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## **EUROPEAN SOCIAL CHARTER**

10<sup>th</sup> National Report  
on the implementation  
of the European Social Charter

submitted by

**THE GOVERNMENT OF ARMENIA**

Articles 1, 15, 18, 20 and 24  
for the period 01/01/2011 – 31/12/2014

Report registered by the Secretariat on

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**CYCLE 2016**



Annex  
to Protocol Decision No 19 of the sitting of the Government of the  
Republic of Armenia of 19 May 2016



**EUROPEAN SOCIAL CHARTER**  
**(REVISED)**

**Report of the Republic of Armenia**

Articles 1, 15, 18, 20, 24

Reporting period: 2011-2014

## Article 1. Right to work

### **Article 1.1.**

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

The policy of the Government of the Republic of Armenia in the sphere of employment is targeted at the solution to the problems of promoting supply and demand in the labour market, eliminating discrepancies between the latter and replenishing the existing vacant and new jobs with qualified specialists.

Comprehensive reforms have been undertaken in the last three years in the sphere of state regulation of employment conditioned by the necessity to introduce a new policy model. In this context:

- “2013-2018 Employment Strategy and the Report on Social Involvement of the Republic of Armenia” (hereinafter referred to as “the Employment Strategy”) has been approved by point 9 of Protocol No 45 of the sitting of the Government of the Republic of Armenia of 8 November 2012;
- the Concept Paper of the Law of the Republic of Armenia “On employment” has been approved by point 6 of Protocol No 13 of the sitting of the Government of the Republic of Armenia of 4 April 2013.

For the purpose of enshrining legal grounds for a new employment policy model and establishing a thorough and efficient legislative framework for the main mechanisms of achieving the priority goals of the employment strategy, the new Law of the Republic of Armenia “On employment” (hereinafter referred to as “the Law”) was developed and adopted by the National Assembly of the Republic of Armenia on 11 December 2013. The Law entered into force on 1 January 2014, and from that moment, the Law of the Republic of Armenia “On employment of population and social protection in case of unemployment” (hereinafter referred to as “the former law”) was repealed.

The employment policy model prescribed by the former law was described as a “passive” policy model, the indisputable grounds for which are the following factual circumstances and trends arising from the objective situation in case of that regulation:

- a. the large part — nearly 86 percent on average — of the funds provided from the State Budget of the Republic of Armenia to the programmes for state regulation of employment per annum has been spent on unemployment benefit (hereinafter referred to as “the benefit”);
- b. the number of benefit recipients made up nearly 87 percent on average of the total number of beneficiaries of state employment programmes;
- c. in the period of receiving benefit, in the total number of benefit recipients, there were very few hired beneficiaries — nearly 10 percent, and the average duration of the benefit was nearly 9 months (when the maximum duration was 12 months and the minimum — 6 months); meanwhile, for instance, in the professional (vocational) instruction which, after the benefit, is the second largest state employment programme — nearly 50 percent of those involved in the programme were placed to jobs within three months upon completion of the programme.

The previous regulation also did not provide the opportunity to:

- a. test and implement a flexible state regulation arising from the objective situation and trends of the labour market — new programmes and instruments;
- b. consistently raise the level of purposefulness and effectiveness of the use of measures for the sphere, which is clearly enshrined in the Employment Strategy;
- c. solve, without discrimination, the issue of the status of employment of persons who are the owners of lands of agricultural significance and give those persons the right — prescribed by law — to be included in all employment regulation programmes, which directly derives from the requirements enshrined in Articles 14.1 and 37 of the Constitution of the Republic of Armenia;
- d. in case of unemployment, in the sphere of social protection, ensure guarantees — equal to those for the unemployed persons — for the disabled unemployed persons, which directly derives from the requirements enshrined in Articles 14.1 and 37 of the Constitution of the Republic of Armenia.

For the purpose of performing the state duties enshrined in the cited Articles of the Constitution of the Republic of Armenia, the regulation prescribed by the Law solved the issues that had been existing and were unsolved for years — the issue of granting the status of unemployed to persons who are owners of lands of agricultural significance and the issue of including those persons, by providing equal rights, in all active employment programmes, which, in the sense of regulation, is unprecedented in the entire previous period.

By the previous regulation, the status of “unemployed person seeking employment” was provided for a disabled person, if he or she was not occupied with any type of activity considered as employment prescribed by the previous law.

The state employment programmes have been completely reinterpreted and the unemployment benefit has been replaced with new active programmes, in conformity with the new approaches of the active employment policy. A new employment policy model with active programmes — aimed at ensuring stable employment for the unemployed persons and mainly for non-competitive persons in the labour market — has been introduced in compliance with the new law. As already mentioned, the issue of employment status of disabled persons and persons who are owners of lands of agricultural significance has been solved — those persons may obtain the status of an unemployed person and be engaged in relevant state programmes.

Moreover, the disabled unemployed person, in addition to the rights provided for unemployed persons, has:

- (1) the right to job placement within the framework of ensuring the normative standard (quota) for compulsory provision of jobs;
- (2) in case of job placement — the right to support for adjustment of workplace.

The presented mechanism shows that the status of a non-competitive unemployed person in the labour market is acceptable for a wide and complete range of disabled persons who have certain difficulties with job placement.

The new model for state regulation of employment enshrined by law complies with the main principles and approaches adopted by the Government of the Republic of Armenia in the social policy sector and can be described as an “active” policy model based on the fundamental principle of “support and demand”. In particular, the annual programme for state regulation of employment provided for by the new model has an exceptionally active nature, flexibility arising from the objective situation in the labour market and necessary for its development and implementation. The fact that the beneficiaries, who remain employed for at least 1 year on average, being hired as a result of implementation of the programmes, serves as a basis for estimating the stable employment standard, which in its turn is the basis for the final assessment of programmes.

The purpose of the state employment policy is differentiated and clearly defined by law as the component of the economic policy and that of social protection.

According to law:

- an integrated format for planning, implementation, monitoring and assessment of the annual state employment programme is envisaged, through which the state employment programme may be subjected to targeted management from the perspective of the intended goal and final outcome;
- the activities of non-state job placement organisations are also regulated for the purpose of promoting public-private partnership and mutually beneficial co-operation;
- for the purpose of promoting the work and employment of disabled persons, a normative standard (quota) for compulsory provision of jobs is prescribed for organisations, the application whereof for state organisations is envisaged in 2016, and for non-state organisations — in 2017;
- the necessary legal grounds are prescribed for receiving from the State Employment Service and disseminating complete information regarding the labour market, as well as for provision of services to job seekers and employers electronically — through the application of modern IT solutions.

Moreover, the State Programme of Employment Regulation for 2014 approved by point 6 of Protocol No 39 of the Government of the Republic of Armenia of 28 September 2013 envisages active and concrete programmes within the scope of programme directions prescribed by the Law, and such a regulation allows to envisage and test — within the annual state programme — new programmes and services, which after being effectively assessed from the perspective of continuity, will be included in the annual programme as the main active programme.

The funds received through reinterpretation of employment benefit and the further supplements thereto to be directed towards the active programmes for regulation within the scope of the new model, as well as essentially expanding the individual coverage for inclusion of unemployed persons in those programmes and eliminating certain restrictions on the right to providing unemployed persons and job seekers with employment by the previous regulation within the scope thereof will also increase the purposefulness, target and financial efficiency of state support for employment, the short targets and financial evaluation of which are described and enshrined in the Employment Strategy, according to years.

Since 2014, in addition to the previously existing 7 active programmes, the following new state programmes have been envisaged by the annual state employment programmes — funded from the State Budget of the Republic of Armenia — for non-competitive persons in the labour market (in this group the priority is given to disabled persons):

1. provision of monetary aid to non-competitive persons in the labour market to visit employers for the purpose of suitable job placement;
2. partial compensation of salary to the employer in case of job placement of non-competitive persons in the labour market, which is composed of two new sub-programmes:
  - a. lump-sum compensation to the employer for non-competitive persons in the labour market to acquire working skills and abilities;
  - b. provision of compensation of salary for a person accompanying a disabled person;
3. provision of support to rural economy through promotion of seasonal employment;
4. provision of support to non-competitive persons in the labour market for making use of services rendered by a non-state job-placement organisation;
5. provision of support to small entrepreneurial activities of non-competitive persons in the labour market.

The following are continuing programmes:

1. partial compensation of salary to employer in case of job placement;
2. professional (vocational) instruction for unemployed persons and persons facing the risk of being dismissed from work;
3. support for gaining professional work experience for persons entering the labour market for the first time with their profession;
4. support for job placement in another place for the purpose of filling the vacant positions — submitted to the body authorised by the employer — having remained vacant for at least one month;
5. provision of support — in case of job placement of a disabled unemployed person — to the employer for adjustment of workplace;
6. organisation of job fairs;
7. organisation of paid public works.

New working tools and measures (job clubs, councils of employers, employment forums, migration resource centres) have been introduced within the framework of international programmes for the purpose of raising the quality of services provided to beneficiaries.

As a result of legislative reforms 2 groups were added to 7 non-competitive groups in the labour market, including persons — registered with drug detoxification service — who are in remission and victims of trafficking.

As a result of the reforms, the budget for active programmes has increased by nearly five times on average and has made up AMD 2.3 billion.

The following are the statistics:

Gross Domestic Product (GDP) and its physical volume indices  
compared to the previous year, 2007-2014

	2007	2008	2009	2010	2011	2012	2013	2014
<b>GDP in current market prices (million)</b>	3 149 283.4 <sup>1</sup>	3 568 227.6 <sup>1</sup>	3 141 651.0 <sup>1</sup>	3 460 202.7 <sup>1</sup>	3 777 945.6 <sup>1</sup>	4 000 722.0 <sup>1</sup>	4 276 200.9 <sup>1</sup>	4 528 873.1 <sup>1</sup>
						4 266 460.5 <sup>2</sup>	4 555 638.2 <sup>2</sup>	4 843 152.5 <sup>2</sup>



AMD)								
Index of physical volume of GDP, %	113.7 <sup>1</sup>	106.9 <sup>1</sup>	85.9 <sup>1</sup>	102.2 <sup>1</sup>	104.7 <sup>1</sup>	107.2 <sup>1</sup>	103.5 <sup>1</sup>	103.4 <sup>1</sup>
							103.3 <sup>2</sup>	103.5 <sup>2</sup>

<sup>1</sup> According to the 1993 methodology of the System of National Accounts (SNA-1993)

<sup>2</sup> According to the 2008 methodology of the System of National Accounts (SNA-2008)

### Levels of employment and unemployment<sup>3</sup>, 2008-2014

	2008	2009	2010	2011	2012	2013	2014
Level of employment, total, %	49.8	48.1	49.6	51.4	51.9	53.2	52.0
Men	60.6	56.7	59.9	60.1	60.2	62.3	61.6
Women	41.0	40.9	41.1	44.4	45.2	45.8	44.5
City/Town	41.0	38.6	40.4	42.2	42.5	44.6	44.9
Village	66.4	66.3	66.8	68.9	69.4	68.1	64.5
Level of unemployment, total, %	16.4	18.7	19.0	18.4	17.3	16.2	17.6
Men	14.4	17.8	17.0	17.3	16.5	14.4	15.8
Women	18.6	19.8	21.2	19.6	18.2	18.1	19.5
City/Town	23.2	27.3	27.8	26.9	25.5	23.4	24.8
Village	6.6	6.3	6.1	5.8	5.3	6.0	6.8
16-30 years old	28.3	32.9	31.1	31.1	28.5	27.6	28.3
Level of long-term unemployment, %	47.6	41.9	51.4	52.7	52.7	52.2	59.4

<sup>3</sup> Source: 2008-2013 Integrated Survey of Living Standard (Living Conditions) of Households, 2014 Survey of the Workforce.

The Ministry of Sport and Youth Affairs of the Republic of Armenia is also carrying out programmes aimed at ensuring active employment through the funds of the State Budget, information regarding that is presented below:

#### **The year 2011**

1. “Publication of the National Youth Report of Armenia” Programme — AMD 2 320 000 (two million three hundred twenty thousand);

“National Youth Report of Armenia: Part 1, (Research)” has been published.

### ***The year 2012***

1. “Series of Seminars and Discussions titled “Establishment of Modern Bridges between the University and Labour Market and Expansion of Partnership” Programme — AMD 3 913 950 (three million nine hundred thirteen thousand nine hundred fifty);
2. “Printing of the Second Part of the National Youth Report of Armenia” — AMD 2 498 000 (two million four hundred ninety-eight thousand);
3. “National Youth Report of Armenia: Part 2 (Analysis)” has been published;
4. “Job Fair” Programme — AMD 4 000 000 (four million).

The following have been implemented through the online grant system ([www.cragrer.am](http://www.cragrer.am)) operating within the scope of the state youth policy of the Ministry of Sport and Youth Affairs of the Republic of Armenia:

1. “Promoting Youth Entrepreneurship as the Guarantee for the Development of Bordering Regions” Programme — AMD 1 988 250 (one million nine hundred eighty-eight thousand two hundred fifty);
2. “Support to Children with Limited Abilities” Programme — AMD 489 500 (four hundred eighty-nine thousand five hundred);
3. “Development of Youth Entrepreneurship” Programme — AMD 1 996 800 (one million nine hundred ninety-six thousand eight hundred);
4. “Forgotten Crafts in a New Way” Programme — AMD 1 998 900 (one million nine hundred ninety-eight thousand nine hundred).

### ***The year 2013***

1. “Job Fair” Programme — AMD 3 793 572 (three million seven hundred ninety-three thousand five hundred seventy-two);
2. “Main Issues of Youth Employment in the Republic of Armenia” Programme — AMD 1 228 000 (one million two hundred twenty-eight thousand);
3. “Main Issues of Youth Employment in the Republic of Armenia (Analysis of Results of Sociological Research)” has been published.

The following have been implemented through the online grant system ([www.cragrer.am](http://www.cragrer.am)) operating within the scope of the state youth policy of the Ministry of Sport and Youth Affairs of the Republic of Armenia:

1. “Developing Public Communication Skills” Programme — AMD 306 500 (three hundred six thousand five hundred);
2. “Support for Youth Employment” Programme — AMD 499 500 (four hundred ninety-nine thousand five hundred);
3. “Employment Support to Youth with Limited Abilities” Programme — AMD 794 044 (seven hundred ninety-four thousand forty-four).

### ***The year 2014***

1. “Seminar-Workshop Promoting the Entrepreneurial Activities of Youth” Programme — AMD 3 914 000 (three million nine hundred twenty-four thousand);
2. “Study of Labour Market’s Demand: Perspectives of Institutionalisation of the Employer-Youth-Educational Institution Co-operation” Programme — AMD 1 442 900 (one million four hundred forty-two thousand nine hundred).

The following have been implemented through the online grant system ([www.cragrer.am](http://www.cragrer.am)) operating within the scope of the state youth policy of the Ministry of Sport and Youth Affairs of the Republic of Armenia:

1. “Young Businessmen for the Development of Rural Communities” Programme — AMD 438 804 (four hundred thirty-eight thousand eight hundred four);
2. “Giving Jobs to Each Other” Programme — AMD 1 889 704 (one million eight hundred eighty-nine thousand seven hundred four).

“Organising Hotel Business” Programme — AMD 347 630 (three hundred forty-seven thousand six hundred thirty) was implemented with the support of the Ministry of Sport and Youth Affairs of the Republic of Armenia.

The information about measures undertaken for promoting the creation of jobs in 2011-2014 is presented below:

## 1. Industry

Based on the imperatives for raising the level of economic competitiveness and ensuring ongoing economic growth, the Government of the Republic of Armenia has undertaken implementation of an active industrial policy that will be targeted at expansion of the exportable sector of the economy through the revelation and effective realisation of the potential for export. All the measures and instruments that the Government uses to promote the development of the real sector of economy, including small and medium-sized entrepreneurship, and defines directions and instruments for new measures, are co-ordinated within the scope of the policy. In their turn, the latter have promoted and will continue to promote the maintenance of jobs and the creation of new ones. “Strategy of Export-Led Industrial Policy of the Republic of Armenia” has been approved by point 9 of Protocol No 49 of the sitting of the Government of the Republic of Armenia of 15 December 2011. In 2011-2014, sector-specific strategies have been developed and approved in eight sectors — brandy production, wine production, precision architecture, pharmaceuticals, biotechnologies, jewellery-making, diamond-cutting, clock and watch making and light industry. In the same period, 8 action plans ensuring implementation of the specified sector-specific strategies have been developed and approved.

Pursuant to the Law of the Republic of Armenia “On making a supplement to the Law of the Republic of Armenia “On Value Added Tax” of 12 November 2013 adopted by the National Assembly of the Republic of Armenia on 12 November 2013”, in case of making investments of AMD 200 million or more within the framework of investment programmes of companies, the periods for payment of the Value Added Tax to be paid by organisations and individual entrepreneurs will be postponed for three years.

The amount of the profit tax of the year of launching the business plan and of following two reporting years of the business plan of a resident (except for the resident operating in trade or financial sector) carrying out a business plan approved through the procedure established by the Decision of the Government of the Republic of Armenia No 346-N of 7 March 2013 shall be reduced in the amount of 100 percent of additional salaries calculated during the relevant year in terms of the new jobs created within the framework of the business plan and equivalent payments, but not more than 30 percent of the amount of the actual profit tax calculated for the relevant reporting year.

### Instruments for Support to Organisations:

- in 2011-2014, the investment programmes of 38 companies have been approved for postponement of periods for payment of VAT within the framework of investment programmes exceeding AMD 300 million. As a result, nearly 3 650 jobs have been created.
- Extension of periods of the customs arrangement of “temporary importation”. In 2011-2014, the Government of the Republic of Armenia has granted permission for extension of periods of the relevant customs arrangement — applied for goods imported under the customs arrangement of “temporary importation” — to 57 programmes of 38 companies. The total amount of the imported goods was AMD 89.0 billion.

## 2. Information technologies

The Programme of State Support to Development of the Information Technologies Sector (hereinafter referred to as “the IT”) for 2008 was approved by the Decision of the Government of the Republic of Armenia No 293-N of 13 March 2008, according to which the directions for development of the IT sector, the challenges and the strategic approaches for overcoming those challenges have been prescribed. According to the Concept Paper, the necessity for the development and implementation of target programmes aimed at providing annually the IT sector till 2018 with at least 1 500 highly qualified workers has been indicated as the major challenge for development of the IT sector in the Republic of Armenia. For the purpose of accomplishing the above mentioned objective, the Government of the Republic of Armenia is carrying out several prospective programmes under the principle of public-private sector co-operation, particularly:

- a number of training centres and laboratories of the ICT sector have been established and are successfully operating under the principle of public-private sector co-operation, including the Microsoft Innovation Centre, the Armenian-Indian Centre for Excellence in ICT, the Regional Laboratory for Mobile Solutions, the Armenian National Engineering Laboratory, which provide the opportunity to transmit new knowledge and replenish the sector with new and intelligent specialists.
- The first “Granatus Ventures” CJSC venture fund (“Granatus Ventures” CJSC), the activities whereof are targeted at the generation of innovative ideas and the promotion of the formation of start-up companies, was registered in 2014 and launched its activities in 2015. Through financing from the fund, 7 business plans have already been financed; moreover, it should be mentioned that the main conditions for financing are the following: companies being financed must operate in the territory of the Republic of Armenia and the majority of employees of those companies must be the nationals of the Republic of Armenia.

- Gyumri Information Technologies Centre has been operated, the programme for establishment of a similar technologies centre in Vanadzor has been currently launched. The centres will support the preparation and training of qualified technology specialists in the cities of Gyumri and Vanadzor, as well as the formation of start-up companies and the creation of new jobs in the above mentioned marzes.
- The Programme for Co-Financing Grants for Development of Innovations is being carried out for the purpose of supporting companies operating in the ICT and high technologies sectors to develop new products and services.
- At the same time, in 2014, the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia “On state support to the information technologies sector”, by which, starting from 2015, new and start-up economic entities of the IT sector are provided with tax privileges, particularly 0 percent profit tax and 10 percent income tax rates are being applied. The main purpose of the above mentioned Law is to form new companies and create new jobs in the IT sector.

### 3. Free economic zones

The main purpose of the establishment of free economic zones in Armenia is to create preconditions for sustainable economic growth through attraction of direct foreign investments, introduction of advanced technologies and application of innovative approaches, as well as to create new jobs. A relevant legal ground has been created to achieve the above mentioned goals and ensure the effective operation of free economic zones. The main regulating document is the Law of the Republic of Armenia “On free economic zones” adopted by the National Assembly of the Republic of Armenia on 25 May 2011, which prescribes several privileges for those carrying out activities in the zone. In particular, the operators of the free economic zone shall be exempt from the obligations of paying a profit tax, a value added tax, a property tax and a customs duties. The services — within the zone — shall be provided by state bodies on “one-stop shop” principle.

Currently, two free economic zones have been operated, including:

- “Meridian” free economic zone, the operational type of which is defined as productive-industrial in the spheres of jewellery-making and clock and watch making. Investments of nearly USD 14 million have already been made and 120 new jobs have already been created as a result of establishment of the free economic zone. As a result of operation of the free economic zone, 120

companies will be engaged, nearly 2 000 new jobs will be created and exports of nearly USD 200-250 million are expected;

– “Alliance” free economic zone, which is targeted at production and export of high and innovative technologies in the fields of electronics, precision engineering, pharmaceuticals and biotechnologies, information technologies, alternative energy, production design and telecommunication (design and production of technological equipment, systems, materials for transfer of data/information) and production of product types that are not produced in the territory of the Republic of Armenia. 5 companies have obtained authorisation of the operator of “Alliance” free economic zone. Investments of nearly USD 18 million will be made and nearly 190 new knowledge-based jobs will be created as a result of the activities of the mentioned operators.

#### 4. Small and medium-sized entrepreneurship (hereinafter referred to as “SME”)

In the reporting period, support has been provided to 43 917 entities in different areas (information and advisory support, training support, support to first-time entrepreneurs, provision of loan guarantees, support within the scope of the activities of the Communication Centre of the Enterprise Europe network, field-related support, provision of grants within the scope of a field-related support programme) within the scope of the programmes for state support to SME.

– Throughout 2011, 3 580 entities were provided with support. Provision of loan guarantees: in the amount of AMD 49.8 million, support to 95 first-time entrepreneurs (financial support — to 14 of them) in the total loan amount of AMD 25.2 million (guarantee of the SME DNC of Armenia — AMD 30.2 million), 38 loans have been granted through the “SME UCO” CJSC in the amount of AMD 2 440.9 million.

– 8 432 applications for support have been satisfied in 2012. Loan guarantees have been granted to 27 entities in the amount of AMD 148.0 million, 209 first-time entrepreneurs have received support, of which 92 have received financial support. The total amount of the granted loan was AMD 96.6 million, the guarantee of the SMC DNC of Armenia was AMD 98.1 million. The “SME UCO” CJSC has granted loan of AMD 2 937 billion to 33 legal persons and 4 individual entrepreneurs.

– Throughout 2013, 17 217 entities were provided with support. 243 entities have received support within the scope of the activities of the Communication Centre of the Enterprise Europe Network in Armenia. The “SME UCO” CJSC has granted a loan of AMD 2.4 billion to 31 legal



persons and individual entrepreneurs, including 22 loans to the field of the processing industry, 4 loans to the agricultural sector, 4 loans to the field of provision of services and 2 loans to the trade sector. 80 agricultural equipments have been obtained and handed over to 47 natural persons for lease. The total amount of leasing was nearly AMD 260 million.

- Throughout 2014, 14 688 entities were provided with support. Information and advisory support has been provided to 13 064 entities, 500 have been provided with training support, support has been provided to 436 first-time entrepreneurs, 235 have been provided with loan guarantees, 154 enterprises have been provided with support within the scope of the activities of the Communication Centre of the Enterprise Europe Network, 181 field-related support and provision of grants within the framework of 18 field-related support programmes.

*Programmes aimed at promoting creation of jobs by the Ministry of Economy of the Republic of Armenia through budgetary financing*

1. “Support to Small and Medium-Sized Enterprises” Programme: In 2015, the budgetary financing was AMD 152 300.0 thousand.

The strategic goals of the “Support to Small and Medium-Sized Enterprises” Programme of 2015 are to promote the development of SMEs in the country through instruments of direct state support, contribute to economic growth and the overcoming of disparities in the country, especially in its remote and bordering settlements through the development of SMEs, contribute to diversification of the economy of the country and ensure increase in the level of employment and self-employment through the development of SMEs, diversification of the frameworks for state support to SMEs, as well as ensuring the purposefulness and targeting of state support to be provided to SMEs.

2. “Services for Promoting the Field of Information Technologies” Programme: In 2015, the budgetary financing was AMD 88 597.0 thousand.

The main goals of the programme are to ensure the rating of the country with improved ICT infrastructures, high level of equipment with computers and Internet access, high level of computer literacy, widely used electronic services, existence of a large-scale local IT market and progressive knowledge-based industry; to develop the advanced information technologies sector with companies

providing research and complicated engineering solutions and services that generate added value and with local IT products that are competitive in the global markets; to take measures ensuring the penetration and presence of the “Armenian IT trademark” with competitive advantages in the global market; to solve the problems with the preparation of specialists with relevant education, maintenance of the increase in the number of and development of qualified workers for the purpose of promoting the growth of several major fields in the Armenian ICT sector; to maintain and further enhance the growth of effectiveness of the sector (up to 15-20 percent annually); to maintain and further enhance the increase in the number of qualified workers (of up to 10-12 percent annually).

3. “State support to the Implementation of Actions provided for by the Strategy on Industrial Policy for Export of the Republic of Armenia” Programme approved by the Decision of the Government of the Republic of Armenia No 119-N of 12 February 2015; budgetary financing — AMD 601 500.0 thousand.

The major goal of the Programme for the Implementation of Actions provided for by the Strategy on Industrial Policy for Export of the Republic of Armenia for 2015 is to establish new driving sectors for economic growth in the long-term perspective through the constant modernisation of organisations, sectors with potential for export and the business climate and through the implementation of initiatives aimed at raising the level of international competitiveness. In this context, special importance is attached to the building of capacities of SMEs with potential for export and the support to the engagement of the latter in foreign economic activities. In 2012-2020, it is envisaged to implement relevant actions approved by the field-related strategies with the potential for export selected by the Strategy, promoting expansion of the exportable sector of the industrial field of the economy.

4. “Implementation of Activities of the Technological Centres in Gyumri and Vanadzor” Programme: In 2015, the budgetary financing was AMD 150 000.0 thousand.

From the perspective of proportional territorial development and increase in the level of general competitiveness of the country, great importance is attached to the programme of Implementation of the Activities of the Technological Centres in Gyumri and Vanadzor, the purpose of which is to ensure the effectiveness of the activities of the technological centres equipped with modern knowledge-based and innovative infrastructures in the cities of Gyumri and Vanadzor where organisations, large schools and scientific research centres applying high technologies will be represented.

5. “Services for Support to Tourism” Programme: In 2015, the budgetary financing was AMD 188 400.0 thousand.

The strategic goals in the tourism sector for the year 2015 are to ensure the formation of the profile of Armenia as a favourable and attractive country for tourism, the presentation and strengthening of that profile in the international market and to contribute to the international integration of Armenia through the implementation of an active and effective marketing policy. The following will be ensured as a result of the actions carried out within the framework of the programme: Improvement and strengthening of the profile of Armenia as a favourable and attractive country for tourism in the global tourism market, international co-operation will rise to a new level; the rate of increase in the number of visits of incoming tourists to Armenia will rise by at least 5 percent, carrying out control over the fulfilment of qualification requirements provided for by the legislation on the field of tourism, tourism infrastructures will be developed.

6. “Reforms for the Investment Climate in Armenia” Programme: In 2015, the budgetary financing was AMD 23 919.2 thousand.

The goal of the programme is to implement investment and inspection-related reforms in Armenia, which will help to raise the level of efficiency of the inspection process and improve the investment climate. The reforms do not pursue a fiscal goal, i.e. the effectiveness of inspection will not be measured by the quantity or amount of the levied fines.

The sub-goals of implementation of the programme are:

- more optimal and effective use of resources for the state;
- ensuring an environment that is more free and free of pressures for entrepreneurs;
- ensuring safety for consumers;
- development and introduction of incentives for foreign investors;
- revision of laws on investments and laws related thereto;
- support to organisations involved in investment policy — capacity building, training;
- creation of necessary prerequisites for the engagement of supranational companies;
- introduction of systems based on the risk of inspectorates;

- implementation of a programme for optimisation of the inspection system.

## **Article 1.2.**

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

Pursuant to part 1 of Article 14 of the Constitution of the Republic of Armenia, all human beings are equal before the law. Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, ideology, political or other views, membership to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

Pursuant to points 1-3 of part 1 of Article 3 of the Labour Code of the Republic of Armenia, some of the main principles of the labour legislation are the following:

- (1) freedom of work, including the right to work (which everyone freely chooses or freely agrees to), the right to dispose of his or her working skills, to choose profession and type of activity;
- (2) prohibition of forced labour of any form (nature) and of violence against the employees;
- (3) legal equality of parties to employment relations irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital and family status, age, beliefs or views, affiliation to parties, trade unions or non-governmental organisations, other circumstances not associated with the professional skills of an employee.

Pursuant to part 2 of Article 178 of the Labour Code of the Republic of Armenia, men and women shall receive equal pay for the same or equivalent work.

Pursuant to part 3 of Article 180 of the Labour Code of the Republic of Armenia, in case of applying a job qualification system, the same criteria shall apply to both men and women, and this system must be elaborated so that discrimination based on gender is excluded.

Pursuant to Article 119 of the Labour Code of the Republic of Armenia:

1. The employees elected to representative bodies of employees may not be dismissed from work during the implementation of their powers under Article 113 of the Labour Code of the Republic of Armenia (rescission of employment contract upon the initiative of the employer), without the preliminary consent of the representative body of employees, except for the cases provided for by points 1, 5-6 and 8-10 of part 1 of Article 113 of the Code.

2. The employer must refer to the representative body of employees to receive his or her consent on the dismissal of the representative of the employees from work. The representative body of employees shall be obliged to reply to the employer within 14 days after the receipt of the application. The representative body of employees shall be obliged to submit the decision on his or her approval or rejection to dismiss the employee from work in writing. Where the representative body of employees fails to reply to the employer within the specified time limit, the employer shall have the right to rescind the employment contract.

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

4. The guarantee provided for by part 1 of this Article may apply to the employees that are not deemed as a representative of employees if it is envisaged by the collective agreement.

Pursuant to Article 35 of the Labour Code of the Republic of Armenia, the non-state supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and of collective agreements shall be exercised by the representatives of employees, whereas non-state supervision over the implementation by employees of the labour legislation, other regulatory legal acts containing norms of labour law and of collective agreements shall be exercised by employers (representatives of employers).

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

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

2. For economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee, the court need

not reinstate the employee in his or her former employment, making the employer obliged to pay compensation for the entire period of enforced idleness in the amount of the average salary, prior to entry into legal force of the court judgement, and pay compensation in exchange for failure to reinstate the employee in employment, in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed as rescinded starting from the day of entry into legal force of the court judgement.

According to Article 22 of the Law of the Republic of Armenia “On foreigners”,

1. Foreigners shall be have the right to freely manage their working skills, choose the type of the profession and activities, be engaged in economic activities not prohibited by the legislation of the Republic of Armenia, by complying with the restrictions prescribed by the legislation of the Republic of Armenia. The principle of equal rights of the parties to employment relationships established by the Labour Code of the Republic of Armenia shall be guaranteed irrespective of their sex, race, national origin, language, nationality, and other circumstances not related to the employee’s practical skills.
2. Employers of the Republic of Armenia shall have the right to conclude an employment contract (service contract) with a foreign worker and use his or her work based on the work permit issued to the foreign worker by the authorised body. When issuing a work permit to a foreign worker, the public administration body of the Republic of Armenia authorised in the field of labour and employment of foreigners shall take into account the needs and developments of the labour market of the Republic of Armenia.
3. With a view to assessing the needs of the labour market of the Republic of Armenia, a time-limit shall be established for the employer upon the decision of the Government of the Republic of Armenia, during which he or she shall be obliged to fill the available vacancy from among the citizens of the Republic of Armenia. Where the republican employment services do not nominate any candidate meeting his or her requirements within the established time-limit, the employer may find a foreigner who meets those requirements and apply to the authorised body for the issuance of a work permit for a specific foreigner within the specific term, by submitting the necessary documents prescribed upon the decision of the Government of the Republic of Armenia.
4. A foreigner shall have the right to carry out work activities in the Republic of Armenia in case of delivering by the employer the work permit issued to him or her.

Pursuant to Article 11 of the Law of the Republic of Armenia “On civil service”, the citizens of the Republic of Armenia meeting the requirements submitted in accordance with the job description for the

given positions of the civil service, fluent in Armenian and having attained the age of 18 shall be eligible for a position of the civil service, irrespective of nationality, race, gender, faith, political or other views, social origin, property or other status.

Referring to the enquiry of the Committee regarding the role of the Human Rights Defender in the cases of discrimination, it should be mentioned that, pursuant to Article 2 of the Law of the Republic of Armenia "On Human Rights Defender", the Human Rights Defender is an independent and unaltered official, who protects the human rights and freedoms violated by the state and local self-government bodies and officials. Therefore, the Human Rights Defender shall be entitled to interfere with the employment relations (including the cases of manifestation of discrimination at work) only in case when violation of a right has emerged as a result of the action or inaction of a state body or an official. Separate statistics on the number of cases of discrimination at the workplace are not conducted by the Office of the Human Rights Defender, but in 2011-2014, the Defender received 268 complaint-applications from the citizens regarding labour rights, including discrimination at work.

Judicial statistics are managed by the Judicial Department of the Republic of Armenia, pursuant to Article 21.1 of the Judicial Code of the Republic of Armenia and in conformity with the requirements defined by the Decision of the Government of the Republic of Armenia No 306-N of 19 March 2015. At the same time, it should be mentioned that conducting of judicial statistics on the disputes arising from cases of manifestation of discrimination in employment legal relations is not provided for by the above mentioned legal acts.

Nevertheless, it is reported that, according to the conducted statistics, in 2011, the first instance courts of general jurisdiction of the Republic of Armenia examined 641 civil cases regarding disputes arising from employment legal relations, in 2012 — 488 civil cases, in 2013 — 581 civil cases, in 2014 — 501 civil cases.

With regard to the enquiry of the Committee in relation to forced labour it is informed that part 1 of Article 3 of the Labour Code of the Republic of Armenia prescribes the principles of the labour legislation on the basis whereof the employment rights shall be prescribed by law.

Part 2 of Article 3 of the Labour Code of the Republic of Armenia provides that the state shall ensure the exercise of employment rights in accordance with the provisions of the Code and other laws. Employment rights may be restricted only by law, where it is necessary for national and public security, public order, protection of the health and morals of the public, protection of the rights and freedoms, honour and good reputation of others.

In particular, prohibition of forced labour of any form (nature) and of violence against the employees is enshrined in point 2 of part 1 of Article 3 of the Labour Code of the Republic of Armenia as the main principle of the labour legislation.

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

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

The regulations relating to the temporary change of conditions of employment in special cases are enshrined in Article 106 of the Labour Code of the Republic of Armenia. In particular, it is prescribed that:

1. The employer shall be entitled to, on the basis of individual legal act, transfer the employee for a period of up to one month to another job in the same workplace not envisaged by the employment contract and/or to change the conditions laid down in point 4 (the structural subdivision (where available)) and point 6 (the name of position and/or official functions) of part 1 of Article 84 for the same period for the purpose of preventing natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency or urgently eliminating the consequences thereof.
2. Transferring the employee to a job that is contraindicated his or her health state shall be prohibited.
3. In cases provided for by part 1 of the same Article, remuneration shall be based on the work performed. Where, upon the transfer of the employee to another job, his or her salary is decreased for reasons beyond his or her control, the amount of last month's salary for the previous job shall be maintained.

Cases of suspension from work by the employer and regulations relating thereto are prescribed within the framework of Article 108 of the Code. Pursuant to the Article, the employer shall not allow the employee to perform his or her employment duties and shall not pay salary where the employee is



under the influence of alcoholic beverages, narcotic or psychotropic substances, as well as in other cases provided for by law.

After the expiry of the period of suspension from work, the employee shall be reinstated in his or her former position in case the reasons for the suspension have not given rise to grounds for rescission of the employment contract.

The employee shall have the right to demand reimbursement for damages in the manner prescribed by the legislation where the employer has not allowed him or her to work without any justified reasons.

Pursuant to Article 41 of the Code of the Republic of Armenia “On administrative offences”, violation of the requirements of the labour legislation and of other regulatory legal acts containing norms of labour law (except for cases provided for by Articles 41.1 (**hindering the exercise of employment rights of the representatives of employees**), 41.2 (**preventing all or individual employees to attend their workplaces, refusing to provide work to employees, subjecting employees to disciplinary liability for participating in a strike after a decision on calling a strike is adopted and during the strike**), 96.1 (**violation of technical regulations prescribing requirements for healthy and safe performance of work**), part seventeenth of Article 158, Articles 169.5 (**keeping an employee without an employment contract**), 169.8 (**failure by the employer to calculate and/or pay the salary**)) entails a warning with respect to the person having committed the violation.

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

Pursuant to Article 132 of the Criminal Code of the Republic of Armenia (hereinafter referred to as “the Code”):

1. Trafficking in human beings — recruitment, transportation, transfer, harbouring or receipt of a human being for the purpose of exploitation, as well as exploitation or putting or keeping of a human being in a state of exploitation by use or threat to use force not dangerous to life or health or other forms of coercion, for the purpose of abduction, deceit or abuse of confidence, using the power and position of vulnerability or receiving the consent of a person having control over him or her by means of giving or receiving material or other benefit or by promising such —

shall be punished by imprisonment for a term of five to eight years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

2. The same act committed —

- (1) against two or more persons;
- (2) by a group of persons acting in conspiracy;
- (3) by use of official position;
- (4) by use or threat of use of violence dangerous to life or health;
- (5) against an obviously pregnant woman;
- (6) by organising the transportation of a person through crossing the state border of the Republic of Armenia —

shall be punished by imprisonment for a term of seven to twelve years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

3. The act provided for in part one or two of this Article, which:

- (1) has been committed by an organised group;
- (2) has negligently caused death of the victim or other grave consequences —

shall be punished by imprisonment for a term of ten to fourteen years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

4. According to this Article as well as Article 132.2 of the Code, exploitation means exploitation of the prostitution of another person or other forms of sexual exploitation, forced labour or services, putting in slavery or situation similar to slavery, trade, harvesting human organs or tissues.

5. The victims of the criminal offences provided for by this Article as well as by Article 132.2 of the Code, shall be released from criminal liability for the crimes of minor or medium gravity in the commitment whereof they were involved in the course of trafficking or exploitation against them and committed those acts under coercion.

Pursuant to Article 132.2 of the Criminal Code of the Republic of Armenia:

1. Recruitment, transportation, transfer, harbouring or receipt of a child or a person deprived — as a result of a mental disorder — of the possibility to fully or partially realise the nature and significance of

his or her act or to direct it, for the purpose of exploitation, as well as exploitation or putting or keeping in the state of exploitation of such persons —

shall be punished by imprisonment for a term of seven to ten years with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

2. The same act committed —

- (1) against two or more persons;
- (2) by a group of persons acting in conspiracy;
- (3) by use of official position;
- (4) by use of or threat to use violence;
- (5) by abduction;
- (6) against an obviously pregnant woman;
- (7) by organising the transportation of a person through crossing the state border of the Republic of Armenia —

shall be punished by imprisonment for a term of ten to twelve years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

3. The act provided for in part one or two of this Article, which:

- (1) has been committed by an organised group;
- (2) has negligently caused death of the victim or other grave consequences —

shall be punished by imprisonment for a term of twelve to fifteen years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

With regard to the inquiry of the Committee in relation to *work in places of imprisonment*, it shall be informed that pursuant to part 8 of Article 7 of the Labour Code of the Republic of Armenia, employment relations involving citizens serving their sentence in correctional institutions, with respect to working time and rest-time regulations, remuneration for work, safety and health of employees shall be regulated by the Labour Code of the Republic of Armenia.

Pursuant to part “Work of detainees and convicts” of the internal regulations approved by Decision No 1543-N of the Government of the Republic of Armenia of 3 August 2006 “On approving the internal regulations for detention facilities and correctional institutions of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia”:

Employment relations of detainees and convicts shall be regulated by the legislation of the Republic of Armenia, except for cases provided for by the Penitentiary Code of the Republic of Armenia.

Detainees and convicts may be involved in any work, except for works prohibited by the legislation of the Republic of Armenia.

In accordance with the legislation of the Republic of Armenia, detainees and convicts shall have a right to remuneration of their work. In case of incomplete working day or incomplete working week, the remuneration for work of detainees and convicts shall be proportionate to the hours or the work performed.

In addition to the employment relations with detention facilities and correctional institutions, detainees and convicts may also enter into such employment relations with other employers. In that case, existence of an agreement between the central body of the penitentiary service and the given employer shall be required.

For the purpose of involving a detainee in works in cell conditions, employment cells shall be organised in detention facilities and closed or semi-closed correctional institutions.

Detainees and convicts serving the sentence in semi-closed correctional institutions may also be involved in works in their cells — where upon the performance of these works the rights of other detainees or convicts are not violated — by observing the sanitary-hygienic, labour safety and fire-prevention rules.

Employment cells and zones of industrial and agricultural significance may be organised in semi-open and open correctional institutions.

Only convicts who have a permission to move outside the boundaries of the correctional institution without convoy or escort may be involved in works outside the boundaries of the correctional institution. The hours provided for a convict to be outside the boundaries of the correctional institution shall also be mentioned in the relevant contract.

For performing unpaid works aimed at improving the correctional institution and its adjacent areas, upon the written consent of the convict, the head of the institution shall adopt a decision on engaging

him/her in the given works. The decision shall specify its adoption date, place, summary — number of convicts being involved in the works, services responsible for organising the works, time period for performing the works.

Convicts shall be engaged in an unpaid work not at the time of rest and for no longer than two hours a day.

#### *Forced labour of home-based workers*

Article 98 of the Labour Code of the Republic of Armenia prescribes that employment relations of home-based workers shall be regulated by the Labour Code of the Republic of Armenia.

Pursuant to points 1-2 of part 1 of Article 3 of the Labour Code of the Republic of Armenia, some of the main principles of the labour legislation are the following:

- (1) the freedom of work, including the right to work (which everyone freely chooses or freely agrees to), the right to dispose of his or her working skills, to choose profession and type of activity;
- (2) prohibition of forced labour of any form (nature) and of violence against the employees.

#### *Conditions for accepting job or training offer*

State Programme of Employment Regulation for 2014 approved by point 6 of the Protocol No 39 of the Government of the Republic of Armenia of 28 September 2013 envisages certain active programmes for goal-oriented planning and effective implementation, as well as key and operational role is attributed to a “suitable job” regulation instrument in the monitoring and assessment processes, and the procedures and goals of the application thereof have also been completely revised in the light of increasing targeted nature of state regulation of labour market as well as bringing it in line with international standards.

1. The unemployed person shall have the right to suitable job placement through state support for employment, and, at the same time, the unemployed person shall be obliged to appear before the authorised body for the purpose of receiving a suitable job offer and in case of the second suitable job offer — to accept it. Otherwise, the status of the unemployed person shall be terminated and he or she shall lose the right to state support for employment. Therefore, the current legislation provides for such

legal mechanisms for an unemployed person, which objectively lead him or her to a suitable job placement.

2. For a job seeker with professional (vocational) education and qualification, whom it was not possible to place in a suitable job corresponding to his or her professional (vocational) education and qualification within six months upon applying to the authorised body, an instruction aimed at re-specialisation or enhancement of professional qualification may be implemented, in accordance with the individual programme for ensuring employment. In this case, job which corresponds to the profession obtained through re-specialisation shall be deemed to be suitable for a person, and a person shall acquire the right to be involved in all programmes arising from the employment status.

Pursuant to Article 6 of the Law of the Republic of Armenia “On employment”, any paid work, which does not require a professional (vocational) education and qualification or requires professional (vocational) instruction or apprenticeship organised by the authorised body for a period of up to six months, shall be deemed to be suitable for job seekers which do not have a professional (vocational) education and qualification, as well as for those which have a professional (vocational) education and qualification but have not carried out employment activities corresponding to the obtained profession during the last 5 years (the law takes into consideration the fact of not having carried out employment activities for 5 years may lead to loss of the skills and capabilities corresponding to the professional (vocational) education and qualification of the person with professional (vocational) education and qualification).

3. Condition of suitable job placement according to the current legislation is in the following state programmes on regulation of employment:

- a. Organisation of professional (vocational) instruction for job seekers facing the risk of dismissal;
- b. Provision of support to unemployed persons for gaining professional work experience in the obtained profession;
- c. In case of job placement of persons who are non-competitive in the labour market, partial compensation of salary to the employer and provision of financial assistance to the disabled person for the person accompanying him or her;
- d. Provision of support for making use of services rendered by a non-state job-placement organisation;
- e. Compensation of costs of visits to employers for the purpose of suitable job placement for persons who are non-competitive in the labour market.

4. Condition of suitable job placement according to the current legislation is missing in the following state programmes on regulation of employment:

a. In case of job placement of persons who are non-competitive in the labour market, provision of lump-sum compensation to the employer, which consists of the following two subprogrammes:

a1. Lump-sum compensation to the employer for non-competitive persons in the labour market to acquire the necessary working skills and capabilities. This programme, in terms of content, implies particular instruction of a beneficiary with the employer in accordance with the requirements for performance of the offered work and, at the same time, job placement of a beneficiary with the same employer, in case of which the necessity for compulsory requirement of a suitable job placement is objectively missing;

a2. Lump-sum compensation to the employer for adjustment of workplaces for unemployed disabled persons. This programme is related to only disabled persons having an assessed need for adjustment of a workplace and therefore in this case the necessity for mandatory requirement of a suitable job placement is also objectively missing, taking into consideration also the very low level of employment of persons considered to be the beneficiaries of this programme and additional difficulties concerning their job placement.

b. Providing support for job placement of an unemployed person in another place, which implies filling the position having remained vacant for at least one month (mainly requiring particular profession) by an unemployed person who leaves for another settlement located at least 30 km away from his or her settlement for the purpose of working. One of the main objectives of this programme is also the proportionate development of labour market — filling of recurring vacant positions with staff having particular profession (mainly teachers and doctors) in remote, borderline residential areas, on the other hand, since the introduction of this programme, it has a very low level of performance where the planned annual number of beneficiaries of the programme is incomparably less compared to other programmes. Therefore, the necessity for mandatory requirement of a suitable job placement is also objectively missing in case of this programme.

#### *Alternative military service*

Pursuant to the Law of the Republic of Armenia “On making amendments and supplements to the law of the Republic of Armenia “On alternative service” (02.05.2013 No HO-31-N), the term for alternative service has been prescribed 30 months and the term for alternative labour service — 36 months.

### *Private life at work*

Pursuant to Article 98 of the Labour Code of the Republic of Armenia, home-based workers shall be deemed as persons who, based on the employment contract, perform work at home with materials, tools and equipments provided by the employer or with his or her materials, tools and equipments or acquired at his or her own expenses. In case the home-based worker performs work with his or her own tools and equipments the employer shall reimburse for depreciation of the tools and equipments in cases and manner prescribed by the employment contract. The procedure and time limits for the provision of raw materials, materials and semi-finished products to home-based worker, the procedure for paying for the materials owned by self-employed worker, the procedure and time limits for transfer of the finished product, as well as for payment of the salary shall be prescribed by the employment contract. Employment relations of home-based workers shall be regulated by the Labour Code of the Republic of Armenia.

Pursuant to Article 149 of the Labour Code of the Republic of Armenia, to ensure workplace discipline within the organisation or the performance of urgent works in special cases, the employer may engage the employee on duty in the organisation or at home at the end of the working day or on non-working holidays, commemoration days and rest days not more than once a month, whereas upon consent of the employee — not more than once a week. Where the duty is performed after the end of the working day, the time of the duty together with the working day (shift) in the organisation may not exceed the duration of the working day (shift) prescribed by Article 139 of the Code, whereas the duration of the duty in the organisation or at home on non-working holidays, commemoration days and rest days may not exceed eight hours a day. The time of duty in the organisation shall be equalised to the working time, whereas at home not less than half of the working time. Where the duration of the duty in the organisation or at home exceeds the working time prescribed by parts 1 and 2 of Article 139, Articles 140, 141 and part 1 of Article 143 of the Code the employee shall, during the next month, be given rest time with the same duration, or the rest time may, upon the will of the employee, be added to the annual leave or may be paid as overtime work. Employees under the age of eighteen shall not be allowed to be engaged in duty work at home or in an organisation. Pregnant women and the employee taking care of a child under the age of three may be engaged on duty at home or in the organisation only upon their consent.

### **Article 1.3.**



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

The activities of non-state job placement organisations have been regulated within the scope of the reforms in the field of employment and within the framework of implementation of state employment programmes reserved to the State Employment Service.

The objective of the programme “Provision of support for making use of the services provided by non-state job placement organisations” is to ensure stable employment of non-competitive persons in the labour market through providing additional employment opportunities.

The beneficiaries of the programme are non-competitive persons in the labour market.

Non-competitive persons, who are not placed in a job by the territorial centre within at least three months, shall — as an additional employment opportunity — be provided with support through relevant compensation certificate for making use of the services of non-state job placement organisations.

Compensation through compensation certificate shall be provided to non-state organisations, which have signed a memorandum of cooperation for the purpose of co-operating with the Ministry, are registered and included in the list published on the official website of the Ministry.

For the purpose of job placement of a non-competitive person the value of the compensation certificate shall be paid in stages, particularly, the following of the total value of the amount:

- 5 percent shall be transferred to the non-state organisation upon the conclusion of a contract for job placement services with a non-competitive person;
- 25 percent shall be transferred to the non-state organisation after the job placement of the non-competitive person by latter;
- 70 percent shall be transferred to the non-state organisation after one year since the job placement of the non-competitive person, where the latter continues to work upon the motion of the non-state organisation.

Opportunity for outsourcing of state employment programmes shall be afforded to non-state job placement organisations having regard to the Law of the Republic of Armenia “On procurement”.

In relation to the enquiry of the Committee on the average period spent for filling the vacant positions, we inform that there is no such statistics. And with regard to proportion of job seekers to the specialists and consultants of job placement, we inform that one employee serves 769 persons on average.

#### **Article 1.4.**

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

Pursuant to Article 21 of the Law of the Republic of Armenia “On employment”, professional (vocational) instruction shall be organised only for unemployed persons and job seekers facing the risk of dismissal, within the framework of state programmes of employment regulation.

Primary vocational preparation and handicraft instruction shall be organised by the programme of professional (vocational) instruction for a period of up to 6 months, re-specialisation and enhancement of qualification — for a period of up to 3 months.

Professional (vocational) instruction is aimed to support the participants in suitable job placement through acquiring skills and capabilities complying with the requirements of the labour market, reducing the risk of dismissal and engaging in entrepreneurial activity. The ultimate purpose of the programme is to ensure stable employment of unemployed persons and job seekers facing the risk of dismissal through enhancement of their competitiveness in the labour market.

The beneficiaries of the programme are the unemployed persons, as well as the job seekers facing the risk of dismissal.

Pursuant to Article 3 of the Law of the Republic of Armenia “On employment”, employment of foreign nationals and stateless persons having the right to reside within the Republic of Armenia (residence permit) is regulated by the mentioned Law, other laws of the Republic of Armenia and international treaties of the Republic of Armenia. State regulation of employment of citizens of the Republic of Armenia, foreign nationals and stateless persons residing within the Republic of Armenia is carried out by means of social security.

Organisation, selected as a result of a tender announced in the manner prescribed by the Law of the Republic of Armenia “On procurement”, shall organise professional (vocational) preparation: primary vocational preparation and handicraft instruction — for a period of up to 6 months, re-specialisation and enhancement of qualification — for a period of up to 3 months. Priority of involving in the programme shall be given to non-competitive persons registered for a longer term (long-term unemployed persons).

The number of persons provided with consultation and involved in professional (vocational) instruction programmes within the reporting period is, based on years, as follows:

Year	Number of persons provided with professional (vocational) orientation consultation	Number of unemployed persons involved in professional (vocational) instruction programmes
2011	26 431	1 804
2012	23 521	1 477
2013	21 986	1 500
2014	25 248	1 591

In 2014 the Law of the Republic of Armenia “On making amendments and supplements to the Labour Code of the Republic of Armenia” was drafted and submitted to the Government of the Republic of Armenia in the prescribed manner which was adopted by the National Assembly of the Republic of Armenia on 22 June 2015. Amendments have been done to 201.1 Article of the Labour Code of the Republic of Armenia by the mentioned law (the mentioned provision shall enter into force on 22 October 2015) pursuant whereof the employer shall be entitled to, at his or her expense, within the organisation or in another place organise the professional (vocational) instruction of students or persons being accepted for employment on a contractual basis for a period of up to six months, paying the students a scholarship in the amount of at least the minimum salary prescribed by law throughout the instruction.

Pursuant to Article 171 of the Labour Code of the Republic of Armenia, study leave is one of the types of special purpose leave.

During the period of special purpose leave the employee’s position shall be retained, with the exception of cases envisaged by point 1 of part 1 of Article 113.

Pursuant to Article 174 of the Labour Code of the Republic of Armenia:

1. Employees shall be granted a leave in order to prepare for examinations for admission to secondary vocational and higher education institutions, three working days for each examination.
2. Employees studying at general education, secondary vocational or higher education institutions shall be granted a study leave upon the motion of the educational institution:
  - (1) to prepare for and take current examinations — three working days for each examination;
  - (2) to prepare for and take credit tests — two working days for each credit test;
  - (3) for laboratory work — as many days as envisaged by the curriculum;
  - (4) to prepare and defend a graduation paper — 30 working days;

(5) to prepare for and take each state (graduation) examination — six working days.

3. The time for arriving at and returning from the educational institution shall not be calculated in the study leave.

Pursuant to Article 200 of the Labour Code of the Republic of Armenia:

1. An employee studying at a general school, secondary vocational or higher education institution shall be paid for his or her study leave by the employer, in the amount not less than the average daily salary of the employee for each day, in case the employee was sent to receive education by the employer.

2. The issue of payment for the study leave of employees taking entrance examinations or studying on their own initiative may be regulated by a collective agreement or upon consent of the parties.

“Professional (vocational) instruction and restoration of working skills of disabled persons” is one of the first state programmes (since 1995) and one of the important elements of professional (vocational) rehabilitation. The objective of professional (vocational) instruction is to support the participants in matters related to finding a suitable job through acquisition of new skills and capabilities in compliance with the requirements of the labour market, as well as to engaging in entrepreneurial activities. Persons involved in the programmes of professional (vocational) instruction and restoration of working skills are provided with a monthly scholarship in the amount of 50 percent of the minimum salary.

The indices of programme implementation in 2011-2014 are presented in the table below:

Year	Disabled persons involved	Persons placed to jobs
2011	118	38
2012	84	34
2013	116	35
2014	121	49

Professional (vocational) instruction of disabled persons shall be implemented free of charge having regard to the Individual rehabilitation programme for disabled persons drawn up by territorial bodies of the Medical Social Expert Examination Agency of the Republic of Armenia (division for re-examination).

Functions of professional orientation and career services for out-of-school youth, job seekers and unemployed persons shall be performed by the State Employment Agency of the Staff of the Ministry of Labour and Social Affairs of the Republic of Armenia.

In 2007 “Youth Professional Orientation Centre” state non-commercial organisation was established within the system of the Ministry of Labour and Social Affairs of the Republic of Armenia, the main objective of which was to support professional orientation of juvenile and youth and their entry to the labour market for the first time. In 2008-2012 the Centre implemented individual, group and self-service services for professional orientation of youth by annually providing 5 000 services to about 1 500-3 000 beneficiaries.

Introduction of a professional orientation system in the Republic is one of the main challenges outlined by the Employment Strategy of the Republic of Armenia for 2013-2018 — approved by point 9 of the Protocol No 45 of sitting of the Government of the Republic of Armenia of 8 November 2012 — and its Implementation Action Plan. In particular, in the main directions of the employment policy and in implementation mechanisms it is clearly stated that introduction of the system of professional orientation is an important precondition for ensuring the link between labour market and education system, which must be accessible starting from general education and at all stages of employment status and professional career.

In 2011-2012 “Concept Paper of development of professional orientation of the Republic of Armenia and its Implementation Action Plan for 2012-2015” was developed through the joint efforts of the Ministry of Labour and Social Affairs of the Republic of Armenia and the Ministry of Education and Science of the Republic of Armenia and was approved by point 8 of the Protocol No 40 of the sitting of the Government of the Republic of Armenia of 4 October 2012. Pursuant to the Concept Paper, it was tasked to introduce a system of professional orientation in the Republic, the main objective whereof shall be creating of an opportunity of free and conscious choice of a professional activity most complying with the interests, needs and characteristics of a person, as well as with demand for staff qualified and competitive in the labour market.

According to the Concept Paper, the uniform system of professional orientation includes institutions of general education, professional (vocational) education and regional centres of integrated social services, the relevant trade specialists of which will provide professional orientation services according to targets (pupils, students, job seekers, unemployed persons and others).

To achieve the objectives and tasks of the system of professional orientation a model of professional orientation, which will be based on ensuring opportunities for efficient professional (vocational) choice,

change of profession and continuous career development for persons of different age groups and in different social and labour situations during the whole period of their lives was proposed, taking into consideration the individual characteristics of a person, as well as the changing situation in the labour market.

Generally, according to the 2013-2014 statistics, as a result of introduction of the system about 360,0 thousand pupils getting general education, about 110,0 students of professional and higher education institutions may continuously make use of professional orientation consultation, and all out-of-school persons may apply to the SEA and/or territorial centres for complex social services.

Methodological support, staff training, enhancement of qualification and provision of information for the entities of the professional orientation system are reserved to the Methodological Centre for Professional Orientation, which is the legal successor of “Youth Professional Orientation Centre” SNCO pursuant to Decision No 1549-N of the Government of the Republic of Armenia of 13 December 2012. The Centre shall implement the programmes of methodological support for the entities of the system free of charge, within the framework of the state programme.

In 2011-2012 the Centre implemented individual, group and self-service services for professional orientation of youth by annually providing 5 000 services to about 3 000 beneficiaries. Non-formal instructions have been conducted aimed at developing capabilities of youth to enter the labour market for the first time. During that period, the range of the services rendered by the Centre has been expanded, the interest and motivation of the beneficiaries have increased, as a result of which the number of the cases when one person was provided with 5 and more services has grown as compared to the previous years, therefore, measures of efficiency of achieving final results of job search have also been assessed highly. In particular, consultation has been provided to the 31.5% of persons provided with services in 2012 before achieving the goal. Qualitative changes have been conditioned by a variety of services (compared to 2011, in 2012 the number of non-formal instructions for the purpose of professional orientation arising from the demand of labour market has been increased by 8 — from 12 to 25 topics), underlining the need for making use of services through public awareness meetings, seminars and round table discussions (compared to 2008, in 2009-2010 the number of the visitors of the Centre has increased more than 4.5 times). The following public events have been implemented: Youth Career Day Fair, Professions Days, etc.

In 2013-2014 the activities of the Centre were aimed at developing and ensuring of educational and methodical works. In particular, the models for introduction of the system in three main structures providing professional orientation services, methodology of work with separate groups (including

different working tools which are applicable on paper, electronically and online), modules, plans of study and additional materials:

During the presented period, training of about 800 specialists has been conducted.

### **Article 15.2.**

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

Within the framework of the new model of employment regulation, the main legal provisions whereof are prescribed by the Law of the Republic of Armenia “On employment” (hereinafter referred to as “the law”) (entered into force on 1 January 2014), the employment status of disabled persons, which directly relates also to ensuring the right of such persons to employment support, are clarified. Moreover, a disabled person, where he or she is not engaged in any of the activities considered as employment prescribed by the law, shall be declared unemployed and shall acquire the rights prescribed by law for unemployed persons.

Moreover, the disabled unemployed person, in addition to the rights provided for unemployed persons, has:

- (1) right to job placement within the framework of ensuring the normative standard (quota) for compulsory provision of jobs;
- (2) in case of job placement — right to support for adjustment of workplace.

On the other hand, one of the criteria prescribed by the law for specification of non-competitiveness in the labour market is the fact of his or her disability.

The procedure for determining non-competitiveness of an unemployed person in the labour market shall be prescribed by the Government of the Republic of Armenia according whereof an unemployed person shall be declared non-competitive, where he or she:

- (1) has 1st group of disability;
- (2) has 2nd or 3rd group of disability and at the same time:
  - a. is in the age group of 16-30 year olds or;
  - b. has the status of an unemployed for more than three months, or;
  - c. has previously been unemployed or has been working for a period of up to one month, or;

- d. has not previously worked in his or her profession (qualification) or has worked in his or her profession (qualification) for a period of up to one month.
- e. takes care of his or her child under the age of three, or;
- f. resides in borderline or mountainous or highland residential areas, or;
- g. has returned from compulsory military service and has been registered in a territorial centre of the State Employment Service within six months upon his return, or;
- h. has been released from detention facilities and facilities applying compulsory medical measures and has been registered in a territorial centre of the State Employment Service within six months upon his release, or;
- i. is registered in medical establishments rendering outpatient drug detoxification services and is in remission or is considered as a in remission or is a victim of trafficking.

The above-mentioned mechanism of procedure for determination of non-competitiveness of an unemployed person in the labour market is also based on the summary results of comprehensive studies, observations and professional analyses of integration of disabled persons in the labour market of the Republic of Armenia.

The presented mechanism shows that the status of a non-competitive unemployed person in the labour market is acceptable for a wide and complete range of disabled persons who have certain difficulties with job placement.

It is also characteristic that since 2014, in addition to the previously existing 7 active programmes, the following new state programmes have also been envisaged by the annual state employment programmes — funded from the State Budget of the Republic of Armenia — for non-competitive persons in the labour market (in this group the priority is given to disabled persons):

- (1) lump-sum compensation — in case of job placement — for acquiring the necessary working skills and capabilities;
- (2) financial and consultative support for engaging in small entrepreneurial activities;
- (3) financial support for making use of the services rendered by a non-state organisation that cooperates with an authorised body;
- (4) provision of monetary aid for visits to employers for the purpose of suitable job placement, upon the motion of the authorised body;



(5) financial and consultative support to rural economy through promotion of seasonal employment.

In case of a new regulation, in respect of the considered issue, it is not less significant that a professional (vocational) instruction — as state support for preventing unemployment — is being organised for the employed disabled persons facing the risk of dismissal within the framework of the annual state employment programme.

In case of a new regulation, as regards to the amendments made to the programme of partial compensation of the salary to the employer in case of job placement of a non-competitive person in the labour market, implemented within the framework of annual state employment programme — having regard to the aforementioned — it may be stated that:

(1) the time limit for compensation, that has been prescribed 6 months instead of the previous 1-2 years, is practically assessed, realistic and effective in terms of state support for job placement of an unemployed disabled person, if we also take into consideration that:

a. the maximum time limit of the probation period prescribed by the Labour Code of the Republic of Armenia is 3 months;

b. the theoretically and practically objective fact, that 6 months is a sufficient period of time for an employee and employer to manifest themselves in the newly arisen employment relations and to work with a full productivity;

c. partial compensation of salary shall be provided each month in the amount of 50 percent of the minimum monthly salary;

d. as an additional new form of support, a separate group of beneficiaries of the programme of partial compensation of salary (on the basis of the assessment of relevant need by the authorised body) shall also be provided with monetary aid for having an accompanying person (for a period of 6 months, each month — in the amount of 50 percent of the minimum salary), which enables such disabled persons to initially settle the matter of going to work and returning therefrom;

e. in case of job placement, in addition to the compensation of salary, the new regulation also envisages provision of a lump-sum compensation (in the amount of AMD 200 000) to the employer for a disabled person to acquire the necessary working skills and capabilities, compensation for the costs of adjustment of the workplace for disabled persons (in the amount of up to AMD 500 000, according to the estimate approved by the authorised body);

(2) the range of the beneficiaries has not also been limited due to the above-described mechanism of determination of non-competitiveness of unemployed persons in the labour market, as well as the fact that the following is enshrined in the Employment Strategy as main targets of implementation of the new employment policy:

a. the annual increase in the number of disabled persons involved in state employment programmes — at least 50 percent, compared to the previous year;

b. the annual increase in the number of beneficiaries involved in state employment programmes — at least 5 percent, compared to the previous year;

c. as a result of the programmes, including the programme of partial compensation of the salary, the annual increase in the coefficient of ensuring stable employment by at least 2 percentage points (ensuring employment for persons placed in job as a result of the programme — for a period of 1 year on average), compared to the previous year.

The mentioned targets have already been taken into consideration in the state employment programme for 2014, as well as in the state programme of midterm expenditures for 2014-2016.

Pursuant to Article 20 of the Law of the Republic of Armenia “On employment”, for the purpose of promoting the work and employment of disabled persons a normative standard (quota) for compulsory provision of jobs is established for organisations, the application whereof is envisaged for state organisations in 2016, and for non-state organisations — in 2017. An allocation is also prescribed for failure to comply with the requirement of the quota. The allocation is made for each job subject to quota setting in the amount of three-hundred-fold of the minimum salary prescribed by Article 3 of the Law of the Republic of Armenia “On minimum monthly salary”. The allocated amounts shall be transferred to the extrabudgetary account opened upon Decision of the Government of the Republic of Armenia No 1308-N of 19 November 2014.

Allocations are earmarked funds and are used for the purpose of health, social, labour, vocational rehabilitation of disabled persons, job placement of disabled persons as prescribed by the Government of the Republic of Armenia.

In the last three years legislative reforms have been carried out and continue to be carried out that are also directed at introducing the social model of disability. In this context, the Ministry of Labour and Social Affairs has drafted the Law of the Republic of Armenia “On protection of rights of disabled persons and their social inclusion” wherein the main principles, approaches and directions of the state policy have been prescribed in terms of protection of rights of disabled persons and their social

inclusion. The provisions of the draft have been brought in line with the requirements of the Convention on the Rights of Persons with Disabilities which was ratified by the Republic of Armenia in 2010 and entered into force on 22 October of the same year. Wide-ranging discussions with regard to the draft have been carried out with the interested parties, non-governmental and international organisations whereafter it is currently being finalised and will soon be submitted for approval.

The following provisions with regard to discrimination are prescribed in the finalised version of the draft law:

- **point 20 of Article 3** provides the definition of the concept “discrimination”:

“discrimination means any distinction, exclusion or restriction on the basis of disability (including the rejection of providing reasonable adjustments) the purpose or effect of which is displaying less favourable attitude in political, economic, social cultural and any other field or prohibiting or denying the recognition and/or exercise, on equal basis with others, of any right prescribed by law, with the exception of cases when such a distinction, exclusion or restriction is objectively justified by the legitimate objective pursued and the means applied to attain that objective are proportionate, appropriate and necessary”.

- **in subpoint 1 of point 1 of Article 8:**

“Prohibition of discrimination is also enshrined as the main principle of the state policy on the protection of rights of disabled persons and their social inclusion”.

- **in point 3 of Article 30:**

“The state shall ensure and support full exercise of human rights and fundamental freedoms without any discrimination on the basis of disability in compliance with the principles and norms of international law.”

- **in point 4 of Article 30:**

“Disabled persons, as well as certain groups of disabled persons may — in cases and in the manner prescribed by the legislation of the Republic of Armenia — be granted privileges and/or more favourable conditions may be established for the exercise of rights and fulfilment of obligations thereof, including for ensuring equal opportunities with others. The cases prescribed by this part, as well as all the measures aimed at ensuring — for disabled persons — equal opportunities with others may not be considered discrimination if they are proportionate, appropriate and necessary to attain the legitimate objective pursued.”

Revision of the mechanisms for defining the disability status also derives from the requirements of the Convention. It is envisaged to revise the standards for defining disability and introduce a new model based on comprehensive needs and capacity assessment of a person, within the framework whereof all the factors affecting person-environment interaction will be taken into account. The mechanisms for defining the disability status will be aimed at promoting the rehabilitation potential and working activity, providing social services equivalent to the individual capacities and needs thereof.

The above-mentioned approaches are enshrined in Protocol Decision of the Government of the Republic of Armenia No 1 of 9 January 2014 “On approving the Concept Paper for introducing the comprehensive personality assessment model of defining disability based on the principles of International Classification of Functioning of the World Health Organisation” (hereinafter referred to as “WHO”).

The Ministry of Labour and Social Affairs of the Republic of Armenia shall apply the International Classification of Functioning, Disability and Health for Children and Youth /ICF-CY/ of WHO as a basis for the new methodology for defining disability. ICF-CY was officially translated into Armenian by the Ministry of Justice of the Republic of Armenia and was approved as a national standard upon the Order of the Minister of Economy of the Republic of Armenia.

A group is set up for the purpose of developing criteria for the comprehensive personality assessment model of defining disability based on the principles of International Classification of Functioning of the World Health Organisation (hereinafter referred to as “ICF”) which involves representatives of the Ministry of Labour and Social Affairs of the Republic of Armenia, the Ministry of Healthcare of the Republic of Armenia, the Ministry of Education and Science of the Republic of Armenia and of international and local non-governmental organisations.

For the purpose of developing criteria for defining disability based on ICF codes have been previously selected from among the ICF components (from among the codes representing body functions (b), body structures (s), activities and participation (d), environmental factors (e)) by dint of which the functioning and capacities must be assessed. Then, a more limited number of codes were selected by the Delphi method (i.e. the selection of codes was made in 3 phases in terms of importance) that are more frequently encountered in defining disability.

Later on, a number of tools were developed to assess disability based on international classifiers of functioning of WHO. They are as follows:

1. **Self-evaluation sheet for a person:** this should be filled in by the person undergoing expert examination or his or her legal representative wherein he or she describes his or her own capacities and limitations;
2. **Questionnaire evaluating the activities and participation of a person:** this should be filled in by the social workers and education specialists;
3. **Form of administrative proceedings:** this should be filled in by the specialists of the Medical Social Expert Examination Commission;
4. **Administrative act:** a form for summing up the obtained information which must be filled in by the Medical Social Expert Examination Agency of the Republic of Armenia.

Before the introduction of the new model other legal reforms continue to be carried out for the activities of the field of medical social expert examination to be more transparent. Thus, the orders of the Minister of Labour and Social Affairs were approved that enabled physicians in charge and representatives of non-governmental organisations to participate in medical social expert examinations as an observer or with the right to consultative vote. Those orders are as follows:

- Joint Order of the Minister of Labour and Social Affairs of the Republic of Armenia and the Minister of Healthcare of the Republic of Armenia No 42-N of 22 March 2013 “On approving the procedure for participation of specialists in the sittings of medical social expert examination commissions”;
- Decision of the Minister of Labour and Social Affairs of the Republic of Armenia No 31-N of 4 March 2013 “On approving the procedure for participation of representatives of non-governmental organisations dealing with issues of disabled persons in expert examinations conducted by medical social expert examination commissions and the list of those organisations”.

National Commission for Disabled Persons has been established and is functioning upon the Decision of the Prime Minister of the Republic of Armenia No 98-N of 25 February 2008, the most important objectives of the activities whereof are ensuring equal rights and equal opportunities and excluding discrimination based on disability. The Commission is composed of the representatives of state and non-state bodies, and in case of any particular case the Commission is entitled to consider the case and settle the matter on the principle of inter-agency co-operation.

The position of the Defender of the rights of disabled persons designated within the staff of the Human Rights Defender of the Republic of Armenia since 2011 also contributes to ensuring of equal rights and equal opportunities for disabled persons, as well as exclusion of discrimination.

### **Article 15.3.**

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

Pursuant to Article 40 of the Constitution of the Republic of Armenia, “Everyone shall have the right to freedom of literary, artistic, scientific and technical creation, the right to benefit from scientific achievements and to take part in the cultural life of the society.” Concurrently, Article 33 of the Constitution of the Republic of Armenia prescribes that “Everyone shall have the right to rest. The maximum working time, rest days and the minimum duration of annual paid leave shall be prescribed by law.” Article 48 of the Constitution states that “The main tasks of the State in the economic, social and cultural fields shall be to promote the participation of youth in the political, economic and cultural life of the country, promote the development of physical culture and sport, implement programmes for the prevention and treatment of disability, promote the participation of disabled persons in the social life, promote the development of science and culture, contribute to the free communication, of everyone, with the national and universal values.”

The participation of disabled persons in cultural life is carried out with the active involvement of non-governmental organisations, through the financial support provided by state and donor organisations.

Various events promoting the involvement of disabled persons in sports and cultural life are held. These events are ongoing. The data for 2014 are presented below:

1. State support for the “Armenian National Paralympic Committee” NGO, “Armenian Association of the Blind” NGO, “Armenian Special Olympiads” NGO, “Armenian Sports Committee of the Deaf” NGO;
2. ensuring the preparation for and participation in winter paralympic games held in Sochi in 2014;
3. ensuring the participation in the Chess Olympiad held in Croatia in 2014;
4. implementing programmes of instruction of arts and crafts at branches of “Special Creative Centre for Children” SNCO located in marzes of Yerevan, Shirak and Gegharkunik;
5. implementing the programme “Family librarian” /Shirak and Lori marzes/, “Yerevan city Central Library after A. Isahakyan”;

6. implementing “Arev” informative communication programme in libraries for the purpose of providing information to persons with visual impairments /National Library of Armenia, National Children’s Library after Khnko-Aper, 10 libraries in marzes/, “Yerevan City Central Library after A. Isahakyan” CNCO;
7. exhibitions of handicraft, paintings of children and young people, visits to cultural organisations, backyard spartakiads were organised;
8. state support for the concert tours of “Paros” Chamber Choir;
9. organising scientific and educational trips to sights of the Republic for disabled persons (Lori, Gegharkunik and Syunik marzes of the Republic of Armenia);
10. support for “Ovasis” Pantomime theatre of “Armenian Union of Deaf People” NGO to participate in International mime festival “Jivi (Live)” held in the Crimea.

For the purpose of carrying out the cultural initiatives of disabled persons the Ministry of Culture regularly provides assistance to non-governmental organisations of disabled persons in providing appropriate halls and galleries.

Pursuant to the Law of the Republic of Armenia “On television and radio”, the Public Television and Radio Company and the private television companies functioning in the Republic of Armenia that also broadcast children’s and/or news programmes on television shall be obliged to ensure in their programmes availability of possible information for the deaf, to broadcast, during the day airtime, at least one children’s and one news programme on television with sign language interpretation or with Armenian subtitles.

In 2014 buses for intra-city routes were adjusted by Yerevan Municipality by fixing thereon equipment for providing services to disabled persons /wheelchair ramps or special lifting facilities/. Taking into account the small number of buses and with the view of operating them as efficiently as possible, the bus routes and the timetables were selected as a result of open discussions held with non-governmental organisations dealing with the issues of disabled persons.

**Article 18.1.**

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

The authorised body issuing work permits in the Republic of Armenia has not been yet recognised by the Government of the Republic of Armenia. Therefore, foreign nationals work within the Republic of Armenia without work permits.

On 22 June 2015 the National Assembly of the Republic of Armenia adopted the Laws of the Republic of Armenia ““On making amendments and supplements to the Law of the Republic of Armenia “On foreigners””, ““On making amendments and supplements to the Law of the Republic of Armenia “On state duty””.

The procedure for issuing work permits for foreigners were clarified with the amendments (hereinafter referred to as “WPF”), the ambiguities with regard thereto found in the Law of the Republic of Armenia “On foreigners” (hereinafter referred to as “the Law”) were eliminated. In particular, the relations with regard to applying to the authorised public administration body for WPF and receiving it were not clearly regulated in the previous law. According to the amendments to the Law, the employer shall apply to the authorised public administration body to receive a work permit for the foreigner. The previous Law provided that the work permit should be issued to a foreign worker if it was established for the employer to find a foreigner meeting the requirements thereof and apply to the authorised public administration body for issuing a work permit for a specific foreign worker.

The terms of compensation by the employer for the expenses of return of the foreign worker and the family members thereof — having legally entered the Republic of Armenia and received the work permit — in case the employer fails to provide the foreign worker with a job were also clarified and made complete. According to the Law, amendments were also made to the exceptions from receiving a work permit taking into account the requirements and challenges of the present stage of regulation of labour migration in the Republic of Armenia.

The transitional provisions of the Law provide for a provision, pursuant to which before the entry into force of this Law the employers of foreigners who work in the Republic of Armenia, but do not have a work permit must — within a 60-day period following the entry into force of legal acts ensuring the application of the Law of the Republic of Armenia “On foreigners” — submit the copies of the employment contract concluded with foreigners for record-registration for a certain period of time to the authorised body for record-registration. Following the expiry of the validity period of the mentioned employment contract the employer may conclude an employment contract with the foreign worker and use his or her work based on the work permit issued as prescribed by law.



**Article 18.2.**

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

Pursuant to Article 19 of the Law of the Republic of Armenia “On foreigners”, granting of a residence status may be refused to a foreigner, where:

/a/ he or she has been expelled from the territory of the Republic of Armenia or was previously deprived of residence status, and three years have not elapsed upon the entry into force of the decision on expulsion or on depriving of residence status;

/b/ he or she has been convicted in the Republic of Armenia of committing a crime of medium gravity, grave or particularly grave crime provided for by the Criminal Code of the Republic of Armenia, and the conviction has not been cancelled or has not expired in the prescribed manner /the stipulated provision does not extend to persons having a spouse, parent or child lawfully residing in the Republic of Armenia/;

/c/ there exist reliable data that he or she is engaged in such an activity, participates, organises or is a member of such an organisation, the objective of which is to:

- harm the state security of the Republic of Armenia, overthrow the constitutional order, weaken the defensive capacity;
- carry out terrorist activities;
- illegally (without an appropriate authorisation) transport across the border arms, ammunition, explosives, radioactive substances, narcotic substances, psychotropic substances; or
- carry out human trafficking or exploitation, illegal crossing of state border or organisation of illegal migration;

/d/ he or she suffers from one of the diseases provided for by the Law of the Republic of Armenia “On foreigners”;

/e/ there are serious and substantial threats posed by him or her to the state security or public order of the Republic of Armenia;

/f/ while seeking a residence status, he or she has submitted false information on himself or herself, or has failed to submit necessary documents, or there exist data that his or her stay in the Republic of Armenia pursues an objective other than the declared one;

/g/ he or she has been subjected to administrative liability for violating the Law of the Republic of Armenia “On foreigners” and has not performed the responsibility imposed on him or her by the administrative act, except for cases when one year has elapsed upon being subjected to administrative liability.

It should be noted that in case of refusal of the application filed for obtaining a temporary or permanent residence status in the Republic of Armenia the Law of the Republic of Armenia “On foreigners” provides for a right to appeal against it through judicial procedure.

In pursuance of point 3.5 of the Activity Plan prescribed by the 2014-2016 Action plan aimed at bringing the legislation of the Republic of Armenia regulating the field of migration of the Republic of Armenia, in line with international standards, including the approaches and principles adopted in the European Union and Common Economic Space approved by Decision of the Government of the Republic of Armenia No 769-N of 17 July 2014, the Law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia “On state duty”” has been drafted and is currently put into circulation in the prescribed manner which provides for revision of the limits of the state duty prescribed for the residence permit.

For the purpose of ensuring the practical application of the requirement of part 4 of Article 24 of the Law of the Republic of Armenia “On foreigners”, a relevant amendment has been made to the Law of the Republic of Armenia “On state duty”. In particular, it is envisaged to charge from the employer a state duty in the amount of 25-fold of the base duty or AMD 25 000 for obtaining a work permit for a foreign worker in the Republic of Armenia.

#### ***Article 18.3. and Article 18.4.***

There are no new changes to report under these Articles.

#### ***Article 20.***

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

On 20 May 2013 the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia “On ensuring equal rights and equal opportunities for women and men”, which prescribes the guarantees for ensuring equal rights and equal opportunities for women and men in political, social, economic, cultural and other areas of public life and regulates the relations arising therefrom.

On 30 April 2014 the draft Decision “On approving the procedure for monitoring the state policy programmes on ensuring gender equality and information exchange” ensuring the implementation of the Law of the Republic of Armenia “On ensuring equal rights and equal opportunities for women and men” was submitted to the Government of the Republic of Armenia with the view of ensuring the comprehensive accountability of the Government in the process of achieving gender equality and implementing the UN Convention on the Elimination of All Forms of Discrimination against Women.

Each year the Government of the Republic of Armenia has approved and implemented annual targeted programmes within the framework of the “On approving the 2011-2015 Strategy Plan for Gender Policy and the 2011 Activities Plan for Gender Policy” approved by Protocol Decision No 19 of the sitting of the Government of the Republic of Armenia of 20 May 2011.

The programme “Gender-sensitive and differentiated indicators of the monitoring of the stable development programme” was implemented jointly by the Ministry of Labour and Social Affairs of the Republic of Armenia and the Ministry of Economy of the Republic of Armenia with support of the World Bank with the view of introducing the system of indicators of evaluation and monitoring of the dynamics of the gender situation. The international experience with respect to the evaluation and monitoring of the gender situation was studied, gender indicators in social, cultural, economic fields and in the fields of health, science and education, agriculture were developed. The developed indicators — being universal — will enable to evaluate not only specific programmes, but also carry out gender analyses in different spheres. Within the framework of the programme methodological guideline “Gender-sensitive and differentiated indicators” was developed which was approved by the Order of the Minister of Labour and Social Affairs No 93-A/1 of 19 October 2012. The Ministry of Labour and Social Affairs of the Republic of Armenia organised training courses aimed at introducing gender indicators for relevant specialists of the interested agencies and marzpetarans of the Republic Armenia (Yerevan Municipality).

The following activities were carried out with the view of reinforcing the uniform system that includes national and institutional mechanisms for the development and implementation of the policy on gender equality;

- For the purpose of implementing the state policy on gender in marzes of the Republic of Armenia and the city of Yerevan, promoting the implementation of programmes aimed at gender policy in the Republic of Armenia, standing commissions on gender-related issues were established, “Model statute of the standing commission dealing with gender-related issues within marzpetarans of the Republic of Armenia and Yerevan Municipality” was developed which was approved by the Joint Order of the Minister of Labour and Social Affairs of the Republic of Armenia No 51-A/1 of 12 June 2012 and of the Minister of Territorial Administration, Deputy Prime Minister No 78-A of 18 June 2012.
- The issues of ensuring the development, implementation and coordination of state targeted programmes of the policy on ensuring equal rights and equal opportunities for women and men in a marz were enshrined in the statute (approved by the Joint Order of the Minister of Labour and Social Affairs of the Republic of Armenia No 66-N of 13 July 2010 and of the Minister of Territorial Administration No 07-N of 4 July 2010) of the divisions for the protection of rights of families, women and children established within the marzpetarans of the Republic of Armenia and Yerevan Municipality.
- The functions of the guardianship and trusteeship bodies prescribed by the statute of the guardianship and trusteeship bodies approved by Decision of the Government of the Republic of Armenia No 164-N of 24 February 2011 include a point with regard to the gender-related issues (subpoint 13 of point 13) according to which the guardianship and trusteeship bodies “Shall discuss gender-related issues of families, women and children, as well as those existing within the community.”.
- On 19 November 2014 the Decision of the Prime Minister of the Republic of Armenia No 1152-A “On membership composition and rules of procedure of the Council on issues of equality between women and men in the Republic of Armenia” was approved and on 9 March 2015 — the Decision of the Prime Minister of the Republic of Armenia No 178-A “On approving the membership composition and the rules of procedure of the Council on issues of equality between women and men in the Republic of Armenia”. Pursuant to the provisions of the UN Convention on the Elimination of All Forms of Discrimination against Women, the above-mentioned Council was established as a national mechanism that coordinates ensuring of equal rights and equal opportunities for women and men in all areas of public life.

*For the purpose of carrying out control over the allocation of state resources according to gender, regulatory impact assessment of the draft laws is being carried out taking into account the requirements*

of Articles 27<sup>1</sup> and 28 of the Law of the Republic of Armenia “On legal acts.” The regulatory impact assessment in the field of social protection is carried out pursuant to the Decision of the Government of the Republic of Armenia No 18-N of 14 January 2010 “On approving the procedure for carrying out regulatory impact assessment in the field of social protection” and the Order of the Minister of Labour and Social Affairs of the Republic of Armenia No 34-A/1 of 26 April 2011 “On approving the characteristics of specific subsectors of the social protection sector”. Pursuant to those characteristics, an opinion on all draft laws are delivered.

For the purpose of promoting the entrepreneurial activities and economic initiatives of women, creating jobs for them, in 2011-2014 SME DNC Fund of Armenia implemented:

- the programme “Support for first-time entrepreneurs” in all marzes of the Republic of Armenia and in the city of Yerevan which includes components of providing instructional, professional advice, informational, as well as financial support. Within the framework of the programme, SME DNC Fund of Armenia has provided support to 510 woman entrepreneurs.
- The programme “Business information and advisory support for the entities of SMEs” within the framework of which the entities of SMEs were provided with the necessary informational and advisory support aimed at informing the entities of SMEs of legal and legislative acts and amendments made thereto, developing business and investment plans, accounting, submitting customs formalities and statements. Within the framework of the programme, SME DNC Fund of Armenia has provided support to 21 854 women entrepreneurs.
- The programme “Instructional support for the entities of SMEs” within the framework of which training courses were organised in all marzes of the Republic of Armenia. The main topics of the training course were the principles of credit provision and solvency criteria in the Republic of Armenia, grounds for drawing up financial reports, record-registration of the fixed assets (reserves, intangible assets, revenue, expenses) analysis of financial reports, principles of financial planning and budgeting, tax legislation of the Republic of Armenia, as well as drafting and submitting electronic reports. Within the reporting year instructional support has been provided to 939 women entrepreneurs.
- The programme “Women’s entrepreneurship support” implemented within the framework of technical support of the Asian Development Bank which was launched on 1 March 2013 and ended in December 2015. The objective of the programme was to improve the entrepreneurial skills of women and increase the availability of financial resources to women entrepreneurs.

The “Best Women Entrepreneur” award ceremony of the Prime Minister of the Republic of Armenia is held with the view of promoting the entrepreneurial initiatives of women in the field of economic development of the Republic of Armenia, duly appraising, making public and sustaining the achievements of women entrepreneurs in different economic sectors. In 2012-2015, 45 women entrepreneurs were declared winners in the award ceremony.

For the purpose of raising the level of employment of women, increasing the opportunities for the latter to engage in social-political life and for requalification and qualification of women in the rural settlements:

- “Pasture User Association” consumer cooperatives were established in 54 communities of 6 marzes of the Republic — Aragatsotn, Gegharkunik, Lori and Syunik marzes of the Republic of Armenia — within the framework of the credit programme “Community agricultural resource management and competitiveness” implemented with the support of the World Bank between 2011 and 2013. 1 001 out of 4 265 members of the cooperatives were women for whom 66 training courses were organised with regard to rights and duties of the members of the cooperatives, drawing up of the budget of the cooperative, pasture use, prevention of negative impact on environment, fight against degradation, pasture improvement, as well as with regard to the relevant legislative framework and other topics. In 2014 the programme was implemented in 91 communities wherein 3 368 out of 13 004 members of cooperatives were women for whom 125 training courses were provided.

69 competitive grant programmes were implemented in 2014, wherein 52 (15,5%) out of 336 beneficiaries were women. 16 programmes were implemented under the supervision of women within the framework whereof 6-7 jobs on average were created. The income of the existing farming enterprises increased by 25-55 per cent due to the programmes implemented.

- In 2011-2014 “Technology evaluation projects” were implemented in 10 marzes of the Republic of Armenia within the framework of the credit programme “Community agricultural resource management and competitiveness”. 33 out of 148 approved programmes were implemented in farming enterprises the heads whereof were women.

In 2015, “National Institute of Labour and Social Research” SNCO of the Ministry of Labour and Social Affairs implemented “Research of the situation with regard to ensuring opportunities and equal availability of economic resources for women and men in labour market”, the results whereof would be applied in the process of development of further programmes.

The data on the amounts of salaries of women and men are presented by the National Statistics Service of the Republic of Armenia according to the types of economic activities.

It should also be stated that attaching importance to ensuring of decent working conditions and particularly to the principle of fair remuneration, a uniform system of remuneration of state officials has been introduced in the Republic of Armenia since 1 July 2014 (the Law of the Republic of Armenia “On remuneration for persons holding state positions” approved by the National Assembly of the Republic of Armenia on 12 December 2013). The Law provides solutions to the introduction of a unified system of remuneration of persons holding state positions based on the pillars of basic and additional salaries and those of social safeguards.

The main principles of the Law include ensuring a uniform, fair system of remuneration of persons holding state positions and basic salaries relevant to the obligations, responsibilities of the persons holding state positions, ensuring remuneration equal to equivalent work and experience.

As regards the question submitted by the commission with regard to the methods of comparative payment, we inform that there are no such methods in the Republic of Armenia.

The data on average monthly salary of women and men found in the report “Men and Women of Armenia” published by the National Statistics Service of the Republic of Armenia are presented below:

**Average monthly nominal wages / salaries by types of economic activity,  
2012-2013**

	<b>Total, AMD</b>	<i>including:</i>			
		<i>W</i>	<i>M</i>	<i>W/ M, %</i>	
<b>2012</b>					
<i>Agriculture, forestry and fishing</i>	100 879	94 270	103 098	91.4	
<i>Mining and quarrying</i>	287 685	149 863	313 563	47.8	
<i>Manufacturing</i>	132 720	98 725	149 040	66.2	
<i>Electricity, gas, steam and air conditioning supply</i>	178 455	149 293	184 715	80.8	
<i>Water supply, sewerage, waste management and remediation activities</i>	132 643	112 789	140 885	80.1	

	<b>Total, AMD</b>	<i>including:</i>			
		<b>W</b>	<b>M</b>	<b>W/ M, %</b>	
<i>Construction</i>	158 757	127 407	162 397	78.5	
<i>Wholesale and retail trade; repair of motor vehicles and motorcycles</i>	97 748	83 594	109 304	76.5	
<i>Transportation and storage</i>	125 624	107 069	132 276	80.9	
<i>Accommodation and food service activities</i>	90 552	74 030	110 025	67.3	
<i>Information and communication</i>	277 326	229 054	308 858	74.2	
<i>Financial and insurance activities</i>	325 829	247 229	419 473	58.9	
<i>Real property activities</i>	96 495	86 039	101 899	84.4	
<i>Professional, scientific and technical activities</i>	131 289	112 946	158 231	71.4	
<i>Administrative and support service activities</i>	113 733	93 497	127 305	73.4	
<i>Public administration and defence; compulsory social security</i>	169 514	125 149	170 891	73.2	
<i>Education</i>	96 884	91 378	113 051	80.8	
<i>Human health and social work activities</i>	104 739	95 473	146 876	65.0	
<i>Arts, entertainment and recreation</i>	80 292	73 327	89 605	81.8	
<i>Other service activities</i>	83 812	77 399	91 288	84.8	
<b>Total</b>	<b>140 739</b>	<b>107 755</b>	<b>169 043</b>	<b>63.7</b>	

**Average monthly nominal wages / salaries by types of economic activity, 2014**

	<b>Total, AMD</b>	<i>including:</i>			
		<b>W</b>	<b>M</b>	<b>W/ M, %</b>	
<b>2014</b>					
<i>Agriculture, forestry and fishing</i>	99 897	92 077	102 286	90.0	
<i>Mining and quarrying</i>	330 973	190 667	355 804	53.6	
<i>Manufacturing</i>	142 931	107 445	163 920	65.5	



	<b>Total, AMD</b>	<i>including:</i>			
		<b>W</b>	<b>M</b>	<b>W/ M, %</b>	
<i>Electricity, gas, steam and air conditioning supply</i>	225 237	200 580	230 449	87.0	
<i>Water supply, sewerage, waste management and remediation activities</i>	153 067	138 521	158 658	87.3	
<i>Construction</i>	179 311	140 401	183 620	76.5	
<i>Wholesale and retail trade; repair of motor vehicles and motorcycles</i>	116 526	101 413	129 156	78.5	
<i>Transportation and storage</i>	137 264	109 778	147 190	74.6	
<i>Accommodation and food service activities</i>	92 385	86 751	99 356	87.3	
<i>Information and communication</i>	294 648	239 855	331 711	72.3	
<i>Financial and insurance activities</i>	396 887	304 819	511 465	59.6	
<i>Real estate activities</i>	117 131	103 159	126 824	81.3	
<i>Professional, scientific and technical activities</i>	155 916	132 376	177 070	74.8	
<i>Administrative and support service activities</i>	129 300	109 826	141 788	77.5	
<i>Public administration and defence; compulsory social security</i>	195 973	165 704	207 265	79.9	
<i>Education</i>	107 600	101 277	126 597	80.0	
<i>Human health and social work activities</i>	127 547	114 607	183 774	62.4	
<i>Arts, entertainment and recreation</i>	101 831	92 309	114 233	80.8	
<i>Other service activities</i>	88 389	81 268	97 818	83.1	
<b>Total</b>	<b>158 580</b>	<b>124 441</b>	<b>188 737</b>	<b>65.9</b>	

According to the legislation of the Republic of Armenia, there are not jobs stipulated for one particular gender. Concurrently, pursuant to Article 257 of the Labour Code of the Republic of Armenia, engaging pregnant women or women taking care of a child under the age of one in heavy, harmful, especially heavy and especially harmful works prescribed by the legislation of the Republic of Armenia shall be prohibited.

Based on the list of hazardous conditions and dangerous factors of work, as well as the findings of workplace evaluation, the employer shall be obliged to determine the nature and duration of dangerous factors affecting safety and health of pregnant women and women taking care of a child under the age of one. After identification of the potential effect, the employer shall be obliged to undertake temporary measures to ensure the elimination of the risk of effect of the dangerous factors.

Where the dangerous factors are impossible to eliminate, the employer shall undertake measures to improve the working conditions so that pregnant women and women taking care of a child under the age of one are not exposed to the effect of such factors. Where it is impossible to eliminate such impact as a result of improvement of workplace conditions, the employer shall be obliged to transfer the woman (upon her consent) to another job within the organisation. In case of absence of such possibility, the woman shall be provided with a paid leave prior to granting pregnancy and maternity leave.

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

1. In case of disagreement with the change of working terms, termination of employment upon the employer's initiative or rescission of the employment contract, the employee shall have the right to apply to court within two months following the receipt of the individual legal act (document). Where it is revealed that employment conditions have been changed, employment contract with the employee rescinded upon absence of lawful grounds or in violation of the procedure prescribed by the legislation, the violated rights of the employee shall be restored. In that case the employer shall be charged an average salary for the whole period of forced idleness, or the difference of the salary for the period during which the employee performed work with minimum remuneration. Average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.
2. For economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee the court need not reinstate the employee to his or her former position, making the employer obliged to pay compensation for the entire period of forced idleness in the amount of the average salary, prior to entry into force of the court judgement, and pay compensation in exchange for non reinstatement of the employee to position in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed rescinded starting from the day of entry into legal force of the court judgement.

**Article 24.**

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

In 2014 the Law of the Republic of Armenia “On making amendments and supplements to the Labour Code of the Republic of Armenia” was drafted and submitted to the Government of the Republic of Armenia in the prescribed manner which was approved by the National Assembly of the Republic of Armenia on 22 June 2015.

Reference has also been made by the Law to the issue raised and amendment has been made to Article 113 of the Labour Code of the Republic of Armenia (the relevant amendment will enter into force on 22 October 2015). In particular, it has been prescribed that the employer shall have the right to rescind the employment contract concluded for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before the end of the validity period in case the employer having the right to old-age pension has reached the age of sixty-three, the employer not having the right to old-age pension has reached the age of sixty-five, where the relevant ground is provided for by the employment contract.

Points 3 and 7 of part 1 of Article 113 of the Labour Code of the Republic of Armenia respectively prescribe that employer shall have the right to rescind the employment contract concluded for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before the end of the validity period if:

- the employee is not suitable for the position held or the work performed;
- the employee is in a long-term incapacity for work (in case the employee has failed to come to work, due to temporary incapacity for work, for more than 120 consecutive days or for more than 140 days during the last twelve months unless it is prescribed by law and other regulatory legal acts that the workplace and the position are preserved for a longer period in case of certain diseases).

It should be stated that the indicated two grounds are specific grounds for rescission of the employment contract upon the initiative of the employer.

Concurrently, we find it necessary to state that the regulations with regard to the rescission of the contract on the basis of point 3 of part 1 of Article 113 of the Labour Code of the Republic of Armenia are provided in Article 120 of the Labour Code of the Republic of Armenia, pursuant to which:

The employer shall have the right to rescind the employment contract on the grounds provided for by point 3 of part 1 of Article 113 of the Labour Code of the Republic of Armenia, where by reason of insufficiency of the professional knowledge or the health state the employee cannot perform his or her employment duties.

Deterioration of the health state of the employee may serve as a ground for rescission of the employment contract, where it is of sustainable nature and hinders the process of work or excludes the possibility to continue it.

Compatibility of the employee's professional abilities with the assumed position or work that is undertaken is assessed by the employer, whereas assessment of the employee's health state is determined by the medical and social expert conclusion.

According to the Law of the Republic of Armenia HO-5-N of 12 March 2014 "On making amendments and supplements to the Labour Code of the Republic of Armenia" the wording of part 2 of Article 265 of the Labour Code of the Republic of Armenia has been amended which reads as follows: for economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee the court need not reinstate the employee to his or her former position, making the employer obliged to pay compensation for the entire period of forced idleness in the amount of the average salary, prior to entry into force of the court judgement, and pay compensation in exchange for non reinstatement of the employee to position in the amount not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed rescinded starting from the day of entry into legal force of the court judgement.

## ADDITIONAL INFORMATION

### on Articles 2, 5, 6, 22, 28

#### With regard to the enquiries of the European Committee of Social Rights

(Opinion, 2014)

#### **Article 2.5.**

Part 1 of Article 155 of the Labour Code of the Republic of Armenia (hereinafter referred to as “the Code”) provides that the common weekly rest day shall be Sunday, and in case of a five-day working week, the rest days shall be Saturday and Sunday.

Pursuant to parts 2 and 3 of the mentioned article, in organisations where the work may not be terminated on common rest day owing to the need to provide services to the population (public transportation, specialised organisations supplying energy, gas, and heat, theatres, museums, public catering, etc.), the rest day shall be prescribed by the employer.

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

Pursuant to part 4 of Article 155 of the Code, in case of summary calculation of the working time, the rest days shall be granted to employees in accordance with the work schedule (work shift).

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

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

The interpretation of the norms of the labour legislation of the Republic of Armenia shall not modify its meaning.

As follows from the analysis and collation of the mentioned norms, Article 155 of the Code expressly provides that:

1. for employees working six days a week, the common rest day shall be Sunday, and in case of a five-day working week, the rest days shall be Saturday and Sunday. Exceptions to the mentioned regulation are set out in parts 2 and 3 of Article 155 of the Code and are presented above;
2. employees shall be entitled to a weekly uninterrupted rest period of not less than 35 hours.

The Code does not include any provisions providing that:

- employees may substitute weekly uninterrupted rest period for financial compensation;
- employees may waive their right to a weekly uninterrupted rest period;
- weekly rest days may be transferred.

#### **Article 2.6.**

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

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

Article 84 of the Code was amended by Law HO-96-N of 22 June 2015 “On making amending and supplements to the Labour Code of the Republic of Armenia” pursuant to part 1 whereof:

The individual legal act on accepting for employment and the employment contract shall include the following:

- (1) the year, month, date and place of adoption of the individual legal act and conclusion of the employment contract;
- (2) the first name, last name (also patronymic name, upon his or her request) of the employee;
- (3) the name of the organisation or the first name and last name (also patronymic name, upon his or her request) of the employer who is a natural person;
- (4) the structural subdivision (in case of availability thereof);

- (5) the year, month and date of the commencement of work;
- (6) the name of the position and/or official functions;
- (7) the amount of the base salary and/or the method of determining it;
- (8) the additional payments, increments, supplementary payments and etc. paid to employees in the prescribed manner;
- (9) the validity period of the individual legal act or the employment contract (where necessary);
- (10) the duration and conditions of the probation period where a probation period is prescribed;
- (11) the regime of working time — normal duration of working time or incomplete working time or shorter working time or a summary calculation of working time;
- (12) the type and duration of annual leave (minimum, additional, extended);
- (13) the position, first name and the last name of the person signing the legal act.

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

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

A written employment contract shall be concluded in two copies by drawing up one document signed by the parties, and in case of an employment contract concluded with persons under the age of fourteen — signed by one of the parents or the adopter or the guardian, one copy whereof shall be handed by the employer to the employee, and in case of employment relations involving a person under the age of fourteen — to one of the parents or the adopter or the guardian.

Pursuant to part 2 of Article 85 of the Code, before commencing the work, the employer or the employer’s authorised person shall be obliged to properly introduce the hired employee to the conditions of employment, the collective agreement (where available), the internal disciplinary rules and other legal acts of the employer regulating the employee’s work at the workplace.

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

## **Article 5.**

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

- (1) membership to a trade union or participation in the activities of a trade union during non-working hours, and upon the consent of the employer — also during working hours;
- (2) being the employees' representative at any time.

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

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

Pursuant to point 1.3 of Article 16 of the Law of the Republic of Armenia "On state duty", the state duty for state registration of non-commercial organisations subject to registration in the public register and for the record-registration of separate subdivisions thereof shall be in the amount of ten-fold of the base duty. Meanwhile, pursuant to Article 8 of the Law, the amount of the base duty shall be AMD 1 000 (one thousand).

Pursuant to Article 265 of the Code:

1. In case of disagreement with the change of employment conditions, termination of employment contract or rescission of the employment contract upon the employer's initiative, the employee shall have the right to apply to court within one month following the receipt of the individual legal act (document). Where it is revealed that the employment conditions have been changed, the employment contract with the employee has been rescinded upon absence of lawful grounds or in violation of the procedure prescribed by the legislation, the violated rights of the employee shall be restored. In that case, the employer shall, in favour of the employee, be charged a minimum salary for the whole period of enforced idleness or the difference of the salary for the period during which the employee performed work with minimum remuneration. Average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.
2. For economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee, the court need not reinstate the employee in his or her former employment, making the employer obliged to pay compensation for the



entire period of enforced idleness in the amount of the average salary, prior to entry into legal force of the court judgement, and pay compensation in exchange for failure to reinstate the employee in employment, in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed as rescinded starting from the day of entry into legal force of the court judgement.

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

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

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

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

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

Pursuant to part 2 of Article 77 of the Code, during a strike in organisations specified in part 4 of Article 74 of the Code (in organisations engaged in activities covering railway transport and urban public transport, civil aviation, communication, healthcare, food production, water supply, sewerage and waste disposal, organisations with a continuous production cycle, as well as in organisations the termination of work wherein may result in grave or hazardous consequences for life and health of the society or individual persons) minimum conditions (services) necessary for meeting the immediate (vital) needs of the society shall be ensured. Minimum conditions shall be set by the relevant state or local self-

government bodies. Compliance with such conditions shall be ensured by the body leading the strike, the employer and the employees appointed thereby.

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

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

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

Pursuant to part 2 of Article 26 of the Code, in cases when the representative of employees violates the employer’s rights, requirements of the legislation or norms of contracts, the employer shall be have the right to apply to court as prescribed by the legislation requesting termination of unlawful activities of the representative of employees.

There are still no developments in terms of formation of trade unions by the police, national security officers, as well as by the judges and members of the Constitutional Court of the Republic of Armenia and voluntary joining those trade unions.

Meanwhile, during the 132th session of the Governmental Committee of European Social Charter and European Code of Social Security, the representative of the Republic of Armenia raised the issue of “formation of a trade union of self-employed, those with free professions and workers of the informal sector or their joining the trade unions” stating that the regulation mechanisms of the issue are not clear and distinct and that it would be preferable to have a case example of other member states with regard to regulation of the mentioned issue.

### **Article 6.3.**

Pursuant to part 2 of Article 264 of the Code, collective labour disputes shall be settled as prescribed by Chapter 11 of the Code, pursuant to Article 67 whereof:

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

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

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

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

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

The Code does not provide for any other procedures for settlement of collective labour disputes.

The procedure for consideration of collective labour disputes shall be the same for the public sector. Meanwhile, pursuant to part 1 of Article 44 of the Code, the norms (collective labour relations) of Section 2 of the Code, which also comprises Chapter 1, shall apply to state and local self-government bodies prescribed by law, as well as to the employees of the Central Bank of the Republic of Armenia as prescribed by the Code.

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

#### **Article 6.4.**

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

Meanwhile, part 2 of Article 77 of the Code provides that during a strike in organisations specified in part 4 of Article 74 of the Code (in organisations engaged in activities covering railway transport and urban public transport, civil aviation, communication, healthcare, food production, water supply, sewerage and waste disposal, organisations with a continuous production cycle, as well as in organisations the termination of work wherein may result in grave or hazardous consequences for life and health of the society or individual persons) minimum conditions (services) which are necessary for meeting the immediate (vital) needs of the society shall be ensured. Minimum conditions shall be set by the relevant state or local self-government bodies. Compliance with such conditions shall be ensured by the body leading the strike, the employer and the employees appointed thereby.

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

Pursuant to Article 79 of the Code:

1. Participation in a strike shall be voluntary. No one may be compelled to participate in strike or to refuse to participate therein. Persons that compel an employee to participate in a strike or to refuse to participate in it shall be held liable as prescribed by the legislation of the Republic of Armenia.
2. Employees participating in a strike shall be released from an obligation to perform their official functions. The job (position) of the employee participating in strike shall be retained in the course of the strike. The employer need not pay salaries to the employees participating in the strike.

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

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

Pursuant to Article 80 of the Code:

1. After a decision on calling a strike is made and in the course of the strike, the employer shall have no right to:
  - (1) prevent all or individual employees from attending their workplaces;
  - (2) refuse to provide work to the employees;

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

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

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

### **Article 22.**

Pursuant to Article 4 of the Law of the Republic of Armenia “On trade unions”, a trade union shall be formed by the decision adopted during the founding meeting (conference, congress) convened at the initiative of its founders (at least three employees).

Pursuant to part 1 of Article 23 of the Code, the representatives of employees — trade unions, representatives (a body) elected 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) in the organisation or none of the existing trade unions unites more than half of the number of employees of the organisation, representatives (a body) can be elected by the staff meeting (conference).

The existence of representatives (a body) 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 that 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.

Pursuant to Article 19 of the Code:

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

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

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

3. Decisions of the staff meeting (conference) shall be deemed to be made, if more than half of the participants (delegates) of the meeting (conference) have voted in favour of it, except for cases provided for by the Code.
4. The decisions of the staff meeting (assembly) may be made by secret ballot by the decision taken by a majority of votes of the participants of the staff meeting (delegates of the conference).
5. The team of employees may also make its decisions by the sum-up of votes received in the meetings convened by structural and separated subdivisions of an organisation.

Within the framework of on-going inspection reforms, the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Health of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia of the Ministry of Labour and Social Affairs were reorganised by way of merger as the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia (hereinafter referred to as “the Inspectorate”) by the Decision of the Government of the Republic No 857-N of 25 July 2013. The State Health Inspectorate — which is currently functioning — is the legal successor of the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Health of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia.

Article 34 of the Labour Code of the Republic of Armenia and the Law of the Republic of Armenia “On State Labour Inspectorate” were repealed by the Law of the Republic of Armenia HO-256-N of 17 December 2014 “On making amendments to the Labour Code of the Republic of Armenia and repealing the Law of the Republic of Armenia “On State Labour Inspectorate”.

Ensuring of state control and supervision over the implementation of the Code and other regulatory legal acts containing norms of labour law, organisation of measures for preventing workplace accidents and occupational diseases, ensuring of observance and protection of working conditions, employment rights and freedoms of employees, including the right to safe working conditions, have been established as the goals and objectives of the Inspectorate.

Part 1 of Article 26 of the Code provides that:

1. The employer shall be obliged to:
  - (1) respect the rights of the representatives of employees and not impede their activities. Activities of the representatives of employees may not be terminated at the employer’s will;
  - (2) consult with the representatives of employees while making decisions that may affect the legal status of the employees and, in cases provided for by the Code, receive their consent;

- (3) ensure the conduct of collective bargaining within short time limits;
- (4) consider the proposals of the representatives of employees and provide answers in writing within the time limits prescribed by the Code and, where no such time limits are prescribed, not later than within one month;
- (5) provide necessary information free of charge on issues concerning the work to the representatives of employees;
- (6) perform other obligations specified in the collective agreement;
- (7) ensure the exercise of the rights — prescribed by the legislation — of the representative of the employees.

Meanwhile, a collective agreement on the terms prescribed by part 3 of Article 49 of the Code or some of them shall be concluded between the employer and the representatives of the given organisation. This shall include:

- (1) the conditions of remuneration for work, regulation mechanisms of remuneration for work taking into consideration the level of inflation and increase in prices;
- (2) conditions of employment;
- (3) working and rest time (including provision of leaves and their duration);
- (4) procedure and conditions of reduction in the number of employees, guarantees in case of reductions;
- (5) safety and hygiene conditions of work;
- (6) conditions for ensuring the ecological safety of production and protecting the health of employees;
- (7) conditions for acquiring a profession, raising the qualification and re-qualification of employees;
- (8) guarantees and compensations deemed necessary by the parties;
- (9) procedure for receiving information on the implementation of the collective agreement and for exercising control and supervision over it;
- (10) liability for failure to implement the collective agreement;

- (11) in case of collective labour disputes, the procedure and time limits for filing of claims by employees and employers;
- (12) measures of social partnership aimed at avoiding collective disputes, strikes;
- (13) other issues, upon agreement of the parties.

Pursuant to Article 56 of the Code:

1. The parties to the collective agreement of the organisation are the group of employees of the organisation in the person of the representative of the employees acting in the organisation and the employer in the person of the head of the organisation or his/her authorised person.
2. Where there is more than one representative of employees in the organisation the collective agreement of the organisation shall be concluded between the unified representative body of employees and the employer.
3. The unified representative body of employees shall be established by the representatives of employees, through corresponding negotiations. Where a unified representative body of employees is not established due to the lack of consent of the representatives of employees, a decision on the establishment of a unified representative body shall be made by the staff meeting (conference).
4. Where the functions related to the protection of representations and interests of employees are transferred to the corresponding territorial or branch trade union because of the absence of representatives of employees within the organisation, the employer and the corresponding territorial or branch trade union shall be considered to be the parties to the collective agreement.

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

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

Pursuant to part 2 of the above-mentioned article, the representatives of the parties shall report on the fulfilment of obligations prescribed by the collective agreement of the organisation to the staff meeting (conference). The procedure and time limits for submitting the report shall be prescribed by the collective agreement of the organisation.

Thus, pursuant to the regulations of the Code, the proposals submitted by the representatives of employees concerning the issues provided for by part 3 of Article 49 of the Code shall be taken into



consideration by the employers as a result of collective bargaining with regard to elaboration of the collective agreement of the organisation.

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

Meanwhile, pursuant to point (a1) of Article 15 of the Law of the Republic of Armenia "On trade unions", the alignment of interests of employees and employers in employment relations is one of the objectives of a trade union.

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

The rules of procedure of the Commission for Safety Assurance and Health of Employees within the Organisation has been approved by the Decision of the Government of the Republic of Armenia N 1007-N of 29 June 2006. The objectives of the activities of the Commission for Safety Assurance and Health of Employees within the Organisation (hereinafter referred to as "the Commission"), as well as the procedure for organising and carrying out works are prescribed by the mentioned rules of procedure.

### ***GOALS AND OBJECTIVES OF THE ACTIVITIES OF THE COMMISSION***

Pursuant to Article 253 of the Labour Code of the Republic of Armenia and this procedure, the employer shall have the right to set up the Commission for Safety Assurance and Health of Employees within the Organisation.

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

The objectives aimed at attaining the goals of the activities of the Commission shall include the following:

- (a) assisting the employer in planning, arrangement and implementation of preventive measures aimed at ensuring the safety and protection of health of the employees;
- (b) contributing to the process of awareness raising among the employees on the issues concerning ensuring the safety and protection of health of the employees;
- (c) ensuring formation and delivery of the opinion of the majority of the employees on ensuring the safety and protection of health of the employees;
- (d) assisting the employer in activities related to introduction of standards defining healthy and safe working conditions in an organisation.

### ***FORMATION OF THE COMMISSION***

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

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

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

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

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

The composition of the Commission shall be approved by the order or the executive order of the employer.

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

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

### ***ORGANISATION OF WORK AND ACTIVITIES OF THE COMMISSION***

In performing its activities, the Commission shall be governed by the Labour Code of the Republic of Armenia, normative legal acts in the field of safety assurance and protection of health of the employees, the collective agreement, internal legal acts of the organisation and this Procedure.

The Commission shall organise its work through sittings, which shall be convened in accordance with its Regulation or, where necessary, not less than once in every 3 months.

The Commission shall carry out its activities in accordance with its Regulation which shall be approved by the Commission.

The sitting of the Commission shall have a quorum if more than half of the members of the Commission are present. Decisions of the Commission shall be adopted by voting with more than half of the “for” votes of the members participating therein. The voting shall be conducted by open ballot.

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

The Commission shall:

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

- (b) inform — based on the requests and suggestions of the employees as well as through enquiries conducted among employees — about the implementation of occupational safety and health protection measures at the workplace carried out by the employer;
- (c) submit a proposal — based on information received — to the employer on the necessity of conducting additional examinations through other specialised organisations;
- (d) assists the employer and the state authorised bodies in carrying out official investigation of cases of production accidents and occupational diseases as prescribed by the legislation of the Republic of Armenia;
- (e) participate in the organisation of a training on occupational safety and health protection in the organisation;
- (f) regularly — at least once a year — submit a report on its activities to the team of employees.

Pursuant to Article 38 of the Labour Code of the Republic of Armenia:

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 declaring the legal act of a state or local self-government body or the employer invalid;
  - (5) through non-application by the court of a legal act of a state and local self-government body contradicting the employer's law;
  - (6) through self-protection of the right;
  - (7) by enforcing to fulfil the obligations in-kind;
  - (8) by receiving compensation for the damage;
  - (9) by levy of execution on penalty (fine);
  - (10) by termination or alteration of the legal relationship;

(11) by other methods provided for by law.

It follows from the above-mentioned article that the employees shall have the right to, within the framework of the provisions enshrined in part 3 of Article 38, protect their employment rights by applying to court or to the representatives of employees. Regulations concerning the representatives of employees are enshrined in Chapter 3 of the Code, and regulations concerning the settlement of labour disputes are specified in Chapter 24 of the Code.

Meanwhile, it should be noted that pursuant to point 6 of Article 25 of the Labour Code of the Republic of Armenia the representatives of employees may appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof contradicting the legislation of the Republic of Armenia, as well as collective agreements and employment contracts or violating rights of the representatives of employees within the organisation.

**Article 28.**

The Law of the Republic of Armenia HO-256-N of 17 December of 2014 “On making amendments to the Labour Code of the Republic of Armenia and repealing the Law of the Republic of Armenia “On State Labour Inspectorate” (which came into force on 9 January 2015) amended Article 119 of the Code, pursuant to part 1 whereof, the employees elected in representative bodies of employees may not be dismissed from work during the implementation of their powers under Article 113 of this Code without the preliminary consent of the state labour inspector, except for cases provided for by the following points of part 1 of Article 113: (1) (liquidation of the organisation (termination of activities of an individual entrepreneur and declaring the state registration void or invalid in cases provided for by law), (5) (where the employee regularly fails to perform the duties reserved for him or her by the employment contract or internal regulatory rules with no good reason), (6) (where the employer has lost confidence in the employee), 8-10 (8) where the employee is found to be under the influence of alcoholic beverages, narcotics or psychotropic substances at the workplace. (9) where the employee fails to come to work throughout the entire working day (shift) with no good reason; (10) where the employee rejects or evades mandatory medical examination;).

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

body of employees fails to reply to the employer within the specified time limit, the employer shall have the right to rescind the employment contract.

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

The guarantee provided for by part 1 of Article 119 of the Code may apply to the employees that are not deemed as a representative of employees if it is envisaged by the collective agreement.

As to the irregularities occurring in the process of rescission of the employment contract on the initiative of the employer where the employer has lost confidence in the employee, taking into consideration the regulations provided for within the framework of Article 122 of the Code, as well as the fact that pursuant to point 3 of part 1 of Article 223 of the Code, rescission of an employment contract on grounds of loss of confidence in the employee shall be considered a type of disciplinary penalty for violation of labour discipline and pursuant to the regulations of Article 226 of the Code, prior to application of a disciplinary penalty, the employer shall demand from the employee a written explanation of the violation, and when rescinding the contract on those grounds, irregularities are almost excluded.

On the other hand, pursuant to Article 228 of the Code, the imposition of a disciplinary penalty may be appealed through judicial procedure within a period of one month following the entry into force of the legal act on application of such disciplinary penalty as prescribed by law.

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

- legal equality of parties to employment relations irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital and family status, age, beliefs or views, affiliation to parties, trade unions or non-governmental organisations, and other circumstances not associated with the professional skills of an employee;
- ensuring the right to freedom of association of employers and employees with others for the protection of employment rights and interests (including the right to form or join trade unions and employers' associations).

Pursuant to part 3 of Article 175 of the Code, the employees elected within the representative bodies of employees working within the organisation, during the year, shall be exempt from the performance of employment duties for up to six working days, to attend various events organised by the employees'

representative bodies or to improve their qualifications as members of the representative bodies of employees. The procedure for exemption from employment duties and payment for those days shall be established by the collective agreement or upon the decision of the staff meeting (conference).