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## **EUROPEAN SOCIAL CHARTER**

Comments submitted by  
Confederation of Trade Unions of Armenia (CTUA)  
concerning the 18<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by  
**THE GOVERNMENT OF ARMENIA**  
Articles 2, 3, 4, 5, 6, and 20

Comments registered by the Secretariat  
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**CYCLE 2024**



## **EUROPEAN SOCIAL CHARTER**

### **Alternative Report on the Implementation of the European Social Charter**

**Submitted by:** Confederation of Trade Unions of Armenia  
(CTUA)

**Comments on Armenia's 18th National Report on the  
Implementation of the European Social Charter**

(Articles 3 and 5 for the period 01/01/2021 – 31/12/2024)

Yerevan, 26 June 2025



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## **List of Abbreviations**

**AML** – Anti-Money Laundering

**CTUA** – Confederation of Trade Unions of Armenia

**ESC** – European Social Charter

**ECSR** – European Committee of Social Rights

**HLIB** – Health and Labour Inspection Body

**ILO** – International Labour Organization

**IPE** – Individual Protective Equipment

**OSH** – Occupational Safety and Health

## Introduction

The Confederation of Trade Unions of Armenia (CTUA) is the national centre of trade unions in Armenia, representing the interests of workers across diverse sectors. Rooted in a rich history dating back to the early 20th century, the Armenian trade union movement evolved through periods of political upheaval, industrialization, and economic transition. The CTUA was formally established in 1992 by 24 branch republican unions, marking a turning point toward democratic governance and independence from the legacy structures of the Soviet era. It was reconstituted in accordance with Armenia's new legal framework following the adoption of the Law on Trade Unions in 2000.

Today, the CTUA unites 18 branch republican unions and over 190,000 members, advocating for workers' rights in both the public and private sectors. As the main trade union confederation in the country, it participates in national policy dialogue, contributes to labour legislation reform, and promotes decent work, safe working conditions, and social justice. Despite these efforts, the CTUA faces significant legal and institutional challenges that hinder the full realisation of trade union rights in Armenia, many of which are documented in the present report.

This submission is presented by the CTUA as part of the civil society contribution to the reporting process under the European Social Charter (ESC). It serves as a response to the 18th National Report submitted by the Government of Armenia, which covers the implementation of Articles 2, 3, 4, 5, 6, and 20 of the ESC and was registered with the Secretariat on 13 February 2025.

The present document focuses specifically on the Right to Safe and Healthy Working Conditions (Article 3) and the Right to Organise (Article 5). Drawing on domestic legal analysis, documented practice, and relevant international standards, the submission identifies key gaps and challenges in the legal and institutional frameworks governing occupational safety and health (OSH), trade union rights, and collective labour relations in Armenia.

The CTUA stands ready to provide further clarification or supplementary information to the European Committee of Social Rights and remains committed to constructive engagement aimed at strengthening the implementation of the ESC and ensuring the full and effective protection of social rights in Armenia.

## I. Article 3: The Right to Safe and Healthy Working Conditions

The Right to Safe and Healthy Working Conditions is a fundamental component of decent work and is explicitly guaranteed under Article 3 of the ESC, as well as Article 82 of the Constitution of the Republic of Armenia. In practice, however, significant legal, institutional, and implementation gaps persist, undermining the realisation of this right across a wide spectrum of workplaces. While some reforms have been introduced in recent years, Armenia has yet to adopt a comprehensive and rights-based approach to OSH, resulting in fragmented governance, uneven enforcement, and limited prevention of occupational risks.

The present section outlines key shortcomings in national OSH regulation and practice, based on the experience of trade unions and available legal analysis. It addresses the lack of a national OSH strategy, serious constraints in institutional mandates and capacity, the limited role of trade unions in OSH oversight, as well as regulatory gaps on protective equipment and workplace hazard communication. These deficiencies prevent the full and effective implementation of Article 3 of the ESC and hinder Armenia's alignment with relevant international standards, including those established under the Conventions of the International Labour Organisation (ILO).

### 1. Lack of a comprehensive national policy on occupational safety and health (OSH)

Armenia does not currently have a **unified national strategy or action plan** on occupational safety and health, despite the right to safe and healthy working conditions being guaranteed by the Constitution and protected under Article 3 of the ESC. The absence of such a policy framework results in fragmented implementation and inconsistent protection across sectors, particularly in high-risk occupations. Without a clear national vision, it is difficult to prevent occupational hazards, make holistic legislative reforms or ensure systematic improvements in working environments. The development of a comprehensive OSH strategy is also essential for meeting international standards, including those set by the International Labour Organization (ILO).

### 2. Institutional, mandate, capacity, resources and practical challenges in OSH oversight

The effective enforcement of the right to safe and healthy working conditions under Article 3 of the ESC is severely hindered by a number of institutional and practical shortcomings in Armenia. The **Health and Labour Inspection Body (HLIB)**, which is the primary state body responsible for oversight in this area, operates with a **limited mandate**. Following legislative

amendments in **2013**, its **investigative and enforcement powers were significantly curtailed**, including the removal of extrajudicial authority to issue binding orders, a power that had been instrumental in restoring violated workers' rights. Moreover, the **HLIB cannot carry out unannounced inspections**, which directly contradicts the requirements of **ILO Convention No. 81**, thereby weakening preventive oversight and creating conditions for non-compliance to go undetected.

In addition, there is **no consolidated legal act** setting out **minimum OSH standards** across sectors. Instead, relevant norms are dispersed across multiple regulatory acts issued by different ministries (e.g. health, construction), making it difficult for both employers and workers to understand and comply with applicable standards. The **lack of sector-specific inspection checklists**, especially for high-risk industries, further contributes to regulatory ambiguity. While draft normative acts, including general rules on OSH, have circulated in recent years, **delays in adoption** persist, leaving key legal gaps unaddressed.

Another pressing challenge is the **shortage of trained OSH inspectors**. Armenia lacks both the human and institutional capacity to ensure effective inspection coverage, particularly outside urban areas. There is also **no strategic plan** to invest in inspector recruitment, specialization, and training. These combined gaps in mandate, legislation, and staffing undermine the ability of the state to effectively safeguard OSH rights in law and practice.

**Recent amendments to the Labour Code** have introduced provisions aimed at strengthening oversight mechanisms in the field of OSH and enabling the creation of extrajudicial bodies to address OSH-related violations. However, these changes remain largely foundational and preparatory in nature. Without effective enforcement tools, sector-specific instruments, and sustained investment in capacity, these reforms cannot yet ensure meaningful implementation. Moving forward, their success will depend on being embedded in a comprehensive OSH strategy and a broader vision for balanced labour market development.

### **3. Limited role of trade unions and absence of a participatory monitoring mechanism**

Despite the recognition of workers' rights to safe and healthy working conditions under Article 3 of the ESC, trade unions in Armenia are **not systematically empowered** to participate in the monitoring or enforcement of OSH standards. Existing legislation does not provide trade unions with clear and enforceable rights to access workplaces for the purpose of OSH oversight, nor are there established procedures for involving them in inspections or follow-up



actions. This significantly limits their ability to represent workers' interests and contribute to preventive measures in practice.

Furthermore, no formal participatory mechanisms exist for ensuring **social or public oversight** of OSH compliance. The absence of institutionalised frameworks for cooperation among trade unions, employers, and state bodies undermines transparency and accountability in workplace safety. Establishing a more robust model of tripartite engagement, consistent with ILO principles and the ESC's requirements, is essential for advancing a rights-based approach to OSH governance in Armenia.

#### 4. Inadequate provisions on individual protective equipment (IPE)

The regulatory framework in Armenia does not sufficiently ensure the **provision, use, and regulation of individual protective equipment (IPE)**, which is a core element of safeguarding workers' health and safety under Article 3 of the ESC. National legislation lacks a comprehensive and binding list of IPE types, as well as clear and uniform standards governing their distribution, maintenance, and appropriate use across different sectors. This creates ambiguity for both employers and workers, particularly in high-risk occupations.

#### 5. Absence of general rules on safety signage and emergency information

Effective communication of workplace hazards requires the **presence of visible, standardised safety signs and emergency instructions**, yet Armenia's regulatory framework lacks a comprehensive, cross-sectoral legal basis to ensure this. Existing requirements are mostly confined to specific fields such as construction, and do not extend to all types of enterprises or older facilities still in operation.

As a result, many work environments operate without consistent or visible indicators warning of risks, guiding evacuation, or identifying protective measures, putting both workers and visitors at increased risk. To close this gap, a unified legal instrument should establish baseline signage and information requirements applicable to all sectors and workplace types.

## II. Article 5: The Right to Organise

Freedom of association and the right to organise, as enshrined in Article 5 of the ESC, are fundamental guarantees for democratic labour relations. In Armenia, while these rights are formally recognised in domestic legislation, serious substantive and practical shortcomings persist that undermine their effective exercise. Trade unions face legal uncertainty, administrative obstacles, and weak institutional protections that limit their ability to function independently, organise workers, and contribute meaningfully to social dialogue. In particular, the public sector is marked by systemic interference and conflicts of interest, while in the private sector, employer resistance and legal ambiguity frequently undercut the formation and sustainability of genuine union structures.

This section outlines the key legal, institutional, and practical challenges facing trade unions in Armenia. These include the lack of protection against interference, barriers to registration, inconsistencies in legal frameworks governing representation, and the exclusion of workers in non-standard forms of employment. It also highlights the ineffectiveness of collective bargaining procedures, restrictions on the right to strike, and the absence of enforceable guarantees for union access to facilities and participation in oversight bodies. Taken together, these issues reflect a gap between formal commitments and real-world implementation, in breach of Armenia's obligations under the ESC and relevant ILO Conventions.

### 1. Inadequate protection against interference in trade union activities

Although Armenian legislation formally prohibits interference in trade union activities, the **legal framework lacks the clarity and enforceability** needed to provide effective protection. Both the Labour Code and the Law on Trade Unions include general prohibitions against “interference” and “obstruction,” yet these terms are undefined in law or practice, leaving substantial room for interpretation and undermining their utility in protecting unions and their members.

This legislative vagueness translates into practical vulnerability. Documented cases demonstrate **persistent interference by employers**, including the denial of access to union leaders and attempts to obstruct union activity within workplaces. Notable examples are the cases of:

- “Makur Yerkat” trade union, where union representatives were denied entry to the workplace despite being formally recognized. Trade Union had to appeal to civil court to protect its right and restore the workers’ representatives’ right to enter freely workplace where the members are working and to realize non-governmental control over the working conditions.
- “Matenadaran Old Manuscripts Research Institute” trade union where the Director of the Institute has consistently refused to cooperate or negotiate with the Union of Workers of Matenadaran, thereby violating fundamental principles of freedom of association and the right to organize. According to union members, the director has repeatedly ignored the union’s written communications, refused to consult, inform, or negotiate on various matters raised by the union, and has even declared the union illegitimate. On one occasion, he stated that he would not cooperate with the union unless it publicly disclosed its list of members, claiming he needed to know “which workers the union represents.”
- The Union of Public and Municipal Workers of Noyemberyan Region, ceased to exist due to pressure from the financial department of Noyemberyan City Hall. The financial department was responsible for withholding union dues. Prior to this incident, the union’s membership had drastically decreased. Following the decline, the financial department declared that it would no longer withhold union dues for a "small number of people," citing it as a technical burden for the administration.

Such actions are in clear violation of international standards, particularly ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise under the ESC.

While Armenia’s Criminal Code, under Article 229, provides for sanctions against unlawful interference in union activities, this **provision remains largely symbolic**. There are no publicly known instances of its application, and there is no evidence that it serves as a deterrent against employer misconduct. In practice, the enforcement of union rights remains weak, and workers rarely have access to timely or effective remedies when violations occur.

In the public sector, the situation is further complicated by systemic conflicts of interest and the **phenomenon of so-called “yellow unions”**, unions nominally established by workers but effectively controlled or influenced by public officials. These structures not only compromise

union independence but also displace legitimate union voices and dilute the effectiveness of social dialogue mechanisms.

Taken together, the combination of legal ambiguity, weak enforcement, and employer interference, particularly in the public sector, presents a **serious obstacle to the realization of freedom of association** in Armenia. Addressing this issue will require not only legislative refinement but also institutional reform to ensure that unions can operate independently, without intimidation or obstruction.

## 2. Barriers to trade union registration and administrative burdens

The legal and administrative environment for establishing and maintaining trade unions in Armenia remains unnecessarily burdensome and inconsistent with international standards that require a presumption in favour of freedom of association. Unlike commercial entities, which can be registered swiftly and with relatively minimal requirements, trade unions face **complex, lengthy, and often costly procedures for registration**. This discrepancy signals a lack of political will to facilitate unionisation and imposes practical barriers on workers seeking to exercise their right to organise.

In addition to registration hurdles, Armenian trade unions, many of which are self-funded and operate with limited financial capacity, are also subject to **demanding financial reporting requirements** under the legal framework for anti-money laundering (AML). Although AML obligations are important in combating illicit finance, their blanket application to trade unions has generated disproportionate administrative burdens. Annual reporting requirements necessitate professional accounting services, creating recurring financial costs that small or newly formed unions are ill-equipped to manage. The obligations include submission of financial statements, identification of beneficial owners, and compliance checks more typical of private sector actors engaging in high-risk transactions.

These bureaucratic constraints have a **chilling effect on trade union development**, particularly at the grassroots level. In practice, workers may be disincentivized from forming independent unions if faced with procedural complexity, delays, or uncertainty about legal standing. Moreover, the absence of simplified procedures for low-risk non-profit entities stands in contrast to good practices identified by international supervisory bodies, including the ILO's Committee on Freedom of Association, which consistently calls for streamlined registration and reporting frameworks for trade unions.

Removing these obstacles requires a **differentiated approach** that recognises the nature of trade unions as rights-based institutions, rather than commercial actors. The legal framework should

be revised to introduce simplified and expedited registration procedures, reduced or exempted fees, and proportionate financial oversight requirements tailored to the non-profit and representative character of unions.

### 3. Legal inconsistencies and unclear representation rules

The Armenian legal framework governing trade union representation and collective agreements suffers from **inconsistencies and structural disincentives** that weaken trade unionism and undermine the effectiveness of collective bargaining. A central concern lies in the conflicting provisions of the Labour Code and the Law on Trade Unions, which create ambiguity regarding the scope of coverage of collective agreements and the conditions under which they apply to union and non-union workers.

Under the Labour Code, collective agreements are extended to all workers within an enterprise, regardless of their union membership status. However, the Law on Trade Unions introduces a narrower interpretation, allowing full coverage only when the trade union represents **more than half of the employees**. This contradiction has created confusion in practice, weakening the enforceability of collective agreements and undermining union legitimacy.

Moreover, the legal framework **does not provide adequate incentives** for workers to join unions. Since non-union workers automatically benefit from collective agreements negotiated by unions, there is little reason to assume the costs or risks associated with union membership. This legal design dilutes the associational power of unions and erodes their capacity to mobilise workers for collective action. International standards, including ILO jurisprudence, caution against arrangements that extend collective benefits universally without corresponding obligations, as this diminishes union organising strength and distorts bargaining dynamics.

The **threshold for recognising a union as a representative body**, currently requiring membership of more than 50% of employees, also poses a significant obstacle to trade union pluralism and sectoral dialogue. Such a high benchmark is difficult to attain in many workplaces, especially in contexts where fear of employer retaliation or apathy impedes unionisation. As a result, many unions fall short of being granted full negotiating rights, despite having a substantial support base. The rigidity of this requirement disincentivizes the formation of multiple or competing unions and may prevent minority unions from gaining institutional recognition.

To ensure consistency with international obligations and to support a vibrant and effective trade union movement, Armenia should harmonise its labour legislation, **lower or remove overly rigid representativeness thresholds**, and develop clearer rules that enable, rather than inhibit, union activity and collective bargaining coverage.

#### 4. Restrictions on joining higher-level unions

Armenia's current legal framework imposes **unjustified restrictions on workers' ability to join sectoral or territorial trade unions**. Membership in higher-level unions is conditioned on the existence of a workplace-level union and its formal affiliation, effectively excluding workers in unaffiliated workplaces from exercising their right to freedom of association and access to union representation.

This limitation is incompatible with international labour standards, which affirm the right of all workers, regardless of workplace organisation, to freely choose their union structure and level of affiliation. The current approach not only restricts individual rights but also **hinders the development of inclusive, representative unions** capable of engaging in sector-wide dialogue.

#### 5. Legal and practical obstacles to effective collective bargaining

The legal framework in Armenia **does not sufficiently guarantee the right to engage in meaningful collective bargaining**. While employers are required to respond to proposals for bargaining, the law merely obliges them to declare a position, not to enter into negotiations in good faith. This allows employers to comply formally while avoiding genuine engagement, undermining the purpose of collective bargaining as a tool for balancing power in the employment relationship.

Workers and trade unions face a **critical gap in enforcement**. There are no legal mechanisms available to compel employers to enter into negotiations in cases of refusal or delay. As a result, unions lack leverage, particularly in the private sector, where employer resistance to collective bargaining is common. This absence of remedies renders the right to bargain illusory for many workers.

Furthermore, **sectoral and national-level collective bargaining is almost entirely absent in practice**. The institutional infrastructure for such bargaining is underdeveloped, and employer associations that could act as negotiating counterparts are either weak or non-existent. This

leaves the bargaining landscape fragmented and severely limits the reach of collective agreements, especially in addressing systemic sectoral challenges.

## 6. Overly restrictive rules on the right to strike

The right to strike in Armenia remains **heavily constrained by rigid legal requirements**. The Labour Code mandates an absolute majority of all employees, not just those participating in the vote, to support a strike for it to be considered lawful. This high threshold is inconsistent with international standards, which emphasize the need for accessible and proportionate procedures to exercise the right to strike. In large enterprises or in the public sector, meeting such a quorum is often practically impossible.

In addition to this, Armenian legislation **does not permit strikes at the sectoral or national level**. The law only recognizes strikes at the enterprise level, subject to complex procedures and time-consuming mediation requirements. These limitations make it extremely difficult for workers to engage in collective action on broader issues that affect entire sectors or professions, thereby weakening the impact of industrial action as a tool for social dialogue.

While the 2023 amendments to the Labour Code slightly eased certain procedural elements, they did not address the fundamental issues of quorum and decision-making thresholds. The reforms fell short of aligning Armenian legislation with international standards, which consider excessively high strike thresholds as an unjustifiable limitation on trade union freedoms. In addition to issues related to quorum requirements, trade unions face significant procedural barriers when attempting to declare a strike. The process established by the Labor Code is lengthy and complex, creating an unjustified burden on trade unions and limiting their ability to effectively exercise the right to strike. The notable example is the case of Zangezur Copper and Molybdenum Combine where the workers stood for their labor rights. These complex and obstacle-filled procedures for organizing and implementing a strike by the RA Labor Code, the sectoral trade union (Branch union) had to make additional efforts. The workers confirmed their free will to go on strike with their signatures. But workers exercising their right to strike faced retaliatory dismissals. Eight workers at the Zangezur mine were fired as a warning to others. This was also included in the 2025 ITUC Global Rights Index.

## 7. Limitations on the Practical Implementation of Trade Unions' Right to Judicial Appeal Following Labor Code Amendments

Following recent amendments to the Labor Code of the Republic of Armenia, trade unions have been granted the right to appeal, through judicial procedures, the decisions and actions of employers and their authorized representatives that contradict national legislation,

collective agreements, labor contracts, or infringe upon the rights of workers and their representatives within an organization.

However, this provision remains inapplicable in practice, as the necessary corresponding amendments to the Code of Civil Procedure have not been enacted. As a result, the legal mechanism enabling trade unions to exercise this right in court remains ineffective and unenforceable.

## 8. Exclusion of workers in non-standard and platform-based employment

Armenia's legal framework **does not extend trade union rights to workers engaged in non-standard forms of employment**. According to the Law on Trade Unions, only individuals with formal employment contracts may join a union, effectively excluding gig workers, platform-based service providers, self-employed persons, and many informal workers. This definition is outdated and fails to reflect the evolving realities of the labour market.

As a result, thousands of workers, including couriers, ride-share drivers, freelance IT specialists, and others, are **denied access to basic protections** such as collective representation, bargaining rights, and dispute-resolution mechanisms. Ironically, these are often the workers most in need of union support due to their economic vulnerability, unstable income, and lack of social protection.

**This exclusion contradicts international labour standards**, including those of the ILO and the ESC, which call for the extension of trade union rights to all workers, regardless of contractual status. Without legislative reform, Armenia risks deepening labour inequalities and reinforcing the marginalisation of an increasingly significant share of its workforce.

## 9. Conditional access to facilities and material support

Armenian legislation grants trade unions access to workplace facilities and resources, such as meeting rooms, communication tools, and logistical support, **only when such access is explicitly guaranteed by collective agreement and agreement**. This makes union functionality heavily dependent on the goodwill or prior agreement of the employer, undermining union independence and the ability to operate freely.

In practice, this **conditionality becomes a significant barrier**, especially for newly established unions or in workplaces where employers resist unionisation. Without a collective agreement in place, unions may be denied even the most basic conditions necessary for functioning, such



as office space or means of communication with members. This severely restricts the ability of workers to organise, mobilise, and engage in meaningful representation.

#### 10. Weak enforcement and lack of institutional guarantees

Although Armenia formally recognises trade union rights in legislation, these rights often remain **declarative in nature**, lacking corresponding enforcement mechanisms or institutional safeguards. In practice, workers and unions face significant difficulties in defending their rights through administrative or judicial avenues, as legal remedies are either inaccessible, ineffective or not clearly defined.

The **Tripartite Commission**, intended to serve as a consultative body on labour-related policymaking, is frequently bypassed by state authorities when adopting regulations affecting workers. This undermines social dialogue and violates the principle of participatory governance enshrined in both the ESC and ILO Convention No. 144. Moreover, Armenia has no binding regulation defining the operational rules, decision-making procedures, or transparency obligations of the Tripartite Commission. The functioning of the Tripartite Committee is grounded in the conclusion of a Tripartite Collective Agreement. As the validity period of the most recent agreement expired in October 2023, the Tripartite Committee has ceased to operate since that time. The absence of a renewed or new agreement has rendered the continuation of the Committee's activities unfeasible. Finally, union participation in state oversight bodies remains limited or absent. For instance, the HLIB Supervisory Board does not include worker representatives, contrary to international best practices which stress the importance of tripartite governance in labour inspection systems. These institutional gaps reflect a broader failure to implement trade union rights in practice, despite formal recognition on paper.