

— Armenia and the European Social Charter —

Signatures, ratifications and accepted provisions

Armenia ratified the revised European Social Charter on 21/01/2004 and has accepted 67 of the 98 paragraphs.

It has not accepted System of Collective Complaints.

The Charter in domestic law

Automatic incorporation into domestic law.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										
									Grey = Accepted provisions		

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. Meetings were held in 2009 and in 2015. The Committee adopted [reports concerning Armenia](#) in 2016 and in 2019.

The Committee considers that there are no major obstacles in law and in practice to Armenia's acceptance of several additional provisions of the Charter, including provisions such as Articles 9, 10 (§§1,3 and 4), 13§3, 14§1 and 15§1.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by Armenia

Between 2006 and 2022, Armenia has submitted 16 reports on the application of the Revised Charter.

The [15th report](#), submitted on 21/01/2020, concerns the accepted provisions relating to thematic group 2 "Health, social security and social protection" (Articles 3, 11, 12, 13, 14, 23 and 30).

Conclusions with respect to these provisions have been published in March 2022.

The 16th report, which was submitted on 17/02/2022, concerns the accepted provisions relating to thematic group 3 "Labour rights", namely:

- the right to just conditions of work (Article 2);
- the right to a fair remuneration (Article 4);
- the right to organise (Article 5);
- the right to bargain collectively (Article 6);
- the right to information and consultation (Article 21);
- the right to take part in the determination and improvement of the working conditions and working environment (Article 22);
- the right to dignity at work (Article 26);
- the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28);
- the right to information and consultation in collective redundancy procedures (Article 29).

Conclusions with respect to these provisions will be published in March 2023.

¹ The European Committee of Social Rights ("the Committee") monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently, each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity ³

Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

► *Article 151 – Right to work – Policy of full employment*

Employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

► *Article 152 – Right to work – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

- Indirect discrimination is not defined and prohibited by the legislation;
- Discrimination is not prohibited in connection with recruitment in employment;
- There is no protection against discrimination in employment on grounds of sexual orientation;
- The upper limit on the amount of compensation awarded in discrimination cases might preclude damages from fully compensating the loss suffered and from being a sufficient deterrent;
- It has not been established that legislation provides for a shift in the burden of proof in discrimination cases;
- All posts in the civil service are reserved to Armenian citizens;
- The duration of alternative civil service amounts to an excessive restriction of the right to earn one's living in an occupation freely entered upon.

► *Article 153 - Right to work - Free placement services*

It has not been established that free employment services operate in an efficient manner.

► *Article 1553 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Integration and participation of persons with disabilities in the life of the community*

- During the reference period, there was no legislation prohibiting discrimination on grounds of disabilities covering the fields of housing, transport, telecommunications and cultural and leisure activities;
- It has not been established that persons with disabilities have effective access to housing;
- It has not been established that persons with disabilities have effective access transport.

► *Article 1852 - Right to engage in a gainful occupation in the territory of other States Parties - Simplifying existing formalities and reducing dues and taxes*

The fees charged for work permits are excessive.

► *Article 20 – Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

- There is no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value;
- The upper limit on the amount of compensation that may be awarded in gender discrimination cases may preclude damages from making good the loss suffered and from being sufficiently dissuasive;
- It has not been established that legislation provides for a shift in the burden of proof in gender pay discrimination cases;
- The obligation to make measurable progress in reducing the gender pay gap has not been fulfilled.

Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

► *Article 351 – Right to safe and healthy working conditions – Safety and health regulations*

- There is no clearly defined policy on occupational health and safety.
- Public authorities are not involved in research relating to occupational health and safety, training of qualified professionals, definition of training programmes or certification of processes.

³ Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 12§1 – Right to social security – Existence of a social security system*

The right to social security is not guaranteed to all workers and their dependents.

► *Article 12§3 – Right to social security – Development of the social security system*

It has not been established that steps have been taken to raise progressively the system of social security to higher level.

► *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*

- The level of social assistance paid to a single person without resources is not adequate;
- The level of non-contributory social pension for the elderly persons is not adequate;
- The right to access to medical care is not sufficiently guaranteed.

► *Article 12§3 – Right to benefit from social welfare services – Public participation in the establishment and maintenance of social services*

It has not been established that public participation in creating and maintaining social services is effectively guaranteed in law and in practice.

Thematic Group 3 “Labour rights” - Conclusions 2018

► *Article 2§1 – Right to just conditions of work – Reasonable working time*

The daily working time of some categories of workers can be extended to 24 hours.

► *Article 2§4 - Right to just conditions of work - Elimination of risks in dangerous or unhealthy occupations*

There is no prevention policy regarding the risks in inherently dangerous and unhealthy occupations.

► *Article 4§2 – Right to a fair remuneration – Increased remuneration for overtime work*

The legislation does not guarantee an increased time off in lieu of remuneration for overtime.

► *Article 4§3 – Right to a fair remuneration – Non-discrimination between women and men with respect to remuneration*

- The upper limit on the amount of compensation that may be awarded in gender discrimination cases may preclude damages from making good the loss suffered and from being sufficiently dissuasive;
- The enforcement of the right to equal pay is not effective, as demonstrated by the persistently high gender pay gap.

► *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

No notice period is provided for in certain cases of dismissal due to minor disciplinary offences.

► *Article 4§5 – Right to a fair remuneration – Limits to deduction from wages*

- Deductions from wages may deprive employees with the lowest pay and their dependants of their means of subsistence;
- Withdrawal of wages in case of flawed products, for which the employee is responsible, deprives employees and their dependants of their means of subsistence.

► *Article 5 – Right to organise*

- The minimum membership requirements set for forming trade unions and employers’ organisations are too high;
- The following categories of workers cannot form or join trade unions of their own choosing: employees of the Prosecutor’s Office, civilians employed by the security service, all members of the police force (including civilians), self-employed workers, those working in liberal professions and informal sector workers.

► *Article 6§2 – Right to bargain collectively – Negotiation procedures*

It has not been established that the promotion of collective bargaining is sufficient.

- ▶ *Article 6§4 – Right to bargain collectively – Collective action*
 - The percentage of workers required to call a strike is too high;
 - Strikes are prohibited in the energy supply services;
 - All members of the police are prohibited from striking;
 - Restrictions on the right to strike in certain sectors are too extensive and go beyond the limits permitted by Article G.

- ▶ *Article 28 – Right of workers’ representatives to protection in the undertaking and facilities to be accorded to them*
 - The protection granted to workers’ representatives is not extended for a reasonable period after the expiration of their mandate;
 - It has not been established that:
 - workers’ representatives are effectively protected against prejudicial acts other than dismissal;
 - facilities granted to workers’ representatives are adequate.

Thematic Group 4 “Children, families, migrants” - Conclusions 2019

- ▶ *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*
 - The duration of work permitted to children under the age of 15 is excessive and therefore the work cannot be qualified as light;
 - The prohibition of employment of children under the age of 15 is not guaranteed in practice.

- ▶ *Article 7§3 – Right of children and young persons to protection – Prohibition of employment of children subject to compulsory education*
 - The duration of work permitted to children who are subject to compulsory education is excessive and therefore the work cannot be qualified as light;
 - The legislation on prohibition of employment of children subject to compulsory education is not effectively enforced.

- ▶ *Article 7§5 – Right of children and young persons to protection – Fair Pay*

The young workers’ wages are not fair.

- ▶ *Article 7§10 – Right of children and young persons to protection - Special protection against physical and moral dangers*
 - It has not been established that the adequate measures are taken to protect children against the misuse of information technologies;
 - It has not been established that adequate measures are taken to protect children against other forms of exploitation such as trafficking for the purposes of labour exploitation.

- ▶ *Article 17§1 – Right of children and young persons to social, legal and economic protection – Assistance, education and training*
 - Not all forms of corporal punishment of children are prohibited in all settings;
 - The ratio of children in institutions to the number of children in foster-care or other forms of family-based care is too high;
 - The maximum length of pre-trial detention is excessive.

- ▶ *Article 17§2 – Right of children and young persons to social, legal and economic protection – Free primary and secondary education; regular attendance at school*

The net enrolment rate in secondary education is too low.

- ▶ *Article 19§2 – Right of migrant workers and their families to protection and assistance – Departure, journey and reception*

It has not been established that appropriate measures have been taken to facilitate the departure, journey and reception of foreign workers.

► *Article 19§4 – Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

It has not been established that the state:

- has taken adequate practical steps to eliminate all legal and de facto discrimination,
- put in place effective monitoring procedures or bodies, and
- ensures an effective right of appeal before an independent body concerning the rights secured by Article 19§4 of the Charter.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance – Family reunion*

- It has not been established that the right of families of migrants legally established in the territory to join them is effectively secured;
- There is no right of review of a decision rejecting an application for family reunion before an independent body.

► *Article 19§10 – Right of migrant workers and their families to protection and assistance – Equal treatment for the self-employed*

The grounds of non-conformity under Articles 19§2, 19§4 and 19§6 apply also to self-employed migrants.

► *Article 27§2 – Right of workers with family responsibilities to equal opportunity and treatment - Parental leave*

The level of parental leave benefit is inadequate.

The Committee has been unable to assess compliance with the following provisions and has invited the Armenian Government to provide more information in the next report:

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ Article 15§2 - Conclusions 2020
- ▶ Article 24 - Conclusions 2020

Thematic Group 2 "Health, social security and social protection"

- ▶ Article 13§2 - Conclusions 2021

Thematic Group 3 "Labour rights"

- ▶ Article 6§1 - Conclusions 2018

Thematic Group 4 "Children, families, migrants"

- ▶Article 7§2 - Conclusions 2019
- ▶Article 7§4 - Conclusions 2019
- ▶Article 7§6 - Conclusions 2019
- ▶Article 7§7 - Conclusions 2019
- ▶Article 7§8 - Conclusions 2019
- ▶Article 7§9 - Conclusions 2019
- ▶Article 8§1 - Conclusions 2019
- ▶Article 19§8 - Conclusions 2019
- ▶Article 19§11 - Conclusions 2019

II. Examples of progress achieved in the implementation of rights under the Charter (*non-exhaustive list*)

Thematic Group 1 "Employment, training and equal opportunities"

► Law on Employment, which came into force on 1 January 2014 and sets out measures to be taken to help persons with disabilities integrate into the labour market.

► On 20 May 2013 the National Assembly of the Republic of Armenia adopted the "Law on ensuring equal rights and equal opportunities for women and men", which prescribes guarantees for ensuring equal rights and equal opportunities for women and men in political, social, economic, cultural and other areas of public life.

Thematic Group 2 "Health, social security and social protection"

► On 1st August 2015, the Government, the Confederation of Trade Unions of Armenia and the Republican Union of Employers of Armenia concluded the Republican Collective Agreement with a view to ensure health and safety of employees during employment. It prescribes the obligations of the parties to social partnership, which includes the improvement of the role of trade unions, as well as the legislation for the purpose of increasing the economic interest and liability of employers, assistance in the drafting and introduction of the rules and norms for ensuring the safety and health of employees, promotion of development of the policy targeted at work safety within organisations, and the introduction of modern systems for monitoring of working conditions.

► Article 148 of the Labour Code has been amended (Law No. HO-96-N of 22 June 2015) and henceforth provides that pregnant women and employees taking care of a child under the age of three may be engaged in night work only with their consent after undergoing a preliminary medical examination and submitting a medical opinion to the employer.

► The adoption, in 2011 and 2012 of a package of social security services, including compulsory medical insurance, for civil servants and employees working in state non-commercial organisations operating in the fields of education, culture and social security (Decisions No. 1923-N of 29 December 2011 and No. 1691-N of 27 December 2012).

► The extension, in 2015, of free medical care to include emergency heart surgery.

► The increase, as from 2014, of invalidity pensions of the first and second group of disability.

► The Committee notes from the report that in 2014 the Law 'On state benefits' entered into force and the Law "On social assistance" entered into force on 1 January 2015. In the course of 2012-2015, changes were introduced to the system of family (or social) benefits, mainly concerning the improvement of the procedure and administration of assessment of the level of indigence of families. As a result, families with low income, especially those with a child also acquire the right to family (or social) benefit.

Thematic Group 3 "Labour rights"

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Thematic Group 4 "Children, families, migrants"

► The Labour Code as amended by Law No HO-117-N of 24 June 2010, in its Article 17 (2(1)) states that persons between the ages of 14 and 16 may be involved only in temporary works not causing damage to health, safety, education and morality.

▶Article 170 of the Labour Code has been amended by Law No. HO-117-N of 24 June 2010 and it now provides that "the replacement (giving-up) of annual holiday for financial compensation was not allowed, with the only exception of the situation when the employment contract is terminated.

▶Article 258(3) of the Labour Code, governing nursing breaks, was amended in 2010 (Law No. HO-117-N of 24 June 2010) and now applies to all employees.

▶Amendments to the Law "On general education" were introduced in 2012, which provide for inclusive education for children with special needs.

▶In December 2013, a new Law "On employment" was adopted. The new law introduces major new programmes which were not contained in the previous legal regulations. Programmes envisaged by the new Law include the organisation of vocational training, assistance in changing employment and the organisation of employment experience for persons with no professional work experience.

▶Law No. HO-160-N of 27 October 2010 was amended by Law No. HO-206- N of 1 December 2014 in order to replace "temporary incapacity benefits" for pregnant women or those on maternity leave by "maternity benefits".