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EUROPEAN SOCIAL CHARTER

8th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF ARMENIA

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

for the period 01/01/2009 – 31/12/2012)

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CYCLE 2014



EUROPEAN SOCIAL CHARTER
(REVISED)

Report of the Republic of Armenia

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

Reporting period 2009–2012

Article 2. Right to just conditions of work

With a view of ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
2. to provide for non-working days with pay;
3. to provide for a minimum of four weeks' annual holiday with pay;
4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid leave for workers engaged in such occupations;
5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;
6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the employment contract or employment relationship;
7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Appendix to Article 2§6

Parties may provide that this provision shall not apply:

- a. to workers having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours;
- b. where the contract or employment relationship is of a casual and/or specific nature, provided, in these cases, that non-application of this provision is justified by objective considerations.

Article 2§1

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

The Law of the Republic of Armenia "On Making Amendments and Supplements to the Labour Code of the Republic of Armenia" (hereinafter referred to as the Law) was developed and adopted on 24 June 2010, taking into account the necessity of regulating certain issues having emerged in the law enforcement practice following the entry into

force of the Labour Code of the Republic of Armenia. Amendments and supplements to the Labour Code of the Republic of Armenia also aim to simplify and clarify the mechanisms for emergence of labour relations and regulation thereof bringing them into compliance with the requirements of certain provisions enshrined by the Constitution of the Republic of Armenia, international treaties, namely the ILO conventions and the Revised European Social Charter.

Due to the amendments and supplements to the Labour Code of the Republic of Armenia of 24 June 2010, amendments have been made also to several decisions of the Government of the Republic of Armenia, particularly to the following:

- Decision of the Government of the Republic of Armenia No 1599-N of 11 August 2005 "On defining the list of employees of specific category entitled to extended annual leave";
- Decision of the Government of the Republic of Armenia No 1384-N of 11 August 2005 "On defining the list of employees of specific category entitled to extended annual leave, the minimum period of and the procedure for providing that leave";

Article 139(1) of the Labour Code of the Republic of Armenia defines that the normal duration of working time may not exceed 40 hours a week.

Part 2 of the Article defines that the duration of the daily working time may not exceed eight working hours, except for cases provided for in this Code, law, other legal acts and collective contract.

Article 139(3) of the Labour Code of the Republic of Armenia has been amended significantly. In contrast to the edition prior to 7 August 2010, "The maximum duration of working time:

1. including overtime upon request of the employer in cases provided for in Article 145 of this Code may not exceed 48 hours a week;
2. including overtime upon agreement between the parties may not exceed 12 hours a day (including breaks for rest and eating)", according to Article 139(3) of the Labour Code of the Republic of Armenia having entered into force as from 7 August 2010 and currently in force, "the maximum duration of working time, including overtime, may not exceed 12 hours a day (including breaks for rest and eating), and 48 hours a week".

This implies that through the mentioned amendment the legislation excludes engagement in overtime work upon agreement between the parties.

The amendment made to Article 144 of the Labour Code of the Republic of Armenia, resulted in repealing the provision relating to the engagement in overtime work upon agreement between the parties.

Article 146(1) has been amended by the Law of the Republic of Armenia "On Making Supplements and Amendments to the Labour Code of the Republic of Armenia", adopted on 24 June 2010, according to which overtime work requested by the employer during two consecutive days shall not exceed 4 hours, and 180 hours during a year.

Article 147(1) of the Labour Code of the Republic of Armenia has been supplemented by a provision, according to which the duration of the working day on the eve of non-working public holidays and commemoration days is shortened by an hour, except for employees working under conditions of short working time and part-time.

According to Article 148 of the Labour Code of the Republic of Armenia:

1. Night time shall be considered the period between 22:00 and 6:00.
2. The work performed at night time shall be considered as night work.
3. Persons under the age of eighteen, as well as the workers who are not allowed to work at night according to the medical opinion shall be prohibited to be engaged in night work.
4. Pregnant women and workers taking care of a child under the age of three may be engaged in night work only with their consent.
5. Where it is confirmed that the night work has harmed or may cause harm to the health of the worker, the employer shall be obliged to transfer the worker only to a day work.

Article 139(4) of the Labour Code of the Republic of Armenia defines that "the duration of the working time for specific categories of workers (health care organisations working on an uninterrupted shift basis, guardianship (custodianship) organisations, child care institutions, specialised energy supply, gas supply, heating supply organisations, specialised services for elimination of the consequences of accidents, etc.) may amount to 24 hours a day. The average duration of the working time of such employees in a week may not exceed 48 hours, and the rest time between the working days may not be less than 24 hours. The list of such occupations shall be defined by the Government of the Republic of Armenia." This implies that by envisaging the possibility of defining a 24-hour working day by the Labour Code, the Code also restricts the average duration of working time during the week that may not exceed 48 hours.

With the view of ensuring application of the above mentioned legal norm, the Decision No 1223-N of the Government of the Republic of Armenia of 11 August 2005 has approved the list of 24-hour occupations, including the following occupations:

1. On-duty electrical technician of contact networks and traction substations, electricians, auto-matrix engine drivers, assistants to engine drivers;
2. On-duty communication engineers of high and low frequency selective communication, on-duty electrical technicians at optical fibre telephone stations, on-duty information operators for telephone connection;
3. On-duty workers and guards at railways;
4. On-duty nurses servicing locomotive brigades;
5. On-duty workers at resorts;

6. Guards;
7. On-duty radio-electrical technicians;
8. Conductors, machine fitters, electricians, mechanics and foremen on passenger trains, train masters;
9. Squad commanders, senior shooters, shooters;
10. Traffic dispatchers;
11. Responsible on-duty operators;
12. Shifting operators;
13. Line section workers;
14. On-duty worker jobs at telecommunication stations;
15. On-duty staff of radio-television broadcasting centre, marz and regional television stations;
16. Radio control specialists of radio monitoring department;
17. On-duty worker jobs in checkpoint bureau of electrical energy complex;
18. Regulation and operator control services of the gas transportation and gas distribution systems;
19. Regulation and maintenance jobs of gas pressure station aggregates;
20. Gas emergency services;
21. Dispatcher jobs;
22. On-duty staff jobs in sub-stations;
23. Security inspectors (guard service);
24. Shift work at hydro power station;
25. On-duty machine operators of hydroelectric units;
26. Engine operators of hydro-facilities;
27. Jobs in a staff jobs providing medical aid at hospitals;
28. Jobs in a staff carrying out emergency and primary health care activities;
29. Inspector-guards at a lifting gate in state reserves;
30. Jobs performed by specialists of the "Zvartnots" air weather centre;
31. Experts of the "Armenian State Hydrometeorological and Monitoring Service" SNCO ("Haypethidromet") of the Ministry of Nature Protection of the Republic of Armenia carrying out meteorological, actinometric (radiometric) and ozonometric observations;

32. Jobs performed by specialists making hydro-meteorological forecasts;
33. Jobs performed by experts of subdivisions for the exchange of hydro-meteorological data;
34. Jobs of a stoker in curatorship (guardianship), social security organisations (orphanages), healthcare and education sectors;
35. Job of a stock farmer;
36. On-duty workers at television and radio companies.

According to Article 149 of the Labour Code of the Republic of Armenia:

1. The employer may — for ensuring labour discipline or performance of urgent work in the organisation in special cases — engage the worker in duty work in the organisation or at home after the end of the working day or on non-working public holidays, commemoration and rest days not more than once a month, whereas upon consent of the worker — not more than once a week.
2. Where the duty work is performed after the end of the working day, the duty work time together with the working day (shift) in the organisation may not exceed the duration of the working day (shift) prescribed by Article 139 of this Code, whereas the duration of the duty work in the organisation or at home on non-working public holidays, commemoration and rest days may not exceed eight hours a day. The time of duty work in the organisation shall be equalised to the working time, whereas the time of duty work at home shall be equalised not less than to half of the working time.
3. For the duty work at home or in the organisation exceeding the work time prescribed by Article 139(1) and (2), Articles 140, 141 and 143(1) of this Code, rest time during the upcoming month shall be provided with the same duration or, upon the desire of the employee, that rest time may be added to the annual leave or may be paid as overtime work.
4. Employees under the age of eighteen are not allowed to be engaged in duty work at home or in an organisation. Pregnant women and an employee taking care of a child under the age of three may be engaged in duty work at home or in the organisation only upon their consent.

Article 7 of the Code prescribes the following:

1. The labour legislation and other regulatory legal acts containing norms of labour law shall apply to labour relations having arisen in the territory of the Republic of Armenia, irrespective of the fact whether the work is performed in the Republic of Armenia or in another state upon the assignment of the employer.
2. Provisions of the labour legislation of the Republic of Armenia and of other regulatory legal acts containing norms of labour law shall be binding upon all employers (citizens or organisations) irrespective of their legal form and form of ownership

According to Article 3 of the Code, the legal equality of parties to labour relations is defined as the main principle of the labour legislation irrespective of their gender, race, national origin, language, origin, nationality, social status,

religion, marital status, age, beliefs or views, affiliation to political parties, trade unions or non-governmental organisations, other circumstances not associated with the professional qualities of an employee.

Therefore, the regime of working time fixed by the Labour Code of the Republic of Armenia, the decisions of the Government of the Republic of Armenia adopted for ensuring the application of that regime, the restrictions, rights and obligations:

- (a) apply to all employees engaged in labour relations in the Republic of Armenia;
- (b) are mandatory for all employers in the territory of the Republic of Armenia, regardless of their legal form or form of ownership;
- (c) apply to persons of all categories specified in a legal act irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital status, age, beliefs or views, affiliation to parties, trade unions or non-governmental organisations, other circumstances not associated with the professional qualities of an employee.

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

According to the Labour Code of the Republic of Armenia (Article 34), state control and supervision over implementation by the employer of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective contracts shall be exercised by the State Labour Inspectorate, and — in cases provided for by law — by other state bodies.

Functions, rights and duties of the State Labour Inspectorate shall be established by law.

The tasks, powers of the State Labour Inspectorate of the Republic of Armenia, the rights and duties of the chief state labour inspector and state labour inspectors are established by the Law of the Republic of Armenia "On the State Labour Inspectorate".

The methodology for risk-based inspections of the State Labour Inspectorate of the Republic of Armenia, the risk criteria and the questions included in the questionnaire have been approved by the Decision of the Government of the Republic of Armenia No 1486-N of 22 November 2012. The mentioned questionnaire includes all issues concerning all the articles of the Labour Code of the Republic of Armenia regulating working time, concerning the enforcement of requirements of the decisions of the Government of the Republic of Armenia; the inspections cover the employers with risk factors, including overtime work, underpayment of remuneration prescribed by the law for overtime work, or cases of non- payment, etc.

The schedule of inspections carried out by the State Labour Inspectorate of the Republic of Armenia is approved by the Minister of Labour and Social Affairs of the Republic of Armenia on 1 December of each year and is posted on the website of the Inspectorate.

Seminars are organised for and consulting and methodological support are provided to employers, trade unions, organisations and employees in accordance with the schedule approved with the view of ensuring enforcements of requirements of labour law of the Republic of Armenia and other normative legal acts containing norms of the labour law.

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

In 2009, 349 citizens filed letters of complaint to the State Labour Inspectorate of the Republic of Armenia, of which 84 were regarding the matter of being engaged in overtime and night work, for cases concerning non-calculation and non-payment of supplements under the procedure and in the amount prescribed by the legislation of the Republic of Armenia.

Salaries in the amount of AMD 32 million have been recovered and paid to employees based on the administrative proceedings administered on the basis of the mentioned letters of complaint.

During 2010, the State Labour Inspectorate of the Republic of Armenia received 480 letters of complaint, of which 178 referred to salaries, including cases of engagement in overtime work, non-calculation and non-payment of supplements prescribed by the legislation. Salaries in the amount of AMD 112,500,000 have been recovered and have been paid to employees as a result of administrative proceedings carried out on the basis of the letters of complaint received.

In 2011, the State Labour Inspectorate of the Republic of Armenia received 523 letters of complaint, of which 169 referred to salaries, including cases of being engaged in overtime work, non-calculation and non-payment of supplements prescribed by the legislation. Salaries in the amount of AMD 178,146,977 have been recovered and have been paid to employees as a result of administrative proceedings carried out on the basis of the letters of complaint received.

During 2012, the State Labour Inspectorate of the Republic of Armenia received 543 letters of complaint, of which 86 referred to salaries, including cases of engagement in overtime work, non-calculation and non-payment of supplements prescribed by the legislation. Salaries in the amount of AMD 49,520,734 have been recovered and have been paid to employees as a result of administrative proceedings carried out on the basis of the letters of complaint received.

Article 2§2

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

The amendment made to Article 156(1) of the Labour Code of the Republic of Armenia by the Law of the Republic of Armenia "On Making Amendments and Supplements to the Labour Code of the Republic of Armenia" of 24 June 2010 has prescribed that the non-working public holidays and commemoration days in the Republic of Armenia are

established by law. The non-working public holidays and commemoration days in the Republic of Armenia are already established by the Law of the Republic of Armenia "On public holidays and commemoration days of the Republic of Armenia". There are 16 paid non-working days (public holidays and days of remembrance) under the Law of the Republic of Armenia "On public holidays and commemoration days of the Republic of Armenia".

The amendments made to the Labour Code of the Republic of Armenia of 24 June 2010 have led to the edition of Article 185 of the Labour Code of the Republic of Armenia, according to which:

The work performed on rest days and non-working public holidays and commemoration days established by law, 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 provided with another paid rest day within a month, or that day shall be added to the annual leave.

The work performed on non-working public holidays and commemoration days established by law in the working schedule shall be remunerated in at least double amount of hourly (daily) pay rate or task rate".

Remuneration of work performed on rest days and non-working public holidays and commemoration days shall be composed of the main salary and an additional remuneration equivalent thereto, that is supplement.

According to Article 184 of the Labour Code of the Republic of Armenia, in addition to the hourly pay rate, a supplement for each hour of overtime and night work shall be paid in the amount not less than 50 percent of the base hourly pay rate.

The supplementary remuneration envisaged for work (unless it is envisaged by the working schedule) performed on rest days and non-working public holidays and commemoration days established by law and supplementary remuneration (supplements) envisaged for every hour of overtime work are different guarantees defined by the Labour Code of the Republic of Armenia. Therefore, in practice, if the work performed on rest days and non-working public holidays and commemoration days defined by law is overtime work for the employee, the employer pays the employee the supplementary remuneration envisaged by legislation for overtime work and for work performed on rest days and non-working public holidays and commemoration days defined by law.

The employer shall, according to Article 192(1), pay the remuneration for work performed on non-working public holidays and commemoration days and on rest days defined by law, by the 15th of the month following the given month.

By the amendments made to the Labour Code of the Republic of Armenia on 24 June 2010, where by the fault of the employer the payment of the salary is made in violation of the time-limits defined by this Code, by the collective contract or upon the consent of the parties, the employer shall, for each day of delay in the payment of the salary, pay default penalty to the employee in the amount of 0.15 percent of the salary to be paid , but not more than the amount of the sum due.

For the failure by the employer to pay, under the procedure and in the amount defined by law, the salary for the work performed on rest days and non-working public holidays and commemoration days defined by law, Article 169.8 of

the Code of the Republic of Armenia on Administrative Offences envisages liability for the offender in the form of a fine in the amount of 1/4 of the unpaid salary.

The amendments cover to all employees in labour relations with the employer, regardless of the form of remuneration for the work defined by the employment contract, the monthly salary, the hourly pay rate or task pay rate.

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

The Law of the Republic of Armenia "On Making Amendments and Supplements to the Law of the Republic of Armenia "On Organising and Conducting Inspections in the Republic of Armenia"" has entered into force as from 6 August 2011, according to which:

- inspections may be risk-based inspections;

- the methodology of risk-based inspections and the risk criteria, the questions of the questionnaire are approved by the Government of the Republic of Armenia;

- the law requires that on the basis of the results of every inspection, the employer is given a binding assignment to eliminate the detected violations, and failure to execute it serves as a basis for conducting new inspection with the employer.

The methodology for risk-based inspections of the State Labour Inspectorate of the Republic of Armenia, the risk criteria and the questions included in the questionnaires have been approved by the Decision of the Government of the Republic of Armenia No 1486-N of 22 November 2012. This Decision has entered into force from 15 December 2012. Prior to 15 December 2012, under the Decision of the Government of the Republic of Armenia No 579-A of 29 May 2009, except for tax authorities, inspectorates, including the State Labour Inspectorate of the Republic of Armenia were prohibited from inspecting economic entities with annual money turnover of up to AMD 70 million. Inspections of such economic entities may be conducted only on the basis of a written application of the employee, upon permission of the Prime Minister, as prescribed by the Criminal Procedure Code of the Republic of Armenia, on the basis of the written application of head of the economic entity. Due to this, nearly 30,000 employers have been left out of the scope of control. As a result of the amendments made, more efficient mechanisms are applied with the view of exercising state control over the fulfilment of requirements of the labour legislation, which will result also in raising the level of efficiency of administrative action.

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

Letters of complaint on non-payment of salaries submitted to the inspectorate have been presented in relation to the mentioned point of the previous Article 2§1. Taking into consideration the fact that the mentioned letters of complaint included also letters of complaint relating to the remuneration for work performed on non-working public holidays and

commemoration days defined by the law, and that the filed letters of complaint have not been distinguished according to the forms of remuneration (main salary, supplement, additional payment), the same data are not reflected in the mentioned point.

In 2009, the inspectorate conducted 775 inspections, imposed administrative fines amounting to AMD 166,873,130; in 2010, the inspectorate conducted 640 inspections, imposed administrative fines amounting to AMD 150,221,000; in 2011, the inspectorate conducted 698 inspections, imposed administrative fines amounting to AMD 195,087,441; in 2012, the inspectorate conducted 395 inspections, imposed administrative fines amounting to AMD 58,311,336.

In 2011, by the written permission of the Prime Minister of the Republic of Armenia, 122 economic entities (taxi services, resorts and places of leisure), with money turnover of up to AMD 70 million a year, underwent inspections. The studies has found that the amount of AMD 51.5 million not paid for work performed on rest days and non-working public holidays and commemoration days defined by law have been paid to employees as a result of the inspectorate's administrative action.

Article 2§3

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

Based on the amendments made to the Labour Code of the Republic of Armenia on 24 June 2010, according to Article 159(1) of the Labour Code of the Republic of Armenia, the duration of the minimum annual leave shall be 20 working days in case of a five-day working week, and 24 working days — in case of a six-day working week. Article 159 has been supplemented by part 3 which reads as follows:

"Leaves with longer duration may be prescribed by a collective or employment contract or by a legal acts of the employer, except for organisations funded from state or community budget, the Central Bank of the Republic of Armenia."

According to Article 163 of the Labour Code of the Republic of Armenia, the annual leave may be granted in parts upon the consent of the parties. In case of granting the annual leave in parts, one of the parts of the annual leave shall be at least 10 working days, in case of a five-day working week, and at least 12 working days — in case of a six-day working week.

According to the Labour Code of the Republic of Armenia (Article 160), an extended annual leave with a duration of 25 working days in case of a five-day working week, and with a duration of 30 working days in case of a six-day working week (in exceptional cases — 35 working days in case of five-day working week, and 42 working days in case of six-day working week) shall be granted to employees of special category working under special working conditions whose work is related to mental and emotional defatigation or occupational hazard. The list of employees of certain category entitled to such leave is approved by the Decision of the Government of the Republic of Armenia No 1599-N of 11 August 2005 "On defining the list of employees of specific category entitled to extended annual leave".

According to the amendment made to Article 167(3) of the Labour Code of the Republic of Armenia, the carried over 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 provided or has been partially provided. Upon the request or consent of the employee, the unused part of annual leave may be carried over and added to the annual leave of the next year.

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

According to Article 34 of the Code and the Law of the Republic of Armenia "On State Labour Inspectorate" state control over granting the annual paid leaves, their time-limits, calculation and payment of the average monthly salary in case of the annual leave defined by legislation of the Republic of Armenia is exercised by the State Labour Inspectorate of the Republic of Armenia.

Violations of the mentioned norms lead to administrative liability under Article 41 of the Code of the Republic of Armenia on Administrative Offences, according to which violation of the requirements of labour legislation and other regulatory legal acts containing norms of labour law entails a warning imposed on the person who has committed the violation.

Violation of the requirements of labour legislation of the Republic of Armenia and other regulatory legal acts containing norms of labour law, committed within one year following the application of the administrative penalty entails imposition of a fine on the employer, in amount of fifty-fold of the minimum salary defined.

In case of failure to pay or late payment of the average salary when granting the annual leave to the employee within time limits defined by legislation, administrative liability is envisaged under Article 169.8 of the Code of the Republic of Armenia on Administrative Offences, which envisages liability for the person having committed the violation in the amount of 1/4 of the unpaid salary, and in case of repetition of this violation — in the amount of 1/2 of the unpaid salary.

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

In 2009, the State Labour Inspectorate of the Republic of Armenia received 24 letters of complaint from employees regarding non- payment of the average salary for the unused annual leave in case of rescission of the employment contract, in 2010 — 51 letters of complaint, in 2011 — 61 letters of complaint, in 2012 — 237 letters of complaint.

As a result of the proceedings conducted on the basis of letters of complaint, the claims presented in the letters of complaint have been satisfied, and the employers have paid all the complainants financial compensation for the unused annual leave on the ground of rescinding the employment contract.

Article 2§4

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

The amendments to the Labour Code of the Republic of Armenia of 24 June 2010 have also led to amendments to Article 249(6) of the Labour Code of the Republic of Armenia, according to which compulsory medical examination shall be conducted during working hours at the expense of the employer's funds.

According to the Labour Code of the Republic of Armenia (Article 253), the employer shall be obliged to involve employees' representatives as participants in the discussion of issues on occupational safety and health.

Parts 3 and 4 of Article 258 of the Labour Code of the Republic of Armenia have been supplemented and amended, according to which, in case of lack of opportunity to eliminate the dangerous factors, the employer shall take measures to improve working conditions in order for pregnant women and women taking care of children under the age of one are not under the impact of such factors. Where it is impossible to eliminate such impact as a result of

improvement of working conditions, the employer shall be obliged to transfer the woman (with her consent) to another job in the organisation. In case of absence of such possibility, the woman shall be provided with a paid leave prior to granting maternity leave.

Where a pregnant woman and a woman taking care of a child under the age of one needs to undergo medical examination during the working time, the employer shall be obliged to release her from the performance of work responsibilities by preserving the average salary, which is calculated on the basis of the average hourly salary rate.

Article 260 of the Labour Code of the Republic of Armenia has also been amended, according to which the employer is obliged to immediately inform the insurer, the Police and the State Labour Inspectorate of the Republic of Armenia in case of death of an employee at the workplace.

Under Article 261(2) of the Labour Code of the Republic of Armenia, the victim or his or her representative may, by the prescribed procedure, participate in the official investigation of the accident during working time or occupational disease, has the right to become familiar with the materials of the official investigation of the accident or occupational disease, receive the act of the official investigation of the accident or occupational disease, and in case of disagreement with the act the results of the official investigation may be appealed against through administrative and/or judicial procedure.

Article 183 of the Code prescribes the following:

- 1. An employee shall be paid a supplement for performing hard, harmful, especially hard and especially harmful works established by the legislation of the Republic of Armenia.*
- 2. An employee shall be paid a supplement in the amount not less than 30 percent of his or her base salary for performing work prescribed by the list of hard and harmful industries, activities, occupations, positions and indicators, and in the amount not less than 50 percent for performing activities prescribed by the list of especially hard, especially harmful industries, activities, occupations, positions and indicators.*

The list of jobs and occupations harmful and especially harmful for health has been approved by the Decision of the Government of the Republic of Armenia No1698-N of 1 December 2010.

Failure to calculate and pay supplements for the jobs of specific category in case of harmful and especially harmful jobs defined by legislation entails liability under Article 169/8 of the Code of the Republic of Armenia on Administrative Offences.

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

In 2009: - 58 accidents, 65 victims, of which 13 deceased;

In 2010: - 59 accidents, 59 victims, of which 8 deceased;

In 2011: - 65 accidents, 67 victims, of which 6 deceased;

In 2012: - 42 accidents, 44 victims, of which 4 deceased.

All cases of accidents and occupational diseases have been taken under the control of the State Labour Inspectorate of the Republic of Armenia, the materials of the official investigation conducted as prescribed by the Decision of the Government of the Republic of Armenia No 458-N of 23 March 2006 "On official investigation of accidents" have been required and taken under registration.

Findings of official investigation of accidents and occupational diseases have been analysed in the State Labour Inspectorate of the Republic of Armenia. For the purpose of prevention of accidents analytical information regarding the causes of accidents has been sent to employers carrying out activities in the same sphere.

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

In 2009, based on studies conducted by the State Labour Inspectorate of the Republic of Armenia, it was found that 211 employees have not been paid a total of AMD103 million for activities that are harmful for health.

As a result of inspections carried out from 2010 to 2012, cases of violations, regarding failure to calculate and pay supplements under the procedure and in the amount prescribed by legislation of the Republic of Armenia, have been detected and have been considered as non-calculation and non-payment of salaries, and resulted in imposition of administrative fines. Administrative liability is envisaged under Article 169.8 of the Code of the Republic of Armenia on Administrative Offences for the failure to calculate and pay supplement for activities harmful to health under the procedure and in the amount prescribed by legislation of the Republic of Armenia.

Article 2§5

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

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

Under the Law of the Republic of Armenia "On making supplements and amendments to the Labour Code of the Republic of Armenia" (Article 155 of the Labour Code of the Republic of Armenia) adopted on 24 June 2010, in the organisations where activities may not terminated on the rest day due to the need of serving the population (organisations specialising in urban transportation, energy supply, gas supply and heating, theatre, museum, public food, etc.), the rest day shall be defined by the employer.

In the organisations where activities may not be terminated due to technical conditions of the 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 are 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 this Code.

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

Uninterrupted weekly rest should not be less than 35 hours. Two rest days to be provided in the above-mentioned cases shall follow each other.

The weekly consecutive rest periods are clearly defined by the Labour Code of the Republic of Armenia.

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

The assignments for inspections carried out by the State Labour Inspectorate of the Republic of Armenia from 2009 to 2012 contained the issue of "rest time" as a separate controlled issue under which the durations of weekly rests granted to the employee, their compatibility with the requirements of Article 155 of the Labour Code of the Republic of Armenia had been inspected.

The questionnaires for risk-based inspections carried out by the State Labour Inspectorate of the Republic of Armenia, as established by Decision of the Government of the Republic of Armenia No 1486-N of 22 November 2012, are designed for studying the issues concerning the guarantee of the right to rest.

During inspections, the internal disciplinary rules of the organisation, as well as the internal and individual legal acts adopted by the employer are inspected.

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

No cases of failure to provide rest days or to provide rest days of less than 35 hours during a week have been recorded. Such violations have been recorded only in the spheres of taxi services and those of rest and leisure. The inspection of 122 employers has recorded violations of weekly rest, and the works carried out as a result of such violations have been evaluated as both overtime work and work on rest days, and salaries — not calculated and not paid — totalling AMD 51.5 million have been estimated. Those salaries have been paid later through corresponding administrative measures.

Work done on rest days, as a result of which labour rights of 1 700 employees had been violated, were recorded during the inspections carried out in 2010 and 2011. As a result of the inspections, the Inspectorate has estimated salary for work done on rest days in the total amount of AMD 78 million. Overall 5 representatives of employers have been subject to administrative fine for failure to pay the salary in the total amount of AMD 15 600 000, in accordance with Article 169/8 of the Administrative Offences Code of the Republic of Armenia.

Article 2§6

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

As a result of the amendments made to the Labour Code of the Republic of Armenia of 24 June 2010, Article 14 of the Labour Code of the Republic of Armenia defines that the employment relations between employee and employer shall arise by the written employment contract concluded in the manner defined by labour legislation or ,with the consent of the parties, by an individual legal act on employment.

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

Article 84 of the Labour Code of the Republic of Armenia has been amended by the Law of the Republic of Armenia "On making supplements and amendments to the Labour Code of the Republic of Armenia" adopted on 24 June 2010, which reads as follows:

1. The following shall be mentioned in the individual legal act on employment:

- (1) the year, month, date and location of adoption of the individual legal act;*
- (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) the structural subdivision (where available);*
- (5) the year, month and date of the commencement of work;*
- (6) the name of position and/or official duties;*
- (7) the amount of salary and/or the form of determining it;*
- (8) the supplements, additional payments, premiums, etc, granted to employees in the manner prescribed;*
- (9) term of the employment contract (upon necessity);*
- (10) duration of the probation, upon the consent of the parties,*
- (11) working time in cases, where incomplete working time is set;*
- (12) the ground for adopting a legal act (person's application, agreement on transferring an employee to another employer, the written employment contract, etc), where available;*
- (13) the position, as well as the first name and the last name of the person signing the legal act.*

2. Points 2-11 of part 1 of this Article, as well as the year, month, date and location of concluding the employment contract shall be mentioned in the written employment contract.

3. Upon the consent of the parties, the individual legal act on employment and the written employment contract may also contain other terms.

Therefore, the same requirements are mandatory both in case of the individual legal act on employment and when concluding an employment contract.

Article 5(4) of the Labour Code of the Republic of Armenia defines that one copy of the individual legal act on employment shall be delivered to the employee, within three days following the adoption thereof.

Under the Labour Code of the Republic of Armenia (Article 159), a collective agreement or an employment contract or employer's legal acts may establish leaves with longer durations, except for the organisations funded by the state and the community budget, as well as the Central Bank of the Republic of Armenia.

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

With the view of supervising the fulfilment of the requirements of Article 84 of the Labour Code of the Republic of Armenia, on the basis of the questionnaire for risk-based inspections of the State Labour Inspectorate of the Republic of Armenia, employers who fail to ensure the fulfilment of the requirement of this norm, to include the mentioned conditions, to provide the employee with a copy of the employment contract or the individual legal act on employment, shall be deemed as high-risk employers who will be subject to inspection each year.

In case of keeping an employee on the ground of the employment contract drawn up by violation of the requirements of the Labour Code of the Republic of Armenia, Article 169.5 of the Administrative Offences Code of the Republic of Armenia provides for administrative liability, and a fine in the amount of AMD 50 000 is imposed for each violation.

Article 4. Right to Fair Remuneration

With a view of ensuring the effective exercise of the right to fair remuneration, the parties shall be obliged to:

1. acknowledge the right of employees to receive fair remuneration that will ensure appropriate standard of living of employees and their families;
2. acknowledge the right of employees to receive salaries at a higher rate for overtime work that shall be subject to exception in special cases;
3. acknowledge the right of men and women to receive equal remuneration for work of equivalent value;
4. acknowledge the right to a reasonable time limit for notifying about the early termination of employment relations;

5. permit deductions from the salary only under conditions and only in the amount that are provided for by national legislation or regulations or are defined in collective agreements or decisions of the arbitration court.

The exercise of this right should be ensured by freely concluded collective agreements, legislative mechanisms of defining salaries or other measures corresponding to the national terms.

Appendix to Article 4§4

This provision must be perceived as a ban on immediate dismissal from work for any serious violation.

Appendix to Article 4§5

The parties may assume the liability required by this paragraph where the law, collective agreements or decisions of the arbitration court prohibit to make any deductions from salaries of the prevailing majority of employees, that cause damage to such employees, except for the employees who are not subject to such prohibition.

Article 4§2

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

The Law HO-117-N of 24 June 2010 "On making amendments and supplements to the Labour Code of the Republic of Armenia" (entered into force from 7 August 2010) made an amendment to Article 184 and defined that in addition to the hourly rate, a supplement in the amount of not less than 50 percent of the hourly rate shall be paid for every hour of overtime work.

Overtime work shall be permitted in the following special cases (Article 145 of the LC of the RA), where:

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

(2) it is necessary to accomplish the started work which could not be possibly accomplished during the normal working time due to accidental or unforeseen obstacles and where the termination of the started work may result in the deterioration, destruction of materials or breakdown of equipment;

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

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

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

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

In cases where there is a need to engage the employee in overtime work, the employer shall be obliged to inform the employee thereon within reasonable period of time, except for the cases provided for by point 1.

The following shall not be engaged in the overtime work:

(1) employees under the age of 18;

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

(3) employees under the influence of factors that are harmful and/or dangerous to the health;

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

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

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

The work of managerial staff of the organisation exceeding the working time set shall not be deemed as overtime work. The list of such positions shall be defined by internal disciplinary rules. Pursuant to this provision, the work of managerial staff of the organisation, in case of any hour of working time, shall be remunerated in the amount of the main salary.

The additional remuneration envisaged for work (if it is not envisaged by the working schedule) done on rest days and non-working days (public holidays and days of remembrance) defined by law and additional remuneration (supplements) envisaged for every hour of overtime work are different guarantees defined by the Labour Code of the Republic of Armenia. Therefore, in practice, if the work done on rest days and non-working days (public holidays and days of remembrance) defined by law is overtime work for the employee, the employer pays the employee the additional remuneration envisaged by the legislation for overtime work and for work done on rest days and non-working days (public holidays and days of remembrance) defined by law.

Article 185 of the Labour Code of the Republic of Armenia defines that in case of being involved in overtime work, instead of paying at a higher rate (double the amount), upon the consent of the parties, the employee may be provided with a paid rest day or that day is added to the annual leave. The rest time provided in place of overtime work must correspond to the duration of the time worked, in accordance with Article 185 of the Labour Code.

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

In 2009, the Labour Inspectorate received from employees 84 letters of complaint on failure to pay salaries, including supplements for overtime work, in the periods defined by legislation, as a result of which employees have been paid salaries in the amount of AMD 32 million.

In 2010, the Inspectorate received 127 letters of complaint on failure to pay salaries in the periods defined by legislation, as a result of the proceeding whereof, salaries in the amount of AMD 112 500 000 were paid.

In 2011, the Inspectorate received 169 letters of complaint on failure to pay salaries in the periods defined by legislation, as a result of the administrative proceeding whereof, salaries in the amount of AMD 112 500 000 were paid.

Article 4§3

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

Exercising supervision over the provision of guarantees defined by law with regard to women shall be considered one of the powers of the Inspectorate in accordance with the Law of the Republic of Armenia "On the State Labour Inspectorate", and the mentioned issue is included in the questionnaire for risk-based inspections.

(2) Please supply detailed statistics or any other relevant information on pay differentials between men and women working for the same employer by sectors of the economy, and according to qualification level or any other relevant factor.

Data regarding the average salaries of women and men in different spheres of economic activity are presented below:

The inspections carried out by the Inspectorate from 2009 to 2012 did not reveal such violations committed by the same employer, and the Inspectorate does not possess statistics on the amount of salaries paid to men and women by different employers.

Average monthly nominal wages / salaries by types of economic activity, 2010-2011

| | Ը ն դ ա մ է ն ք , դ ր ա մ Total, AMD | ս ր ր ան ի including: | | | |
|-------------------------------------------------------------------|-----------------------------------------------|--------------------------|---------|------------------|-----------------------------------|
| | | Գ/W | S/M | Գ/S, % W/M, % | |
| 2010 | | | | | |
| Գ ու յ ն ի տ ու ղ ու ն , ն ս ա ղ ան ի տ ու ղ ու ն և ձ ր ու ղ ու ն | 70 569 | 61 369 | 73 270 | 83.8 | Agriculture, forestry and fishing |
| Ճ ր օ ճ ն ի տ ու ղ ու ն և զ ջ ր ի տ ու ղ ու ն | 216 883 | 108 127 | 237 169 | 45.6 | Mining and quarrying |
| Մ ի ր ու ղ ու ն | 10 002 | 72 064 | 114 106 | 63.2 | Manufacturing |

| | Ը ն դ ա մ Է ն ը , դ ր ա մ Total, AMD | պղ ր ի մ / including: | | | |
|-------------------------------------------------------------------|-----------------------------------------------|--------------------------|----------------|------------------------|----------------------------------------------------------------------|
| | | Գ / W | S / M | Գ / S , % W / M , % | |
| 2010 | | | | | |
| Էլեկտրոնային գազի և ջրի և օդի կլիմայի սարքավորում | 149 779 | 126 968 | 154 560 | 82.1 | Electricity, gas, steam and air conditioning supply |
| Ջրանմաքում, կրոնի թափանցիկություն և սպառնալուծում | 100 163 | 89 643 | 104 315 | 86 | Water supply; sewerage, waste management and remediation activities |
| Շինարարություն | 137 036 | 102 960 | 140 767 | 73 | Construction |
| Մեծածախ և փոքրածախ առևտուր, ավտոմեքենաների և սպիտակեղենի վարձույթ | 73 964 | 64 146 | 79 776 | 80.4 | Wholesale and retail trade; repair of motor vehicles and motorcycles |
| Փոխադրում և պահպանում | 95 083 | 74 045 | 101 511 | 72.9 | Transportation and storage |
| Կայանքներ և սնունդի սպասարկում | 65 587 | 63 674 | 67 766 | 94.0 | Accommodation and food service activities |
| Տեղեկատվություն և կապ | 216 038 | 180 313 | 238 900 | 75.5 | Information and communication |
| Ֆինանսական և ապահովագրական գործունեություն | 276 150 | 203 742 | 371 202 | 54.9 | Financial and insurance activities |
| Մեծ շուկայի գործունեություն | 69 787 | 57 492 | 77 225 | 74.4 | Real estate activities |
| Նախագիտական, գիտական և փորձագրական գործունեություն | 102 929 | 80 119 | 122 986 | 65.1 | Professional, scientific and technical activities |
| Վարչական և աջակցական գործունեություն | 89 621 | 65 981 | 102 311 | 64.5 | Administrative and support service activities |
| Պանակապետություն, պաշտպանության և պաշտպանության գործունեություն | 114 887 | 91 002 | 134 059 | 67.9 | Public administration and defence; compulsory social security |
| Կրթություն | 76 112 | 71 952 | 88 448 | 81.3 | Education |
| Նեղբուսական և սոցիալական աջակցություն | 68 561 | 64 334 | 85 664 | 75.1 | Human health and social work activities |
| Ընթացիկ զվարճանք և հանգիստ | 57 542 | 51 925 | 65 396 | 79.4 | Arts, entertainment and recreation |
| Այլ ծառայություններ | 65 709 | 57 839 | 74 088 | 78.1 | Other service activities |
| Ը ն դ ա մ Է ն ը | 102 652 | 79 919 | 124 757 | 64.1 | Total |

| | Ը ն դ ա մ Է ն ը , դ ր ա մ Total, AMD | պղ ր ի մ / including: | | | |
|-------------------------------------------------------------------|-----------------------------------------------|--------------------------|---------|------------------------|----------------------------------------------------------------------|
| | | Գ / W | S / M | Գ / S , % W / M , % | |
| 2011 | | | | | |
| Գյուղատնտեսություն, անասնապահություն և ձկնորսություն | 70 099 | 59 561 | 74 073 | 80.4 | Agriculture, forestry and fishing |
| Ճեղքած կարգավորում և քարեղևի քանդակում | 237 672 | 123 948 | 258 226 | 48.0 | Mining and quarrying |
| Ընթացիկ արտադրություն | 101 546 | 72 105 | 116 774 | 61.7 | Manufacturing |
| Էլեկտրոնային գազի և ջրի և օդի կլիմայի սարքավորում | 152 193 | 123 971 | 158 328 | 78.3 | Electricity, gas, steam and air conditioning supply |
| Ջրանմաքում, կրոնի թափանցիկություն և սպառնալուծում | 110 994 | 91 822 | 118 299 | 77.6 | Water supply; sewerage, waste management and remediation activities |
| Շինարարություն | 137 673 | 108 857 | 140 976 | 77.2 | Construction |
| Մեծածախ և փոքրածախ առևտուր, ավտոմեքենաների և սպիտակեղենի վարձույթ | 78 754 | 65 719 | 87 708 | 74.9 | Wholesale and retail trade; repair of motor vehicles and motorcycles |
| Փոխադրում և պահպանում | 103 353 | 80 688 | 111 321 | 72.5 | Transportation and storage |
| Կայանքներ և սնունդի սպասարկում | 66 846 | 65 655 | 68 134 | 96.4 | Accommodation and food service activities |
| Տեղեկատվություն և կապ | 227 936 | 195 211 | 249 541 | 78.2 | Information and communication |
| Ֆինանսական և ապահովագրական գործունեություն | 283 200 | 220 978 | 356 253 | 62.0 | Financial and insurance activities |
| Մեծ շուկայի գործունեություն | 72 170 | 62 277 | 78 167 | 79.7 | Real estate activities |
| Նախագիտական, գիտական և փորձագրական գործունեություն | 117 864 | 92 240 | 140 105 | 65.8 | Professional, scientific and technical activities |
| Վարչական և աջակցական գործունեություն | 93 387 | 70 204 | 106 042 | 66.2 | Administrative and support service activities |
| Պանակապետություն, պաշտպանության և պաշտպանության գործունեություն | 121 515 | 99 115 | 139 976 | 70.8 | Public administration and defence; compulsory social security |
| Կրթություն | 77 778 | 73 527 | 90 493 | 81.3 | Education |

| | Ը ն դ ա մ Է ն ը , դ ր ա մ Total, AMD | ս յ ղ թ ի մ ՝ including: | | | |
|----------------------------------------------------------------------|-----------------------------------------------|-----------------------------|----------------|--------------------------|-----------------------------------------|
| | | Է Մ / W | S / M | Է Մ / S , % W / M , % | |
| 2011 | | | | | |
| Ե ճ ջ ա թ յ ա լ յ ա ն և կ ը ն ճ ջ ա լ յ ա ն ա թ ի ղ ն ա ս թ ի ղ ու մ | 84 344 | 76 765 | 118 272 | 64.9 | Human health and social work activities |
| Է լ ն ո յ թ ը զ ի թ ճ յ ա լ յ ա ն և ը ն ի ղ ա | 62 676 | 56 782 | 71 050 | 79.9 | Arts, entertainment and recreation |
| Ե ն թ թ ի մ ա ս ծ յ ա թ յ ա լ յ ա ն | 68 923 | 58 528 | 81 502 | 71.8 | Other service activities |
| Ը ն դ ա մ Է ն ը | 108 092 | 84 992 | 131 293 | 64.7 | Total |

Source: Labour Statistics, NSS of RA

Average monthly net income by types of economic activity, 2010-2011

| | Ը ն դ ա մ Է ն ը , դ ր ա մ Total, AMD | ս յ ղ թ ի մ ՝ including: | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------|---------|--------------------------|---------------------------------------------------------------------------------------------------------------------------|
| | | Է Մ / W | S / M | Է Մ / S , % W / M , % | |
| 2010¹ | | | | | |
| Զ ա ու ղ ն ա թ յ ա լ յ ա ն , մ ա տ յ ի ն և ն ա թ յ ա լ յ ա ն և ձ ի ղ ու թ յ ա լ յ ա ն | 42 508 | 25 263 | 57 953 | 43.6 | Agriculture, forestry and fishing |
| ձ ի ղ ու ղ ն և ն ա թ յ ա լ յ ա ն ը լ յ ա լ յ ա ն և լ ու ղ ը ն թ ի ղ ը լ յ ա թ յ ա լ յ ա ն | 108 443 | 67 518 | 113 312 | 59.6 | Mining and quarrying |
| Է լ ն ո յ թ յ ա լ յ ա լ յ ա ն | 80 549 | 52 620 | 94 291 | 55.8 | Manufacturing |
| Է լ է կ ը ն յ ա լ յ ա լ յ ա ն զ զ ի զ ը ը ը կ լ յ ա լ յ ա լ յ ա ն և լ ու ղ ը ն յ ա լ յ ա լ յ ա ն | 91 916 | 82 321 | 93 473 | 88.1 | Electricity, gas, steam and air conditioning supply |
| Զ ա ն ա լ յ ա լ յ ա ն / կ ը ու ղ թ յ ա լ յ ա ն ի կ լ յ ա լ յ ա ն և ն ի ղ ա ղ յ ա լ յ ա ն | 72 432 | 48 790 | 77 744 | 62.8 | Water supply; sewerage, waste management and remediation activities |
| Շ ը ն ա թ յ ա լ յ ա ն | 92 320 | 99 885 | 92 221 | 108.3 | Construction |
| Ա ճ ի ղ ն ա մ ը թ ճ յ ա ն ա թ յ ա լ յ ա ն ը ն ի ղ ը ն և ն ի ղ ը ն ա ն ա թ յ ա լ յ ա ն ի կ լ յ ա լ յ ա լ յ ա ն | 86 339 | 63 400 | 100 439 | 63.1 | Wholesale and retail trade; repair of motor vehicles and motorcycles |
| Փ յ ա լ յ ա ն և ն ի ղ ա ղ յ ա լ յ ա ն ա թ յ ա լ յ ա ն | 82 710 | 65 757 | 84 505 | 77.8 | Transportation and storage |
| Է ղ ու ղ յ ա լ յ ա ն և ն ի ղ ա ղ յ ա լ յ ա ն ն ի կ լ յ ա լ յ ա լ յ ա ն | 88 884 | 58 651 | 120 128 | 48.8 | Accommodation and food service activities |
| Տ ը ի կ յ ա լ յ ա ն և ն ի կ յ ա լ յ ա ն | 103 198 | 84 030 | 115 445 | 72.8 | Information and communication |
| Ք ն ն ա ղ ն և ա թ յ ա լ յ ա ն ը լ յ ա լ յ ա ն ա թ յ ա լ յ ա ն | 115 365 | 98 137 | 131 799 | 74.5 | Financial and insurance activities |
| Ա ճ ջ ը ղ յ ա լ յ ա ն և ն ի կ յ ա լ յ ա ն ը լ յ ա լ յ ա ն | 68 189 | 59 267 | 75 694 | 78.3 | Real estate activities |
| Ն ա ղ ժ յ ա լ յ ա ն ժ յ ա ղ ն և ն ի կ լ յ ա լ յ ա ն ը լ յ ա լ յ ա ն | 88 751 | 70 918 | 109 060 | 65.0 | Professional, scientific and technical activities |
| Վ յ ը ղ յ ա լ յ ա ն և ա ճ ը ղ յ ա լ յ ա ն ը լ յ ա լ յ ա ն | 67 800 | 49 533 | 81 216 | 61.0 | Administrative and support service activities |
| Ն ա ղ ը ն յ ա լ յ ա ն և ն ա լ յ ա լ յ ա ն ը լ յ ա լ յ ա ն , ս յ ա ղ թ յ ա լ յ ա ն և ա թ յ ա լ յ ա ն | 101 344 | 68 733 | 112 358 | 61.2 | Public administration and defence; compulsory social security |
| Կ ը ղ յ ա լ յ ա ն | 60 964 | 58 198 | 71 166 | 81.8 | Education |
| Ե ճ ջ ա թ յ ա լ յ ա ն և կ ը ն ճ ջ ա լ յ ա ն ա թ ի ղ ն ա ս թ ի ղ ու մ | 58 647 | 52 483 | 80 753 | 65.0 | Human health and social work activities |
| Է լ ն ո յ թ ը զ ի թ ճ յ ա լ յ ա ն և ը ն ի ղ ա | 80 292 | 62 432 | 102 942 | 60.6 | Arts, entertainment and recreation |
| Ե ն թ թ ի մ ա ս ծ յ ա թ յ ա լ յ ա ն | 69 656 | 56 000 | 80 478 | 69.6 | Other service activities |
| Տ ը ղ յ ա լ յ ա լ յ ա ն ս ը ն յ ա լ յ ա ն , Տ ը ն յ ա լ յ ա լ յ ա ն և ս ը ն յ ա լ յ ա ն ը լ յ ա լ յ ա ն ը լ յ ա լ յ ա ն ը լ յ ա լ յ ա ն և ը լ յ ա լ յ ա ն ը լ յ ա լ յ ա ն | 64 191 | 72 458 | 56 294 | 128.7 | Activities of households as employers; undifferentiated goods and services-producing activities of households for own use |
| Ձ ը ղ ը ն յ ա լ յ ա ն ը լ յ ա լ յ ա ն և ն ի կ լ յ ա լ յ ա ն ը լ յ ա լ յ ա ն | 98 507 | 57 125 | 110 962 | 51.5 | Activities of extraterritorial organisations and bodies |
| Ե ն թ թ ի մ ա ս ծ յ ա թ յ ա լ յ ա ն | 65 709 | 57 839 | 74 088 | 78.1 | Other service activities |

| | Ը ն դ ա մ Է ն Է Ը, դ ր ա մ Total, AMD | սղթիմ/ including: | | | |
|--------------------------|---------------------------------------------------|----------------------|---------------|--------------------|--------------|
| | | Գ/W | S/M | Գ/ S, % W/ M, % | |
| 2010¹ | | | | | |
| Ը ն դ ա մ Է ն Է ր | 72 425 | 50 752 | 87 569 | 58.0 | Total |

| 2011 | | | | | |
|-----------------------------------------------------------------------|---------|---------|---------|------|----------------------------------------------------------------------|
| Թաղանթագրություն, անտառատնտեսություն և ձկնորսություն | 56 554 | 41 769 | 71 585 | 58.3 | Agriculture, forestry and fishing |
| Ճեղքանիւղային արդյունաբերություն և քարեղևի արդյունաբերություն | 115 598 | 83 817 | 119 196 | 70.3 | Mining and quarrying |
| Շինարարություն | 88 286 | 65 577 | 99 818 | 65.7 | Manufacturing |
| Էլեկտրական զգի զորքը և կախովի սնունդ | 92 426 | 87 222 | 93 443 | 93.3 | Electricity, gas, steam and air conditioning supply |
| Քանակագրություն, կրտսի թափանցիկացում և սխալներ | 49 243 | 45 164 | 50 839 | 88.8 | Water supply; sewerage, waste management and remediation activities |
| Շինարարություն | 97 848 | 75 832 | 98 328 | 77.1 | Construction |
| Մեծածախ և փոխառու առևտուր, մեքենաների և սպիտակեղևի արդյունաբերություն | 87 716 | 67 841 | 103 388 | 65.6 | Wholesale and retail trade; repair of motor vehicles and motorcycles |
| Փոխադրված և փոխադրվածություն | 88 820 | 71 818 | 91 791 | 78.2 | Transportation and storage |
| Կյանքի և սնունդի ծախսեր | 71 444 | 63 319 | 80 937 | 78.2 | Accommodation and food service activities |
| Տեղեկատվություն և կապ | 106 584 | 84 650 | 118 887 | 71.2 | Information and communication |
| Ֆինանսական և ապահովագրություն | 122 523 | 10 6471 | 138 403 | 76.9 | Financial and insurance activities |
| Մեծ շուկայի գործունեություն | 104 525 | 70 858 | 118 261 | 59.9 | Real estate activities |

| | Ը ն դ ա մ Է ն Է Ը, դ ր ա մ Total, AMD | սղթիմ/ including: | | | |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------|---------------|--------------------|---------------------------------------------------------------------------------------------------------------------------|
| | | Գ/W | S/M | Գ/ S, % W/ M, % | |
| Նախագիտական և տեխնիկական գործունեություն | 106 671 | 89 237 | 119 925 | 74.4 | Professional, scientific and technical activities |
| Վարչական և աջակցություն | 83 646 | 85 043 | 83 059 | 102.4 | Administrative and support service activities |
| Ոստիկանության և սպորտի, սրտի և սոցիալական ապահովություն | 100 696 | 75 725 | 111 230 | 68.1 | Public administration and defence; compulsory social security |
| Կրթություն | 62 649 | 57 931 | 83 247 | 69.6 | Education |
| Նեղատրամադրություն և սոցիալական ապահովություն | 65 777 | 58 802 | 97 699 | 60.2 | Human health and social work activities |
| Շնորհիվ գեղարվեստի և հանգիստի | 71 057 | 64 224 | 80 159 | 80.1 | Arts, entertainment and recreation |
| Ներքին և արտաքին ծախսեր | 69 239 | 49 907 | 85 045 | 58.7 | Other service activities |
| Տնտեսական գործունեություն, Տնտեսական և սոցիալական ապահովություն, ծախսեր և ծախսեր արտադրողականության համար | 70 792 | 72 842 | 65 534 | 111.2 | Activities of households as employers; undifferentiated goods and services-producing activities of households for own use |
| Պարտաբերական և արտաքին գործունեություն | 166 744 | 153 280 | 172 423 | 88.9 | Activities of extraterritorial organisations and bodies |
| Ներքին և արտաքին ծախսեր | | | | | Other service activities |
| Ը ն դ ա մ Է ն Է ր | 78 408 | 59 061 | 93 936 | 62.9 | Total |

Article 4§4

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

The following grounds for rescinding the employment contract are defined by Article 109 of the Labour Code of the Republic of Armenia:

- (1) upon consent of the parties;*
- (2) in case of expiry of the contract;*
- (3) upon the initiative of the employee;*
- (4) upon the initiative of the employer;*
- (5) if the employee is conscripted to compulsory provisional military service;*
- (6) in the presence of a court decision entered into legal force, according to which the employee has been subjected to such liability that prevents him or her from continuing the work;*
- (7) if the employee has been deprived of the rights to perform certain activities in the manner prescribed by legislation,*
- (8) if the employee is under sixteen, and one of the parents, an adopter or a trustee, a physician carrying out medical control over his or her health or a state labour inspector requires rescission of the employment contract;*
- (9) in the case of change of the essential working conditions,*
- (10) in the case of death of a natural person employer;*
- (11) in case of the death of the employee,*
- (12) if the information defined by Article 89(3) and/or (4) of the Code, presented by the employee when being employed, is false;*
- (13) if the employee, when being employed, has concealed the fact of being deprived of the rights to perform certain activities.*

The following grounds for rescinding the employment contract upon the initiative of the employer are defined by Article 113 of the Labour Code of the Republic of Armenia:

- (1) the organisation is liquidated (the activity of an individual entrepreneur is terminated);*
- (2) the number of employees and/or staff positions is reduced preconditioned by the changes in volumes of production and/or economic and/or technological and/or work organisation conditions and/or by production needs;*
- (3) the employee is not suitable for the position held or the work performed;*
- (4) in case the employee is reinstated in previous employment;*

(5) if the employee regularly fails to perform the duties reserved for him or her by the employment contract or the internal regulatory rules, with no good reason,

(6) the employee no longer enjoys the employer's confidence;

(7) the employee is in a long-term incapacity for work (in case the employee has failed to come to work for more than 120 consecutive days or for more than 140 days during the last 12 months where it is not defined by the law and other regulatory acts that the job and the position are preserved for a longer term in case of certain diseases);

(8) if the employee is found to be under the influence of alcohol, narcotics or psychotropic substances at the workplace;

(9) if the employee fails to report for work throughout the entire working day (shift) with no good reason;

(10) the employee rejects or evades mandatory medical examination;

(11) the employee is at the age of pension, unless otherwise provided for by the employment contract.

2. When rescinding the employment contract concluded for a definite period or indefinite period on the grounds provided for by points 1, 2, 3, 7 and 11 points of part 1 of this Article the employer shall be obliged to notify thereon to the employee within the periods provided for by Article 115 of this Code.

The following is defined by Article 115 of the Labour Code of the Republic of Armenia:

In case of rescinding the employment contract on grounds provided for by Article 113(1)(1) and (2) of this Code, the employer shall be obliged to give a written notice to the employee not later than two months in advance.

If the employment contract is rescinded upon the grounds provided for by Article 109(1)(9) and 113(7)(3), (7) and (11) of this Code, the employer shall be obliged to provide a written notice to the employee no later than 14 days in advance for employees that have been working for up to a year, no later than 35 days in advance for employees that have been working for up to five years, no later than 42 days in advance for employees that have been working for five to ten years, no later than 49 days in advance for employees that have been working for ten to fifteen years and no later than 60 days in advance for employees that have been working for more than fifteen years.

Collective agreements and employment contracts may define longer time limits as compared to the time limits envisaged by this part.

In case the periods for notice are not observed the employer shall be obliged to pay a fine to the employee for every overdue day of notice which is calculated based on the size of the average daily salary of the employee.

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

Where the employment contract is rescinded by the employer, supervision over the observance of the provisions of the Code regarding notices to be given in advance is exercised through inspections carried out by the Inspectorate,

as well as the administrative proceeding carried out on the basis of the letters of complaint of employees. The mentioned issue is included in the questionnaire for risk-based inspections of the Inspectorate.

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

In 2009, 261 citizens referred to the Inspectorate for dismissal from work, 104 employees - in 2010, 82 - in 2011 and 78 - in 2012.

In case of dismissal from work without maintenance of periods for notice, as a result of administration of the Inspectorate, the employer has paid a fine, in accordance with Article 115(2) of the Labour Code.

Pursuant to Article 265 of the Code, in case of being dismissed upon the employer's initiative, the employee shall have the right to apply to the court for reinstatement within a month. From 2009 to 2012, the Court of Appeals of the Republic of Armenia by several judicial acts attached importance to ensuring the observance of periods of notice as an employee's right, at the same time, the Court of Cassation of the Republic of Armenia by judicial acts has expressed the position that if the employer fails to observe the periods of notice, he or she shall be obliged to pay the employee a fine in the amount of the average salary for every overdue day following the day of notice.

In case of failure to observe periods for notice, administrative liability is provided for by Article 41 of the Administrative Offences Code of the Republic of Armenia.

Article 4§5

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

The following grounds for making deductions from salary are defined by Article 213 of the Labour Code of the Republic of Armenia:

1. Deductions from salary may be made in the manner and cases defined by law.
2. For the purpose of covering the arrears to the employer, the following deductions or charges from salaries may be made:
 - (1) the advance payment of the salary paid to the employee;
 - (2) the excess payments made as a result of mechanical errors of calculation;
 - (3) the part of the advance payment provided to an employee for a business trip or a shift to another workplace or for performance of specific tasks, which was not spent and not returned appropriately;
 - (4) the amount of compensation for damage caused to an employer through the employee's fault.

In cases mentioned in this part, when the debt of an employee does not exceed his or her monthly average salary, the employer shall be entitled to make deductions where no later than within a one-month period upon the date of expiry of time limits for return of advance payment, of making excess payments executed as a result of mechanical

errors of calculation, of returning the amount of advance payment not spent and not returned in time and the date of detecting the damage caused to an employee, it has published a relevant legal act on making deductions. Deductions or charges from salaries of employees may also be made with the purpose of covering the arrears to the employer, when the employee is dismissed until the end of the working year for which he or she has been provided with a vacation. In this case, the amount paid for the days not worked is charged. For those days, the charges are made, if the employee has been dismissed from work in the cases prescribed by Article 109(1)(6), (7), (12), (13), Article 112(1), Article 113(1)(5), (6), (8)-(10) of this Code.

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

Upon the payment of salary, the overall size of deductions and charges shall be calculated in the manner defined by law, which may not exceed fifty percent of the monthly salary of the employee (Article 214, Labour Code of the Republic of Armenia).

The labour legislation of the Republic of Armenia does not define any exception for low-paid employees receiving the minimum wage. Therefore, in all cases, the amount of such deductions may make up fifty percent of the employee's monthly salary.

Article 5. Right to organise

With the view of ensuring or promoting the freedom of establishing local, national or international organisations by employees and employers and the membership to those organisations for the purpose of ensuring the economic and social interests of employees and employers, the parties shall be obliged to ensure that the national legislations are not as such or are not applied in such a way that they impede the mentioned freedom. The extent to which the guarantees envisaged by this Article should refer to the Police, shall be defined by national laws or regulations. The principle envisaging application of these guarantees for members of the armed forces and the extent to which they should apply to persons belonging to this category are also defined by national laws or regulations.

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

The constitutional right of every person to form associations with other persons, including the right to form and join trade unions is enshrined by Article 28 of the Constitution of the Republic of Armenia adopted by a national referendum held on 5 July 1995 and amended in compliance with the generally recognised norms of international law on 27 November 2005.

The above-mentioned Article of the Constitution also envisages that every citizen has the right to establish political parties with other citizens and to join them. The rights to establish political parties and trade unions and to join them may, as prescribed by law, be restricted for officers of the armed forces, police, national security bodies and bodies of the prosecutor's office, as well as for judges and members of the Constitutional Court. No one may be forced to

join any political party or association. Operation of associations may be suspended or prohibited only in cases provided for by law, through judicial procedure.

Article 125 of the Civil Code of the Republic of Armenia defines the main provisions regarding the associations of legal persons (trade unions), pursuant to which:

"1. Commercial organisations may establish unions for the purpose of coordination of their entrepreneurial activities, as well as for the representation and protection of common property interests.

Where, by the decision of the participants, the union has been vested with the right to carry out entrepreneurial activities, such a union shall, as prescribed by this Code, be restructured into an economic partnership or a company, or for the purpose of carrying out entrepreneurial activities may establish an economic company or be a participant in such a company.

2. For the purpose of coordination of their activities, as well as for the representation and protection of common interests, non-commercial organisations may create unions.

3. Participants in the union shall retain their independence and the rights of a legal person.

4. The property transferred to the union by its founders (participants) shall be the ownership of the union. A union shall use this property for the objectives established by its statute.

5. A union shall not be liable for the obligations of its participants. Participants of a union shall bear subsidiary liability for the obligations of the union in the amount and as prescribed by the statute of the union.

6. The name of the union should contain an indication on the basic subject matter of the activities of its participants, as well as include the word "union" [miutyun].

7. In case of liquidation of a union, its property shall be directed to the objectives provided for by the statute of the union, and in case it is impossible, the property shall be transferred to the State Budget.

8. Peculiarities and legal status of individual types of unions shall be defined by this Code and other laws."

The procedure for establishment of trade unions, the principles of their activities and their relations with state bodies, local self-government bodies, legal and natural persons, as well as the relations connected to the protection of rights and interests of trade unions and their participants (members) are regulated by the Law of the Republic of Armenia "On trade unions" adopted on 5 December 2000.

Pursuant to Articles 10 of this Law, legal capacity of a trade union arises from the moment of its state registration and ceases at the moment of making an entry in the state register of legal entities on the completion of its winding up. Article 9.1 of this Law envisages that state registration, re-registration of a trade union, as well as registration of amendments to the statute or of new edition of the statute and state registration of liquidation shall be implemented in the manner prescribed by the Law "On trade unions" and the Law "On state registration of legal persons". The state registration authority shall – within a thirty-day period upon making an entry in the register on accepting the application for registration of a trade union and the required documents – be obliged to consider the application and

to register the trade union or to reject the registration of the trade union based on appropriate grounds. State registration of a trade union may be rejected by the procedure and in the cases prescribed by law.

Law of the Republic of Armenia HO-169 of 3 April 2001 "On state registration of legal persons" has been completely amended and has been brought in line with international standards by Law HO-127-N of 19 March 2012.

The structure of the Law has been changed completely by the new Law of the Republic of Armenia "On making an amendment to the state registration of legal persons, the state registration of separate subdivisions of legal persons, institutions and individual entrepreneurs". The processes of registration by law have been separated, and every registration is made by the following principle:

applying entity -> required documents -> procedure and time limits for registration -> grounds of refusal -> procedure and time limits for refusal -> (where available) future actions (correction, etc.). Currently, the system of the electronic register has been realised:

- the agency accepts all decisions and sends them to persons (also makes them available on the Internet) in the form of an electronic document;*
- the procedure for submitting electronic documents to the register has been clarified;*
- the concept of a certificate has been eliminated, it has been replaced with an excerpt from the register (certificate and statute are not required from persons), they are submitted via the Internet (user name and passwords have already been provided);*
- an opportunity (amendment to the Law "On state duty") has been created for private persons (banks, notaries, organisations providing public services) to have the opportunity to receive a user name and a password, or to receive information about registrations via a special programme, and consequently not to require a certificate and a statute (currently, pursuant to the letter of the law, private persons shall pay AMD 3 000 to verify data regarding every person);*
- the requirement to submit a certificate and a statute while carrying out different activities has been eliminated in the related laws;*
- the requirement of concluding documents has been eliminated, and an opportunity has been created for the Agency to use an electronic signature;*
- the concept of territorial subdivision has been eliminated, envisaging for the Agency a functional, and not a territorial division (in the law in force, in several cases it is mentioned that the document shall be supplemented and concluded by the head of the TS);*
- the obligation to fill in cards has been eliminated (it has been replaced with the requirement for filling in data in the system).*

By the adoption of the above-mentioned Law, amendments have been made to the Law of the Republic of Armenia "On fundamentals of administration action and administrative proceedings". The opportunity of holding hearings,

setting clear regulations to rule out any misuse (for example, no hearing is carried out, if the time limit for registration is 5 days, etc.) has been included. The obligation of the Agency to prepare documents, its scope, forms and procedure thereof, the opportunity of correcting mistakes in the documents have been clarified (if the person submits a corrected document within five days, he or she shall not pay a state duty twice).

Amendments have been made in relation to the state duty; the amount of AMD 17 000 envisaged for registration of trade organisations has been replaced with AMD 0. Instead, the duty for making other changes has increased from AMD 6 000 to AMD 10 000, as a result of which there is no major change in incomes.

Time limits for several registration acts have been reduced (2 days have been envisaged for changes instead of the previous 5 days), immediate registration in case of selection of typical statutes has been legally enshrined. A procedure for immediate (previously 5 days) provision (also to receive online) of references has been enshrined by legislation.

The Law of the Republic of Armenia HO-115-N "On unions of employers" adopted on 27 February 2007 defines the organisational and legal form of the "Union of Employers" non-commercial organisation, the legal grounds for the establishment, activities, re-organisation and liquidation of unions of employers and regulates the relations connected to their activities in the Republic of Armenia, The relations connected to the establishment, state registration and statute of unions of employers are regulated by Chapter 2 of the Law.

Article 161 of the Criminal Code of the Republic of Armenia prescribes that obstruction to or interference in the exercise of the right to form associations (non-governmental associations or trade unions) or political parties or legal activities of an association or a political party shall be punished by a fine in the amount of 100-fold to 300-fold of the minimum salary or by detention for a maximum term of one month. The same act that has caused substantial violation of the rights and lawful interests of an association or a political party shall be punished by a fine in the amount of 200-fold to 400-fold of the minimum salary or by detention for a maximum term of two months.

The right of trade unions, as well as unions of employers to participate in the activities of international organisations or join them is enshrined by Article 14 of the Law of the Republic of Armenia "On trade unions" and Article 4 of the Law of the Republic of Armenia "On unions of employers". They may also participate in (join) the unions of other countries.

By the amendments made to the Labour Code of the Republic of Armenia of 24 June 2010, Articles 23 and 25 of the Labour Code of the Republic of Armenia have respectively been amended as follows:

Article 23.

1. The representatives of employees — trade unions, representatives (entity) elected by the employees' meeting (conference) 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 (an entity) can be elected by the staff meeting (conference).

The existence of representatives (an entity) elected by the staff meeting (conference) 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 by the staff meeting (conference) to the relevant sectoral or territorial trade union. In this case, the staff meeting (conference) shall elect a representative(s) to participate in the collective bargaining conducted with the given employer in the delegation of the sectoral or territorial trade union.

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

Article 25.

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 in the manner prescribed by this Code;

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

(4) conduct collective bargaining within the organisation, conclude collective contracts, carry out the supervision over their execution;

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

(6) appeal in a 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 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, the introduction of new technical equipment, reduction of the amount of manual labour, the revision of the norms of production, as well as the amount of and procedure for the remuneration of labour.

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.

Article 3 of the Labour Code of the Republic of Armenia provides for the legal equality of parties to employment relations as a main principal of the labour legislation - irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital status, age, beliefs or views, affiliation to parties, trade unions or non-governmental organisations, other circumstances not associated with the professional skills of employees.

According to Article 114 (4)(1) and (2) of the Labour Code of the Republic of Armenia, the following shall not be deemed a lawful reasoning for termination of an employment contract:

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

(2) involvement as an employees' representative.

According to Article 26(2) of the Labour Code of the Republic of Armenia, where employees' representative 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 employees' representative.

According to Article 26 of the Law of the Republic of Armenia "On trade unions", supervision over the activities of the trade unions shall be carried out by the Law and in the manner prescribed by the statute of the trade union.

The Ministry of Justice of the Republic of Armenia shall carry out the supervision over the observance of the requirements of the law of the Republic of Armenia "On trade unions" by the trade unions.

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

Where a situation occurs in the workplace which imposes a threat to an employee's life and health due to working conditions, the trade union shall have the right to request from the employer to take measures to eliminate the threat imposed or terminate activities in that workplace until the elimination thereof. In response to the requests, the employer shall be obliged to notify the trade union on the measures taken within the period prescribed by the legislation of the Republic of Armenia.

Representation

According to the Law of the Republic of Armenia "On trade unions", a trade union represented by its management body or representative, shall have the right to conclude (renew) a collective contract with the employer and the union of employers.

The employer shall be obliged to ensure the conduct of collective bargaining with the trade union uniting his or her employees within a period of not later than seven days.

Collective contract (agreement) shall be concluded in the manner prescribed by the legislation of the Republic of Armenia.

In the collective employment relations with the employer the labour organisation may act as the employees' representative where more than half of the employees having concluded an employment contract with the employer, are members of the labour organisation. The provisions of the collective contract concluded with an employer by the labour organisation having the power of such representation, shall also apply to all those employees having concluded an employment contract with the employer, who are not members of the labour organisation.

Where not more than half of the employees having concluded employment contracts with the employer, are members of the labour organisation in the organisation, the labour organisation shall represent and protect only its members' interests in the collective employment relations.

Where there is no labour organisation in the given organisation, the protection of the employees' interests may be delegated to the relevant territorial or sectoral trade union in the manner prescribed by the legislation.

If employees having concluded employment contracts with various employers in the relevant sector (related sectors) of economy (production, service, occupation) are members of a labour organisation, the labour organisation may introduce and protect its employees' interests in the collective employment relations before the given employer if more than half of the employees having concluded an employment contract with the given employer, are members of a labour organisation. Otherwise, the labour organisation may represent and protect only its members' interests before the given employer.

The republican union of the labour organisations may bargain and conclude an agreement with the Government of the Republic of Armenia, and the republican sectoral unions of the labour organisations may bargain and conclude an agreement with other public administration bodies.

Individual Framework

Following the amendments to the Labour Code of the Republic of Armenia of 24 June 2010, norms of Section 2 of the Labour Code "Collective Employment Relations" shall, in the manner prescribed by the Labour Code of the Republic of Armenia, apply to the officers of state and local self-government bodies as well as to the employees of the Central Bank of the Republic of Armenia prescribed by Article 44 of the Labour Code of the Republic of Armenia.

The norms prescribed by Section 2 of this Code shall not apply to the labour relations between special officers and persons holding political, discretionary and civil posts.

According to Article 1 of the Law of the Republic of Armenia "On Military Service" a soldier shall not have the right to be a member of a political party, religious or trade union.

Solders may not organise political parties and religious unions.

According to the Law of the Republic of Armenia "On Police Service" (Article 39) a police officer shall not have the right to be a member of a political party, socio-political, and non-governmental organisations (except for organisations based on community of scientific, cultural, sports, hunting, and similar interests and those of veterans), including religious organisations, and trade unions, as well as use his or her official position for the interests of political parties, non-governmental, religious organisations, advocate certain attitude towards them, carry out other political or religious activities in the course of performing his or her official duties and organise strikes or participate therein.

According to Article 43 of law of the Republic of Armenia "On Service in National Security Bodies" an officer of national security bodies shall not have the right to be a member of a political party and non-governmental organisation (except for organisations based on community of scientific, cultural, sports, hunting and similar interests), including religious organisations and trade unions.

According to Article 43 of the Law of the Republic of Armenia "On prosecutor's office" a prosecutor shall not have the right to be a member of a trade union, organise strikes or participate therein.

Article 6. Right to Collective Bargaining

With a view to ensuring the effective exercise of the right to collective bargaining, the Parties shall undertake to:

1. promote joint consultations between employees and employers;
2. promote voluntary bargaining mechanism between employers or employers' organisations and employees' organisations in all necessary and relevant cases, which aims to regulate terms and conditions of employment through collective agreements;
3. promote the introduction and application of mechanism for reaching agreement on controversial issues concerning employment and for voluntary mediation court;
4. recognise employees' and employers' right to take collective measures in case of clash of interests, including the right to strike, which is subject to performance of the duties provided for by the collective agreements which have preliminarily been concluded.

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

Article 41(4) of the Labour Code of the Republic of Armenia has been amended by the amendments to the Labour Code of the Republic of Armenia of 24 June 2010, according to which the employers and employees' representatives shall be the parties to social partnership (the amendment mentioned is dependent on the amendment made in Article 23 of the Code) at the organisational level.

According to Article 43 of the Labour Code of the Republic of Armenia:

1. Employees shall have the right to receive any information on employment relations that is not prohibited by law.
2. The employer shall provide the information on employment relations to employees' representatives. The volume of the information provided shall be conditioned by the social partnership level.
3. The information shall include:
 - (1) information on employer's current and future activities;
 - (2) information on possible changes in employment;
 - (3) information on measures to be implemented in case of possible reduction in the number of employees;
 - (4) other information on employment relations, unless such information is deemed to be a state, official or commercial secret.
4. Procedure and terms of provision of information shall be defined upon agreement of the parties.

Tangible progress has been recorded at republican level of the social partnership in the recent years. The Republican Collective Agreement concluded between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia and the Republican Employers' Association of Armenia (hereinafter referred to as "the Parties") on 27 April 2009 prescribes the additional guarantees for regulating social and labour relations and joint actions of the Parties for implementation thereof.

According to Section 5 of the Republican Collective Agreement, for the purpose of collective bargaining at republican level, ensuring performance of Agreement duties, development of the action plan for ensuring implementation of the Agreement, discussion of problems occurred during the implementation of the Agreement, and for the purpose of submitting relevant recommendations to the Parties, tripartite Republican commission has been set up and established by the Agreement of the Parties of 9 July 2009 (5 representatives from each Party).

The purpose of the Commission shall be to:

1. promote establishment and development of the social partnership;
2. ensure implementation of the Republican Collective Agreement concluded between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia (CTUA) and the Republican Employers' Association of Armenia.

The tasks of the Commission shall be to:

- 1. ensure organisation and conduct of collective bargaining at republican level;*
- 2. discuss problems occurred while implementing the Agreement and submit recommendations to the Parties;*
- 3. Ensuring adaptation of the international experience regarding organisation and conduct of collective bargaining in the Republic of Armenia and conveying to sectoral and territorial bilateral commissions.*

The Commission organises its activities through sittings, which are convened on an ad hoc basis not less than once three months, as a rule by the Chairperson of the Commission, unless otherwise defined by the Commission on the venue of sitting. Sittings of the Commission shall be recorded in a protocol.

The sitting of the Commission shall have a quorum if not less than three members from each Party are present. An extraordinary sitting may be convened upon the written recommendation of at least three representatives of a Party to the Commission. The extraordinary sitting shall be convened within a period of two weeks after the submission of the recommendation. The agenda of the sitting shall be drawn up by the Chairperson of the Commission on the basis of recommendations submitted by members of the Commission and the agenda of the sitting and the document package shall be sent to the members of the Commission and persons invited to the sitting by the Secretary of the Commission at least 5 days prior to the sitting.

Each member of the Commission may take the initiative of submission of an additional issue at the sitting.

Where additional material or information is required during the discussion of an issue, the discussion of the issue shall be forwarded to the extraordinary sitting of the Commission upon the consent of the Commission.

The secretary shall, within a period of 10 days, send the electronic versions of the sitting protocols and decisions of the Commission to the members of the Commission.

The decision of the Commission shall be deemed to be adopted where not less than three members of each Party to the Commission present at the sitting have voted for it.

The member of the Commission, who disagrees with the decision adopted, shall submit his special opinion in writing, which is attached to the decision and recorded in the protocols of the sitting.

Persons invited - state officials, representatives of NGOs, experts, as well as other persons invited upon necessity, may be present at the sittings of the Commission and the discussion of separate issues with the right to consultative vote.

The Chairperson the Commission shall organise the activities of the Commission.

Activities of each Party to the Commission shall be organised by the Head, who is elected from among the members of the Party.

The Parties shall consult on the following issues:

1. *Occupational safety and health;*
2. *Jobs, salary and standard of living of population;*
3. *Labour market and employment;*
4. *Social security and social protection*

During its operation the Commission shall be guided by the action plan ensuring the implementation of the Republican Collective Agreement developed and approved by the Commission.

Measures provided for by the action plan and issues on activities shall be discussed at the sitting of the tripartite Republican commission and decisions shall be made on necessary steps and measures to be taken for the implementation thereof.

On 30 June 2012, Agreement "On making amendments and supplements to the Republican Collective Agreement of 27 April 2009 between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia and the Republican Employers' Association of Armenia" was concluded between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia and the Republican Employers' Association of Armenia, which extends the validity period of the Republican Collective Agreement up to 30 June 2015.

State Sphere

The Republican Collective Agreement concluded between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia and the Republican Employers' Association of Armenia (hereinafter referred to as "the Parties") on 27 April 2009 provides for the additional guarantees for regulating social and labour relations and joint actions of the Parties for implementation thereof.

According to Section 5 of the Republican Collective Agreement, for the purpose of collective bargaining at republican level, ensuring performance of Agreement duties, development of the action plan for ensuring implementation of the Agreement, discussion of problems occurred during the implementation of the Agreement, and for the purpose of submitting relevant recommendations to the Parties, tripartite Republican commission has been set up and established by the Agreement of the Parties of 9 July 2009 (5 representatives from each Party).

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

Within the scope of the tripartite social partnership, the Ministry of Labour and Social Affairs of the Republic of Armenia actively cooperates with the Confederation of Trade Unions of Armenia and the Republican Association of Employers of Armenia.

One of the cooperation areas is the development and activation of social partnership at sectoral, territorial and organisational levels. Particularly joint seminar-consultations have been organised in this respect.

The Republican Union of Employers of Armenia (hereinafter referred to as "the RUEA") was founded in 2007.

The strategic priorities of the Union are:

- Institutional strengthening and efficient management of employers' organisations;*
- favourable business climate;*
- social dialogue concerning economy-labour market-education cooperation.*

The objectives of primary importance are:

- coordinate the activities of its member sectoral and territorial unions and employment organisations in their relationships with the state and local self-government bodies of the Republic of Armenia, the Confederation of Trade Unions of Armenia and sectoral trade unions;*
- efficient consultation and cooperation with the Government of the Republic of Armenia, representative organisations of employees, including the Confederation of Trade Unions of Armenia at republican and territorial levels as well as at the levels of separate sectors of economic activity and organisations;*

During 2007-2012 the RUEA, being relatively a young institution, carried out activities in regard to formation of institutional structures of social partnership, establishment, strengthening and capacity development thereof at all

four levels (republican, territorial, sectoral and organisational). During 2009-2012 with the assistance of the Union two new territorial (Kotayk and Syunik) and three sectoral (Metal working and electronic industry, Private employment agencies and Quality Association) unions of employers were founded, which became members of the RUEA.

The foundation of new sectoral and territorial unions is also aimed at starting consultations and bargaining with relevant labour organisations for concluding collective contracts.

In 2013 the RUEA will provide assistance in founding territorial unions in Shirak, Gegharkunik, and Armavir marzes, as well as sectoral unions in the spheres of energy, trade and service, and oenology.

During April-August 2010 in the result of the "Development of social partnership in marzes" project carried out by the RUEA, Territorial union of employers of Aragatsotn, the Confederation of trade unions of Armenia and local self-government bodies, during the collective bargaining and discussions, draft collective contracts of organisations were developed in 15 organisations, which were discussed and signed by the commissions of trade unions and employers of the organisations.

On 11 June 2010 the tripartite Territorial collective agreement between the Municipality of Aparan of Aragatsotn marzes, territorial labour organisation of employees of the industrial system of Aparan, and the territorial union of employers of Aragatsotn marz was signed.

The results of the "Development of social partnership" project were summarised on 29 September 2010 at the "Social partnership" first national conference. Representatives of all levels of social partnership, as well as representatives of various interested local and international organisations participated in the conference and expressed their opinions. Taking into consideration the importance of the conference in the development of social partnership, it was decided in the conference that these meetings should become continuous and a subsequent conference concerning the partnership should be organised every autumn.

It was also decided that the motto of the next — second National Conference should be "Together towards occupational safety and health".

On 11-12 October 2011 the second "Social partnership" National conference took place.

"Together towards occupational safety and health" National conference, as a component of the institutional system of the social partnership, was involved in the context of the National Security Strategy of the Republic of Armenia. The national policy in the sphere of labour protection, various issues on working conditions of different working environments of Armenia and stereotype approaches were covered during the event organised by the RUEA. Modern principles and standards forming a safe and decent working environment for employees in the organisation were presented. Besides, international experts participating in the conference presented advanced experience and requirements of the International Labour Organisation and the Committee of the European Union on safety and health at work. In general, more than 15 core speeches were delivered at the conference. On 11 October, the Republican sectoral union of trade unions of workers of machine industry of Armenia and the Union of Employers of metal working and electronic industry of the Republican Union of Employers of Armenia signed a bilateral Collective Agreement.

In 2011 the website of the "Social partnership" was designed, developed, installed and established (www.social-dialogue.am) with the participation and maintenance of three social partners — the Government of the Republic of Armenia, the Republican Union of Employers of Armenia and the Confederation of Trade Unions of Armenia with their relevant territorial and sectoral organisations. (The website is currently under re-construction).

In 2012 within the framework of the "Social dialogue and cooperation" project, which was also supported by the programmes promoting German-Caucasian cooperation and enhancement of the organisations of Polish employers, research and analysis of the social-economic situation, as well as assessment of the current situation of the social partnership (from the prospective of employers, trade unions and local self-government bodies) was carried out in two marzes (Lori and Syunik). The results of the research were summarised at the "Social dialogue and territorial development issues in Lori marz" conference on 16 May and at the territorial conference of Syunik marz of the same title on 29 August. First deputy merzpets (governors of the administrative divisions), heads of the territorial unions of employers and trade unions of marzes, employers, representatives of the educational sphere, coordinators of the programmes promoting German-Caucasian cooperation, as well as representatives of the international organisations in Armenia participated in the conference and expressed their positions.

On 4 October 2012 the results of the researches of the two marzes were summarised and further cooperation programmes were developed at the "Social dialogue in marzes and development of marzes" third National Conference of the social partnership with the participation of international experts and all the interested parties of the social partnership.

Section 2 of the development strategy of the RUEA of 2013 was totally devoted to the establishment and development of social partnership at all levels and to the cooperation with the trade union organisations of the relevant levels.

Implementation of joint programmes with the Confederation of trade unions of the Republic of Armenia in regard to the development of social dialogue and organisation of a number of events is envisaged, including:

- cooperation within the framework of the activities of the tripartite commission and formation of the agenda issues to be discussed;*
- in January 2013 a joint quick response working group was created for the study, risk assessment and, if necessary, provision of consultancy of the current situation of occupational safety within the economic operators of Armenia;*
- in 2013 seminar and discussions on the "Occupational safety and health conditions" is envisaged to be organised in all marzes of the Republic with situation assessments and analyses;*
- in 2013 trainings on the "Social dialogue" are envisaged to be carried out for the employers of all 4 levels of the joint social dialogue and social partnership chain in all marzes of the Republic;*
- in 2013 situation assessment on the minimum salary and joint sector studies and analyses based thereon are envisaged to be carried out;*

- *study on the practice of the implementation of the Labour Code of the Republic of Armenia in the organisations and disclosure of existing problems;*
- *organisation of social partnership meetings with a view to promoting bargaining between the sectoral unions;*
- *analysis on the factors impeding the conclusion of collective contracts, promotion to the conclusion of collective contracts and to the activities under the contracts concluded in the organisations;*
- *organisation of joint round tables and discussions on the priorities of the "Decent employment" project — employment policy improvement, occupational safety, gender equality, youth employment, and prevention of forced labour;*
- *information exchange (books, brochures, etc.);*
- *efficient use of the www.social-dialogue.am website.*

The fourth National conference of the Social partnership on "Issues of the SME sector in the Republic of Armenia and the measures to be taken in this respect within the framework of the social partnership" is envisaged to be organised in the fourth quarter of 2013.

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

In 2009, 857 collective contracts were concluded in the member organisations of the Confederation of trade unions of Armenia, out of which 5 are sectoral, 71 are territorial, 781 are organisational. The number of employees of the organisation, who the collective contracts apply to, amounts 165860, out of which 163142 people are members of a trade union. In 2009 — 717, in 2010 — 725, in 2011 — 733, and in 2012 — 709 trade union organisations registered in the State registry of the Republic of Armenia became members of 24 Republican sectoral unions – members of CTUA.

| Collective contracts concluded | | | | | | | |
|--------------------------------|-------|------------|-------------|----------------|-------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Year | Total | Including: | | | Number of employees of the organisation who the collective contracts apply to | Including trade union members | Trade union organisations holding membership of the Republican sectoral unions of the CTUA member labour organisations |
| | | Sectoral | Territorial | Organisational | | | |
| 2009 | 857 | 5 | 71 | 781 | 165830 | 163142 | 717 |
| 2010 | 871 | 3 | 59 | 809 | 168869 | 167166 | 725 |
| 2011 | 858 | 6 | 63 | 789 | 171741 | 169043 | 733 |
| 2012 | 873 | 7 | 59 | 807 | 175252 | 173004 | 709 |

Article 6§2

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

Article 56 of the Labour Code has been edited by the amendments to the Labour Code of the Republic of Armenia of 24 June 2010 and the words "trade union" have been replaced with the words "representatives of employees".

By the amendments to the Labour Code of the Republic of Armenia of 24 June 2010, Article 23 of the Labour Code has been amended as follows:

1. The representatives of employees — trade unions, representatives (entity) elected by the employees' meeting (conference) 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 (an entity) can be elected by the staff meeting (conference).

The existence of representatives (an entity) elected by the staff meeting (conference) 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 by the staff meeting (conference) to the relevant sectoral or

territorial trade union. In this case, the staff meeting (conference) shall elect a representative(s) to participate in the collective bargaining conducted with the given employer in the delegation of the sectoral or territorial trade union.

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

Article 44 of the Labour Code has also been amended by the amendments to the Labour Code of the Republic of Armenia and according to part 1 thereof the norms of Section 2 of this Code shall apply to officers of state and local self-government bodies prescribed by law, as well as to the employees of the Central Bank of the Republic of Armenia in the manner prescribed by the Code. Thus, norms of Section 2 of this Code shall be applicable to the civil servants.

According to the Labour Code of the Republic of Armenia, the Republican collective agreement concluded between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia and the Republican Employers' Association of Armenia (hereinafter referred to as "the Parties") on 27 April 2009 provides for the additional guarantees for regulating social and labour relations and joint actions of the Parties for implementation thereof.

In accordance with Section 5 of the Republican collective agreement, for the purpose of collective bargaining at republican level, ensuring performance of Agreement duties, development of the action plan for ensuring implementation of the Agreement, discussion of problems occurred during the implementation of the Agreement, and for the purpose of submitting relevant recommendations to the Parties, tripartite Republican commission has been set up and established by the Agreement of the Parties of 9 July 2009 (5 representatives from each Party).

On 30 June 2012, Agreement "On making amendments and supplements to the Republican Collective Agreement of 27 April 2009 between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia and the Republican Employers' Association of Armenia" was concluded between the Government of the Republic of Armenia, Confederation of Trade Unions of Armenia and the Republican Employers' Association of Armenia, which extends the validity period of the Republican collective agreement up to 30 June 2015.

Within the scope of the tripartite social partnership the Ministry of Labour and Social Affairs of the Republic of Armenia actively cooperates with the Confederation of Trade Unions of Armenia and the Republican Association of Employers of Armenia.

One of the cooperation areas is the development and activation of social partnership at sectoral, territorial and organisational levels. Particularly joint seminar-consultations have been organised in this respect.

State Sphere

Article 44 of the Labour Code has been amended by the amendments to the Labour Code of the Republic of Armenia and according to part 1 thereof the norms of Section 2 of this Code shall apply to officers of state and local self-government bodies prescribed by law, as well as to the employees of the Central Bank of the Republic of Armenia in the manner prescribed by the Code.

Thus, norms of Section 2 of this Code shall be applicable to the civil servants.

Article 6§3

1) Please describe the general legal framework.

The Conciliation Commissions shall, under the Labour Code of the Republic of Armenia (Article 68), be set up from equal number of representatives of the parties of the collective employment dispute. The total number of the members of the Conciliation Commission shall be determined upon agreement of the parties. The Conciliation Commission shall be set up within seven days from the day of written refusal to meet the claims by the entity having received the claim. The composition of the commission shall be set by protocol.

Where the parties fail to determine the total number of the members of the Conciliation Commission, they shall at their discretion delegate their representatives to the Commission. Each party may not have more than five representatives.

Settlement of all collective employment disputes shall be carried out in accordance with Chapter 11 of the Labour Code of the Republic of Armenia ("Settlement of Collective Employment Disputes").

Article 6§4

1) Please describe the general legal framework concerning collective actions in private and public sectors. Please specify the nature, reasons and the scope of any of the reforms carried out.

According to the Labour Code of the Republic of Armenia (Article 25) trade unions shall have the right to organise and lead strikes.

On 24 June 2010 the Law of the Republic of Armenia "On Making Amendments and Supplements to the Labour Code of the Republic of Armenia" was adopted, according to which (Article 74):

1. The right to make a decision on declaring a strike shall be vested in trade unions in the manner prescribed by the Labour Code of the Republic of Armenia and the Statute thereof. A strike shall be declared in case where the decision thereon has been approved by secret ballot:

(1) by two-thirds of the total number of employees of an organisation when declaring a strike in an organisation;

(2) by two-thirds of the employees of a separated (structural) subdivision of an organisation when declaring a strike in that subdivision. Where declaring a strike in a structural subdivision of an organisation impedes the smooth functioning of other subdivisions of the organisation, the decision on declaring a strike shall be approved by two-thirds of the employees of that subdivision, which may not be less than the half of the total number of employees of the organisation.

1.1. *In the absence of a trade union within the organisation, the functions of declaring a strike shall be transferred, upon the decision of the staff meeting (conference) of the organisation, to a relevant branch or territorial trade union.*

2. *The trade union shall be obliged to inform the employer in writing about the intended strike at least seven days before the beginning of the strike. Along with informing the employer, the decision— made in the manner prescribed by this Article— shall be sent to the employer attaching the claims put forward. When declaring a strike, it shall be allowed to submit only the claims that were not met during the conciliation procedures.*

3. *A warning strike may be organised before going on a strike. It may last no more than two hours. The employer shall be informed in writing about such a strike not later than three days before.*

4. *When a decision is adopted on calling a strike in enterprises engaged in activities covering railway and urban public transport, civil aviation, communication, health care, food production, water supply, sewerage and waste disposal, enterprises with a continuous production cycle, as well as other enterprises the cessation of work wherein may result in grave or hazardous consequences for the life and health of the society or individual humans, the employer must be warned in writing about the strike at least fourteen days before the calling a strike.*

5. *The decision on declaring a strike shall specify:*

(1) the requirements serving as a ground for declaring a strike;

(2) the date and the hour of going on the strike;

(3) the entity leading the strike.

According to the Labour Code of the Republic of Armenia (Article 77):

1. *During the strike, the body leading the strike and the employer shall be obliged to ensure the protection of the public order, the safety of the employees' life and the property of the organisation.*

2. *During a strike in organisations specified in part 4 of Article 74 of this Code, minimum conditions (services) necessary for meeting the immediate (vital) needs of the society shall be ensured. Minimum conditions shall be set by appropriate 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.*

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

According to the Labour Code of the Republic of Armenia (Article 79) participation in a strike is voluntary. No one may be compelled to participate in a strike or to refuse to participate therein. Persons that compel an employee to participate in a strike or to refuse to participate therein shall be held liable in the manner prescribed by legislation of the Republic of Armenia.

Employees participating in a strike are released from an obligation to perform their official duties. The work place (position) of an employee participating in a strike shall be retained during the strike. The employer may not pay salaries to the employees participating in the strike.

During the negotiations by parties on calling off a strike, the parties may reach an agreement on payment of salary to strikers in full or in part. that the strikers

The employees- not participating in a strike though deprived of the opportunity to fulfil their work duties due to the strike shall be paid for the idleness caused not by their fault, or they may be transferred to another job upon their consent.

According to the Labour Code of the Republic of Armenia (Article 80) after the decision on declaring a strike has been made and in the course of the strike, the employer shall have no right to:

- (1) impede all or individual employees to attend their workplaces;*
- (2) refuse to provide work to employees;*
- (3) subject employees to disciplinary liability for participating in a strike.*

During a strike, the employer shall have no right to hire new employees instead of the ones participating in a strike, except for the case provided for by part 3 of Article 77 of this Code.

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

With a view of ensuring the efficient implementation of the right to participate in the definition and improvement of working conditions and working environment in an organisation, the parties shall be obliged to adopt or encourage the measures which allow the employees or the representatives thereof, in accordance with the national legislation and practices, to participate in:

- a. definition and improvement of working conditions, work organisation, and working environment;
- b. ensuring protection of health and safety in the organisation;
- c. organisation of social and social and cultural services and facilities;
- d. supervision over compliance with the secondary legislation regulating these issues.

(1) Please describe the general legal framework. Please specify the nature, reasons and scope of any of the reforms carried out.

According to the Article 22 of the Labour Code of the Republic of Armenia, representation in collective employment relations shall occur where the representative represents the will of over 50 per cent of the employees. Obligations of general nature assumed through such representation shall also be binding to all employees, who do not have the special powers endowed to the representative of the team, who fall within the scope of such obligations assumed.

According to the Labour Code of the Republic of Armenia /Article 19/, 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 (conference).

The staff meeting shall have quorum where more than 50 per cent of the employer's employees participate therein, and the conference shall have quorum where more than two thirds of envoys selected by the employees participate.

Decisions of the staff meeting (conference) shall be deemed to be made, where more than 50 per cent of the participants (envoys) of the meeting (conference) have voted for it, except for the cases provided for by this Code.

By the decision taken by the majority of votes of the participants of the staff meeting (envoys of the conference), decisions of the staff meeting (conference) may be made by secret ballot.

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.

By the Amendments to the Labour Code of the Republic of Armenia of 24 June 2010, Article 253 of the Labour Code of the Republic of Armenia has been amended, according to which an employer shall be obliged to inform the employees about all the issues as regards ensuring the safety and health analysis of employees, planning , organising and supervising measures, as well as consult with them. An employer shall be obliged to involve employees' representatives in the discussion of issues on ensuring the safety and health of employees. An employer may set up a Commission for issues on ensuring the safety and health of employees in the organisation, the operation procedure thereof shall be prescribed by the Government of the Republic of Armenia. The operation procedure of the Commission for issues on ensuring safety and health of employees is approved by the Decision of the Government of the Republic of Armenia N 1007-N of 29 June 2006. Objectives of the operation of the Commission for issues on ensuring the safety and health of employees (hereinafter referred to as "the Commission") , as well as work organisation and implementation procedure shall be prescribed by the mentioned procedure.

Objective and tasks of the Commission operation

According to Article 253 of the Labour Code of the Republic of Armenia and this procedure, an employer shall have the right to set up a Commission for issues on ensuring the safety and health of employees.

The operation of the Commission is aimed at ensuring participation of employees in the organisation in activities covering consideration of occupational hazard, planning and organisation of preventive measures for ensuring and maintaining healthy and safe work environment, as well as health analysis of the employees.

The tasks aimed at attaining the objective of the Commission operation, shall be the following:

- (a) supporting the employer in planning, organising, and implementing preventive measures for ensuring the safety and protection of health of the employees;*
- (b) contributing to the information provision to the employees on issues as regards ensuring of safety and protection of health of the employees;*
- (c) ensuring the formation and delivery of the opinion of the majority of employees on ensuring of safety and protection of health of the employees;*
- (d) supporting the employer in activities related to introduction of standards defining the healthy and safe working conditions in an organisation.*

Formation of the Commission

The Commission shall be formed from equal number of representatives authorised by the employer, the trade union and employees.

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

Representatives authorised by the trade union and employees, are nominated from among the members of a trade union and the team of the employees respectively, and are elected at the general collective meetings of trade unions and the team of employees.

Employer's representatives are appointed by the employer by an order or an executive order.

The Commission shall elect, from among its members, a chairperson and a secretary. The occupational and technical safety official of the organisation may not be elected as a chairperson of the Commission.

The composition of the Commission is approved by an order or an executive order of the employer.

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

The employer may refuse to accept the decision of the Commission. In this case the employer shall submit to the Commission the grounds for not accepting the decision of the Commission aimed at developing an acceptable alternative.

Work Organisation and Operation of the Commission

While performing its activities, the Commission shall be guided by the Labour Code of the Republic of Armenia, normative legal acts in the field of ensuring of safety and protection of health of the employees,, collective contracts, and internal legal acts of the organisation.

The Commission shall organise its works through sittings, which shall be convened in accordance with its Regulations or as necessary, however, not less than once in every three months.

Commission shall carry out its activity in accordance with its Regulations, which is approved by the Commission.

The sitting of the Commission shall have a quorum where more than half of the members participate. Decisions of the Commission shall be made by ballot with more than half "for" votes of the members having participated therein. Voting shall be conducted by open ballot.

The Commission may involve in its sittings the senior officials of subdivisions of the organisation.

The Commission shall:

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

(b) inform—on the basis of employees' applications and suggestions, 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 to the employer —on the basis of information acquired—on the necessity of conducting supplementary studies through other specialised organisations;

(d) support the employer and state authorised bodies in carrying out line-of-duty investigation of cases of industrial accidents and occupational diseases in the manner prescribed by the legislation of the Republic of Armenia;

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

(f) regularly, but at least once a year, submit a report on its activity to the team of employees.

Article 33 of the Labour Code of the Republic of Armenia has been amended by the Amendments to the Labour Code of the Republic of Armenia of 24 June 2010, according to which state control and supervision over compliance with the requirements of the labour legislation and other normative legal acts containing norms of labour law and collective contracts shall be carried out by relevant public authorities and non-state supervision shall be carried out by the representatives of employees and by the employers (representatives of employers).

Article 35 of the Labour Code of the Republic of Armenia has also been amended, according to which the non-state supervision over the compliance of an employer with the labour legislation, other legal acts containing norms of labour law and of collective contracts shall be conducted by representatives of employees, whereas non-state supervision over the compliance of employees with the labour legislation, other legal acts containing norms of labour law and of collective contracts shall be conducted by employers (representative of employers).

Besides, Article 38 of the Labour Code of the Republic of Armenia has been edited and supplemented as follows:

1. 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.

2. Protection of employment rights shall be carried out by the representatives of employees.

3. 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 recognising the legal act of a public or local self-government body or the employer as invalid;

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

(6) through self-protection of the right;

- (7) by enforcing to perform the duties by 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) in other methods provided for by law.*

According to Article 15 of the Law of the Republic of Armenia "On Trade Unions" the objectives of a trade union shall be as follows:

- (a) represent and protect employment, as well as related social and other interests and rights of a participant (member) of the trade union before the employer and/or a third party;*
- (b) upon the invitation of the employer participate in the development of production plans and their implementation;*
- (c) submit proposals to the employer on improvement of working conditions and recreational facilities of employees, introduction of new technology, reduction of the amount of manual labour, revision of production norms, the amount of and procedure for the remuneration of labour;*
- (d) cooperate with the employer on issues concerning rewards and incentives of trade union members;*
- (e) discuss the issue of a trade union member having violated the labour discipline on presentation by the employer.*

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

According to Article 6 of the Law of the Republic of Armenia "On State Labour Inspectorate", during state control and supervision over implementation of the Labour Code and other legal acts containing norms of labour law, the State labour inspectorate shall cooperate with public administration, local self-government and other bodies, as well as non-governmental associations by exchanging the relevant information. According to Article 8 of the same law, within the scope of state control and supervision over implementation of the Labour Code and other legal acts containing norms of labour law, the State labour inspectorate shall have the power to organise preparation, education, training, and professional skills improvement of employers and specialists in occupational safety of trade unions, and cooperate with public administration and other bodies carrying out control, employers, employers' unions, trade unions and representatives of the team of employees.

According to the Law of the Republic of Armenia "On State Labour Inspectorate" (Article 10) the State labour inspectorate shall have the following powers:

- (1) organising seminars on implementation of labour legislation and other legal acts containing norms of labour law for employers, employers' unions, and representative of teams of employees;*

- (2) organising methodical assistance concerning occupation safety for employers and trade unions aimed at implementation of labour legislation and other legal acts containing norms of labour law by providing relevant information and consultancy;*
- (3) submitting a proposal to the authorised body on improvement of implementation of the labour legislation and other legal acts containing norms of labour law;*
- (4) analysing the reasons for violation of labour legislation and submits proposals to the employer on elimination thereof and restoration of violated rights of employees;*
- (5) studying and analysing the reasons for accidents and occupational diseases in the industry and submits written motions to the employer on prevention thereof;*
- (6) studying the availability, maintenance, and exploitation of collective and individual protective means for occupational safety;*
- (7) receiving a report from employers—for the purpose of ensuring its activity—once in three months in the manner prescribed by the Government of the Republic of Armenia on the number of employees, salary (according to specialities), cases of industrial accidents and occupational diseases;*
- (8) defining the terms for elimination of violations according to the standards approved—where there is an expert opinion on violation of requirements for occupational safety and health standards or an act on deficiencies detected— ; in case of failing to eliminate the deficiencies within the prescribed term, temporarily terminates activities of the organisation or its separate subdivision until the elimination of the violations;*
- (9) carrying out control and supervision over the observance of the labour legislation and other legal acts containing norms of labour law by the employers;*
- (10) carrying out control and supervision over acceptance for employment by the employer, observance of the procedure for maintenance of employment record books, employment contracts and decrees, over illegal employment (hidden employment), as well as calculation and payment of the salary;*
- (11) carrying out control and supervision over the performance of duties provided for by collective contracts (agreements) in the manner prescribed by the legislation; takes appropriate measures to restore the violated rights of employees;*
- (12) carrying out control and supervision over observance of the mandatory requirements of occupational safety and health protection in the workplace prescribed by law;*
- (13) carrying out control and supervision over registration and investigation of cases of industrial accidents in compliance with the procedure prescribed by the Government of the Republic of Armenia, and over the payment of the amounts to be paid as a compensation for damages in due time;*
- (14) carrying out control and supervision over ensuring guarantees for persons under 18 and women, prescribed by labour legislation;*

(15) *examining the cases of discrimination on the basis of gender during the recruitment process and takes measures aimed at protecting the violated rights of employees;*

(16) *carrying out control and supervision over observance of the procedure for the provision of identity cards to the employees in the workplace and for their use in the manner prescribed by the Government of the Republic of Armenia;*

(17) *requires from the employers to take relevant measures to eliminate the violations and deficiencies in the course of work organisation detected during examination and/or inspections, which may endanger employee's life or health;*

(18) *submitting to law enforcement bodies—as a result of inspections— materials on violations of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law which contain elements of crime;*

(19) *bringing an action before the court in the cases and manner prescribed by the legislation;*

(20) *drawing up annual reports on the results of Inspectorate activity(including the territorial bodies thereof);*

(21) *carrying out reception of citizens, considering the citizens' applications on their violated employment rights, their complaints and suggestions.*

According to Article 15 of the Law of the Republic of Armenia "On State Labour Inspectorate":

State Labour Inspector shall have the right:

(1) *to have unimpeded access to the office, commercial, production, store and other subdivisions of the employer in the presence of the employer or employer's representative at any time during working hours upon submission of the certificate of the approved sample and instruction on inspection(except for urgent cases) for the purpose of carrying out control and supervision over implementation of the labour legislation and other regulatory legal acts containing norms of labour legislation by drawing up a relevant protocol thereon;*

(2) *to request— within the scope the of powers thereof—from the employer or the employer's representative, public and local self-government bodies and receive the necessary documents, clarifications, references and other information, take copies of documents and other necessary materials, as well as take out for expert examination the samples of materials used or elaborated for the purpose of carrying out the inspection, by drawing up a relevant protocol;*

(3) *to ask questions to the employers or the personnel of the organisation in private or in the presence of witnesses on implementation of the labour legislation and other regulatory legal acts containing norms of labour law;*

(4) *if necessary, to involve independent experts, specialists and translators, as well as representatives of trade unions in the control and supervisory works in the manner prescribed by the legislation of the Republic of Armenia;*

(5) *within the scope of his or her powers to check, in the manner prescribed by the legislation of the Republic of Armenia, compliance of the conditions for occupational safety and health with the requirements of standards approved;*

(6) to organise an expert examination of the conditions for occupational safety and health and inform the employers about the results in the prescribed manner;

(7) to submit to the employers (their representatives) motions subject to mandatory consideration for the purpose of eliminating violations of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law and restoring the violated rights of employees;

(8) to participate in the bargaining for the conclusion of collective contracts, as well as in the discussion of collective employment disputes upon the invitation of the employer or the representatives of employees;

(9) to issue written recommendations subject to mandatory enforcement on elimination of detected violations and deficiencies of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law, and follow the enforcement thereof;

(10) to file a motion to the Chief State Labour Inspector on temporary termination of activities of separate organisations, subdivisions in case violations posing a threat to the employees' life and health have been detected, until the elimination thereof;

(11) to file a motion to the Chief State Labour Inspector on temporary termination of employment of the employees who have not undergone the trainings provided for by the rules and instructions of occupational safety, until they undergo the relevant training;

(12) where violations of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law have been detected, to file motions to the official having the competence to impose administrative penalties, for imposing penalties in accordance with the Administrative Offences Code of the Republic of Armenia;

(13) within the scope of his or her powers, to make decisions, bring actions before the court in the cases and manner prescribed by law.

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

Aimed at ensuring the efficient exercise of the right of the representatives of employees to perform their functions, the Parties shall undertake to ensure, that in an organisation:

- a. the mentioned representatives enjoy the protection from actions that may cause them harm due to their status or activity performed as a representative of employees, including release from work;
- b. provide them with such means, which might be necessary for the timely and properly performance of their functions, taking into consideration the industrial communication system of the country and the needs, sizes, and capacities of the given organisation.

Please describe the general legal framework, including, if possible, the decisions of courts or other judicial authorities. Please specify the nature, reasons and scope of any of the reforms.

By the Amendments to the Labour Code of the Republic of Armenia of 24 June 2010, Articles 23 and 25 of the Labour Code of the Republic of Armenia have been respectively amended as follows:

Article 23.

1. The representatives of employees — trade unions, representatives (entity) selected by the staff meeting (conference) 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) within the organisation or none of the existing trade unions unites more than half of the number of employees of the organisation, representatives (an entity) can be selected by the staff meeting (conference).

The existence of representatives (an entity) elected by the staff meeting (conference) 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 (conference). In this case, the staff meeting (conference) 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 represent and protect the interests of both employees and employers.

Article 25.

1. *Representatives of employees shall have the right to:*

(1) draft the Statutes and Regulations thereof, freely elect the representatives thereof, arrange the administrative stuff and the activities thereof and draw up the programmes thereof;

(2) acquire information from the employer in the manner prescribed by this Code;

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

(4) conduct collective bargaining within the organisation, conclude collective contracts, carry out the supervision over the execution thereof;

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

(6) appeal judicially the decisions and activities of an employer and the authorized persons thereof contravening the legislation of the Republic of Armenia, as well as collective and employment contracts or violating the 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 conditions and recreational facilities of employees, introduction of new technology, reduction of the amount of manual labour, the revision of the production norms , the amount of and procedure for the remuneration of labour.

2. *Trade unions, except for what is provided for 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 public and local self-government bodies;

(3) organise and lead strikes.

3. *Representatives of the employees may— by a collective agreement— be vested in additional powers not contradicting the legislation.*

By the Amendments of the Labour Code of the Republic of Armenia of 24 June 2010, Article 119 has been amended, according to which employees selected in the representational bodies of employees, may not be released from work in the period of exercising their powers in accordance with Article 113 of the Labour Code of the Republic of Armenia without preliminary consent of the State Labour Inspector, except for the cases provided for by point (1) (in case of the liquidation of the organisation/ termination of the activity of an individual entrepreneur), point (5) (in case the employee regularly fails to perform the duties vested in him or her by the employment contract or internal disciplinary rules), point (6) (in case the employee no longer enjoys the confidence of the employer), point (8)-(10) (point (8) — in cases the employee is under the influence of alcohol, narcotic drugs, or psychotropic substances in the workplace; point (9) — in case the employee fails to report for work during the entire working day (on-duty) without any valid

excuse; point (10) — in case the employee refuses or avoids a compulsory medical examination) of part 1 of Article 113 of the Labour Code of the Republic of Armenia. (9) if the employee fails to report for work throughout the entire working day (shift) with no good reason; (10) if the employee refuse to or avoids mandatory medical examination; / cases provided for by points.

The employer must refer to the State Labour Inspector for receiving his or her consent on the release of the representative of employees from work. The State Labour Inspector shall be obliged to reply to the employer within 14 days from the day of the receipt of the application. The State Labour Inspector shall be obliged to submit the decision on his or her approval or rejection to release the employee from work in writing. Where State Labour Inspector fails to reply to the employer within the specified period, the employer shall have the right to dissolve the employment contract.

The employer shall have the right to judicially appeal against the decision on not approving to release the employee from work. The court may repeal that decision where the interests of the employer are thereby violated.

The above mentioned guarantee may apply to the employees not deemed to be a representative of employees where it is provided for by the collective contract.

According to the Labour Code of the Republic of Armenia (Article 121) where the employee fails to regularly perform the duties vested in him or her by the employment contract or internal disciplinary rules, the employer shall have the right to dissolve the employment contract, in case the employee has at least two disciplinary violations that have not been lifted or paid. In this case the employer shall be obliged to follow the rules of applying disciplinary liability while dissolving the employment contract.

According to the Labour Code of the Republic of Armenia (Article 122) where the employee no longer enjoys the confidence of the employer, the employer shall have the right to dissolve the employment contract of the given employee, in case the employee:

- (1) while dealing with funds or goods, has committed such acts that have made the employer incur material damages;
- (2) carrying out teaching and educating functions, has committed an act that is incompatible with the continuation of the given task;
- (3) has released state, official, trade or technological secrets or has informed the competing organisation thereon.

According to Article 25 of the Law of the Republic of Armenia "On Trade Unions", where members of elective bodies of the trade union fail to report for work in the period of performing public duties or participating in the events of the trade union, issues in regard to their absence and remuneration during this period shall be regulated by the legislation of the Republic of Armenia and the collective contract (agreement) concluded with the employer. Employees elected in the elective bodies of the trade union may not be released from work upon the employer's initiative without the preliminary consent of the State Labour Inspector, except for the cases provided for by law.

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