenia or of a new Code that would be in line with the programme adopted by the Government of the Republic of Armenia and modern European approaches.

The question of bringing this aspect of the labour legislation of the Republic of Armenia into compliance

with the European Social Charter (Revised) will also be considered within the scope of implementation of the above-mentioned assignment.

As for the Committee's understanding of Article 149 of the Labour Code of the Republic of Armenia referred to in Opinions 2014, we would like to note that it corresponds to the logic of Article 149 of the Code.

Article 2.2.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Pursuant to part 1 of Article 185 of the Labour Code of the Republic of Armenia, the work performed on rest days and on holidays and commemoration days established by law as non-working days, unless it is envisaged in the work schedule, upon the consent of the parties shall be remunerated in at least double the amount of the hourly (daily) pay rate or task rate, or the employee shall be granted another paid rest day within a month, or that day shall be added to the annual leave.

Pursuant to part 2 of Article 185 of the Labour Code of the Republic of Armenia, the work performed on holidays and commemoration days established by law as non-working days, when envisaged in the working schedule, shall be remunerated in at least double the amount of hourly (daily) pay rate or task rate.

The rationale for the remuneration for work performed on rest days and on holidays and commemoration days established by law as non-working days to include the basic salary and the additional salary (bonus) is the following:

The concepts of basic salary and additional salary have been established in a supplement made to part 3 of Article 178 of the Labour Code of the Republic of Armenia by Law of the Republic of Armenia HO-209-N of 1 December 2014 "On making amendments and supplements to the Labour Code of the Republic of Armenia". In particular, it has been established that the basic salary is the amount of remuneration defined for performing works provided for by law, another regulatory legal act or by an employment contract, and the additional salary is the bonuses, additional payments, premiums and awards calculated against the basic salary prescribed by the Labour Code of the Republic of Armenia, by law, other regulatory legal acts, a collective agreement or employment contract or a legal act of the employer.

At the same time, it has been established that a bonus is an additional remuneration calculated against

the basic salary in the cases and in the amounts prescribed by this Code, by law, other regulatory legal acts, a collective agreement or employment contract or a legal act of the employer which shall be paid for performing heavy, harmful or especially heavy, especially harmful work and/or overtime work and/or nightly work and/or works performed on rest days and on holidays and commemoration days established by law as non-working days.

Consequently, the remuneration for work prescribed by Article 185 of the Labour Code of the Republic of Armenia shall include both the basic salary of the employee and the additional salary (bonus) paid by the employer to the employee for the work performed by the latter.

The bonuses envisaged for overtime work and works performed on rest days, on holidays and commemoration days established by law as non-working days are different guarantees prescribed by the Labour Code of the Republic of Armenia.

Consequently, where the work performed on rest days and on holidays and commemoration days established by law as non-working days is also overtime work for the employee, remuneration for that work shall be made in accordance with Articles 184 and 185 of the Labour Code of the Republic of Armenia. That is to say, for that work the employer shall pay the employee the bonuses prescribed for both overtime work and work performed on rest days and on holidays and commemoration days established by law as non-working days.

Pursuant to Article 184 of the Labour Code of the Republic of Armenia, for each hour of overtime work, in addition to the hourly rate, a bonus shall be paid, not less than 50 per cent of the hourly rate.

Sanctions imposed on the employer and the protection of the violated employment rights of employees in case of failure to pay the bonuses prescribed for overtime work, as well as for works performed on rest days and on holidays and commemoration days established by law as non-working days. Where the payment of the salary is made by violation of the periods established by the Labour Code, a collective agreement or upon the consent of the parties due to the fault of the employer, the employer shall pay the employee a penalty for each day of delay in the amount of 0.15 per cent of the salary due, but not more than the amount of the sum that is due (ground: Article 198 of the Labour Code).

In case of failure by the employer to pay the bonuses prescribed for overtime work, as well as for work performed on rest days and on holidays and commemoration days established by law as non-working days in the manner and in the amount prescribed, Article 169.8 of the Code of the Republic of Armenia "On administrative offences" entails imposition of a fine on the person having committed the violation, in the amount of one fourth of the salary not calculated or not paid in respect of each employee. The same violation that has been committed repeatedly within one year following the application of the administrative sanctions entails imposition of a fine on the person having committed the violation, in the

amount of one third of every salary not calculated or not paid.

In case of failure by the employer to pay the bonuses prescribed for overtime work, as well as for works performed on rest days and on holidays and commemoration days established by law as non-working days in the manner and in the amount prescribed, the protection of employment rights of employees shall be realised by the court — in compliance with the jurisdiction over the cases prescribed by the Civil Procedure Code of the Republic of Armenia — and the representatives of employees (ground: parts 1 and 2 of Article 38 of the Labour Code).

The statute of limitations prescribed for the protection of rights through actions brought by the persons whose rights have been violated shall not apply to claims for compensation of the salary of an employee (ground: parts 1 and 2 of Article 30 of the Labour Code).

In the case of actions for charging of salaries and other sums related to equivalent payments, as well as actions concerning other labour disputes, claimants shall be released from payment of the state duty at courts (ground: paragraph "a" of Article 22 of the Law of the Republic of Armenia "On State Duties").

Article 2.3.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

The requirement of granting annual leave for each working year in the same working year is clearly stipulated in the Labour Code of the Republic of Armenia. Part 1 of Article 164 of the Labour Code establishes that annual leave for each working year shall be granted in the same working year.

Article 167 of the Labour Code regulates the relations relating to the transfer and extension of the annual leave.

The Labour Code establishes that transfer of the annual leave shall be allowed only through the mediation of or upon the consent of the employee. Annual leave may also be transferred, if the employee:

- becomes temporarily incapacitated for work;
- becomes entitled to a special purpose leave provided for by Article 171 of the Labour Code;

- takes part in operations for prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergency cases or in operations for immediate elimination of their consequences, irrespective of the procedure according to which he or she was mobilised to take part in these operations (part 1 of Article 167).

Pursuant to part 2 of Article 167 of the Labour Code, where the reasons specified in part 1 of Article 167 of the Code or any other reasons (due to which annual leave could not be used) arose before the commencement of the annual leave, the annual leave shall be transferred to some other time. Where those reasons arose during the annual leave, the annual leave shall be extended in the amount of the corresponding days. Pursuant to part 3 Article 167, the transferred annual leave, as a rule, shall be granted in the same working year, but not later than within 18 months, starting from the end of the working year for which the annual leave has not been granted or has been partially granted. Through the mediation or upon the consent of the employee, the unused part of the annual leave may be transferred and added to the annual leave of the subsequent year.

At the same time, it should be mentioned that Article 217 of the Labour Code stipulates that providing the employee with paid and unpaid leave in the prescribed manner is an obligation of the employer.

That is to say, the employer shall be obliged to grant annual leave to employees in accordance with the order of granting annual leaves as prescribed by the Labour Code, observing, at the same time, the requirement in part 3 of Article 167 of the Labour Code according to which the transferred annual leave, as a rule, shall be granted in the same working year, but not later than within 18 months, starting from the end of the working year for which the annual leave has not been granted or has been partially granted to the employee.

Within the scope and time limits of the regulations referred to in the Labour Code, the annual leave of an employee may, through the mediation or upon the consent of the employee, be transferred and granted within the above-mentioned time limits.

According to part 2 of Article 158 of the Labour Code, the types of annual leave are minimum, extended and additional.

Part 1 of Article 159 of the Code establishes that the duration of the minimum annual leave, in the case of the five-day working week, is 20 working days, and in the case of the six-day working week, 24 working days.

By Law of the Republic of Armenia HO-96-N "On making supplements and amendments to the Labour Code of the Republic of Armenia" adopted on 22 June 2015, an amendment has been made to part 2 of

Article 159 of the Code, establishing that the annual leave for employees with incomplete working time, as well as the annual leave for specific categories of employees prescribed by part 4 of Article 139 of the Code shall not be reduced, and the duration thereof shall be determined by counting five working days in each calendar week in the case of a five-day working week or six working days in the case of a six-day working week, respectively.

Part 1 of Article 161 of the Labour Code of the Republic of Armenia has also been amended by Law of the Republic of Armenia HO-96-N adopted on 22 June 2015. The amendment has established that additional annual leave shall be granted to:

(1) employees working under harmful and hazardous working conditions;

(2) employees with irregular work schedule;

(3) employees engaged in works of special nature.

Prior to the amendments of 2015, the wording provided in part 1 of Article 161 of the Labour Code was that that “additional leave may be granted” to the above-mentioned employees. By the amendment, the word "may" has been removed from part 1 of the Article and a mandatory requirement for granting additional annual leave has been stipulated.

Article 2.4.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

The Labour Code of the Republic of Armenia provides the following regulations and guarantees:

Pursuant to Article 243 of the Labour Code, adequate, safe conditions and conditions harmless for health established by law shall be created for every employee during labour.

The employer shall be obliged to maintain the health and safety of the employees.

Part 1 of Article 248 of the Labour Code establishes that the work must be organised in accordance with the requirements in regulatory legal acts on ensuring safety and healthcare of employees.

Reduction or elimination of risks. Pursuant to point 6 of part 1 of Article 140 of the Labour Code of the Republic of Armenia, "1. shorter working time shall be set for... (6) employees in whose workplace it is

impossible, due to technical or other reasons, to reduce the maximum permissible levels of occupational hazards to the level safe for health as defined by legal acts on safety and health at work, the working time shall be set not more than 36 hours a week.".

Pursuant to part 2 of the same Article: "2. The procedure and conditions for reducing the working time of employees engaged in work related to heavy mental and emotional strain shall be prescribed by law, collective agreement or employment contracts.".

Pursuant to point 3 of part 3 of Article 144 of the Labour Code, "The following shall not be engaged in overtime work: ... (3) employees under the influence of factors that are harmful and/or dangerous to the health.".

Pursuant to Article 160 of the Labour Code, "An extended annual leave with a duration of 25 working days in the case of a five-day working week or with a duration of 30 working days in the case of a six-day working week (in exceptional cases — 35 working days in the case of a five-day working week or 42 working days in the case of a six-day working week) shall be granted to specific categories of employees working under special working conditions whose work is related to heavy mental and emotional strain or occupational hazard. The list of specific categories of employees entitled to such a leave shall be defined by the Government of the Republic of Armenia.".

Decision of the Government of the Republic of Armenia No 1599-N of 11 August 2005 establishes the list of specific categories of employees entitled to extended annual leave.

Pursuant to Article 161 of the Labour Code, "1. Additional annual leave shall be granted to: (1) employees working under harmful and hazardous working conditions; (2) employees with irregular work schedule; (3) employees engaged in works of special nature. 2. The list of specific categories of employees entitled to additional annual leave, the minimum duration of the leave and the procedure for the provision thereof shall be defined by the Government of the Republic of Armenia.".

Decision of the Government of the Republic of Armenia No 1384-N of 1 August 2005 establishes the list of specific categories of employees entitled to additional annual leave and the minimum duration of the leave, the procedure for the provision of the additional annual leave.

Pursuant to parts 1, 3, 4, 5 of Article 153 of the Labour Code, "1. Due to the working conditions the employees may be provided with additional break for rest during the working day. ...3. Special breaks must be granted where the work is performed at the air temperature above +40^{o}C or below -10^{o}C, as well as under other hazardous conditions of heavy physical or mental and emotional strain or with negative impact on health. 4. Additional and special breaks shall be included in the working time, and

the procedure for the provision thereof shall be defined by internal disciplinary rules, work schedule, collective agreement or employment contract. 5. The number of additional and special breaks, the duration thereof and the place of rest shall be envisaged by the collective agreement or employment contract.".

Measures for residual risks. Pursuant to point 6 of part 1 of Article 140 of the Labour Code of the Republic of Armenia, shorter working time shall be set for employees in whose workplace it is impossible, due to technical or other reasons, to reduce the maximum permissible levels of occupational hazards to the level safe for health as defined by legal acts on safety and health at work, the working time shall be set not more than 36 hours a week.

Point 3 of part 3 of Article 144 of the Labour Code stipulates that employees under the influence of factors that are harmful and/or dangerous to the health shall not be engaged in overtime work.

Part 3 of Article 153 of the Labour Code prescribes that special breaks must be granted where the work is performed at the air temperature above +40^{o}C or below -10^{o}C, as well as under other hazardous conditions of heavy physical or mental and emotional strain or with negative impact on health.

Special breaks shall be included in the working time, and the procedure for the provision thereof shall be defined by internal disciplinary rules, work schedule, collective agreement or employment contract. The number of special breaks, the duration thereof and the place of rest shall be envisaged by the collective agreement or employment contract (parts 4 and 5 of Article 153 of the Labour Code).

Pursuant to part 1 of Article 183 of the Labour Code, the employee shall be paid an additional payment for performing heavy, harmful, especially heavy and especially harmful works prescribed by the legislation of the Republic of Armenia. The list of such works is defined by Decision of the Government of the Republic of Armenia No 1698-N of 2 December 2010. The employee shall be paid a bonus not less than 30 per cent of his or her tariff salary for performing works prescribed by the list of heavy and harmful productions, works, occupations and positions approved by Annex No 1 to the specified Decision, and not less than 50 per cent for performing works prescribed by the list of especially heavy, especially harmful productions, works, occupations and positions approved by Annex No 2.

The following sectors are included in the list approved by Annex No 1 to Decision of the Government of the Republic of Armenia No 1698-N of 2 December 2010: agriculture, nature protection, transport and communication, energy, mining industry, chemical production, light industry, mechanical engineering, production of construction materials, police service, emergency situations service, civil aviation, urban

development, healthcare and social security institutions, water economy, printing industry, archive keeping, study, measurement, reinforcement, repair and renovation of monuments, film industry, field of use of nuclear power, in which a number of works are distinguished which shall be considered as heavy and harmful.

The list of especially heavy, especially harmful works has also been drawn up with the same logic (Annex No 2 to Decision of the Government of the Republic of Armenia No 1698-N of 2 December 2010) in which there are several other sectors (mining industry, extraction of useful minerals, preparation, enrichment, cutting (agglomeration, bracketing and roughening) and roasting of ores and ores of non-metallic commercial minerals, metallurgical industry (ferrous and non-ferrous metals), metal processing).

The list of specific categories of employees entitled to additional annual leave, the minimum duration of the additional annual leave and the procedure for provision of the additional annual leave are prescribed by Decision of the Government of the Republic of Armenia No 1384-N of 11 August 2005 (Decision is attached).

Article 2.5.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Part 1 of Article 155 of the Labour Code of the Republic of Armenia prescribes that the common rest day is Sunday, and in the case of a five-day working week the rest days are Saturday and Sunday.

Pursuant to parts 2 and 3 of Article 155 of the Labour Code of the Republic of Armenia, in organisations where the work on common rest day may not be terminated due to the need to provide services to the population (public transportation, specialised organisations supplying energy, gas, and heat, theatres, museums, public catering, etc.), the rest day shall be defined by the employer.

In organisations where works may not be terminated due to technical conditions of production or to the need for uninterrupted and continuous provision of services to the population, as well as in other organisations with uninterrupted work regime, the rest days shall be granted on the other days of the week in a sequence prescribed by the working schedule for each group of employees. These schedules shall be prepared and approved in the manner prescribed by Article 142 of the Code.

In accordance with part 4 of Article 155 of the Labour Code of the Republic of Armenia, in the case of summarised calculation of working time, the rest days shall be granted to the employees in accordance

with the working schedule (shifts).

Pursuant to part 5 of Article 155 of the Labour Code of the Republic of Armenia, uninterrupted weekly rest must not be less than 35 hours. Two rest days being granted in the cases provided for by parts 2-4 of Article 155 of the Labour Code of the Republic of Armenia shall follow each other.

Pursuant to part 1 of Article 11 of the Labour Code of the Republic of Armenia, the norms of the labour legislation of the Republic of Armenia shall be interpreted by the direct meaning of the words and phrases used therein by taking into consideration the requirements of the Labour Code of the Republic of Armenia.

Interpretation of the norm of the labour legislation of the Republic of Armenia shall not modify its meaning.

As follows from the analysis and collation of the mentioned norms, Article 155 of the Labour Code of the Republic of Armenia imperatively stipulates that:

1. For employees working six days a week, the common rest day is Sunday, and in the case of a five-day working week, the rest days are Saturday and Sunday. Exceptions to the specified regulation are set out in parts 2 and 3 of Article 155 of the Labour Code of the Republic of Armenia and are presented above.
2. Weekly uninterrupted rest period of not less than 35 hours shall be ensured for employees.

Thus, in accordance with the regulations of the Labour Code of the Republic of Armenia,

- employees may not substitute weekly uninterrupted rest period for financial compensation;
- employees may not waive their right to a weekly uninterrupted rest;
- weekly rest days may not be transferred or postponed;
- weekly uninterrupted rest period of not less than 35 hours shall be ensured for employees every week.

Article 2.6.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Article 14 of the Labour Code of the Republic of Armenia was amended by Law of the Republic of Armenia HO-96-N of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia". Pursuant to parts 1 and 2 of the Article, employment relations between an employee and an employer shall arise on the basis of an employment contract concluded in writing as prescribed by the labour legislation, or by an individual legal act on accepting for employment.

The provisions of the Labour Code of the Republic of Armenia on regulation of contractual relations shall apply to the regulation of employment relations arising by an individual legal act on accepting for employment.

Article 84 of the Labour Code of the Republic of Armenia was amended by Law of the Republic of Armenia HO-96-N of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia", and, pursuant to part 1 of the Article,

The following shall be mentioned in the individual legal act on accepting for employment and in the employment contract:

(1) year, month, date and location of adoption of the individual legal act and conclusion of the employment contract;

(2) first name, last name of the employee, upon his or her request, also the patronymic name;

(3) name of the organisation or first name and last name (also patronymic name, upon his or her request) of the natural person employer;

(4) structural subdivision (where applicable);

(5) year, month and date of the commencement of work;

(6) title of position and/or official duties;

(7) amount of the basic salary and/or the form of determining it;

(8) bonuses, additional payments, premiums, etc, granted to employees in the prescribed manner;

(9) validity period of the individual legal act or the employment contract (upon necessity);

(10) in case of defining a probation — duration and terms of the probation;

(11) working time regime — normal duration of working time, or part-time work, or short duration of working time, or calculation of total working time;

(12) type (minimum, additional, extended) and duration of annual leave;

(13) position, first name and last name of the person signing the legal act.

Pursuant to part 3 of the mentioned Article, upon the consent of the parties, the individual legal act on accepting for employment or the written employment contract may also contain other conditions.

That is to say, the same requirements are mandatory both in the case of an individual legal act on accepting for employment and when concluding an employment contract.

The amendments made to Article 84 of the Labour Code of the Republic of Armenia were also based on the requirement presented within the scope of Article 2§6 of the European Social Charter (Revised) in the European Committee of Social Rights Conclusions 2010 (Armenia), when the Committee had asked to confirm that the employment contract or another written document contains information on the length of paid leave, the notice to be given in the event of termination of the contract or the employment relationship, the employee's standard daily or weekly working hours and references to any collective agreements governing the employee's conditions of work.

Pursuant to part 4 of Article 5 of the Labour Code of the Republic of Armenia, one copy of an individual legal act on accepting for employment, as well as on rescinding the employment contract, shall be delivered to the employee within three days following adoption thereof.

Part 1 of Article 85 of the Labour Code of the Republic of Armenia was amended by Law of the Republic of Armenia HO-96-N of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia" as follows:

Written employment contract shall be concluded in two copies, through the preparation of one document signed by the parties, and in case of employment contracts concluded with workers under the age of fourteen, the employment contract shall be signed by one of the parents, or adopter, or guardian, one copy of which the employer shall hand to the employee, and, in case employment relations arise with the participation of a person under the age of fourteen, to one of the parents, or to the adopter, or to the guardian.

Employment contract may also be concluded with the electronic signatures of the parties. One copy of the employment contract concluded with electronic signatures shall be electronically transferred to the

employee and, in case employment relations arise with the participation of a person under the age of fourteen, to one of the parents, or to the adopter, or to the guardian.

Pursuant to part 2 of Article 85 of the Labour Code of the Republic of Armenia, before commencing work, the employer or the employer's authorised person shall be obliged to properly introduce the hired employee to the conditions of employment, the collective agreement (if it exists), the internal regulatory rules and other legal acts of the employer regulating the employee's work at the workplace.

Consequently, the right of the employee to be notified of the collective agreement (if such exists), the internal regulatory rules of the organisation, as well as other legal acts of the employer regulating the work of the employee in the workplace, is ensured within the scope of the regulations in part 2 of Article 85 of the Labour Code of the Republic of Armenia.

That is to say, by the existing regulations of the Labour Code of the Republic of Armenia, taking into account also the amendments made to the Labour Code of the Republic of Armenia by Law of the Republic of Armenia HO-96-N "On making supplements and amendments to the Labour Code of the Republic of Armenia" adopted on 22 June 2015, the right of employees to be informed about the important aspects of the employment contract or employment relations is guaranteed as required by Article 2§6 of the European Social Charter (Revised).

Article 4. Right to fair remuneration

Article 4.2.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

As a result of the amendments made to Article 184 of the Labour Code of the Republic of Armenia by Law of the Republic of Armenia HO-117-N "On making amendments and supplements to the Labour Code of the Republic of Armenia" adopted on 24 June 2010, for each hour of overtime work, in addition to the hourly rate, an additional payment shall be made, not less than 50 per cent of the hourly rate, and the provision "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" has been repealed. That is to say, the provision according to which the employer was able to not make an additional payment to the employee for overtime work has been removed.

The specified amendments were made for the purpose of bringing the relevant provisions of the Labour Code of the Republic of Armenia into compliance with Article 4.2 of the Charter (setting the level of payment for additional working time necessarily higher than normal remuneration).

The concepts of basic salary and additional salary have been established by the supplement made to part 3 of Article 178 of the Labour Code of the Republic of Armenia by Law of the Republic of Armenia HO-209-N "On making amendments and supplements to the Labour Code of the Republic of Armenia" adopted on 1 December 2014. Pursuant to the above-mentioned Article, basic salary is the amount of remuneration defined for performing works provided for by law, another regulatory legal act or by an employment contract. Bonus is the additional remuneration calculated against the basic salary in the cases and in the amounts prescribed by the Labour Code of the Republic of Armenia, by law, other regulatory legal acts, a collective agreement or employment contract or a legal act of the employer which shall be paid for performing heavy, harmful or especially heavy, especially harmful work and/or overtime work and/or nightly work and/or works performed on rest days and on holidays and commemoration days established by law as non-working days.

The existing provision of Article 184 of the Labour Code of the Republic of Armenia prescribes that, for each hour of overtime work, in addition to the hourly rate, a bonus shall be paid, not less than 50 per cent of the hourly rate.

It is clear that additional remuneration is prescribed for additional working time, that is to say, remuneration for overtime work prescribed by Article 184 of the Labour Code of the Republic of Armenia shall include both the basic salary of the employee and the bonus envisaged for overtime work.

The bonuses envisaged for overtime work and works performed on rest days and on holidays and commemoration days established by law as non-working days are different guarantees prescribed by the Labour Code of the Republic of Armenia.

Consequently, in practice, if the work performed on rest days and on holidays and commemoration days established by law as non-working days is overtime work for the employee, the employer pays the employee both the bonuses envisaged by legislation for overtime work and those for work performed on rest days and on holidays and commemoration days established by law as non-working days, as it was also mentioned in the clarification regarding the inconsistencies with Article 2.2 of the Charter.

In addition to the aforementioned, where, upon the agreement of the parties, the remuneration is replaced with rest time as provided for by part 1 of Article 185 of the Labour Code of the Republic of Armenia, the employee shall, as prescribed, be granted additional rest time as compensation for work

performed on rest days and non-working holidays and non-working commemoration days, and for that time the employee shall be remunerated in the amount of the average salary which, as a rule, is higher than the amount of the ordinary remuneration.

The employer may establish other additional guarantees in the cases and as prescribed by the collective agreement or employment contract (grounds: part 1 of Article 6, part 1 of Article 45, point 3 of part 2 and points 1 and 8 of part 3 of Article 49, part 1 of Article 57, part 3 of Article 84 and parts 1 and 3 of Article 178 of the Labour Code of the Republic of Armenia).

Article 4.3.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Legal equality of parties to employment relations, irrespective of their gender, is one of the fundamental principles of the labour legislation (ground: point 3 of part 1 of Article 3 of the Labour Code of the Republic of Armenia).

Another fundamental principle of the labour legislation is 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 law (ground: point 6 of part 1 of Article 3 of the Labour Code of the Republic of Armenia).

The minimum conditions, amount of remuneration for work, occupational and official, tariff and qualification requirements, labour standards, as well as tariffication of jobs and employees shall be defined by the legislation of the Republic of Armenia or by the collective agreement (part 1 of Article 180 of the Labour Code of the Republic of Armenia).

Collective agreements and employment contracts may not prescribe conditions which are less favourable for employees than the workplace conditions prescribed by the labour legislation and other regulatory legal acts containing norms of labour law. Where the conditions laid down by collective agreements or employment contracts contradict the Labour Code of the Republic of Armenia, laws and other regulatory legal acts, these conditions shall have no legal force (paragraph 1 of part 1 of Article 6 of the Labour Code of the Republic of Armenia).

As for organising the remuneration for work, the Labour Code of the Republic of Armenia necessarily stipulates that in case of applying a job qualification system, the same criteria shall apply to both men and women, and this system must be elaborated so that any discrimination based on gender is

excluded (ground: part 3 of Article 180 of the Labour Code of the Republic of Armenia).

Protection of employment rights of employees (including the rights of employees who suffer from discrimination manifested on the basis of gender with regard to salary) shall be realised by the representatives of employees (ground: part 2 of Article 38 of the Labour Code of the Republic of Armenia).

The employer shall be obliged to respect the rights of the representatives of employees and not impede their activities (activities of the representative of employees may not be terminated by the employer's will) (ground: point 1 of part 1 of Article 26 of the Labour Code of the Republic of Armenia).

At the same time, employers and their representatives, upon exercising their rights and fulfilling their obligations, shall be obliged to adhere to the law, act in good faith and in a reasonable manner (ground: part 1 of Article 37 of the Labour Code of the Republic of Armenia).

By Article 41 of the Code of the Republic of Armenia "On administrative offences", discrimination manifested on the basis of gender with regard to salary, as a violation of the requirements of the labour legislation, entails a warning for the person having committed the violation. Violating the requirements of the labour legislation within one year following the application of measures of administrative penalty entails imposition of a fine on the employer in the amount of fifty times the fixed minimum salary.

Besides representatives of employees, protection of employment rights of employees (including the rights of employees who suffer from discrimination manifested on the basis of gender with regard to salary) shall also be realised by the court (ground: part 1 of Article 38 of the Labour Code of the Republic of Armenia).

Where a disagreement arises between a current employee or an employee who has formerly been in employment relations with the employer in question and the employer as a result of discrimination manifested on the basis of gender with regard to salary, it shall be subject to examination through judicial procedure as a labour dispute in the manner prescribed by the Civil Procedure Code of the Republic of Armenia (grounds: Article 263, part 1 of Article 264 of the Labour Code of the Republic of Armenia).

Part 3 of Article 264 of the Labour Code of the Republic of Armenia, supplemented by Law of the Republic of Armenia HO-77-N of 19 June 2015 "On making a supplement to the Labour Code of the Republic of Armenia", has established a provision according to which labour disputes, in compliance with the requirements of the Civil Procedure Code of the Republic of Armenia and the Law of the Republic of Armenia "On commercial arbitration", may be submitted for settlement to an arbitration

tribunal where the employee and employer have concluded an agreement or where the collective agreement provides for a possibility to submit the dispute to an arbitration tribunal.

Unless otherwise provided for by the agreement of the parties, the arbitration tribunal may, upon the motion filed by any of the parties, render a decision on applying such measures for securing the claim that it may find necessary in the light of the subject matter of the dispute. The arbitration tribunal may, by applying a measure for securing the claim or issuing a preliminary order, demand from any party to provide security or counter security complying with the measures being taken, including with the preliminary orders issues, where that security is aimed at preventing or compensating the other party for the damage that may be caused or preserving evidence (ground: part 1 of Article 17 of the Law of the Republic of Armenia "On commercial arbitration").

In case of disagreement with the change of employment conditions, termination of employment contract upon the employer's initiative or rescission of the employment contract (including where the termination of the contract is a consequence of the employee's speaking out about equal remuneration), the employee shall have the right to apply to court within two months following the day of receipt of the individual legal act (document). In case the violated rights of the employee are restored through judicial procedure, the employer shall be charged the average salary for the whole period of forced idleness or the difference of the salary for the period during which the employee performed work with lesser remuneration. The average salary shall be calculated by multiplying the relevant number of the days by the average daily salary of the employee (ground: part 1 of Article 265 of the Labour Code of the Republic of Armenia).

In case the court does not reinstate an employee to his or her former employment for economic, technological or organisational reasons or in the case of impossibility of reinstatement of future employment relations between the employer and the employee, the employer shall, pursuant to part 2 of Article 265 of the Labour Code of the Republic of Armenia, be obliged to pay compensation for the entire period of forced idleness in the amount of the average salary, until the entry into force of the court judgement, and pay compensation for not reinstating the employee to his or her employment, in the amount of not less than the average salary, but not more than twelve times the average salary (ground: part 2 of Article 265 of the Labour Code of the Republic of Armenia).

Part 3 of Article 264 of the Labour Code of the Republic of Armenia, supplemented by Law of the Republic of Armenia HO-77-N of 19 June 2015 "On making a supplement to the Labour Code of the Republic of Armenia", also established that the labour disputes provided by Article 265 of the Labour

Code of the Republic of Armenia may be submitted for settlement to an arbitration tribunal within the time limit defined by the same article. An arbitration agreement does not restrict the right of an employee to submit to the court the dispute arising from the employment contract, except when the arbitration agreement has been concluded after the dispute has arisen and the parties have unconditionally agreed to submit the dispute to an arbitration tribunal for settlement.

As for the burden of proof, parts 1 and 2 of Article 48 of the Civil Procedure Code of the Republic of Armenia prescribe that each participant of the case must prove the facts he or she refers to, and, based on the claims and objections of the participants of the case, the court shall decide which facts are essential for the settlement of the case that must be proven.

The comparisons of remuneration among organisations, referred to by the Committee, may be conducted at the level of collective employment relations when, for example, within the scope of the mentioned relations, conditions of remuneration for work and mechanisms of regulation of remuneration for work, provided for by point 1 of part 3 of Article 49 of the Labour Code of the Republic of Armenia, must be defined by collective agreements concluded at branch or territorial levels of social partnership.

Moreover, the comparisons between organisations at the level of branches may include organisations carrying out activities within one or more relevant branches of the economy (industry, service, profession), and at the territorial level — organisations carrying out activities within a certain territory.

Attaching importance to the need to reinforce the principle of equality of rights and opportunities of women and men in the state policy and to properly assess and reflect the situation of women and men in the economic, social and political sectors of the country, the National Statistical Service of the Republic of Armenia is maintaining statistics disaggregated by sex.

As for reducing the difference in remuneration as much as possible, over the past 10 years, the difference between the average monthly nominal salaries (earnings) of women and men has been reduced by 10.8 percentage points. In 2015, the average earning of women in the Republic of Armenia comprised 66.5 per cent of the earnings of men, or the gender pay gap in remuneration, which is the difference between the average monthly nominal salaries of men and women in relation to the average monthly nominal salary of men expressed in percentage form, comprised 33.5 per cent (source: Women and Men of Armenia-2016, National Statistical Service of the Republic of Armenia).

Statistics relating to the difference in remuneration between women and men

Average Monthly Nominal Wages (2015-2016) and

Gender Pay Gap (2010 and 2015) by Types (Sectors) of Economic Activity

	W	*M*	*W/ M, %* *W/ M, %*	*W*	*M*	*W/ M, %* *W/ M, %*	*GPG %*	
	2014			2015			2010	2015
Agriculture, forestry and fishing	92077	102286	90.0	108844	114738	94.9	16	5
Mining and quarrying	190667	355804	53.6	239946	383105	62.6	39	36
Manufacturing	107445	163920	65.5	119319	176560	67.6	39	36
Electricity, gas, steam and air conditioning supply	200580	230449	87.0	201589	230859	87.3	39	36
Water supply; sewerage, waste management and remediation activities	138521	158658	87.3	142792	172550	82.8	39	36
Construction	140401	183620	76.5	157994	208399	75.8	27	24
Wholesale and retail trade; repair of motor vehicles and motorcycles	101413	129156	78.5	111788	141794	78.8	24	23
Transportation and storage	109778	147190	74.6	113238	152180	74.4	24	23
Accommodation and food service activities	86751	99356	87.3	96279	108371	88.8	24	23
Information and communication	239855	331711	72.3	270029	368788	73.2	25	27
Financial and insurance activities	304819	511465	59.6	294737	514651	57.3	45	43
Real estate activities	103159	126824	81.3	118448	136849	86.6	26	13
Professional, scientific and technical activities	132376	177070	74.8	142069	189592	74.9	34	23
Administrative and support service activities	109826	141788	77.5	113938	143830	79.2	34	23
Public administration and defence; compulsory social security	165704	207265	79.9	188448	228440	82.5	32	18
Education	101277	126597	80.0	109290	135535	80.6	19	19
Human health and social work activities	114607	183774	62.4	124729	186228	67.0	25	33
Arts, entertainment and recreation	92309	114233	80.8	109147	125614	86.9	21	16
Other service activities	81268	97818	83.1	90334	115560	78.2	21	16

Source: Women and Men of Armenia-2015, National Statistical Service of the Republic of Armenia

Article 4.4.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Reasonable notification in cases of rescission of employment contract on grounds provided in points 5, 6, 8-10 of part 1 of Article 113 of the Labour Code. Article 123 of the Labour Code of the Republic of Armenia prescribes that in the cases provided for by points 5 (where the employee regularly fails to fulfil the obligations reserved for him or her by the employment contract or the internal regulatory rules, with no good reason), 6 (the employer has lost confidence in the employee), 8 (where the employee is found to be under the influence of alcoholic beverages, narcotics or psychotropic substances at the workplace), 9 (where the employee fails to come to work throughout the entire working day (shift) with no good reason) and 10 (the employee rejects or evades mandatory medical examination) of Article 113, the employer shall have the right to rescind the employment contract without notifying the employee.

Pursuant to Article 216 of the Labour Code of the Republic of Armenia, the employee shall be obliged to perform in good faith the obligations assumed by the employment contract; follow the internal disciplinary rules; observe workplace discipline of the organisation; meet the specified labour standards; follow the requirements for labour safety and security; treat the properties of the employer and other employees in good faith, as well as notify the employer immediately about a danger causing a threat to the life and health of persons and the protection of the employer's property.

At the same time, Article 218 of the Labour Code of the Republic of Armenia stipulates that the workplace discipline shall be the rules of conduct established by the labour legislation, other regulatory legal acts containing norms of the labour law, by collective agreements and employment contracts, by internal legal acts of the employer, which all employees shall be obliged to follow. The internal disciplinary rules (internal legal act of the employer) of the organisation shall regulate the procedure of accepting for employment and dismissal of employees, the fundamental rights, obligations and liability of the parties to the employment contract, the working regime, the time for rest, the measures for encouragement and disciplinary liability being applied to employees, as well as other issues relating to employment relations.

Lack of performance of employment duties or improper performance of such duties due to the fault of the employee shall be deemed as violation of workplace discipline (ground: Article 220 of the Labour Code of the Republic of Armenia). Certain disciplinary sanctions — warning, strict warning and rescission of employment contract on grounds established in points 5, 6, 8-10 of part 1 of Article 113 of

the Labour Code of the Republic of Armenia in particular — may, as prescribed by Chapter 21 of the Labour Code of the Republic of Armenia, be applied against an employee for violating the workplace discipline. Moreover, Article 224 of the Labour Code of the Republic of Armenia stipulates that the gravity of violation and consequences thereof, the guilt of the employee, the circumstances behind the violation and the work that the employee has previously performed shall be taken into consideration in case of application of a disciplinary penalty. Consequently, the circumstances defined by Article 224 of the Code shall be accepted as a basis in case of rescission of an employment contract on grounds established in points 5, 6, 8-10 of part 1 of Article 113 of the Labour Code of the Republic of Armenia.

In relation to the regulations in paragraph 4 of Article 4 of the Charter, the *Digest of the Case Law of the European Committee of Social Rights* states that when a decision to terminate employment on grounds other than disciplinary is subject to certain procedures being followed, the period of notice starts only after the decision has been taken.

That is to say, it is safe to conclude from the above-mentioned observation of the Committee that the cases of early termination of employment relations on disciplinary grounds shall be set aside from the cases of early termination of employment relations due to other reasons.

This is also evidenced by the above-mentioned observation of the Committee according to which the only ground for immediate dismissal that complies with Article 4.4 of the Charter is repetitive failures to fulfil one's duties or disciplinary violations.

In this regard, the cases of rescission of employment contract on grounds established in points 5, 6, 8-10 of part 1 of Article 113 of the Labour Code of the Republic of Armenia constitute early termination of employment relations on grounds of disciplinary nature. Consequently, the Code has not prescribed time limits for notification in cases of rescission of employment contract on grounds established in points 5, 6, 8-10 of part 1 of Article 113 of the Labour Code of the Republic of Armenia.

Reasonable notification in case of rescission of employment contract on the ground of recruitment to compulsory provisional military service. On the ground of point 5 of part 1 of Article 109 of the Labour Code of the Republic of Armenia (Article 124 of the Code), the employment contract shall be rescinded where the employee is conscripted to compulsory provisional military service. At the same time, conscription (including military service) is the constitutional duty of citizens to take part in the defence of the Republic of Armenia (ground: parts 1 and 3 of Article 3 of the Law of the Republic of Armenia "On conscription").

The officials of state and local self-government bodies, employer organisations and educational institutions, irrespective of their organisational and legal form, are obliged to dismiss the conscripts for the required time mentioned in the notice of military service or of the military commissariat (ground: point "c" of part 1 of Article 4 of the Law of the Republic of Armenia "On conscription").

It should be mentioned that in case of being conscripted to compulsory provisional military service, the relevant written notice shall serve as a ground for rescission of the employment contract (ground: part 1 of Article 124 of the Labour Code of the Republic of Armenia). That is to say, in this case, the citizens are notified about the need to fulfil their constitutional duty by the relevant state body which has possession of the information on the military recruitment schedule of the employee in question.

By Law of the Republic of Armenia HO-209-N of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia", part 2 of Article 115 of the Labour Code of the Republic of Armenia has been supplemented with provisions establishing payment of a fine, as prescribed, in case of failure to observe the time limits of notification on expiry of employment contracts concluded for a fixed time limit (part 2 of Article 111 of the Code) and on rescission of an employment contract on grounds of unsatisfactory results of the probation period (part 1 of Article 93 of the Code).

That is to say, in case of failure to observe the time limits provided for rescission of an employment contract concluded for a fixed time limit (including employment contracts concluded for a fixed time limit on the basis of part 3 of Article 95 of the Code with employees hired to elective offices, those performing combined jobs, those performing seasonal works, those performing temporary works, an employee substituting a temporarily absent employee, foreigners, persons entitled to age pension and having attained the age of sixty-three and persons not entitled to age pension and having attained the age of sixty-five), as well as for rescission of an employment contract on the ground of part 1 of Article 93 of the Labour Code, the employer shall be obliged to pay a fine to the employee for every overdue day of notification which is calculated based on the employee's average daily salary rate (ground: part 2 of Article 115 of the Code).

In the Digest, the Committee notes with regard to the regulations laid down in Article 4.4 of the Charter state that the European Committee of Social Rights has not defined *in abstractio* the concept of "reasonable" notice nor ruled on the notice period or on compensation and that the European Committee of Social Rights assesses the situations on a case by case basis. One of the major criterions for the assessment of reasonableness is length of service. The Committee has concluded, for example, that the following notice periods do not comply with the Charter:

- one week's notice in the first year of service;

- less than one month's notice after one year of service;
- thirty days' notice after at least five years' service;
- six weeks' notice after ten to fifteen years' service;
- eight weeks' notice after more than fifteen years' service.

In this regard, part 1 of Article 115 of the Labour Code sets apart the following time limits for notification depending on the length of service:

- notification provided no later than 14 days in advance for employees who have been working for up to one year;
- notification provided 35 days in advance for employees who have been working for one to five years;
- notification provided 42 days in advance for employees who have been working for five to ten years;
- notification provided 49 days in advance for employees who have been working for ten to fifteen years;
- notification provided 60 days in advance for employees who have been working for more than fifteen years.

The notice periods deemed unacceptable by the Committee in the mentioned Digest have been decisive for the amendments made to Article 115 of the Labour Code by Law of the Republic of Armenia HO-117-N of 24 June 2010 "On making amendments and supplements to the Labour Code of the Republic of Armenia", and as a result, time limits that are significantly longer than the notice periods deemed unacceptable by the Committee in the Digest have been established by the Labour Code of the Republic of Armenia.

Moreover, in case of rescission of an employment contract on grounds provided for by points 1 and 2 of part 1 of Article 113 of the Labour Code of the Republic of Armenia, the time limit for providing the employee with a written notification of at least two months in advance is, when compared to the time limits for notification provided for by part 1 of Article 115 of the Labour Code of the Republic of Armenia, equivalent to the time limit for notification provided 60 days in advance for employees who have been working for more than 15 years.

In addition to the aforementioned, the Code also provides time limits for notification according to the

length of service in the case of dismissal from work on the grounds of unsuitability of the employee, long-term incapacity for work or attaining the retirement age. In this case, the notice periods deemed unacceptable by the Committee in the Digest have also played a decisive role.

Following the amendments made by Law of the Republic of Armenia HO-117-N of 24 June 2010 "On making amendments and supplements to the Labour Code of the Republic of Armenia" and by Law of the Republic of Armenia HO-96-N of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia", paragraph 1 of part 1 of Article 115 and paragraph 1 of part 1 of Article 129 of the Labour Code of the Republic of Armenia stipulate that, in the case of rescission of an employment contract on grounds provided for by points 3, 7 and 11 of part 1 of Article 113 of the Code the employer shall, taking into account the employee's continuous length of service for the employer in question, be obliged to provide a written notification:

- no later than 14 days in advance for employees who have been working for up to one year, paying a dismissal benefit in the amount of ten times the average daily salary;
- 35 days in advance for employees who have been working for one to five years, paying a dismissal benefit in the amount of twenty times the average daily salary;
- 42 days in advance for employees who have been working for five to ten years, paying a dismissal benefit in the amount of thirty times the average daily salary;
- 49 days in advance for employees who have been working for ten to fifteen years, paying a dismissal benefit in the amount of thirty-five times the average daily salary;
- 60 days in advance for employees who have been working for more than fifteen years, paying a dismissal benefit in the amount of forty-four times the average daily salary.

Article 33 of the Law of the Republic of Armenia "On civil service" prescribes the grounds for dismissing a civil servant from his or her position, among which dismissals on the grounds of reduction of staff positions (sub-point "f" of point 1), liquidation of the relevant body (sub-point "s" of point 1) and failure to appoint to a position in the case provided for by point 2 of Article 29 of the Law (sub-point "u" of point 1) do not require mandatory notification of the civil servants (point 5 of Article 33 of the Law). Point 2 of Article 29 of the Law of the Republic of Armenia "On civil service" prescribes the rules for filling the new positions that have been formed in the list of positions of the civil service following the reorganisation of and structural changes in (renaming of) the relevant body as and within the time limit prescribed by law.

Persons dismissed from a civil service position on the grounds provided for by sub-points "f" (reduction of staff positions) and "s" (liquidation of the relevant body) of point 1 of Article 33 of the Law of the Republic of Armenia "On civil service", the heads of staff dismissed from their positions on the ground referred to in sub-point "m" (expiry of the period defined by law for holding the position of a head of staff) and persons not appointed to a civil service position on the ground provided for by sub-point "u" (failure to appoint to positions in cases provided for by point 2 of Article 29 of the Law) are included in the short-term reserve list of the civil service personnel (ground: point 2 of Article 21 of the Law of the Republic of Armenia "On civil service").

The maximum continuous period of being held in the short-term reserve list of the civil service personnel is six months (ground: part 4 of Article 21 of the Law of the Republic of Armenia "On civil service") for which remuneration is envisaged. In particular, part 2 of Article 25 of the Law of the Republic of Armenia "On remuneration for persons holding state positions" prescribes that in the period of being held in the reserve list of the civil service personnel, salary shall be prescribed for civil servants in the amount of the official pay rate for the position last held by them, but no more than the maximum pay rate prescribed for the 1st subgroup of the highest group.

Due to the above-mentioned, notifying the civil servant in the case of dismissal from work upon the initiative of the employer is not mandatory.

Article 4.5.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

The amendment made to Article 214 of the Labour Code by Law of the Republic of Armenia HO-96-N of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia" prohibits paying salary less than the nominal amount of the minimum salary to the employee after deductions and charges.

In particular, Article 214 of the Labour Code of the Republic of Armenia prescribes that the salary paid to the employee after the deductions and charges prescribed by Article 213 of this Code may not be less than the amount of the minimum salary prescribed by law, except for the cases provided for by points 1 (advance salary payments made to the employee), 2 (excess payments made as a result of mechanical errors of calculation) and 3 (the part of the advance payment provided to an employee for a business trip or a shift to another workplace or for performance of specific tasks, which was not spent and was not returned appropriately) of part 2 of Article 213 of the Code.

The following are the income tax rates prescribed by Article 10 of the Law of the Republic of Armenia "On income tax" entered into force on 1 January 2013:

Amount of monthly taxable income	Tax amount
Up to AMD 120000	24.4 per cent of the taxable amount
AMD 120000-2000000	AMD 29280 plus 26 per cent of the amount exceeding AMD 120000
Over AMD 2000000	AMD 518080 plus 36 per cent of the amount exceeding AMD 2000000

Pursuant to point 1 of part 1 of Article 6 of the Law of the Republic of Armenia "On funded pensions", a salary is an object for deduction of social contributions.

Pursuant to point 1 of part 2 of Article 6, hired workers born on 1 January 1974 and after shall make the social contributions in the following amounts until reaching the retirement age:

a. in the amount of 5 per cent of the salary, where the monthly amount of the salary does not exceed AMD 500 000;

b. in the amount of the difference between 10 per cent of the salary and AMD 25 000, where the monthly amount of the salary exceeds AMD 500 000.

Membership fee of a trade union. The participant (member) of a trade union is a person who has become a participant of (joined) a trade union on a voluntary basis, pursuant to the charter of the trade union (ground: Article 2 of the Law of the Republic of Armenia "On trade unions").

The amounts of entrance fees and membership fees of a trade union, the procedure for payments and other sources of acquisition of property shall be established by the charter (point "i" of Article 2 of the Law of the Republic of Armenia "On trade unions").

That is to say, the member of a trade union, joining the trade union on a voluntary basis, shall, as prescribed by the charter, pay the entrance fees, membership fees of the trade union and make other payments prescribed by the charter.

Due to the above-mentioned, the membership fee of a trade union is an amount payable from the salary on a voluntary basis and is not a payment prescribed by Article 4 of the Law of the Republic of Armenia

"On minimum monthly salary".

Amount of compensation for damage caused to the employer due to the employee's fault. The employee shall be obliged to compensate the employer for the damage caused fully, but not more than the amount of his or her average salary for three months, except for the cases provided for by Article 239 of the Labour Code of the Republic of Armenia (ground: Article 238 of the Code).

The cases of material liability of an employee are prescribed by Article 237 of the Labour Code of the Republic of Armenia. In particular, it is prescribed that the employee shall be obliged to compensate for the material damage caused to the employer, which has emerged as a result of destruction or loss of property of the employer; as a result of allowing surcharge of materials; in cases of compensations covered by the employer for damage caused to other persons during the performance of employment duties by the employee; due to expenses made as a result of destruction of property belonging to the employer; as a result of improper maintenance of material assets; as a result of intentionally not taking measures to prevent the issuing of low-quality products; as a result of illegally taking possession of material or monetary assets.

Article 239 of the Labour Code of the Republic of Armenia provides for the following cases where the employee shall be responsible for full compensation of damages:

(1) the damage has been caused intentionally;

(2) the damage has been caused as a result of a criminal activity of the employee;

(3) an agreement on full material liability was signed with the employee;

(4) the damage has been caused as a result of the loss of tools, devices, special clothes and individual or collective safety measures, as well as the loss of materials, semi-finished products or the final product, furnished to him or her for work;

(5) the damage has been caused in a way or to a property, in the case of which full property liability is defined by law;

(6) the damage has been caused under the influence of alcoholic drinks, narcotics or psychotropic substances.

However, as mentioned above, the amendment made to Article 214 of the Labour Code by Law of the Republic of Armenia HO-96-N of 22 June 2015 "On making supplements and amendments to the

Labour Code of the Republic of Armenia" prohibits paying salary less than the nominal amount of the minimum salary to the employee after deductions and charges. The specified restriction also applies to the maximum amount of compensation for damage caused to an employer due to the employee's fault as provided for by point 4 of part 2 of Article 213 of the Code.

Consequently, the restrictions — prescribed by Article 214 of the Code — on the amounts of deductions from the salary, shall be applied to determine the total amount of deductions and charges when calculating and paying the salary in the manner prescribed by part 1 of Article 192 of the Labour Code.

Due to the above-mentioned, compensation for damage caused to the employer due to the employee's fault shall be realised in such a manner which upholds the restrictions prescribed by Article 214 of the Labour Code (for example, the amount to be compensated may be divided into instalments).

Failure by an employer to calculate or pay salary in the manner or within the time limits prescribed by the legislation of the Republic of Armenia, or setting a salary less than the amount provided for by Articles 1 and/or 2 of the Law of the Republic of Armenia "On the minimum salary", or miscalculation of the salary in the amount exceeding that amount, shall entail imposition of a fine on the person having committed a violation, in the amount of one fourth of the salary not calculated or not paid in respect of each employer. The same violation that has been committed repeatedly within one year following application of administrative sanctions, shall entail imposition of a fine on the person having committed a violation, in the amount of one third of each salary not calculated or not paid (based on Article 169.8 of the Code of the Republic of Armenia "On administrative offences").

In case of failure by an employer to calculate or pay salary in the manner or within the time limits prescribed by the legislation of the Republic of Armenia, protection of employment rights of employees shall be exercised by the court in compliance with the jurisdiction over the cases prescribed by the Civil Procedure Code of the Republic of Armenia, and by the representatives of employees (based on parts 1 and 2 of Article 38 of the Labour Code of the Republic of Armenia).

Article 190 of the Labour Code of the Republic of Armenia prescribes the procedure for remuneration for work in case of defective product, and Article 191 of the Labour Code of the Republic of Armenia prescribes the procedure for remuneration for work in case of failure to comply with labour standards.

Pursuant to Article 216 of the Labour Code of the Republic of Armenia, the employee shall be obliged to perform in good faith the obligations assumed by the employment contract; follow the internal disciplinary rules, observe workplace discipline of the organisation; meet the specified labour standards; follow the requirements for labour safety and security; treat the properties of the employer and other

employees in good faith, as well as notify the employer immediately about a danger causing a threat to the life and health of persons and the protection of the employer's property.

Thus, part 3 of Article 190 of the Labour Code of the Republic of Armenia prescribes that the work shall not be remunerated in case of a defective product due to the fault of the employee, and part 2 of Article 191 prescribes that where labour standards are not complied with due to the fault of the employee, remuneration for work shall be proportionate to the actual work performed.

However, in the case where labour standards are not complied with due to the fault of the employee, remuneration for work shall be paid for the actual work performed. In this case the monthly salary may not be less than two-thirds of his or her monthly average salary, which may not be less than the established minimum monthly salary (part 1 of Article 191 of the Labour Code of the Republic of Armenia).

The work of an employee in case of defective product not due to the fault of the employee shall be remunerated in the amount of remuneration prescribed for a non-defective product. The work of an employee for defective product due to the fault of the employer or for hidden flaw of the material being reprocessed, as well as for the defective product noticed after acceptance of the product shall be remunerated in the amount of remuneration prescribed for a non-defective product (parts 1 and 2 of Article 190 of the Labour Code of the Republic of Armenia).

Pursuant to 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 as prescribed by law, which cannot exceed fifty per cent of the monthly salary of the employee. The salary paid to the employee after the deductions and charges prescribed by Article 213 of the Labour Code of the Republic of Armenia may not be less than the amount of the minimum salary prescribed by law, except for the cases provided for by points 1, 2 and 3 of part 2 of Article 213 of the mentioned Code, which shall be the following:

(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 performance of specific tasks, which was not spent and not returned appropriately;

Article 5. Right to organise

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

A trade union organisation shall be established by the decision adopted by the founding meeting (assembly, congress) called at the initiative of its founders (at least three employees) (Article 4 of the Law of the Republic of Armenia "On trade unions").

Two and more trade union organisations and/or associations of trade union organisations may, by the decision adopted by the meeting (assembly, congress) of their representatives, form a single association of trade union organisations, by approving its statute and selecting a head and supervisory authorities (Article 5 of the Law of the Republic of Armenia "On trade unions").

The Law of the Republic of Armenia "On employers' associations" prescribes that employers shall have the right to, on a voluntary basis, establish employers' associations for the protection of the rights of their members in the relationships with state and local self-government bodies, trade unions, employees and teams of employees, as well as for representation of their lawful interests in the process of development and consideration of the labour legislation and other regulatory legal acts containing norms of labour law, as well as in employment and social and economic relations directly related thereto (part 1 of Article 2).

Pursuant to parts 1 and 2 of Article 11 of the Law of the Republic of Armenia "On employers' associations", an association of employers may be established through formation or reorganisation (division, separation, amalgamation, merger) of the existing association (associations) of employers. For the purpose of formation of an employers' association through establishment, more than one employer and/or representative of 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 the bodies envisaged by the statute of the association, and submission of the association for state registration.

Pursuant to point (e) of Article 9.1 of the Law of the Republic of Armenia "On trade unions" and point 5 of part 2 of Article 12 of the Law of the Republic of Armenia "On employers' associations", the mentioned organisations shall, for the purpose of state registration, submit a state duty payment receipt to the state registration body. The amount of payment for state registration, according to point 1.3 of Article 16 of the Law of the Republic of Armenia "On state duty", shall be in the amount of ten-fold of the base duty, i.e. AMD 10,000.

The Committee have requested to provide information on the issue of freedom to affiliate or not affiliate to trade unions. In this respect, we inform that:

Part 1 of Article 45 of the Constitution of the Republic of Armenia with the amendments of 6 December 2015 prescribes that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of labour interests. No one may be compelled to join any private association.

Article 21 of the Labour Code of the Republic of Armenia prescribes that 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 as prescribed by law.

The Law of the Republic of Armenia "On trade unions" prescribes that a participant (member) of a trade union is the person who became a participant (member) of the trade union on a voluntary basis in accordance with the statute of the trade union.

Pursuant to Article 3 of the Law of the Republic of Armenia "On trade unions", one of the core principles of the activities of a trade union is the voluntary participation (membership) in trade unions.

Therefore, each person shall affiliate to a trade union upon his or her decision and of his or her own free will, and no requirement for mandatory membership to a trade union may be imposed on anyone when being accepted for employment.

Pursuant to points 1 and 2 of part 4 of Article 114 of the Labour Code of the Republic of Armenia, the following shall not be deemed as a lawful reason for the rescission of the employment contract:

(1) membership to a trade union or participation in the activities of a trade union during non-working hours, and upon the consent of the employer — also during working hours;

(2) being the employees' representative at any time;

Pursuant to Article 38 of the Labour Code of the Republic of Armenia, protection of employment 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 (part 1). Protection of employment rights shall be carried out by the representatives of employees (part 2).

Pursuant to part 3 of the mentioned Article of the Labour Code of the Republic of Armenia, protection of employment rights shall be carried out:

(1) by recognising the right;

(2) by reinstatement of the situation having existed before the violation of the right;

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

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

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

(6) through self-protection of the right;

(7) by enforcing to fulfil the obligation in-kind;

(8) by receiving compensation for the damage;

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

(10) by termination or alteration of legal relationship;

(11) by other methods provided for by law.

Pursuant to part 1 of Article 264 of the Labour Code of the Republic of Armenia, labour disputes shall be subject to examination through judicial procedure as prescribed by the Civil Procedure Code of the Republic of Armenia.

Therefore, employers may apply either to the representatives of employees or to the court for the protection of violated employment rights.

Pursuant to Article 265 of the Labour Code of the Republic of Armenia:

1. In case of disagreement with the change of employment conditions, termination of employment contract upon the employer's initiative or rescission of the employment contract, the employee shall have the right to apply to court within one month following the receipt of the individual legal act (document). Where it is revealed that employment conditions have been changed, employment contract with the employee rescinded upon absence of lawful grounds or in violation of the procedure defined by the legislation, the violated rights of the employee shall be restored. In that case the employer shall be charged a minimum salary for the whole period of forced idleness or the difference of the salary for the period during which the employee performed work with minimum remuneration. Average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.

2. For economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee the court need not reinstate the employee to his or her former employment, imposing on the employer an obligation to pay compensation for the entire period of forced idleness in the amount of the average salary, prior to entry into force of the court judgement, and pay compensation in the amount of not less than the average salary, but not more than twelve-fold of the average salary for non reinstating the employee to his or her employment. The employment contract shall be deemed as rescinded starting from the day of entry into legal force of the court judgement.

No examples of mandatory membership to trade unions or of a requirement to become a member in the future for being accepted for employment have been recorded in practice. The employees shall decide to affiliate or not affiliate to a trade union voluntarily.

Pursuant to Article 13 of the Law of the Republic of Armenia "On trade unions", a trade union is independent from state bodies, local self-government bodies, employers, other organisations and political parties, and shall not be accountable to and shall not be subject to supervision by any of these, except for cases provided for by law.

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

Pursuant to part 1 of Article 74 of the Labour Code of the Republic of Armenia, a trade union shall be entitled to call a strike as prescribed by the Code and its statute.

Article 75 of the Labour Code of the Republic of Armenia prescribes that it is prohibited to call a strike in the police, armed forces (in other equivalent services), security services, as well as in the centralised electricity supply, heat supply, gas supply organisations and emergency medical aid services. Claims made by employees of such organisations and services shall be discussed on the national level of social partnership, with the participation of the relevant trade union organisation and the employer.

In natural disaster areas as well as regions where martial law or emergency situation (a state of emergency) has been declared in the prescribed manner, the strikes shall be prohibited until the effects of natural disaster are remedied or martial law or emergency situation (state of emergency) is lifted in the prescribed manner.

Pursuant to part 2 of Article 77 of the Labour Code of the Republic of Armenia, during a strike in organisations specified in part 4 of Article 74 of the Labour Code (in organisations engaged in activities

covering railway transport and urban public transport, civil aviation, communication, healthcare, food production, water supply, sewerage and waste disposal, organisations with a continuous production cycle, as well as in organisations the termination of work wherein may result in grave or hazardous consequences for life and health of the society or individual persons) minimum conditions (services) necessary for meeting the immediate (vital) needs of the society must be ensured. Minimum conditions shall be set by the relevant state or local self-government bodies. Compliance with such conditions shall be ensured by the body leading the strike, the employer and the employees appointed thereby.

In case of non-compliance with the conditions specified in part 2 of the above-mentioned Article the state and local self-government bodies or the employer may involve other services to ensure them.

Pursuant to part 2 of Article 26 of the Labour Code of the Republic of Armenia, when the representative of 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 employees.

Pursuant to Article 78 of the Labour Code of the Republic of Armenia:

1. When a strike is called, the employer or the party to which the claims have been submitted may apply to court with a motion to declare the strike unlawful. The court shall examine the case and render a judgement within seven days after the day of accepting the claim.
2. The court shall declare the strike unlawful where the objectives of the strike contradict the Constitution of the Republic of Armenia, other laws, or where the strike has been called by breach of the requirements and the procedure laid down by the Code.
3. After the court judgement on declaring the strike unlawful enters into force, the strike may not begin, and the strike already in progress shall be terminated immediately.
4. Where an immediate threat emerges as a result of not ensuring minimum conditions (services) for meeting the immediate (vital) needs of the society, which may lead to grave or hazardous consequences for the social or human life and health, the court may postpone the proposed strike for a period of thirty days and to suspend the strike already in progress for the same time limit.

Pursuant to Article 17 of the Law of the Republic of Armenia "On trade unions", for the purpose of examining working conditions, the representatives of the management body of the trade union shall, as prescribed by the legislation of the Republic of Armenia, have the right to visit those workplaces, where participants (members) of the given trade union work.

Where, in regard to working conditions, a situation arises in the workplace which represents a threat to an employee's life and health, the trade union shall have the right to demand with a motion from the employer to take measures to eliminate the danger arisen or terminate the work in that workplace until the danger is eliminated.

As regards the organisation of meetings, pursuant to the first paragraph of Article 24 of the Law of the Republic of Armenia "On trade unions", the employer shall, as prescribed by the collective contract (agreement), provide necessary conditions for the organisation and performance of the activities envisaged by the statute of the trade union. Also for holding meetings, which is stipulated by Article 20 of the same Law: "A trade union shall have the right to organise and hold peaceful, unarmed meetings, assemblies, rallies, demonstrations, strikes and other mass events, conduct related negotiations with state bodies, local self-government bodies, employers, other organisations and the officials thereof as prescribed by law.".

Pursuant to Article 23 of the Labour Code of the Republic of Armenia:

1. The representatives of employees — trade unions, representatives (a body) elected by the staff meeting (assembly) shall have the right to represent the rights and interests of employees and to protect those rights and interests in employment relations.

Where there is/are no trade union(s) in the organisation or none of the existing trade unions unites more than half of the number of employees of the organisation, representatives (a body) may be elected by the staff meeting (assembly).

The existence of representatives (a body) elected by the staff meeting (assembly) in the organisation shall not impede the performance of functions of trade unions.

Where there are no representatives of employees in the organisation, the functions of the representation of employees and protection of interests may be delegated to the relevant branch or territorial trade union by the staff meeting (assembly). In that case, the staff meeting (assembly) shall elect a representative(s) to participate in the collective bargaining conducted with the given employer in the delegation of the branch or territorial trade union.

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

Pursuant to Article 25 of the Labour Code of the Republic of Armenia:

1. Representatives of employees shall have the right to:

   (1) draft their statutes and regulations, freely elect their representatives, arrange their administrative staff and their activities and draw up their programmes;

   (2) acquire information from the employer as prescribed by the Code;

   (3) submit proposals to the employer on work organisation;

   (4) conduct collective bargaining within the organisation, conclude collective agreements, exercise the supervision over their execution;

   (5) exercise non-state supervision within an organisation over implementation of labour legislation and other regulatory legal acts containing rules of labour law;

   (6) appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof contradicting the legislation of the Republic of Armenia, as well as collective agreements and employment contracts or violating rights of the representatives of employees within the organisation;

   (7) participate in the development of production plans and their implementation within the organisation;

   (8) submit proposals to the employer on improvement of working and leisure conditions of employees, introduction of new technical equipment, reduction of the amount of manual labour, revision of the production norms, as well as the amount of and procedure for the remuneration for work.

2. Trade unions, except for as prescribed by part 1 of this Article, shall have the right to:

   (1) ensure the coordination of employees' and employers' interests in collective employment relations at different levels of social partnership;

   (2) submit proposals to state and local self-government bodies;

   (3) organise and lead strikes.

3. Representatives of the employees may, by collective agreement, be vested with additional powers not contradicting the legislation.

With regard to the question submitted by the Committee on the minimum requirements for a membership at national, branch and territorial levels in the Laws of the Republic of Armenia “On

employers' associations" and "On trade unions", it should be mentioned that there are still no clear solutions with regard to that issue. The issue is currently under discussion.

Part 1 of Article 45 of the Constitution of the Republic of Armenia with amendments of 6 December 2015 enshrines that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of labour interests, and no one may be compelled to join any private association. Pursuant to part 2 of the same Article, the procedure for the establishment and operation of associations shall be prescribed by law, and part 3 of Article 45 of the Constitution of the Republic of Armenia prescribes that the freedom of associations may be restricted only by law, for the purpose of state security, protecting public order, health and morals or the basic rights and freedoms of others. Pursuant to Article 6 of the Law of the Republic of Armenia "On trade unions", employees who have concluded an employment contract with the employer concerned may become participants (members) of a trade union organisation. At the same time it is prescribed that officers of the armed forces, the police, national security bodies and prosecutor's office, as well as judges and members of the Constitutional Court of the Republic of Armenia may not be participants (members) of a trade union organisation.

The Ministry of Labour and Social Affairs of the Republic of Armenia requested, by letter, the relevant competent bodies (the Constitutional Court of the Republic of Armenia, the Police of the Republic of Armenia, the National Security Service of the Republic of Armenia) to present their position with regard to the issue of formation of trade unions by the officers of the police, national security bodies, as well as the judges and members of the Constitutional Court of the Republic of Armenia and voluntary affiliation to those trade unions. The opinions of the mentioned bodies on the referred issue are presented below:

1. The officers of the Constitutional Court of the Republic of Armenia, involved in the staff of the Constitutional Court of the Republic of Armenia, have formed their trade union and are included in the composition of the Branch Republican Union of State Institutions, Local Self-government bodies and Trade Union Organisations of Public Service Workers of Armenia.

As regards the members of the Constitutional Court of the Republic of Armenia, the issue of protection of their rights is organically linked with the guarantees for material and social independence of the court, as well as the members of the court. In particular, as the case is with the Constitutional Court of the Republic of Armenia, Article 94 of the Constitution of the Republic of Armenia (and, following the amendments of 2015, part 3 of Article 167 provides that the powers of the Constitutional Court shall be prescribed by the Constitution, whereas the procedure for the formation and rules of operation thereof shall be prescribed by the Constitution and the Law of the Republic of Armenia "On the Constitutional

Court") provides that the powers and procedure for the formation of the Constitutional Court shall be prescribed by the Constitution, whereas the procedure for the rules of operation thereof shall be prescribed by the Constitution and the Law of the Republic of Armenia "On the Constitutional Court". The latter suggests that the Law of the Republic of Armenia "On the Constitutional Court" must prescribe guarantees — for material and social independence — ensuring operation of the Constitutional Court. We do not find that formation of trade unions for the members of the Constitutional Court and their affiliation thereto is necessary in such cases.

2. Point 7 of part 1 of Article 39 of the Law of the Republic of Armenia "On police service" provides for provisions restricting the right of a police officer to affiliate to trade unions. Article 9 of the ILO Convention No 87 on Freedom of Association and Protection of the Right to Organise directly provides that the extent to which the guarantees provided for in the Convention shall apply to the armed forces and the police shall be determined by national laws or regulations. For the purpose of vesting the right to affiliate to trade unions in the police officers, it will be necessary to make relevant amendments to the Law of the Republic of Armenia "On police service". Up to now it has not been necessary to establish trade unions in the Police of the Republic of Armenia and affiliate thereto.

3. We find the establishment of trade unions in the National Security Service of the Republic of Armenia and affiliation thereto inappropriate based on the peculiarities of the tasks and functions of the National Security Service of the Republic of Armenia. Rights of the military servants of the National Security Service of the Republic of Armenia are protected by the relevant laws and other legal acts.

As regards the civil servants of the Police and National Security Service, it should be mentioned that both Article 6 of the Law of the Republic of Armenia "On trade unions" and the Laws of the Republic of Armenia "On police service", "On service in the national security bodies" do not prescribe any restriction on being a member to a trade union organisation by persons holding positions of the special civil service in the police, persons carrying out civil tasks in the police, as well as persons carrying out maintenance works on a contractual basis (including persons carrying out civil tasks) in the national security bodies. Restrictions stipulated by the above-mentioned laws refer to the officers of the police and the national security bodies respectively.

As regards the legislative regulation of the issue of membership of employees (non-formal employees, self-employed persons) to trade unions on lawful grounds and without an employment contract, it should be mentioned that there are still no mutually agreed approaches on the mentioned issue, and it must be

discussed with social partners.

Article 6. Right to Collective Bargaining

Article 6.1.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Within the framework of social partnership, the following developments have been recorded at the national level:

Due to the expiry of validity of the National Collective Agreement concluded between the Government of the Republic of Armenia, the Confederation of Trade Unions of Armenia and the Republican Union of Employers of Armenia (hereinafter referred to as "the Parties") on 27 April 2009 pursuant to the Labour Code of the Republic of Armenia, the validity period of the Agreement was extended until 30 June 2015 by the agreement between the Parties of 30 June 2012.

On 1 August 2015, a new National Collective Agreement was concluded between the Parties.

The new National Collective Agreement prescribes additional guarantees for regulation of social and employment, as well social and economic relations directly related thereto, and the joint actions of the Parties for the fulfilment thereof. The Agreement stipulates that the Parties shall, within the framework of social partnership, ensure the stable development of social and employment, as well as social and economic relations of the Republic of Armenia that are directly related thereto, which must be accompanied by the increase in the level of employment and strengthening of social cohesion.

Tripartite Republican Commission has been formed and approved by the Agreement concluded between the Parties on 9 September 2015 (5 representatives from each Party).

Responding to the Initiative of the International Labour Organisation "The future of work", the Ministry of Labour and Social Affairs of the Republic of Armenia has initiated and, jointly with the social partners, as well as with the support of the ILO, has made analysis together with the ILO experts for bringing the Labour Legislation of the Republic of Armenia in line with the social partnership, collective negotiations, as well as the requirements of the Convention of the International Labour Organisation concerning Discrimination in respect of Employment and Occupation. During the analysis, taking into consideration

the recommendations mentioned in the direct request of the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation on the ILO Convention No 87 on Freedom of Association and Protection of the Right to Organise, as well as attaching importance to the necessity of enhancing the role of social partnership at national, branch and territorial levels and to the consistent development, the national experts have also found that it is necessary to make relevant amendments to the Law of the Republic of Armenia "On trade unions" and the Law of the Republic of Armenia "On employers' associations". The recommendations are currently under discussion.

Article 6.2.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Pursuant 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 as prescribed by law.

Article 23 of the Labour Code of the Republic of Armenia prescribes the following:

1. The representatives of employees — trade unions, representatives (a body) elected by the staff meeting (assembly) shall have the right to represent the rights and interests of employees and to protect those rights and interests in employment relations.

Where there is/are no trade union(s) in the organisation or none of the existing trade unions unites more than half of the number of employees of the organisation, representatives (a body) can be elected by the staff meeting (assembly).

The existence of representatives (a body) elected by the staff meeting (assembly) in the organisation shall not impede the performance of functions of trade unions.

Where there are no representatives of employees in the organisation, the functions of the representation of employees and protection of interests may be delegated to the relevant branch or territorial trade union by the staff meeting (assembly). In that case, the staff meeting (assembly) shall elect a representative(s) to participate in the collective bargaining conducted with the given employer in the delegation of the branch or territorial trade union.

2. One and the same person may not simultaneously represent and protect the interests of both

employees and employers.

Rights of representatives of employees are prescribed by Article 25 of the Labour Code of the Republic of Armenia, pursuant to which:

1. Representatives of employees shall have the right to:

   (1) draft their statutes and regulations, freely elect their representatives, arrange their administrative staff and their activities and draw up their programmes;

   (2) acquire information from the employer as prescribed by the Code;

   (3) submit proposals to the employer on work organisation;

   (4) conduct collective bargaining within the organisation, conclude collective agreements, exercise the supervision over their execution;

   (5) exercise non-state supervision within an organisation over implementation of labour legislation and other regulatory legal acts containing rules of labour law;

   (6) appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof contradicting the legislation of the Republic of Armenia, as well as collective agreements and employment contracts or violating rights of the representatives of employees within the organisation;

   (7) participate in the development of production plans and their implementation within the organisation;

   (8) submit proposals to the employer on improvement of working and leisure conditions of employees, introduction of new technical equipment, reduction of the amount of manual labour, revision of the production norms, as well as the amount of and procedure for the remuneration for work.

2. Trade unions, except for as prescribed by part 1 of this Article, shall have the right to:

   (1) ensure the coordination of employees' and employers' interests in collective employment relations at different levels of social partnership;

   (2) submit proposals to state and local self-government bodies;

(3) organise and lead strikes.

3. Representatives of the employees may, by collective agreement, be vested with additional powers not contradicting the legislation.

Pursuant to Article 27 of the Labour Code of the Republic of Armenia:

1. 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 law or the statute of the organisation or within the scope of their powers, employers may also be represented by other persons.

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

3. 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 representatives.

The activities of the association of employers shall be regulated by the Code, law and its statute.

Pursuant to Article 45 of the Labour Code of the Republic of Armenia:

1. Collective agreement, which regulates employment relations between employees and employers and, in cases provided for by the Code, also the Government of the Republic of Armenia, is a voluntary agreement concluded in writing between employer (representative of employer) and representatives of employees or association of employers and trade union. Collective agreements are bilateral, except for the collective agreement being concluded with the participation of the Government of the Republic of Armenia, which is trilateral.

2. Parties to collective employment relations and their representatives shall coordinate their interests and settle disputes through collective bargaining. A party willing to enter into a collective bargaining relationship shall be obliged to notify the other party thereon in writing. The notification shall indicate the objective of the collective bargaining, as well as the proposals and claims.

3. The parties to the collective bargaining shall agree upon the day of starting collective bargaining and the procedure thereof.

4. Collective bargaining must be conducted in a reasonable manner and without delays.

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

6. The party providing information shall have the right to demand the other party not to disclose the received information.

7. Collective bargaining is deemed to be completed after the moment of signing a collective agreement or drawing up a protocol on areas of disagreement or sending a written notification from one of the parties to another on withdrawal from collective bargaining.

8. Collective bargaining is deemed to have failed, where in accordance with part 2 of this Article, the notified party refuses to participate in collective bargaining.

Article 49 of the Labour Code of the Republic of Armenia prescribes that:

1. The contents and structure of national, branch and territorial collective agreements shall be determined by parties to an agreement.

2. The following may be defined by the national collective agreement:

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

   (2) additional guarantees for employment;

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

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

3. The following may be defined by branch and territorial collective agreements:

   (1) conditions of remuneration for work, regulation mechanisms of remuneration for work taking into consideration the level of inflation and increase in prices;

   (2) conditions of employment;

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

(4) procedure and conditions of reduction in the number of employees, guarantees in case of reductions;

(5) safety and hygiene conditions of work;

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

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

(8) guarantees and compensations deemed necessary by parties;

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

(10) liability for failure to implement the collective agreement;

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

(12) measures of social partnership aimed at avoiding collective disputes, strikes;

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

Pursuant to part 1 of Article 55 of the Labour Code of the Republic of Armenia, collective agreement of an organisation is a written agreement on the conditions prescribed by part 3 of Article 49 of the Code concluded between the employer and the representatives of employees of the given organisation.

Pursuant to part 2 of Article 55 of the Labour Code of the Republic of Armenia, collective agreement concluded in the organisation shall apply to all employees of that organisation. Collective agreements may be concluded in separated and structural subdivisions of the organisation in cases and in the manner provided for by the collective agreement of the organisation.

Article 57 of the Labour Code of the Republic of Armenia prescribes that the parties to a collective agreement of the organisation shall lay down conditions not regulated by labour legislation, other regulatory legal acts or national, branch and territorial collective agreements, that do not contradict them and in comparison with the conditions provided for thereby do not worsen the state of employees.

Pursuant to part 2 of Article 57 of the Labour Code of the Republic of Armenia, the collective agreement of the organisation shall contain mutual obligations of the employees and employers with regard to issues or a part of them prescribed by part 3 of Article 49 of the Labour Code.

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

1. The parties to the collective agreement of the organisation are the group of employees of the organisation in the person of the representative of the employees acting in the organisation and the employer in the person of the head of the organisation or his/her authorised person.

2. Where there is more than one representative of employees in the organisation the collective agreement of the organisation shall be concluded between the unified representative body of employees and the employer.

3. The unified representative body of employees shall be established by the representatives of employees, through corresponding negotiations. Where a unified representative body of employees is not established due to the lack of consent of the representatives of employees, a decision on the establishment of a unified representative body shall be made by the staff meeting (assembly).

4. Where the functions related to the protection of representations and interests of employees are transferred to the corresponding territorial or branch trade union because of the absence of representatives of employees within the organisation, the employer and the corresponding territorial or branch trade union shall be considered to be the parties to the collective agreement.

Therefore, the above-mentioned legal norms allow to state that there are sufficient grounds in the legislation of the Republic of Armenia for ensuring the representation of the remaining employees in case of absence of a trade union that unites more than half of the employees of the organisation.

Pursuant to part 1 of Article 44 of the Labour Code of the Republic of Armenia, the norms of Section 2 of the Labour Code of the Republic of Armenia shall apply to state and local self-government bodies prescribed by law, as well as to the employees of the Central Bank of the Republic of Armenia as prescribed by the Code.

Pursuant to part 2 of the mentioned Article, the norms prescribed by Section 2 of the Labour Code of the Republic of Armenia shall not apply to the employment relations between special officers and persons holding political, discretionary and civil positions.

Section 2 of the Labour Code of the Republic of Armenia refers to collective employment relations and includes chapters 7-11 which respectively prescribe regulations relating to social partnership in the field of employment, general provisions on collective agreements, national, branch and territorial collective agreements, collective agreements of an organisation and settlement of collective labour disputes.

The types of state service, including special services, political, discretionary and civil positions and the concepts thereof are prescribed by the Law of the Republic of Armenia “On public service”.

In its direct request on the ILO Convention No 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively of 2012, the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation, referring to the provisions of Article 44 of the Labour Code of the Republic of Armenia, had requested the Government of the Republic of Armenia to provide information on the meanings of concepts “special services” and “civil positions” and on the categories of such employees (in the context of the above-mentioned, the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation had cited that, pursuant to Article 6 of the ILO Convention No 98, the guarantees provided for in the Convention may not apply only to public servants engaged in the administration of the State).

In response to the direct request of the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation of 2012, the Republic of Armenia has provided the required information (within the concepts prescribed by the Law of the Republic of Armenia “On public service”), after which the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation has not referred to the issue mentioned in its further direct requests on the ILO Convention No 98 any more.

At the same time, it should be mentioned that pursuant to Article 6 of Convention No 98 of the International Labour Organisation, the Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

Pursuant to Article 3 of the Law of the Republic of Armenia “On public service”,

1. Public service is the exercise of powers vested in the State under the Constitution and laws of the Republic of Armenia, which shall include state service, community service, as well as state and community positions.

2. State service is a professional activity aimed at implementation of tasks and functions conferred on state bodies under the legislation of the Republic of Armenia.

3. State service shall include civil service, judicial service, diplomatic service, special services within the executive bodies of the Republic in the area of defence, national security, police, tax, customs, rescue services, state service within the Staff of the National Assembly of the Republic of Armenia, the National Security Council, the Investigative Committee of the Republic of Armenia, the Department of the Investigative Committee of the Republic of Armenia, the Staff of

the Human Rights Defender as well as other services provided for by laws.

4. Community service is a professional activity aimed at implementation of tasks and functions conferred on local self-government bodies under the legislation of the Republic of Armenia.

Pursuant to parts 9 and 10 of Article 4 of the Law of the Republic of Armenia "On public service", civil position shall be an appointive or elective position held for a certain period of time, as prescribed by the Constitution, laws and other legal acts of the Republic of Armenia, by the official who, within the scope of the powers vested in him or her under the legislation of the Republic of Armenia, takes decisions and coordinates the execution thereof on a collegial basis, whereas in the cases envisaged by law — on an individual basis, and who is not replaced within his or her term of office in case of change in the proportion of political forces.

Within the meaning of the above-mentioned Law, civil positions shall be deemed to be the positions of the President and members of the Constitutional Court of the Republic of Armenia; heads and members of permanent bodies (commissions, services, councils) established by laws; chairpersons and judges of the Court of Cassation of the Republic of Armenia and those of the chambers thereof; chairpersons and judges of the Courts of Appeal and Courts of First Instance; the Prosecutor General of the Republic of Armenia, his or her deputies and prosecutors, as well as the Human Rights Defender of the Republic of Armenia.

According to statistical data of the member branch national unions of the Confederation of Trade Unions of Armenia, 665 collective agreements have been concluded as of 1 January 2017, of which 4 — at branch level, 60 — at territorial level, 601 — at organisation level. The collective agreements shall apply to 145318 employees of the organisations, of which 143750 shall be members of trade unions.

Article 6.3.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Pursuant to part 2 of Article 264 of the Labour Code of the Republic of Armenia, collective labour disputes shall be settled as prescribed by Chapter 11 of the Labour Code of the Republic of Armenia.

Pursuant to Article 64 of the Labour Code of the Republic of Armenia, collective labour disputes are disagreements between the trade union and the employer or parties having the right to conclude collective agreement on claims filed and not granted that arise during bargaining for the reason of the conclusion of a collective agreement, as well as during the change of conditions laid down by the

legislation, other regulatory legal acts or collective agreements or establishment of new working conditions, conclusion and implementation of the collective agreement.

Article 65 of the Labour Code of the Republic of Armenia prescribes that:

1. Parties of social partnership shall have the right to submit claims regarding the collective labour disputes to the employer or a party to a collective agreement.

2. Claims shall be submitted in writing, be clearly worded and substantiated. Written demands shall be handed in to the employer or the relevant party of the social partnership.

The employer or the relevant party having received the claims shall be obliged to consider the received claims and within seven days after their receipt, take a written decision and communicate it to the entity having submitted the claims. Where the adopted decision fails to satisfy the entities having submitted the claims, the parties may consider the dispute by the procedures prescribed by this Chapter (Article 66 of the Labour Code of the Republic of Armenia).

Pursuant to Article 67 of the Labour Code of the Republic of Armenia:

1. The procedure for consideration of collective labour disputes shall include the following stages:

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

   (2) examination of the collective labour dispute in the court, where the collective labour dispute refers to the implementation process of the collective agreement.

2. No party to the collective labour dispute shall have the right to avoid conciliation procedures.

The representatives of the parties, the Conciliation Committee, the mediator shall be obliged to use all the opportunities provided for by the legislation to settle the collective labour dispute.

Pursuant to Article 70 of the Labour Code of the Republic of Armenia:

1. Where agreement is reached on the submitted claims by the Conciliation Commission, a written decision shall be adopted on considering the collective labour disputes settled and the conciliation process completed. The decision of the Conciliation Commission shall be binding for the parties and shall be subject to execution by the procedure and within the time limits prescribed by the decision of the Conciliation Commission.

2. Where the Conciliation Commission fails to reach an agreement on all or part of the claims, the

parties of the collective labour dispute shall draw up a protocol on disagreements and make a decision to continue the consideration of collective labour disputes with participation of a mediator (if disputes are related to the conclusion or amendment of a collective agreement) or on failure to settle disputes and on completing the conciliation process.

3. The decision of the Conciliation Commission shall be communicated to the employees.

Pursuant to Article 71 (Consideration of collective labour disputes in participation with a mediator) of the Labour Code of the Republic of Armenia:

1. Collective labour disputes shall be considered in participation with a mediator only in the case where disputes are related to the conclusion or amendment of a collective agreement.

2. After a protocol on disputes is drawn up and a decision is taken in accordance with part 2 of Article 70 of the Labour Code of the Republic of Armenia by the Conciliation Commission, parties of collective labour dispute shall invite a mediator within three working days. Where necessary, the parties of the collective labour dispute may apply to the state authorised body functioning in the labour sector regarding the candidacy of a mediator. Agreement on the candidacy of the mediator shall be set by a protocol which shall specify the size of and procedure for remuneration of the mediator. Where during three working days the parties of the collective labour dispute fail to come to an agreement about the candidacy of the mediator, the negotiations shall be considered to be completed and the collective labour dispute — not settled.

3. The procedure for the consideration of the collective labour dispute in participation with a mediator shall be determined upon agreement of the parties, in which the mediator shall also take part.

4. The mediator shall have the right to submit requests to the parties of the collective labour dispute and receive from them the necessary documents and information about the given dispute. The mediator shall have the right to submit recommendations to the parties of collective labour dispute.

5. The consideration of the collective labour dispute in participation with the mediator shall be carried out within seven days upon his or her invitation. Where agreement on the claims submitted to the Conciliation Commission is obtained, a written decision shall be adopted on considering the collective labour dispute as settled, and where no agreement on the submitted claims or part of them has been obtained — on non-settlement of the dispute and completion of

the conciliation process.

Article 72 (Examination of a collective labour dispute in court) of the Labour Code of the Republic of Armenia prescribes that in case of collective labour dispute about the implementation of the provisions of a collective agreement, where no agreement has been reached in the Conciliation Commission, within ten day upon drawing up a protocol and taking the decision on non-settlement of the dispute and conclusion of the conciliation process, the parties may apply to the court.

To sum up the above-mentioned, it is noteworthy that where collective labour disputes fail to be settled through the procedures prescribed by the Labour Code of the Republic of Armenia the parties may apply to court.

At the same time, it is noteworthy that the procedure for consideration of collective labour disputes in the public sector are the same as presented above.

Pursuant to part 3 of Article 264 of the Labour Code of the Republic of Armenia, Labour disputes, in compliance with the requirements of the Civil Procedure Code of the Republic of Armenia and the Law of the Republic of Armenia “On commercial arbitration”, may be submitted for settlement to an arbitration tribunal, where the employee and employer have concluded an agreement, or where the collective agreement provides for a possibility to submit the dispute to the arbitration tribunal. The labour disputes provided for by Article 265 of the Labour Code of the Republic of Armenia may be submitted for settlement to an arbitration tribunal within the time limits prescribed by the same article. An arbitration agreement does not restrict the right of an employee to submit to the court the dispute arising from the employment contract, except when the arbitration agreement has been concluded after the dispute has arisen and the parties have unconditionally agreed to submit the dispute to the resolution of the arbitration tribunal.

Article 6.4.

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

With regard to Article 3 of the ILO Convention No 87 on Freedom of Association and Protection of the Right to Organise, the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation has come to the conclusion that it is necessary to make amendments to part 1 of Article 74 of the Labour Code of the Republic of Armenia. In particular, it must be prescribed that the decision to call a strike shall be taken upon the consent of less employees (according to the current regulations, the decision to call a strike shall be deemed to be approved upon the consent of two-thirds of the total number of employees), and only the number of votes shall be taken into consideration.

In respect of the above-mentioned issue, the letter of the International Labour Organisation No ACD 19-2-1-3 sent to the Ministry of Labour and Social Affairs of the Republic of Armenia and the letter of the International Labour Organisation of 31 August 2016 attached thereto and addressed to the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation have been examined in which it is mentioned that the International Labour Organisation have included Armenia in its comments on the ILO Convention No 87. In its letter, the International Labour Organisation referred to the issue that the ILO Convention No 87 does not include regulations relating to the right of strike and expressed hope that the issues mentioned in the letter will be considered by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation and the latter will not refer to the right of strike in its comments on the ILO Convention No 87.

Based on the above mentioned, we find that, at this stage, it is necessary to abstain from making relevant amendments to the above-mentioned Articles of the Labour Code of the Republic of Armenia until relevant decision on the above-mentioned issue is taken by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation.

Part 2 of Article 77 of the Labour Code of the Republic of Armenia prescribes that during a strike in organisations specified in part 4 of Article 74 of the Code (in organisations engaged in activities covering railway transport and urban public transport, civil aviation, communication, healthcare, food production, water supply, sewerage and waste disposal, organisations with a continuous production cycle, as well as in organisations the termination of work wherein may result in grave or hazardous consequences for life and health of the society or individual persons) minimum conditions (services)

necessary for meeting the immediate (vital) needs of the society must be ensured. Minimum conditions shall be set by the relevant state or local self-government bodies. Compliance with such conditions shall be ensured by the body leading the strike, the employer and the employees appointed thereby.

Article 75 of the Labour Code of the Republic of Armenia prescribes that it is prohibited to call a strike in the police, armed forces (in other equivalent services), security services, as well as in the centralised electricity supply, heat supply, gas supply organisations and emergency medical aid services. Claims made by employees of such organisations and services shall be discussed on the national level of social partnership, with the participation of the relevant trade union organisation and the employer. In natural disaster areas as well as regions where martial law or emergency situation (a state of emergency) has been declared in the prescribed manner, the strikes shall be prohibited until the effects of natural disaster are remedied or martial law or emergency situation (state of emergency) is lifted in the prescribed manner.

Grounds for rescission of the employment contract upon the initiative of the employer are provided for by Article 113 of the Labour Code of the Republic of Armenia where participation in strikes does not constitute a ground for rescission of the employment contract. Therefore, the employer may not rescind the employment contract on that ground.

Pursuant to Article 79 of the Labour Code of the Republic of Armenia:

1. Participation in a strike shall be voluntary. No one may be compelled to participate in strike or to refuse to participate therein. Persons that compel an employee to participate in a strike or to refuse to participate in it shall be held liable as prescribed by the legislation of the Republic of Armenia.

2. Employees participating in a strike shall be released from an obligation to perform their official functions. The job (position) of the employee participating in strike shall be retained in the course of the strike. The employer need not pay salaries to the employees participating in the strike.

In the course of the negotiations by parties on calling off the strike, the parties may reach an agreement on full or partial payment of salary to strikers.

3. The employees — not participating in a strike, but deprived of the opportunity to fulfil their official duties as a result of the strike — shall be paid for the idleness caused not by their fault, or they may be transferred to another job upon their consent.

Pursuant to Article 80 of the Labour Code of the Republic of Armenia:

1. After a decision on calling a strike is made and in the course of the strike, the employer shall have no right to:

   (1) prevent all or individual employees from attending their workplaces;

   (2) refuse to provide work to the employees;

   (3) subject employees to disciplinary liability for participating in a strike.

2. In the course of the strike, the employer shall have no right to hire new employees instead of the ones participating in the strike.

The regulations of Article 80 of the Labour Code of the Republic of Armenia shall apply to both members and non-members of a trade union.

Pursuant to Article 41.^{2} of the Code of the Republic of Armenia "On administrative offences", preventing all or individual employees to attend their workplaces, refusing to provide work to employees, subjecting employees to disciplinary liability for participating in a strike after a decision on calling a strike is adopted and during the strike —

shall entail imposition of a fine on the person having committed a violation in the amount of fifty-fold of the minimum salary defined.

The same violation committed repeatedly within a year following the application of measures of administrative penalty —

shall entail imposition of a fine on the person having committed a violation in the amount of one-hundred-fold of the minimum salary defined.

Article 22. The right to participate in definition and improvement of working conditions and working environment

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Working conditions, arrangement of works and working environment Pursuant to Article 4 of the Law of the Republic of Armenia "On trade unions", a trade union organisation shall be established by the decision adopted by the founding meeting (assembly, congress) called at the initiative of its founders (at

least three employees).

Pursuant to Article 23 of the Labour Code of the Republic of Armenia:

1. The representatives of employees — trade unions, representatives (a body) elected by the staff meeting (assembly) shall have the right to represent the rights and interests of employees and to protect those rights and interests in employment relations.

Where there is/are no trade union(s) in the organisation or none of the existing trade unions unites more than half of the number of employees of the organisation, representatives (a body) can be elected by the staff meeting (assembly).

The existence of representatives (a body) elected by the staff meeting (assembly) in the organisation shall not impede the performance of functions of trade unions.

Where there are no representatives of employees in the organisation, the functions of the representation of employees and protection of interests may be delegated to the relevant branch or territorial trade union by the staff meeting (assembly). In that case, the staff meeting (assembly) shall elect a representative(s) to participate in the collective bargaining conducted with the given employer in the delegation of the branch or territorial trade union.

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

Pursuant to Article 19 of the Labour Code:

1. All employees being in employment relations with the employer shall make the team of employees.

The team of employees shall make the decisions thereof through staff meetings (assembly).

2. The staff meeting shall have a quorum if more than half of the employer's employees participate therein, and the conference shall have quorum if more than two thirds of the delegates elected by the employees participate.

3. Decisions of the staff meeting (assembly) shall be deemed to be made, if more than half of the participants (delegates) of the meeting (assembly) have voted in favour of it, except for cases provided for by the Labour Code.

4. The decisions of the staff meeting (assembly) may be made by secret ballot by the decision taken by a majority of votes of the participants of the staff meeting (delegates of the assembly).

5. The team of employees may also make its decisions by the sum-up of votes received in the meetings convened by structural and separated subdivisions of an organisation.

Rights of representatives of employees are prescribed by Article 25 of the Labour Code. According to part 1 of the mentioned Article, representatives of employees shall have the right to:

- submit proposals to the employer on work organisation;
- conduct collective bargaining within the organisation, conclude collective agreements, exercise the supervision over their execution;
- exercise non-state supervision within an organisation over implementation of labour legislation and other regulatory legal acts containing rules of labour law;
- appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof contradicting the legislation of the Republic of Armenia, as well as collective agreements and employment contracts or violating rights of the representatives of employees within the organisation;
- submit proposals to the employer on improvement of working and leisure conditions of employees, introduction of new technical equipment, reduction of the amount of manual labour, revision of the production norms, as well as the amount of and procedure for the remuneration for work.

At the same time, the mentioned Article of the Labour Code of the Republic of Armenia provides that representatives of the employees may, by collective agreement, be vested with additional powers not contradicting the legislation.

Part 1 of Article 26 of the Labour Code of the Republic of Armenia prescribes that the employer shall be obliged to:

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

(2) when taking decisions that may affect the legal status of the employees, hold consultations with representatives of employees and, in cases provided for by this Code, receive their consent;

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

(4) within the time limits laid down by the Labour Code of the Republic of Armenia and, where such time limits are not laid down, not later than within one month, consider the proposals of the representatives of employees and provide answers in writing;

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

(6) discharge other obligations laid down by collective agreements;

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

Pursuant to the Labour Code of the Republic of Armenia consolidation of the interests of the employees and employers in collective employment relations shall be implemented within the scope of social partnership.

Pursuant to Article 55 of the Labour Code of the Republic of Armenia collective agreement of an organisation is a written agreement on the following conditions concluded between the employer and the representatives of employees of the given organisation:

(1) conditions of remuneration for work, regulation mechanisms of remuneration for work taking into consideration the level of inflation and increase in prices;

(2) conditions of employment;

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

(4) procedure and conditions of reduction in the number of employees, guarantees in case of reductions;

(5) safety and hygiene conditions of work;

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

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

(8) guarantees and compensations deemed necessary by parties;

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

(10) liability for failure to implement the collective agreement;

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

(12) measures of social partnership aimed at avoiding collective disputes, strikes;

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

Pursuant 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 in the person of the representative of employees acting in the organisation and the employer, in the person of the head of the organisation or his or her authorised person.

2. Where there is more than one representative of employees in the organisation the collective agreement of the organisation shall be concluded between the unified representative body of employees and the employer.

3. The unified representative body of employees shall be established by the representatives of employees, through corresponding negotiations. Where a unified representative body of employees is not established due to the lack of consent of the representatives of employees, a decision on the establishment of a unified representative body shall be made by the staff meeting (assembly).

4. In case the functions related to the protection of representations and interests of employees are transferred to the corresponding territorial or branch trade union because of the absence of representatives of employees within the organisation, the employer and the corresponding territorial or branch trade union shall be considered to be the parties to the collective agreement.

Pursuant to Article 58 of the Labour Code of the Republic of Armenia, the collective agreement of the organisation shall be elaborated through collective bargaining and shall be submitted to the staff meeting for consideration.

Pursuant to part 1 of Article 62 of the Labour Code of the Republic of Armenia, parties or their representatives, authorised for that purpose, shall exercise control over the implementation of the collective agreement of the organisation.

Pursuant to part 2 of the above-mentioned Article, representatives of the parties shall report on the fulfilment of obligations set by the collective agreement of the organisation to the staff meeting (assembly). The procedure and time limits for making a report shall be laid down by the collective agreement of the organisation.

Part 1 of Article 142 of the Labour Code of the Republic of Armenia states that the work (shift) schedules shall be approved by the employer, whereas in cases and in the manner prescribed by the collective agreement it shall be agreed with the body of the organisation having signed the collective agreement.

Pursuant to Article 253 of the Labour Code of the Republic of Armenia, the employer shall be obliged to inform the employees about the issues relating to the analysis and planning of the safety assurance and healthcare of employees, organising such activities and supervision over them, as well as make consultations with them. The employer shall be obliged to involve the employees' representatives in the discussion of the issues regarding the safety assurance and health of employees. The employer may set up a Commission for safety assurance and health of employees within the organisation, the rules of procedure whereof shall be prescribed by the Government of the Republic of Armenia.

In this respect it should be mentioned that the Labour Code of the Republic of Armenia at the same time prescribes that collective agreements and employment contracts may not contain such conditions that deteriorate the state of employees as compared with the workplace conditions laid down by the labour legislation and other regulatory legal acts containing norms of labour law. Where the conditions laid down by collective agreements or employment contracts contradict the Code, laws and other regulatory legal acts, these conditions shall have no legal force (part 1 of Article 6 of the Labour Code).

Article 262 of the Labour Code of the Republic of Armenia prescribes that state authorised bodies shall exercise control and supervision over the safety and healthcare of employees within the scope of their powers.

Protection of health and safety. Part 1 of Article 22 of the Labour Code of the Republic of Armenia prescribes that employers and employees may acquire employment rights and duties, alter or waive them and protect them through their representatives. Employers and employees may be represented both in collective and individual employment relations. The mentioned Article prescribes that representation in individual employment relations shall be regulated by the Civil Code of the Republic of Armenia.

Pursuant to regulations of Article 83 of the Labour Code of the Republic of Armenia, an employment contract shall be an agreement between an employer and an employee according to which the employee is obliged to work in specific profession or qualification by adhering to the workplace

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

Thus, requirement for parties to reach agreement on workplace conditions shall be stipulated in the employment contract.

Pursuant to Article 253 of the Labour Code of the Republic of Armenia, the employer shall be obliged to inform the employees about the issues relating to the analysis and planning of the safety assurance and healthcare of employees, organising such activities and supervision over them, as well as make consultations with them. The employer shall be obliged to involve the employees' representatives in the discussion of the issues regarding the safety assurance and health of employees. The employer may set up a Commission for safety assurance and health of employees within the organisation, the rules of procedure whereof shall be prescribed by the Government of the Republic of Armenia.

The rules of procedure of the Commission for safety assurance and health of employees within the organisation is approved by Decision of the Government of the Republic of Armenia No 1007-N of 29 June 2006. The objectives of the activities of the Commission for safety assurance and health of employees within the organisation, as well as the procedure for the organisation and carrying out of works shall be prescribed by the said procedure.

Objective and tasks of the Commission for safety assurance and health of employees within the organisation. The employer shall have the right to set up a Commission for safety assurance and health of employees within the organisation pursuant to Article 253 of the Labour Code of the Republic of Armenia and this Procedure.

The activities of the said Commission shall be aimed at ensuring participation of employees in the activities of the organisation related to observation of occupational hazards, planning and arrangement of preventive measures for ensuring and maintaining healthy and safe working environment, as well as analysis of the employees' health state.

The tasks aimed at attaining the objective of the activities Commission for safety assurance and health of employees within the organisation include the following:

(a) assisting the employer in planning, arrangement and implementation of preventive measures aimed at ensuring the safety and protection of health of the employees;

(b) contributing to the process of awareness raising among the employees on the issues

concerning ensuring the safety and protection of health of the employees;

(c) ensuring formation and delivery of the opinion of the majority of the employees on ensuring the safety and protection of health of the employees;

(d) assisting the employer in activities related to introduction of standards defining healthy and safe working conditions in an organisation.

The Commission for safety assurance and health of employees within the organisation shall be formed of equal number of representatives authorised by the employer, the trade union and the employees.

The number of the members of the mentioned Commission shall be determined by mutual consent of the parties, however it should not be less than six persons dependent on the number of the employees of the organisation and other peculiarities.

Representatives authorised by the trade union and the employees shall be nominated from among the members of the trade union and the team of employees respectively and shall be elected at the general meetings of the trade union and the team of employees.

The representatives of the employer shall be appointed by the order or the executive order of the employer.

The chairperson and the secretary shall be elected from among the members of the mentioned Commission. The official responsible for the occupational and technical safety of the organisation may not be elected as the chairperson of the Commission.

The composition of the Commission for safety assurance and health of employees within the organisation shall be approved by the order or the executive order of the employer.

Where it is impossible for a member of the Commission to perform his or her duties, a new member shall be elected instead of him or her in accordance with this Procedure.

The employer may refuse to accept the decision of the above-mentioned Commission. In this case the employer shall submit to the Commission his or her justification for refusing to accept the decision of the Commission for the latter to prepare a reasonable alternative.

In performing its activities, the Commission for safety assurance and health of employees within the organisation shall be governed by the Labour Code of the Republic of Armenia, normative legal acts in

the field of safety assurance and protection of health of the employees, the collective agreement, internal legal acts of the organisation and this Procedure.

The Commission for safety assurance and health of employees within the organisation shall organise its work through sittings, which shall be convened in accordance with its Regulation or, where necessary, not less than once in every 3 months. The Commission shall carry out its activities in accordance with its Regulation which shall be approved by the Commission. The sitting of the Commission shall have a quorum if more than half of the members of the Commission are present. Decisions of the Commission shall be adopted by voting with more than half of the "for" votes of the members participating therein. The voting shall be conducted by open ballot. The Commission may involve the senior officials of the subdivisions of the organisation as participants in its sittings.

Commission for safety assurance and health of employees within the organisation shall:

(a) receive information from the employer about hazardous and harmful factors of the production environment and the working process;

(b) inform — based on the requests and suggestions of the employees as well as through enquiries conducted among employees — about the implementation of occupational safety and health protection measures at the workplace carried out by the employer;

(c) submit a proposal — based on information received — to the employer on the necessity of conducting additional examinations through other specialised organisations;

(d) assists the employer and the state authorised bodies in carrying out official investigation of cases of production accidents and occupational diseases as prescribed by the legislation of the Republic of Armenia;

(e) participate in the organisation of a training on occupational safety and health protection in the organisation;

(f) regularly — at least once a year — submit a report on its activities to the team of employees.

Organisation of social and social and cultural services and facilities. Pursuant to point 8 of part 1 of Article 25 of the Labour Code of the Republic of Armenia representatives of employees shall have the right to submit proposals to the employer on improvement of working and leisure conditions of

employees.

Pursuant to Article 15 of the Law of the Republic of Armenia "On trade unions" submission of proposals to the employer on improvement of working and leisure conditions of employees is one of the objectives of a trade union. The mentioned conditions may refer to e.g. furnishing of rooms for rest, breastfeeding children, etc.

Application. Within the scope of non-state supervision over the implementation of the labour legislation, other regulatory legal acts containing norms of labour law and of collective agreements (exercised by representatives of employees or by employers (representatives of employers)), prescribed by Article 33 and 35 of the Labour Code of the Republic of Armenia and pursuant to point 6 of part 1 of Article 25 of the Labour Code representatives of employees shall have the right to appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof contradicting the legislation of the Republic of Armenia, as well as collective agreements and employment contracts or violating rights of the representatives of employees within the organisation. Pursuant to part 2 of Article 26 of the Labour Code, when the representative of employees violates the employer's rights, requirements of the legislation or norms of contracts, the employer shall have the right to refer to the court in the manner prescribed by the legislation requesting termination of unlawful activities of the representative of employees.

Regulations concerning participation of representatives of employees in definition of working conditions, work organisation, and working environment are represented in the information provided in section "Working conditions, work organisation and working environment" of Article 22 of the Labour Code, in case of non-compliance with which representatives of employees shall have the right to appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof pursuant to point 6 of part 1 of Article 25 of the Code.

Pursuant to Article 38 of the Labour Code of the Republic of Armenia employees shall have the right to protect employment rights thereof by applying to court or to the representatives of employees. Particularly, pursuant to part 3 of Article 38 of the Labour Code, protection of employment rights shall be carried out:

(1) by recognising the right;

(2) by reinstatement of the situation having existed before the violation of the right;

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

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

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

(6) through self-protection of the right;

(7) by enforcing to fulfil the obligation in-kind;

(8) by receiving compensation for the damage;

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

(10) by termination or alteration of legal relationship;

(11) by other methods provided for by law.

Within the framework of inspection reforms, in compliance with Decision of the Government of the Republic No 857-N of 25 July 2013 the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Healthcare of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia of the Ministry of Labour and Social Affairs were reorganised by way of merger into the State Healthcare Inspectorate of the Staff of the Ministry of Healthcare of the Republic of Armenia and the Statute of the Inspectorate was approved.

On 21 August 2017 the Inspectorate was liquidated and the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia was established by Decision of the Government of the Republic of Armenia No 444-N of 27 April 2017. The statute of the Inspection Body was approved by the Decision No 444-N as well, and the following functions were reserved to the Inspection Body by subpoints 10-13 of point 11 of the said statute:

"10. exercising supervision over the application of norms on protection of health and ensuring the safety of employees in cases and manner prescribed by law, including:

a. exercising supervision over mandatory requirements concerning protection of health and ensuring the safety of employees at workplace prescribed by the legislation of the Republic of Armenia, as well as availability, maintenance and exploitation of collective and individual protection means for occupational safety;

b. studying and analysing the reasons for accidents and occupational diseases at workplace

in cases and manner prescribed by law;

c. organising — with a view to implementing the labour legislation and other legal acts — methodical assistance in the ensuring occupational safety for employers and trade unions, providing relevant information and consultation;

d. exercising supervision over ensuring of guarantees prescribed by the labour legislation for persons under the age of 18, as well as for pregnant and breast-feeding women and employees taking care of a child;

e. defining the terms for elimination of violations where there is an expert opinion on violation of requirements prescribed by legislation of the Republic of Armenia threatening the life and health of employees, or an act on inaccuracies detected; in case of failure to eliminate inaccuracies within the prescribed term — temporarily terminating as prescribed by law the activities of the organisation or its separate subdivision until the elimination of the violations;

(11) in cases prescribed by law giving mandatory assignments on violations detected as a result of inspections carried out within the scope of the competence thereof, defining time limits for elimination of the violations;

(12) applying sanctions prescribed by law for violating requirements of the legal acts regulating relations in the sphere of healthcare, protection of health and ensuring safety of employees;

(13) carrying out explanatory works on application of laws of the Republic of Armenia in the sphere of healthcare, protection of health and ensuring safety of employees and provisions of legal acts adopted in accordance therewith, informing economic entities about their rights and responsibilities".

Pursuant to Article 41^1 of the Code of the Republic of Armenia “On administrative offences”, hindering the exercise of rights of the representatives of employees prescribed by the Labour Code of the Republic of Armenia —

shall entail imposition of a fine on the person having committed a violation in the amount of fifty-fold of the minimum salary defined, for each case of violation.

The same violation committed repeatedly within a year following the application of measures of administrative penalty —

shall entail imposition of a fine on the person having committed a violation in the amount one-hundred-fold of minimum salary defined, for each case of violation.

Article 28. The right to protection of the representatives of employees in enterprises and in mechanisms provided thereto

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Protection being provided to the representatives of employees. Pursuant to part 1 of Article 119 of the Labour Code of the Republic of Armenia, the employees elected to representative bodies of employees may not be dismissed from work during the implementation of their powers under Article 113 of the Code without the preliminary consent of the representative body of employees, except for cases provided for by points 1 (if the activity of an individual entrepreneur is terminated and, in cases provided for by law, state registration is repealed or invalidated), 5 (if the employee regularly fails to fulfil the obligations reserved for him or her by the employment contract or the internal regulatory rules, with no good reason), 6 (if the employer has lost confidence in the employee) and 8-10 ((8) if the employee is under the influence of alcoholic beverages, narcotics or psychotropic substances at the workplace; (9) if the employee fails to come to work throughout the entire working day (shift) with no good reason; (10) if the employee rejects or evades mandatory medical examination) of part 1 of Article 113 of the Labour Code.

Pursuant to part 2 of the same Article, the employer must refer to the representative body of employees to receive his or her consent on the dismissal of the representative of the employees from work. The representative body of employees shall be obliged to reply to the employer within 14 days after the receipt of the application. The representative body of employees shall be obliged to submit the decision on his or her approval or rejection to dismiss the employee from work in writing. Where the 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.

The employer may appeal against the decision on rejecting the dismissal of the employee from work through judicial procedure. The court may repeal that decision where the interests of the employer are thereby violated.

The guarantee provided for by part 1 of Article 119 of the Labour Code of the Republic of Armenia may

apply to the employees not deemed as a representative of employees if it is envisaged by the collective agreement.

Pursuant to point 1 of part 1 of Article 26 of the Labour Code of the Republic of Armenia the employer shall be obliged to respect the rights of the representatives of employees and not impede their activities. Activities of the representative of employees may not be terminated by the employer's will.

As to the rescission of the employment contract on the initiative of the employer where the employer has lost confidence in the employee, pursuant to point 3 of part 1 of Article 223 of the Labour Code rescission of an employment contract due to loss of confidence in the employee shall be considered a type of disciplinary penalty for violation of workplace discipline and pursuant to the regulations of Article 226 of the Code, prior to application of a disciplinary penalty the employer shall demand from the employee a written explanation on the violation. Hence when rescinding the employment contract on the that ground irregularities are almost excluded.

The main principles of the labour legislation are specified in Article 3 of the Labour Code of the Republic of Armenia. Pursuant to points 3 and 7 of part 1 of the said Article, the main principles of the labour legislation include:

legal equality of parties to employment relations, irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital status and family status, age, beliefs or views, affiliation to political parties, trade unions or non-governmental organisations, other circumstances not associated with the professional skills of an employee;

ensuring the right to freedom of association of employers and employees with others for the protection of employment rights and interests (including the right to form or join trade unions and employers' associations);

Article 41.1 of the Code of the Republic of Armenia "On administrative offences" prescribes that the impediment of the exercise of rights of the representatives of employees prescribed by the Labour Code of the Republic of Armenia shall entail imposition of a fine on the person having committed a violation in the amount of fifty-fold of the minimum salary defined, for each case of violation.

The same violation committed repeatedly within a year following the application of measures of administrative penalty —

shall entail imposition of a fine on the person having committed a violation in the amount one-hundred-fold of minimum salary defined, for each case of violation.

Opportunities being provided to the representatives of employees. Part 1 of Article 18 of the Law of the Republic of Armenia "On trade unions" prescribes that trade union in order to implement statutory tasks thereof, in the manner prescribed by the legislation of the Republic of Armenia, shall have the right to receive information not considered official, commercial or bank secret from state authorities, local self-government bodies, employers.

Part 2 of the same Article prescribes that trade union shall have the right to cover activities thereof through mass media or have media outlets for that purpose as prescribed by law.

Article 24 of the Law of the Republic of Armenia "On trade unions" prescribes that the employer in a manner prescribed by the collective contract (agreement) shall provide trade union with necessary conditions for the organisation and performance of works envisaged by the statute of the trade union. Where there is an application of a member of a trade union organisation, the employer shall organise charging and allocation of the membership fee in the manner and terms prescribed by the statute of the trade union organisation and the collective contract (agreement).

Pursuant to point 3 of part 1 of Article 175 of the Labour Code of the Republic of Armenia, an employee shall be exempt from performing employment duties retaining the workplace (position) when participating in trials as a representative of the employees.

Pursuant to part 3 of Article 175 of the Labour Code of the Republic of Armenia, the employees elected within the representative bodies of employees working within the organisation, during the year, shall be exempt from the performance of employment duties for up to six working days, to attend various events organised by the employees' representative bodies or to improve their qualifications as members of the representative bodies of employees. The procedure for exemption from employment duties and payment for those days shall be prescribed by the collective agreement or upon the decision of the staff meeting (assembly).

ADDITIONAL INFORMATION

on Articles 1, 15

with regard to the enquiries
of the European Committee of Social Rights

(Opinion, 2016)

Article 1.1.

Employment state. Table on levels of employment, unemployment and economic activity in the Republic of Armenia for 2012-2016 is presented below.

	2012	**2013**	**2014**	**2015**	**2016**
Level of employment	51.9	53.2	52	50.9	**50**
Level of unemployment	17.3	16.2	17.6	18.5	18
Level of economic activity	62.7	63.4	63.1	62.5	61

The Table shows that according to data of the study of households conducted by the National Statistics Service of the Republic of Armenia the level of economic activity in the Republic of Armenia decreased by 2.7 percentage points in 2012-2016 and made up 61 percent in 2016, in that same period the level of employment decreased by 1.9. percentage points (in 2016 it made up 50%), respectively the level of unemployment increased by 0.7 percentage points. In 2016 average level of unemployment in the Republic made up 18%. In the said period comparatively higher levels of economic activity and employment were recorded in 2013, thus the level of unemployment was low in 2013 (16.2%). In 2016 the level of unemployment in Yerevan (29.1%), in Kotayq (21.8%) and Shirak (21%) marzes of the Republic of Armenia was higher than the average level of unemployment in the Republic.

In 2016 the number of employed persons in the Republic amounted to 1 006.2 thousand people, 47.5% of which are women (478.0 thousand), and 52.5% — men (528.2 thousand). 19% of employed persons are young people aged 15-29, the level of unemployment whereof made up 28.3%.

Employment policy. Assessment of the effectiveness of the measures for implementation of employment

policy shall be carried out through procedure for monitoring and assessment of the Annual State Programme for Regulation of Employment approved by Decision of the Government of the Republic of Armenia No 981-N of 11 September 2014.

Since 2015, when elaborating the annual state draft programme for regulation of employment for each following year, the analysis of the state programme for regulation of employment for the previous year presented in the brief report on monitoring and assessment of state programmes on employment, and respective assessments based thereon shall be taken into account. The said assessments shall be used when defining proportions of financial and non-financial indicators of state programmes on employment, as well as distributing them among marzes and regions of the Republic of Armenia.

For the purpose of promoting the creation of jobs the Government of the Republic of Armenia currently conducts investment policy (approved by Protocol Decision of the Government of the Republic of Armenia No 45 of 8 October 2015) which is one of the key directions of general economic policy of the Government of the Republic of Armenia and along with other objectives (formation of investment and business environment, development of market infrastructures, revealing of competitive advantages of the country) is targeted at creation of high-quality and well-paid jobs, ensuring sustainable economic development and well-being of the population through development of human capital, which is in line with priorities of the 2014-2025 Prospective Development Strategic Programme of the Republic of Armenia.

Policies and programmes promoting creation of jobs.

Employment expansion was declared one of four main priorities of 2014-2025 Prospective Development Strategic Programme. Furthermore, employment expansion is the most important priority for the first five years of effectiveness of the Programme focusing on implementation of actions targeted at creation of high-quality, well-paid jobs and general productivity growth in economy. Ensuring the main objective of the Programme is also directive for implementation of framework and sector-specific policies.

The framework of the policies being implemented at various branches and sectors of economy and relevant set of instruments for state support are of key importance within the meaning of ensuring creation of jobs and economic activity.

In the industry field the Strategy of Export-Led Industrial Policy of the Republic of Armenia is valid under which 11 priority sectors having comparatively high potential for export and development have been determined. Under the industrial policy state support is being provided by a number of instruments to private sector companies functioning in the given sectors and complying with certain criteria. In the context of inclusive development economic policy is mostly targeted at light industries, particularly,

elaboration of a package of possible privileges promoting creation of jobs in targeted light industries (textile industry, clothes and footwear manufacturing) according to the place of activity is envisaged by the Programme of the Government of the Republic of Armenia.

SMEs are of major importance for creation of new jobs, raising the living standard of the population, formation of middle class of the public and poverty reduction thereby. Since 2001 SMEs state support annual programs are being implemented by funding from the state budget of the Republic of Armenia. In this case components of the support for first-time entrepreneurs, training, informational and advisory support, which directly contribute to the employment and self-employment expansion. AMD 152.6 million have been envisaged in the state budget of the Republic of Armenia for 2017 for implementation of "Programme on state support for implementation of statutory objectives of SME DNC Fund of Armenia for 2017". During the 1st half of 2017 support was provided to 3187 entities in several directions, particularly to first-time entrepreneurs, training and field-related technological support, informational and advisory support, provision of loan guarantees to first-time and operating SMEs, internationalisation of SME, including support within the scope of operation of the European network of enterprises, support by providing grants within to field-related businesses. Moreover, more than 90 percent of support for development of SMEs is implemented outside of Yerevan, in marzes of the Republic.

In the field of services the tourism sector is among sectors with high potential for economic growth and employment expansion. Importance is attached to social implication of tourism in rural areas by Concept Paper on the development of tourism. For this purpose and for development of tourism industry in the country programmes are implemented under the state funding and in cooperation with development partners. The main directions of the programme are the diversification of tourism product and active marketing policy in target countries, development and modernisation of infrastructures important for tourism, promotion of hotel chain expansion, support to participation of representatives of private sector representing the field in international authoritative events and capacity building in the field. All the above-mentioned also promotes the growth of business activity in the field, entrepreneurship and self-employment. In the field of tourism annual traditional festivals, celebrations and tourism events are implemented in marzes of the Republic of Armenia under state support. Importance is attached to elaboration and development of new tourism products, such as extreme tourism, ecotourism, etc. It is expected that all the above-mentioned will directly affect the expansion of investment and economic opportunities in the regions, entrepreneurship and business development, creation of new jobs.

Information on investments and jobs created in Armenia for the first half of 2017, as well as employment indicators for 2013-2016 is attached.

Article 1.2.

Article 48 of the Civil Procedure Code of the Republic of Armenia prescribes a general rule on burden of proof, i.e. each person participating in a case must prove facts he or she has referred to.

Pursuant to part 2 of Article 1 of the Civil Procedure Code of the Republic of Armenia, where procedural norms other than those provided for by the Civil Procedure Code of the Republic of Armenia are prescribed by the international treaty of the Republic of Armenia, the norms of the international treaty shall apply.

The draft law of the Republic of Armenia "On ensuring legal equality" appropriately prescribing rules on distribution of the burden of proof stemming from the revised European Social Charter of the Council of Europe is under development by the Ministry of Justice of the Republic of Armenia.

Article 1.3.

In 2016 the number of job seekers, registered in the local offices of the State Employment Agency has increased by 107.7% compared to the previous year and has amounted to 95785, the number of unemployed people has increased by 104.5% (in 2016 it has amounted to 80492), and the number of persons with disabilities has increased by 117% and has amounted to 2926.

In 2016, compared to 2015, the number of people who found a job has increased by 107.2% (including the number of temporarily employed persons and persons involved in paid public works). The number of persons with disabilities who found job in the same period has increased by 8.1%.

7296 people (451 of which — persons with disabilities) have been engaged in the state employment programmes in 2014, 11107 people— in 2015, 13053 people — in 2016. 11495 people have been employed upon the recommendation of the territorial centres of the State Employment Agency in 2014, 16598 people — in 2015, 17513 people — in 2016. According to data provided by State Employment Agency, during 2014-2016 the ratio of the number of people who found job in relation to the number of vacancies has been 54.6, 57.6 and 57.6 respectively, and 20.9%, 18.4% and 18.3% of job seekers have found jobs.

As of 1 July 2017 the number of job seekers registered in the territorial centres of the State Employment Agency amounts to 91532, 76624 of which have the status of an unemployed person. 42.2% of the job seekers (38686 people) are first-time job seekers. Since the beginning of the year 4.5% of the job

seekers or 4131 people — 2.7% of the young people — have found jobs. Since the beginning of the year the Agency has cooperated with 17688 employers, 1754 of which have submitted vacancies, the number of submitted non-recurring vacancies has amounted to 4833, among which the number of newly created jobs has amounted to 184.

Since 2014 State Employment Agency cooperates with non-state employment organisations within the framework of the programme "Provision of support for making use of services rendered by a non-state employment organisation". A memorandum of co-operation has been signed with 7 non-state organisations within the framework of the said programme.

At the same time the source wherefrom the number of people (2406 people) who have found jobs in 2014, represented in the report of European Committee of Social Rights is not clear, as far as there is no such indicator on the website "www.employment.am" of the State Employment Agency of the Staff of the Ministry of Labour and Social Affairs of the Republic of Armenia. Besides, the numbers posted on the website are initial and will be clarified at the beginning of the following year in accordance with administrative statistical reports.

Article 15.2. and Article 15.3.

Pursuant to point 3 of part 1 of Article 3 of the Labour Code of the Republic of Armenia main principles of the labour legislation include legal equality of parties to employment relations, irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital status and family 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.

Draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and social inclusion thereof" has been discussed in the National Assembly of the Republic of Armenia at the 2nd reading, during the discussion at the 3rd reading the hearing on the draft has been postponed because of the absence of quorum (with respect to the elections to the National Assembly of Armenia). It will be again discussed by the newly-elected National Assembly.

In point 20 of Article 3 of the Draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and their social inclusion", in the main concepts used in the law include the concept "discrimination", which means any distinction, exclusion or restriction on the grounds of disability (including the refusal to provide reasonable accommodations) the purpose or effect of which is displaying less favourable attitude in political, economic, social cultural and any other field or prohibiting or denying the recognition and/or exercise, on equal basis with others, of any right prescribed by law.

Point 1 of Article 8 of the Draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and their social inclusion" prescribes the following main principles of the state policy on protection of the rights of persons with disabilities and their social inclusion:

(1) prohibition of discrimination;

(2) protection of fundamental rights and freedoms of a person with disability, respect for right of a person with disability to honour and dignity, inviolability of private and family life;

(3) exclusion of isolation of a person with disability from the society and their social inclusion;

(4)exclusion of existing stereotypes and prejudices towards persons with disabilities;

(5) equality of opportunities irrespective of disability, equality of everyone before the law, availability of opportunities for persons with disabilities to exercise, on equal basis with others, rights and freedoms thereof, protect legitimate interests thereof.

As to non-discriminatory legislation, the Draft Law of the Republic of Armenia "On discrimination" is currently under development. It is envisaged by point 77 of the list of measures approved by Decision of the Government of the Republic of Armenia No 483-N of 4 May 2017 "On approving 2017-2019 action plan stemming from the National Strategy for the Protection of Human Rights" "to establish legislative mechanisms for ensuring legal equality enshrined in Constitution of the Republic of Armenia", which implies submission of legal act to the Government of the Republic of Armenia by the fourth quarter of 2017 for ensuring general equality before the law and prohibition of discrimination, and by point 78 it is envisaged to establish an independent and effective body for ensuring general equality and prohibition of discrimination by the third quarter of 2018.

Point 7 of part 1 of Article 9 of the Draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and their social inclusion" defines ensuring of availability and accessibility for persons with disabilities of the physical environment, including buildings, transport means, equipment, goods of general use, as well as information and communication (including information and communication technologies), other services as the main direction of the state policy on protection of rights of persons with disabilities and social inclusion thereof.

Article 23 of the Draft Law of the Republic of Armenia "On protection of the rights of persons with disabilities and their social inclusion " prescribes that for the exercise of rights and fulfilment of obligations of disabled persons, as well as of certain groups of disabled persons, more favourable conditions may be defined in cases and in the manner prescribed by the legislation of the Republic of Armenia, including for ensuring equal opportunities with others. The cases prescribed by this part, as

well as all the measures (special measures) aimed at ensuring — for disabled persons — equal opportunities with others may not be considered discrimination if they are proportionate, appropriate and necessary to attain the legitimate objective pursued.

Part 2 of Article 5 of the Draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and their social inclusion" prescribes that the system for protection of rights of persons with disabilities and their social inclusion shall include economic, social, healthcare, legal, educational, cultural, sports measures guaranteed by the State and other measures not prohibited by the legislation of the Republic of Armenia.

Parts 1 and 2 of Article 24 of the Draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and their social inclusion" prescribes that accessibility, as target direction for ensuring accessible conditions and equal opportunities for the purpose of protection of rights of persons with disabilities and their social inclusion, shall include accessibility of physical environment and accessibility of information and communication, including information and communication technologies and systems.

State and local self-government bodies, organisations, irrespective of organisational-legal form, in the manner and in accordance with the terms prescribed by the legislation of the Republic of Armenia shall, within the scope of the competencies thereof, ensure for persons with disabilities the accessibility of physical environment, information and communication, as well as accessibility of industrial buildings and structures, and buildings and structures of other functional use, creation of conditions therefor to benefit from transport system, information and communication resources, resorts and places of leisure freely.

Article 25 of the Draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and their social inclusion" prescribes the following main processes ensuring accessibility of physical environment for persons with disabilities:

(1) elaboration of requirements, as well as general design requirements and standards ensuring the accessibility of physical environment, with participation of organisations engaged in key issues related to persons with disabilities, and approval thereof by the Government of the Republic of Armenia;

(2) removal of environmental obstacles making the physical environment less accessible or inaccessible;

(3) performance of works aimed at studying, engineering and improvement of general design for meeting special needs of persons with disabilities and ensuring accessibility of physical environment therefor, and (or) encouragement or promotion thereof;

(4) consideration of general design requirements in land-use planning, when designing, developing, producing and using buildings and structures, transport system, public transport;

(5) adaptation, to the extent possible, of buildings and structures already being used and not complying with general design requirements to the needs of persons with disabilities, and where full or partial compliance with general design requirements is not possible the availability of auxiliary facilities shall be ensured for the purpose of making them maximum usable for persons with disabilities;

(6) development and implementation of programme for adaptation of transport system and public transport to the needs of persons with disabilities, and besides, at least the following shall be envisaged by the programme:

a. measures necessary for re-equipment of airports, cableways, railway and subway stations, bus stations, auto stations, stops in compliance with general design requirements, and where full or partial compliance is impossible — re-equipment with auxiliary facilities, and terms for implementation thereof;

b. stipulation of a condition for providing accessible buses for persons with disabilities, as a tender related condition, in the procedure for the tender for organisations or individual entrepreneurs providing regular bus services as prescribed by the legislation of the Republic of Armenia;

c. stipulation of the minimum number of passenger-taxi motor vehicles adapted for disabled persons, as a mandatory condition, in the procedure for licensing for organisation of passenger transportation by passenger-taxi motor vehicles (and where necessary — in other relevant legal acts regulating relations with regard to organisation of passenger transportation by passenger-taxi motor vehicles) for organisations and individual entrepreneurs conducting passenger transportation by passenger-taxi motor vehicles (except for organisations and individual entrepreneurs having 1-3 passenger-taxi motor vehicles).

d. stipulation of a condition for providing accessible trolleybuses for persons with disabilities;

e. measures undertaken for arranging a special route with established traffic schedules for persons with disabilities;

f. arrangement of stops for transport means in places preferred by persons with disabilities

and necessary therefor;

(7) equipment of residential premises (structures) belonging to persons with disabilities by the right of ownership or use with auxiliary facilities, in accordance with individual rehabilitation programmes, at the expense of allocations for the current and capital repair from the housing funds or other means not prohibited by legislation.

On 12 January 2017 Protocol Decision of the Government of the Republic of Armenia No 1 "On approving the Comprehensive Programme of 2017-2021 on Social Inclusion of Persons with Disabilities and the List of Measures Ensuring Implementation of the Programme" (hereinafter referred to as "the Comprehensive Programme") was adopted wherein measures ensuring equal conditions for social inclusion for persons with disabilities were established, targeted results thereof for the upcoming five years were stipulated for the main directions of social life.

In accordance with measure 2.3.1 of Annex No 2 of the Comprehensive Programme it is envisaged to ensure accessibility of television programmes broadcasted on television, and it is envisaged that by 2021 minimum 25 percent of the broadcasted television programmes shall be provided with sign-interpretation and (or) Armenian subtitles. For the purpose of providing information to persons with disabilities it is also envisaged by the same programme to ensure access to official websites of state authorities for persons with disabilities with hearing and visual impairments, as well as it is envisaged by point 2.3.6 to ensure by 2020 the opportunity for persons with disabilities to receive information in an accessible form in service-providing bodies by introduction of a special visual communication system.

Law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia ‘On road transport vehicles’” was adopted on 16 December 2016, wherein a provision on inclusion of buses adapted for persons with disabilities in regular passenger transportations was established. Measures for establishing a single transport network in the Republic are under implementation as well, after legislative regulation and formation whereof transport means adapted for persons with disabilities will also be involved in the tenders to be organised.

Persons having first or second disability group shall have the right to free-of-charge electric transport.

The Comprehensive Programme provides for ensuring accessibility of transport means for inter-urban, intra-urban regular passenger transportations for 25 percent, and adaptation of pavements, stops, parking lots, auto stations, bus stations, installation of special sound signals on traffic lights for minimum 50 percent for the upcoming 5 years.

In accordance with measure 2.1.1 of Annex No 2 of the Comprehensive Programme it is envisaged to review and modernise construction norms ensuring accessibility for persons with disabilities to buildings and structures, and in accordance with measure 2.1.2 it is envisaged to assess accessible conditions for persons with disabilities in existing buildings and structures and perform works aimed at ensuring accessibility based on the priorities.

"I hereby ratify"

President of the Republic of Armenia
R. Kocharyan

8 September 2005

GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION

No 1384-N of 11 August 2005

ON ESTABLISHING THE LIST OF EMPLOYEES OF A SPECIFIC CATEGORY ENTITLED TO ADDITIONAL ANNUAL LEAVE, THE MINIMUM DURATION OF THE LEAVE AND THE PROCEDURE FOR THE PROVISION THEREOF

Pursuant to part 2 of Article 161 of the Labour Code of the Republic of Armenia, the Government of the Republic of Armenia *decides*:

1 To define:

(a) the list of employees of a specific category entitled to additional annual leave and the minimum duration of the leave according to Annex No 1;

(b) the procedure for granting additional annual leave according to Annex No 2.

2 This Law shall enter into force on the tenth day following the day of its official promulgation and shall extend to relations arising after 21 June 2005.

Prime Minister of the Republic of Armenia A. Margaryan

29 August 2005
Yerevan

Annex No 1

to Decision of the Government
of the Republic of Armenia
No 1384-N of 11 August 2005

LIST

OF EMPLOYEES OF A SPECIFIC CATEGORY ENTITLED TO ADDITIONAL ANNUAL LEAVE AND THE MINIMUM DURATION OF THE LEAVE

No. in sequence	Profession, field	Executive
1	2	3
1.	Physicians	2
2.	Dentists	2
3.	Pharmacologists and pharmacists	2
4.	Nurses	2
5.	Paramedics	2
6.	Technician-chemists	2
7.	Veterinarians	4
8.	Train, electric train and engine drivers	5
9.	Bibliographers, archivists, archive fund keepers, operator of computer and digitising equipment of an archive, laboratory restoration specialists, bookbinders and disinfectors, heads of archivistics departments of an archive, records managers, print production, underground archival repository maintenance and film industry employees and related specialists	5
9.1.	Librarians working on five-day working pattern	5
9.2.	Librarians working on six-day working pattern	6
10.	Airplane pilots and related specialists	4
11.	Flight operations officer	9
12.	Air traffic safety technician	4
13.	Customs officers	4

14.	Tax officers	4
14.1.	*(point 14.1 repealed by No. 1231-N of 9 September 2010)*	
15.	Civil servants, community servants	4
15.1.	Diplomatic service officers	4
16.	Political office holders except for deputies of the National Assembly of the Republic of Armenia	4
17.	Persons holding discretionary and civil positions, and persons carrying out civil works	4
18.	Employees of prosecutor's office and court staff specialists, state servants of the staff of special investigation service	4
19.	Journalists	4
20.	Employees of “Hayincassatsia” CJSC	4
21.	Employees of the Central Bank and those of the banking system of the Republic of Armenia	4
22.	Trainmen, cabin and ship attendants	4
23.	Public transport conductors	4
24.	Workers and truck driver engaged in mining, capital mining, construction and installation, and construction and repair works	9
25.	Miners, truck drivers and workers in other fields, in the field of underground and opencast mining, powder men, stonemasons, stone setters and related specialists	9
26.	Builder-adjusters and related specialists	5
27.	Workers-straighteners engaged in construction and construction and repair works, and related specialists	5
28.	Colourers, building (structure) surface cleaning workers, and related specialists	5
29.	Workers and truck drivers engaged in constructions of mines (ore mines), quarries (open-pit mines), subways, tunnels and special underground constructions	9
30.	Metalwork and machine industry workers	5
31.	Moulders, welders, blacksmith, rollermen, structural metal maker and related makers, related specialists	5
32.	Toolmakers, machine-tool operators, set-up operators, workers and related specialists	5
33.	Workers engaged in enamel coating, metal coating and colouring	5
34.	Workers engaged in production of abrasive materials, synthetic diamonds, ultra-hard materials and products therefrom and natural diamonds	9
35.	Workers for publishing industry	4

36.	Welders, electro-gas welders, cutting torch operators and related specialists	5
37.	Crane drivers and related specialist	5
38.	Assembly fitters for electric, electromechanic and radioelectric devices and related specialists	5
39.	Operators, instrument control men and mechanics for chemical production equipment, repairmen-fitters and electrical fitters for installations, boiler-house, turbine and steam-turbine equipment, pumping installation, power generating unit, electricity generating station and chains, radar installation, main radar system, and related specialists	5
40.	Repairmen engaged in apical works on aerial circuit and electricians-fitters for repairing power cables and installing lead sleeves on cable lines	5
41.	Workers for charging and maintaining basic and flooded batteries	5
42.	Engineers-technicians working at a height of more than 2.000 metre above the sea level	5
Employees of the Armenian Nuclear Power Plant *(Section repealed by No 1231-N of 9 September 2010)*		
43.	Civil servants released from military service as prescribed by law or appointed to a position of the special civil service due to military position displacement:	
	(1) in case of up to 15 years of military service	4
	(2) in case of 15-25 years of military service	6
	(3) in case of 25 and more years of military service	9
44.	Employees of the Armenian Nuclear Power Plant carrying out the following works: (1) maintenance of electric power equipment and automatic equipment in boiler-house, turbine (non-active vapour turbines) rooms, oil production objects (units) of nuclear power plants; (2) manual production and padding of chemicals, supply of nuclear power plants' circuits, process management of chemical water purification and water demineralization for supplying heating network and evaporators, reconditioning of filters with acids, salts and alkalies, preparation and proportionment of lime solution and chlorination of water for spray ponds and cooling systems; (3) maintenance of means of measurement, control and operation systems (automatic devices, regulating devices, technological protection devices, stoppers, signal systems, etc.) of boiler-house, (non-active vapour) turbine, fuel supply rooms (units); (4) oil intake and pumping in nuclear power plants; (5) switching in cycle arrangements, control over operating equipment by visits to boiler-house, (non-active vapour) turbine rooms (units); (6) ceiling travelling cranes control in boiler-house, (non-active vapour) turbine rooms (units);	5

	(7) cooled boilers cleaning; (8) heated boilers enveloping; (9) maintenance of underground heat transmitters' heating networks' constructions and power-and-heat supply points in nuclear power plants; (10) maintenance and repair of diesel and locomobile power stations in closed structures; (11) repair of heat-conducting and heating network structures in nuclear power station; (12) coating of boilers and heat-conductors of heating networks in nuclear power stations for heat insulation; (13) repair and adjustment of electric power equipment, automation measuring means, relay protection and automatics operating in boiler-house, turbine rooms (units), oil industries, tunnels and cogeneration chambers of nuclear power stations; (14) testing and parameter measurement of electric equipment, electrical networks of 220 kV and higher voltage and open distributing gears of nuclear power stations (non-active vapour turbine); (15) maintenance and repair of aerial circuit without voltage removal in non current-carrying part; (16) timber preservation works; (17) height works during the repair of aerial circuit and electric substation equipment; (18) clean-up, construction and repair works in turbine rooms (units) of nuclear power stations	
45.	Employees of the Armenian Nuclear Power Plant carrying out the following works: (1) ceiling travelling cranes control in reactor, turbine (active vapour turbines), reactor-turbine special water-treatment rooms (units); (2) sample taking from goods containing radioactive materials and analysis thereof; (3) maintenance of active vapour heat network, boiler equipment; (4) cleaning of production facilities of main (primary) circuit of nuclear power plants; (5) maintenance of electric power equipment and auxiliary systems of main (primary) circuit in reactor, turbine, reactor-turbine, chemical rooms (units); (6) maintenance of special water and gas treatment, ventilation, hot and cold air supply systems and facilities in the buildings of main (primary) circuit of nuclear power plant; (7) maintenance and repair of nuclear fuel and other materials, goods	9

	handling, transport-technological equipment in reactor rooms (units); (8) maintenance of measuring means control and operation (automatic equipment, regulating devices, technological protection devices, stoppers, signal systems and other devices) in reactor, turbine (active vapour turbines), reactor-turbine special water-treatment rooms (units); (9) repair and adjustment of reactor, turbine (active vapour) electric power equipment, automatics and measuring means, relay protection and automatics operating in turbine, reactor fuel supply rooms (units); (10) repair of equipment contaminated with radioactive materials, processing of materials and parts; (11) acceptance-delivery of instruments, equipment, materials and parts contaminated with radioactive materials; (12) deactivation of equipment and facilities contaminated with radioactive materials, acceptance and treatment of work wear, safety footwear and other necessary protection means; (13) radiation-measuring control in the building of main (primary) circuit of nuclear power plant; (14) collection, transport, processing and disposal of radioactive waste; (15) repair and construction works being performed in main (primary) circuit of nuclear power plant; (16) heated boilers cleaning; (17) maintenance and repair of live current-carrying parts of substations, overhead electric lines and electrical equipment	

(The list supplemented by No 190-N of 23 February 2006, No 307-N of 16 March 2006, No 417-N of 12 April 2007, amended, supplemented by No 1231-N of 9 September 2010, supplemented by No 72-N of 20 January 2011, by No 183-N of 3 March 2011)

Minister-Chief of Staff

of the Government of the Republic of Armenia M. Topuzyan

Annex No 2

to Decision of the Government
of the Republic of Armenia
No 1384-N of 11 August 2005

PROCEDURE

FOR GRANTING ADDITIONAL ANNUAL LEAVE

1. This Procedures defines the procedure for granting leave to employees of a specific category entitled to additional annual leave.

2. Additional annual leave shall be granted for each working year — in the given year.

3. Additional annual leave, upon the consent of the parties, may be added to minimum annual leave or granted separately.

4. Additional annual leave for the first working year shall be granted after six months of uninterrupted work at the given organisation. For the second and each subsequent working year annual leave shall be granted at any time of the working year, in accordance with the succession for granting annual leaves. The procedure for establishing succession shall be defined by a collective agreement, and where such agreement is not made — upon the consent of the parties.

5. Prior to the expiry of six months of uninterrupted work in the given organisation, additional annual leave shall be granted at the request of an employee in the following cases:

   (a) to women before or after maternity leave;

   (b) in other cases provided for by the collective agreement.

6. After six months of uninterrupted work in the given organisation, the following persons shall have the right to choose the time of additional annual leave:

   (a) employees under the age of 18;

   (b) pregnant women and employees taking care of a child under the age of fourteen.

7. Men shall be granted their annual leave at their request during the pregnancy and the maternity

leave of their wives.

8. Additional annual leave for employees studying without interruption of their employment shall be, at their request, adjusted with the time of their examinations, tests, preparation of the thesis and laboratory activities.

9. The employees taking care of an ill or disabled person at home, as well as employees with chronic diseases the exacerbation of which depends on the conditions of the atmosphere shall be granted additional annual leave at the time of their choice, on the basis of the medical conclusion.

Minister-Chief of Staff
of the Government of the Republic of Armenia M. Topuzyan