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EUROPEAN SOCIAL CHARTER

Answers to additional questions related to

**18th National Report on the implementation of
the European Social Charter**

submitted by

THE GOVERNMENT OF ARMENIA

Articles 2, 3, 4, 5, 6, and 20

CYCLE 2024

ANSWERS

Article 2.1

Please provide information on the remuneration paid for inactive on-call periods outside the employers' premises when no actual work is carried out.

According to parts 2 and 3 of the Article 149 of the Labour Code of the Republic of Armenia, which state that on-call periods in an organization is equated to working time (i.e., it is paid in the same manner), and at home - no less than half of working time (i.e., at least half of his/her salary is retained (paid)).

It should be noted that there may be both active and passive periods of work during on-call time (for example, on-call workers handling phone calls or doctors or other workers who will perform on-call work when there will be a need for it).

According to part 1 of the Article 149 of the Code in order 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.

According to part 1 of the Article 139 normal duration of the working time may not exceed 40 hours a week, as per point 6 of part 1 of the Article 140 of the Code employees in whose workplace it is impossible, due to technical or other reasons, to reduce the maximum permissible levels of occupational hazards to the level safe for health as defined by legal acts on safety and health at work, the working time shall be set not more than 36 hours a week.

By the Article 141 of the Code regulations on part-time work are defined. Upon part 1 of the Article 143 of the Code for on-call duty exceeding the established working hours, rest time of the same duration must be provided within the next month, or, at the employee's request, this rest time may be added to annual leave or paid as overtime (i.e., for each hour of overtime work, in addition to the hourly rate, an additional payment of not less than 50 percent of the hourly rate shall be made).

Article 3.1

Please provide information on the content and implementation of national policies (including any existing action plans/strategies) on psychosocial or new and emerging risks in relation to the gig or platform economy.

Yet, there are no specific regulations under the labour legislation of the Republic of

Armenia regarding persons working in the GIG or platform economy.

Article 5

Please provide information on the status and prerogatives of minority trade unions, i.e., those not deemed representative.

According to part 1 of the Article 23 of the Code Trade unions 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, the staff meeting (assembly) may delegate the functions of the representation of employees and protection of interests to the relevant branch or territorial trade union. In that case, the staff meeting (assembly) shall elect a representative(s) to participate in the collective bargaining conducted with the given employer in the delegation of the branch or territorial trade union.

Where in the organisation;

1 employees are affiliated only with one trade union, and it joins more than half of employees of the organisation, that trade union shall represent and protect the rights and interests of all employees of the organisation in collective employment relations;

2 employees are affiliated with only one trade union, to which not more than half of the employees of the organisation is a member, that trade union shall represent and protect only the rights and interests of its members in the collective employment relations;

3 employees are not affiliated with any trade union (including branch or territorial), the staff meeting (assembly) may elect a representative (body) to represent the rights and interests of all employees and protect them in the collective employment relations.

Where there is more than one trade union in the organisation, a unified representative body for employees may be established as prescribed by part 3 of Article 56 of Code to represent the rights and interests of all employees and protect them in the collective employment relations.

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

Parts 2 and 3 of the Article 56 of the Code define:

2. Where there is more than one representative of employees in the organisation the

collective agreement of the organisation is concluded between the unified representative body of employees and the employer.

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

Hence, according to the regulations of the Code (see Part 3 of the Article 23 where there is more than one trade union in the organization, a unified representative body for employees may be established as prescribed by part 3 of Article 56 of this Code to represent the rights and interests of all employees and protect them in the collective employment relations (in which case, as defined in Part 2 of the Article 56 of the Code, the collective agreement of the organisation shall be concluded between the unified representative body of employees and the employer).

Article 6.1

Please provide information on

- any follow-up given after the end of validity of the Collective Agreement and the end of the term of office of the Tripartite Commission on 5 October 2023;*
- as to whether there are specific consultative bodies in the public sector and, in the affirmative, how they operate.*

It should be noted that cooperation with social partners (the Republican Union of Employers of Armenia and the Confederation of Trade Unions of Armenia at the Republican level) , is ongoing and has been implemented even after October 5, 2023.

At the same time, since December 2024, work has been underway with social partners to conclude a new Republican Collective Agreement. In particular, a working group has been formed from representatives of relevant interested state bodies and social partners to develop a draft Republican Collective Agreement. The developed draft has been agreed with social partners and the signing of the Republican Collective Agreement is planned in the near future.

- as to whether there are specific consultative bodies in the public sector and, in the*

affirmative, how they operate.

After the signing of the Republican Collective Agreement, a Republican Tripartite Commission (hereinafter referred to as the Commission) consisting of representatives of the Government of the Republic of Armenia, the Confederation of Trade Unions of Armenia, and the Republican Union of Employers of Armenia will be formed in accordance with the Agreement to conduct collective negotiations at the republican level, ensure the fulfillment of contractual obligations, develop an action plan to ensure the implementation of the Agreement, discuss issues arising during the implementation of the Agreement, and submit relevant proposals to the parties.

The draft Republican Collective Agreement on the work of the Commission provides for:

- *The Commission shall develop and approve the Commission's Rules of Procedure within one month of its formation,*
- *The Commission organizes its work through sessions, which are convened at least once every three months, as well as when necessary, as a rule, at the Chairman of the Commission, unless the Commission makes a different decision regarding the venue of the meeting,*
- *An extraordinary session may be convened upon a written proposal by at least three representatives of one of the parties to the Commission. The extraordinary session shall be convened within two weeks of the submission of the proposal,*
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- *Issues related to the organization of the work of the Commission and a number of other issues are planned to be defined in the Commission's Rules of Procedure,*
- *The Commission operates throughout the entire period of validity of the Republican Collective Agreement.*