January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

ARMENIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts “conclusions”; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Armenia on 21 January 2004. The time limit for submitting the 18th report on the application of this treaty to the Council of Europe was 31 December 2024 and Armenia submitted it on 13 February 2025. On 12 June 2025, a letter was addressed to the Government requesting supplementary information regarding Articles 2§1, 3§1, 5, 6§1. The Government submitted its reply on 22 July 2025

The present chapter on Armenia concerns 8 situations and contains:

– 0 conclusions of conformity

– 8 conclusions of non-conformity: Articles 2§1, 3§1, 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Armenia will be due on 31 December 2026.

[1]*The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Armenia and in the comments by the Disability Rights Agenda NGO.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Measures to ensure reasonable working hours

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

In reply, the report states that the maximum weekly working time, including overtime, may not exceed 12 hours per day and 48 hours per week. Working time for special categories of workers (healthcare organisations working on uninterrupted shift basis, guardianship (custodianship) organisations, childcare educational institutions, specialised energy, gas, heating supply organisations, specialised communication services as well as specialised services for elimination of the consequences of accidents) may be extended to 24 hours. The average duration of the weekly working time of such workers may nevertheless not exceed 48 hours and the rest time between working days may not be less than 24 hours. The report provides a list of works where the working day may be extended to 24 hours (mostly those that are on-call duty, including electrical technicians, communication engineers, nurses on locomotives, workers in rest houses, guards, conductors, traffic dispatchers, gas emergency repair services, machine operators of hydroelectric units, stock farmers and others).

The report further states that changes in working and rest time shall be defined by the internal rules of the employer and work schedules shall be approved by the employer, and in cases prescribed in the collective agreement, they need to be agreed with the body of the organisation having signed a collective agreement. Changes in working schedule have to be communicated to the worker no later than one week before they take place. It is not allowed to ask the worker to carry out work for two consecutive shifts.

The report also states that duration of overtime service of persons employed in the rescue service should not exceed 300 hours per year. In case of emergency situations, such persons are allowed to work overtime but not exceeding 12 hours per day. In this case, the duration of daily service, together with overtime, should not exceed 20 hours.

The report describes rest time and states that uninterrupted weekly rest must not be less than 35 hours. The report also provides information about the duty to ensure safe working conditions to every worker.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time). The Committee notes that it appears from the report that it is possible to work for 24 hours mainly for those that work in exceptional circumstances and in certain sectors and specific work. However, the list also includes workers in rest houses, machine operators, electrical technicians and others in other than emergency situations. The Committee considers that the list is too broad and

there are no limitations on specific functions or specific emergency situations and considers that the situation in Armenia is not in conformity with Article 2§1 of the Charter on the ground that the daily working time of some categories of workers in certain sectors can be extended to 24 hours.

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

The report states that Armenia is a land-locked country. However, the 48-hour weekly working time applies also when vessels sail under the flag of Armenia or bear the image of the coat of arms of Armenia.

The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time of maritime workers).

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

In reply, the report states that, according to Article 149 of the Labour code, to ensure workplace discipline within the organisation or the performance of urgent works in specific cases, the employer may engage the worker to carry out the duties at work or at home, at the end of the working day or on non-working holidays, public holidays and rest days not more than once a month and, upon the consent of the worker – not more than once a week (see also Conclusions 2022). The time of on-call period in the premises of the organisation should be considered as working time and at home – as not less than half of the working time.

In response to a request for additional information, the report states that if a worker is on-call in the premises of the employer – their full salary is paid and if the worker is on-call at home – at least half of their salary is paid. If on-call duty exceeds the established working hours, rest time of the same duration may be added to annual leave or paid as overtime.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer‘s premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer‘s premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer‘s premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis

and will take into account circumstances such as the nature of the worker‘s duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 2§1 of the Charter on the ground that the daily working time of some categories of workers in certain sectors can be extended to 24 hours.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Armenia, in the comments of the Confederation of Trade Unions of Armenia (CTUA) and the Government's observations thereto, as well as in the comments of the NGO Disability Rights Agenda.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013).

The Committee refers to its previous Conclusions (2021) in which it noted that the Government's report did not provide adequate information on Armenia's legislative approach with regard to specific emerging or relatively new health and safety risks to which workers are exposed in constantly evolving work environments, notably in connection with work-related stress and psycho-emotional risks in the working environment. The Committee requested that the next report provide comprehensive information on the content and implementation of the national occupational health and safety policy regarding the specific new health and safety risks, such as those concerning new forms of occupation that involve assumed or accepted exposure to risk, those that involve the worker's intense attention or an expectation of high performance or increasing output or productivity, and those related to new or recurring stress or traumatic situations at work, as well as those related to working from home.

The report provides a detailed overview of the provisions of the Labour Code concerning general occupational health and safety. It notes that employers have a duty to identify and assess the risks to safety and health of workers, and to implement preventive and supervisory measures. Changes affecting occupational safety (e.g. application of new technological and labour processes) and external changes (e.g. legislative changes) should be assessed and preventive measures implemented, with the involvement of workers of the given organisation, their representatives and representatives of the Committee for Occupational Safety and Health. The report also provides information on the action plans and the plan for the training of state workers to ensure organised and coordinated action in cases of emergency situations and wartime conditions.

The Committee notes the information provided by the CTUA concerning the lack of a unified national strategy or action plan on occupational safety and health (see Conclusions 2021 in this regard) which, in the view of CTUA, results in fragmented implementation and inconsistent protection across sectors, particularly in high-risk occupations. CTUA also highlights the absence of a consolidated legal act that would set out minimum OSH standards across

sectors. The Committee further notes the information related to the lack of institutional frameworks for cooperation between trade unions, employers and state bodies which the CTUA argues undermines transparency and accountability in workplace safety.

In its observations on CTUA's comments concerning Article 3, the Government notes that Annex 2 of the Roadmap for the Implementation of the Comprehensive and Enhanced Partnership Agreement between the Republic of Armenia and the European Union and the European Atomic Energy Community envisages a number of measures which will be carried out in the field of the protection of health and safety at work, in order to bring Armenian legislation in line with its international obligations.

Furthermore, the Committee notes the comments submitted by the NGO Disability Rights Agenda, which highlights the lack of national OSH policy that integrates specific protections for workers with disabilities, as well as the fact that there is no requirement under the Labour Code and related regulations for employers to adapt safety procedures to the needs of workers with different disabilities. According to the submission, the absence of ramps, accessible toilets, adapted machinery and safe pathways puts workers with disabilities at disproportionate risk compared to other workers. Moreover, accessibility standards are not considered during inspections carried out by the Health and Labour Inspection Body (HLIB). Disability Rights Agenda also notes that emergency plans, safety instructions and hazard signage are rarely available in formats accessible to persons with disabilities, thus exposing them to risks, and that the HLIB and other bodies do not monitor the accessibility of emergency communication.

The gig or platform economy

In response to a request for additional information the report states that there are no specific regulations under the labour legislation of the Republic of Armenia regarding persons working in the gig and platform economy.

Therefore, the Committee concludes that the situation in Armenia is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in the gig or platform economy.

Telework

The report notes that remote work was previously only allowed during emergency prevention periods. However, pursuant to amendments to the Labour Code (Article 106(1)) adopted in 2023, workers can now perform work remotely, upon the agreement of both the employer and worker (regardless of the form of ownership or organisational and legal structure) and provided that the nature of the work itself permits it.

In case of remote work, requirements of the norms for maintenance of workers' health and safety shall not apply to the employer, with the exception of those related to providing workers with individual safety measures. Furthermore, performing work remotely shall not serve as a basis for restricting the rights of workers under the labour legislation of the Republic of Armenia.

The report also notes that, pursuant to Article 98 of the Labour Code, health and safety regulations equally apply to home-based workers, i.e. persons who, as per the terms of their employment contract, perform work at home with the materials, tools and equipment provided either by the employer or the worker.

The Committee notes that the report does not provide adequate information concerning the issues covered by the targeted question.

The Committee refers to its statement of interpretation concerning telework (see conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics,

the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

Therefore, the Committee concludes that the situation in Armenia is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to telework.

Jobs requiring intense attention or high performance

The report notes that the rules related to the protection of health and safety of workers established by the Labour Code and other regulatory acts apply to all workers, including persons employed in jobs that require intense attention or high performance.

It further provides that the following measures are implemented with regard to such jobs, within the organisations of the Ministry of Territorial Administration and Infrastructure: organising training sessions, providing instructions before starting work, performing tasks in accordance with valid documents and legal acts, supervising completed work and analysing flaws and errors. Article 27 of the Law on Road Transport stipulates the obligation to use two drivers and provide rest periods in case of interstate and intercity routes which exceed the standard work shift duration for drivers.

The Committee takes note of the information provided by CTUA concerning the fact that the regulatory framework in Armenia does not sufficiently ensure the provision, use and regulation of individual protective equipment (IPE). This is due to the lack of 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, affecting particularly high-risk occupations. Moreover, CTUA observes that the regulatory framework lacks a comprehensive, cross-sectoral legal basis to ensure the presence of visible, standardised safety signs and emergency instructions. Instead, 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.

Jobs related to stress or traumatic situations at work

The report notes that the rules and norms related to the protection of health and safety of workers established by the Labour Code and other regulatory acts apply to all workers, including persons employed in jobs related to stress or traumatic situations at work.

The report specifies that in such jobs, including professions related to energy conservation (e.g. electricians), electric shock risks, the mining industry, professions dealing with collapses, emissions and gases, etc., the following shall be taken into account: the liability explicitly stated in job descriptions; the proper organisation of work; conditions in potentially dangerous situations and the monitoring of compliance with occupational safety instructions and precautionary safety measures. Prior to engaging in work related to traumatic situations, a ‘toolbox talk’ is conducted to mitigate risks to workers' life and health, and psychological support services are available. The report also refers to Article 3(2) of the Labour Code which prohibits violence or sexual harassment at work. The definition of violence encompasses physical, psychological, sexual or economic damage, or the creation of a hostile or humiliating environment for the person.

Jobs affected by climate change risks

The report notes that considerations on the right to safe and healthy work conditions related to health and safety risks caused as a consequence of climate change are enshrined in part 3 of Article 153 of the Labour Code, which establishes the procedure for granting special breaks to those working under extremely high and low temperatures. Specifically, special breaks must be granted in cases where work is performed at temperatures above 40°C or below -10°C, as well as under other hazardous conditions causing physical, mental or

emotional fatigue. The same applies in situations where it is not possible (due to technical or other reasons) to reduce the occupational hazards to levels which are deemed safe for health under the legal acts governing the health and safety of workers. Additional and special breaks shall be included in the working time and the procedure for the provision thereof shall be defined by internal disciplinary rules, work schedules, collective agreements or employment contracts.

[Pedagogical language regarding climate change to be added after approval by the plenary]

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to the following types of work:

- the gig or platform economy;
- telework.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Armenia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but nevertheless of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by laying down the parameters for giving a broad definition to the equal value.

The Committee notes from the report that the principle of equal pay for equivalent work of men and women is stipulated in Article 178, part 2 of the Labour Code, according to which men and women shall receive equal pay for equal or equivalent work. Moreover, pursuant to part 3 of Article 178 the salary shall include the basic salary and any additional salary paid by the employer to the worker for the work performed by them (i.e. bonuses, additional payments, awards and premiums calculated against the basic salary prescribed by the same Code, Law, other regulatory legal acts, collective or employment contract, legal act of the employer).

The report also states that the equality of parties to employment relations, irrespective of their gender, is one of the fundamental principles of the labour legislation (point 3 of part 1 of Article 3 of the Labour Code).

Pursuant to Article 6 of the Law "On ensuring equal rights and equal opportunities for women and men", direct and indirect gender discrimination shall be prohibited in all the fields of public life. One of the forms of direct gender discrimination is different payment for identical or equivalent work, any change in remuneration (increase or reduction) or aggravation of working conditions on grounds of sex.

Part 1 of Article 4 of the Law "On remuneration" (relations pertaining to principles for remuneration of persons holding state positions defined by the Law "On public service" as well as workers of state institutions carrying out programmes within republican executive bodies), define the main principles for remuneration of persons holding state positions and state service positions. In particular, point 5 of part 1 of Article 4 of the Law "On Remuneration" establishes the principles of equal pay for work of equal value and equivalent experience.

In its previous conclusion on Article 4§3 (Conclusions 2022) the Committee considered that the situation was not in conformity with the Charter on the ground that the law provides for equal pay for men and women for “equal work” and for “equivalent work” but not for “work of equal or comparable value”. The Committee considered that that this wording was narrower than the principle set out in the Charter.

The Committee further notes from the Observation of the CEACR, concerning Convention No.100 (2024) that the CEACR noted with regret that the Government did not seize the opportunity of the revision of the Labour Code in September 2019 and May 2023 to bring section 178 of the Labour Code in full conformity with the principle of the Convention that is to include the concept of work of equal *value* in its legislation. It wishes to stress once again that the concept of “work of equal *value”* lies at the heart of the fundamental right of equal remuneration for women and men for work of equal *value* as it permits a broad scope of comparison, including, but going beyond equal remuneration for “equal”, “the same” or “similar” work, and also encompasses work that is of an entirely different nature, which is nevertheless of equal value.

The Committee considers that the parameters for establishing equal value are not laid down in either legislation or in case law. The Committee therefore considers that the situation is not in conformity with Article 4§3 of the point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on grounds of sex is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

According to the report, in 2018 a new system for evaluating and classifying civil service positions based on new criteria was introduced. The methodology for evaluation, classification, naming of the civil service positions, preparation of job descriptions for civil service positions, placement of positions in the general system, for defining rights and

obligations, maintenance of the name list of positions, as well as for defining the requirements for professional knowledge and competencies of a civil servant (hereinafter referred to as the "Methodology") has been approved by the first deputy Prime Minister upon Decision No 3-N of 11 January 2019. The assessment and classification of civil service by new criteria are based on the principles of impersonality and impartiality. The assessment and classification of civil service positions is carried out on the basis of functions reserved by charters of relevant structural subdivisions, other legal acts. As a result of the study and analysis of functions, each civil service job description will be assessed and classified by comparing it against the descriptions of corresponding levels across five assessment criteria: responsibility for work organization and management, decision-making authority, impact of activities, communication and representation, and the complexity of issues and their solutions. Thus, the overall assessment of a civil service position is determined by the total score across all levels of the criteria.

As regards the job classification systems in the private sector, the Committee notes from the report that according to Article 180, paragraph 3 of the Labour Code 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 any discrimination based on gender is excluded.

In this connection, the Committee notes from Direct Request (CEACR) concerning Equal Remuneration Convention No. 100 that regarding the private sector, the Government indicates that there is no system of job evaluation. The CEACR drew the Government's attention to the job evaluation already undertaken in the public sector to build upon it and encouraged the Government to take the necessary steps, in consultation with the social partners, to promote the adoption and the use of objective job evaluation methods in the private sector and to provide information on any measures taken in this regard.

The Committee considers that in the absence of job classification and evaluation systems in the private sector, there is no guarantee that transparent pay systems are in place that are gender neutral. Therefore, the situation is not in conformity with the Charter.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases are crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report, pursuant to data of the Statistical Booklet "Women and men of Armenia: 2023", the gender gap of the level of women and men labour force participation in 2022 amounted to 32.3%, which is particularly high in the 25-34 age group (41%), primarily due to women's involvement in domestic responsibilities (pregnancy, childbirth, child care, etc.).

The report indicates that the gender pay gap, as indicated by statistics, is largely due to the fact that women are predominantly employed in education and healthcare, while men are more commonly employed in construction and transport, where the remuneration is higher.

According to the report, the above-mentioned salary indicators concern average monthly and not hourly remuneration, which does not allow to take into account the reasons of differences in remuneration of women and men. The UN Women in its publication on Economic empowerment of women in South Caucasus has calculated the unadjusted and adjusted gender pay gap indicators of hourly gender pay gap. Unadjusted or unprocessed (where individual characteristics, primarily education, are not taken into account) pay gap in Armenia was 23.1%, and the gender-adjusted pay gap was 28.4% in 2020.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it (University Women of Europe (UWE) v. Ireland, Complaint No. 132/2016, decision on the merits of 5 December 2019, § 186). The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in the absence of the statistical data on the gender pay gap, it has not been established that there is the measurable progress in reducing the gender pay gap.

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 4§3 of the Charter on the grounds that:

- there is no definition of work of equal value in law or case law;
- there are no job classification or evaluation systems in the private sector;
- it has not been established that the measurable progress has been made in reducing the gender pay gap.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Armenia as well as the comments submitted by the Confederation of Trade Unions of Armenia (CTUA) and the European Trade Union Confederation (ETUC).

The Committee recalls that for the purposes of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Labour rights”).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

In reply, the report provides detailed information on the right to organise and the right to form and join trade unions for the protection of labour interests under the Constitution and under the Labour Code.

Article 21 of the Labour Code prescribes that for the purpose of protection and representation of their rights and interests, employers and workers may freely and voluntarily join and establish trade unions and employers’ associations as prescribed by law. Further, Article 13 of the Law “On trade unions” states that 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.

According to the report, workers in the gig economy, who are classified as self-employed, do not possess the right to association at trade unions in the Republic of Armenia, as according to Article 6 of the Law "On trade unions", only workers who have concluded an employment contract with the employer concerned and who perform work within and outside the territory of the Republic of Armenia, including foreign citizens and stateless persons, may become members to a trade union organisation.

According to the submissions by the CTUA, Armenia’s legal framework does not extend trade union rights to workers engaged in non-standard forms of employment and as a result, thousands of workers, including couriers, ride-share drivers and others are denied access to basic protection such as collective representation.

In their submissions, ETUC refers to the Concluding observations on the fourth periodic report of Armenia (September 2024) of the UN Committee on Economic, Social and Cultural Rights which expressed its concerns that the provisions of the Law on Trade Unions restrict a wide range of workers from exercising their right to establish and join trade union organisations. This includes workers in non-regular forms of employment, self-employed workers and workers in the informal economy, who make up a significant proportion of the labour force in Armenia.

The Committee recalls that it has previously considered that workers employed in emerging arrangements, such as the gig economy, who are incorrectly classified as self-employed, do not have access to the applicable labour and social protection rights and that as a result of misclassification, such persons cannot enjoy the rights and the protection they are entitled as workers (for instance, Conclusions 2022, Article 4§1, Albania).

The Committee therefore concludes that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report indicates that pursuant to Article 27 of the Labour Code, in collective relations of national, branch and territorial levels, the appropriate association of employers shall act as a representative of employers. Pursuant to the Law on Employers, the number of employers required to form employers' organisations is as follows:- at national level: over half of the employers' organisations operating at the sectoral and territorial levels;- at sectoral level: over half of the employers' organisations operating at the territorial levels;- at territorial level: the majority of employers or employers' organisations from different sectors in a particular administrative territory.

In its Conclusions 2022 (Article 5, Armenia), the Committee concluded that the situation was not in conformity with the Charter, on the ground that the minimum membership requirements set for forming employers' organisations were too high and hence constituted an obstacle to founding associations (see, also, Conclusions 2018).

The Committee notes that the legislative provisions which led the Committee to find a violation of Article 5 of the Charter have not been amended in the meantime. The Committee therefore reiterates its previous conclusion that the minimum membership requirements to form employers' organisations are too high.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

In Conclusions 2022 (Article 5, Armenia), the Committee noted that pursuant to Article 2 of the Law "On Trade Unions," territorial, branch and national unions of trade union organisations acting as a party in collective agreements shall be a public association having the status of a non-commercial organisation, which unites more than half of trade unions operating in a certain territory, branch or national level, joined by the majority of workers at the respective level for the purpose of representing employment and related professional, economic and social rights and interests of workers.

The Committee concluded, in Conclusions 2022, that the situation was not in conformity with the Charter, on the ground that the minimum membership requirements set for forming trade unions were too high and hence constituted an obstacle to founding associations (see also, Conclusions 2018).

The Committee notes that the legislative provision which led the Committee to find a violation of Article 5 of the Charter has not been amended in the meantime. It also notes the submissions by the CTUA that the threshold for recognising a union as a representative body, currently requiring membership of more than 50% of workers poses a significant obstacle to trade union pluralism and sectoral dialogue.

The Committee reiterates its previous conclusion that the situation is not in conformity with Article 5 on the ground that the minimum membership requirements in order to form trade unions are too high.

Concerning minority trade unions, the Committee notes (Conclusions 2022, Article 6§2 of the Charter) that a trade union representing over half of a company's workers is entitled to represent all workers, and the resulting collective agreement would apply to all workers of the undertaking in question. A union representing less than half of a company's workers can only negotiate on behalf of its own members. In the absence of a trade union, the representation functions can be transferred to the relevant regional or sectoral trade union. Where there is more than one trade union in the organisation, a unified representative body for workers may be established to protect them in collective employment relations.

The report also provides that according to the Labour Code, where there are no trade unions in an undertaking, the staff meeting (assembly) may delegate the functions of the representation of workers and protection of interests to the relevant branch or territorial trade union. In that case, the staff meeting shall elect a representative to participate in the collective bargaining conducted with the given employer in the delegation of the branch or territorial trade union.

Concerning worker representatives, the report indicates that Article 23 of the Labour Code was amended in May 2023 in order to promote and enhance the role of trade unions and worker representatives. According to Article 23 as amended, in the absence of a trade union within the organisation, the staff meeting 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. Also, according to Article 56 of the Labour Code, where there is more than one representative of workers in the organisation, the collective agreement of the organisation shall be concluded between the unified representative body of workers and the employer. The union representing less than half of a company's workers bargains collectively through a unified representative body together with other elected representatives.

The right to organise of the police and armed forces

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

In reply, the report indicates that according to Article 39 of the Law of the Republic of Armenia "On police service", the police officer shall not have the right to be a member of any trade union. It further indicates that under Article 8 of the Law of the Republic of Armenia "On military service and the status of the military serviceman", the military serviceperson has no right to join any trade union.

According to the report, an amendment to repeal this provision is currently under development, and this amendment is included in the draft Law of the Republic of Armenia "On making amendments and supplements to the Law of the Republic of Armenia "On military service and the status of the military serviceman".

The Committee concludes, in the light of the above information, that the situation is not in conformity with Article 5 on the ground that members of the police and armed forces are not guaranteed the right to organise.

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 5 of the Charter on the ground that:

- no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.
- the minimum membership requirements in order to form employers' organisations are too high.
- the minimum membership requirements in order to form trade unions are too high.
- members of the police and armed forces are not guaranteed the right to organise.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Armenia and in the comments submitted by the Confederation of Trade Unions of Armenia (CTUA).

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusions (Conclusions 2022), the Committee held that the situation in Armenia was not in conformity with Article 6§1 of the Charter on the ground that it had not been established that joint consultative bodies existed in the public sector. The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions, including the previous conclusion of non-conformity as related to targeted questions.

Measures taken to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

The report refers to the collective agreement, concluded at the national level on 5 October 2020 between the Government, the Confederation of Trade Unions and the Union of Employers of Armenia, which was effective until 5 October 2023. Within the scope of this Collective Agreement, a Tripartite Commission involving the same parties had been established.

According to comments submitted by the CTUA, Armenia has no binding regulation defining the operational rules, decision-making procedures, or transparency obligations of the Tripartite Commission, which has ceased to operate since the end of the validity period of the most recent agreement in October 2023. According to the same comments, the Tripartite Commission is frequently bypassed by state authorities when adopting regulations affecting workers thus undermining social dialogue.

In reply, the Government specified that cooperation with the social partners is ongoing and has been implemented even after October, 2023. At the same time, since December 2024, work had been underway with social partners to conclude a new Republican Collective Agreement. In particular, a working group comprising representatives of the relevant state bodies and social partners was formed to develop a draft. This draft has now been finalised with the social partners, and the signing of the Republican Collective Agreement is planned for the near future.

According to the report, cooperation between the parties under the collective agreement has evolved with regard to ensuring the safety and protecting the health of workers; occupation, salary and standard of living of workers; labour market and employment; and the social and economic sphere.

The report states that amendments had been made to the Labour Code in 2023 which aimed at expanding the scope of powers of the representatives of the workers and to encourage joint consultations at the organisational level. In particular, employers are now obliged to provide workers' representatives with the necessary conditions, facilities and resources to enable them to exercise their powers as laid down in the collective agreement or by agreement between the parties.

The report further states that the amendments made to the Labour Code introduced a requirement for registering national, sectoral, territorial, and organisational collective agreements with the Health and Labour Inspection Body as the authority responsible for supervising labour legislation. The Government considers that these regulations would

promote the conclusion of collective agreements and, within their framework, contribute to more effective consultations.

The Committee reiterates that joint consultation should also cover the public sector (Conclusions III (1973), Denmark, Germany, Norway, Sweden; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §107). The Committee recalls that in its previous conclusion on this Article (2022), it considered that the situation in Armenia was not in conformity with Article 6§1 of the Charter on the ground that it had not been established that joint consultative bodies existed in the public sector. In the same conclusions, the Committee had reiterated its request for information as to whether there were specific consultative bodies in the public sector, and if so, what their structures were and how they operated.

The Committee observes that the present report does not contain any information on the existence of joint consultative bodies in the public sector. In reply to the Committee's request for information as to whether there are specific consultative bodies in the public sector, the Government refers in general terms to the Republican Tripartite Commission to be be formed after the signing of the new Republican Collective Agreement. According to another source consulted by the Committee, the effectiveness of social dialogue in Armenia varies considerably across sectors, with the state institution sector lacking clearly defined social partners (Enhancing social dialogue for the implementation of social justice and decent work policies across the Eastern Partnership countries, EaP CSF Working Group paper April 2025).

The Committee concludes that, pending the signing of a new Tripartite Agreement, no Tripartite Commission is formally in place since October 2023. In addition, it appears from the report that there does not currently exist any consultative body promoting social dialogue between employers and workers in the public sector.

In the light of the above, the Committee considers that the situation in Armenia is not in conformity with Article 6§1 of the Charter, as it has not been established that joint consultative bodies exist in the public sector, and that joint consultation have been sufficiently promoted within the Tripartite Commission.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultations during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The report states that under the national collective agreement, draft labour legislation and draft regulatory legal acts of significant importance to the protection of labour rights and the interests of employers and workers — except for drafts requiring urgent decisions — shall be submitted to the Tripartite Commission for opinion before adoption by the relevant body.

In particular, the Tripartite Commission was consulted and the opinions voiced taken into account on a draft law amending and supplementing the Labour Code, the Law on Higher and Post-graduate Professional education, and on a Law on Comprehensive health insurance.

The report further states that all amendments made to the Labour Code from 2020 to 2024 were periodically discussed in draft form with the relevant organisations, including the Confederation of Trade Unions and the Union of Employers. These organisations were invited to working meetings and discussions related to the rights and interests of workers and employers, including regarding issues concerning cooperation with the ILO, and were also consulted and provided input to the drafting of reports and replies to questionnaires to be submitted to the ILO. The Committee notes, inter alia, that on 7 February 2025, a high-level discussion on public works programmes (PTPs) was organised by the ILO in collaboration with the Ministry of Labour and Social Affairs of the Republic of Armenia. This event brought

together policy makers, social partners and international experts to explore strategies for expanding employment opportunities in Armenia.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Digital transition

According to the report, a package of draft laws adopted in 2024 had been discussed with the workers' and employers' organisations. The draft laws envisage the introduction of a digital system for employment agreements in both public and private sectors aimed at improving the protection of the labour rights of workers.

Furthermore, draft laws on cybersecurity, public information, and on developing and introducing a "Cloud First" policy were published on the Unified Website for Publication of Legal Acts' Drafts for public discussion. Public discussions on draft laws were held also at the Ministry of High-Tech Industry with participation of interested bodies.

Green transition

Within the framework of the regional programme "EU for Environment", a number of national and regional meetings were held during 2019-2024 on green economy, green growth, circular economy, green solutions for sustainable business with the participation of representatives of public and private sectors. On-line courses "Green Economy for Armenia" and "Green Transition in Eastern Partnership Countries" were also developed within the framework of this programme.

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 6§1 of the Charter on the ground that it has not been established that:

- joint consultation has been sufficiently promoted;
- joint consultative bodies exist in the public sector.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Armenia and in the comments by the Confederation of Trade Unions of Armenia (CTUA).

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee found that the situation in Armenia was not in conformity with Article 6§2 of the Charter on the ground that the promotion of collective bargaining was not sufficient (Conclusions 2022). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as part of the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

Regarding *erga omnes* clauses and other extension mechanisms, the report notes that collective bargaining is governed by the Labour Code and the Law on Trade Unions. If a trade union represents more than half of an organisation’s workers, it has the right to represent all workers in collective employment relations. If it represents fewer than half, it may only act on behalf of its members. National, branch, and territorial collective agreements apply to the workers whose employers are members of the employers' association that concluded the agreement. Collective agreements are in force up to three years, with the possibility of extension for three more years.

Regarding the favourability principle, the report states that collective agreements and employment contracts must not undermine the employment terms and conditions laid down in the law.

The favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights

must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report notes that various circumstances, including insufficient legislative regulation, may obstruct collective bargaining. However, amendments to the Labour Code adopted on 3 May 2023 have introduced several measures aimed at enhancing the bargaining process. These include strengthening worker representatives' rights to submit proposals on workplace conditions and challenge employer decisions through judicial procedures. Employers are now required to provide representatives the necessary conditions, facilities, and supplies for discharging their duties. Additionally, amendments require employers to respond to requests for collective bargaining within a specified timeframe, whereas failure to do so may constitute ground for collective action. The Health and Labour Inspectorate, which monitors compliance with labour legislation, is charged with registering national, branch, territorial, and enterprise collective agreements.

In its comments, the CTUA describes a range of legal, institutional and practical obstacles hindering trade union rights, including in relation to collective bargaining. Notably, CTUA submits that the threshold of more than 50% of workers for recognising a trade union as a representative body for engaging in collective bargaining is difficult to attain in many workplaces, not least due to fear of employer retaliation or worker apathy. Regarding the amendments to the Labour Code mentioned by the Government, the CTUA notes that, while a deadline is provided for expressing a position in relation to a proposal to engage in collective bargaining, trade unions do not have sufficient tools to invite employers to negotiate since there are no effective means set by the legislation to overcome a possible rejection. Employers are thus able to avoid genuine engagement by simply refusing to participate in the bargaining process, a practice which, according to the CTUA, is common in Armenia. In addition, the CTUA submits that sectoral and national-level bargaining is almost entirely absent in practice, due to the weakness of social partners among other factors.

The Committee notes that high and stable collective bargaining coverage is typically associated with collective bargaining systems based on multi-employer, mainly sectoral, agreements (OECD, 2025, *Membership of unions and employers' organisations, and bargaining coverage: Standing, but losing ground*, OECD Policy Brief, among others). Based on the information available, the Committee notes that the bargaining system in Armenia is primarily enterprise-based, characterised by relatively low bargaining coverage, and lacks meaningful coordination mechanisms. The report provides very limited information regarding the application in practice of existing legal provisions, or the measures taken to promote collective bargaining in line with Article 6§2 of the Charter. The Committee recalls that it has issued repetitive findings of non-conformity with Article 6§2 of the Charter regarding the situation in Armenia, based on failure to provide even basic information regarding the operation of collective bargaining in law and in practice (Conclusions 2010, 2014, 2018, 2022).

Notably, the Committee does not discern any improvements as a result of the legislative amendments invoked by the Government, requiring employers to state their position in response to a trade union proposal to engage in collective bargaining. In that regard, the Committee recalls that collective bargaining presupposes that the social partners engage in genuine and constructive negotiations with a view to reaching an agreement (Conclusions 2022, Romania). The Committee further refers to its corresponding assessment under Article 5 of the Charter regarding the situation in Armenia, which led to findings of non-conformity on

the ground that the minimum membership requirements for forming employers' organisations, as well as trade unions, are too high.

The Committee therefore concludes that the situation in Armenia is not in conformity with Article 6§2 of the Charter on the ground that the promotion of collective bargaining is not sufficient.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report states that work is underway on amendments to the Law on Trade Unions that would address the situation of self-employed workers in relation to collective bargaining.

The Committee recalls that rapid and fundamental changes in the world of work have led to a proliferation of contractual arrangements designed to avoid the formation of employment relationships and to shift risk onto the labour provider. As a result, an increasing number of workers who are de facto dependent on one or more labour engagers fall outside the traditional definition of a worker (*Irish Congress of Trade Unions (ICTU) v. Ireland*, Complaint No. 123/2016, decision on the merits of 12 September 2018, §37). In establishing the type of collective bargaining protected by the Charter, it is not sufficient to rely solely on distinctions between workers and the self-employed; the decisive criterion is whether an imbalance of power exists between providers and engagers of labour. Where providers of labour have no substantial influence on the content of contractual conditions, they must be given the possibility of improving that imbalance through collective bargaining (*ICTU v. Ireland*, §38).

The Committee concludes that the situation in Armenia is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 6§2 of the Charter on the grounds that:

- the promotion of collective bargaining is not sufficient;
- it has not been established that the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Armenia and in the comments by the Confederation of Trade Unions of Armenia (CTUA) and European Trade Confederation (ETUC).

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Armenia was not in conformity with Article 6§4 of the Charter on the ground that the police were denied the right to strike and the restrictions on the right to strike in some sectors go beyond the limits set by Article G of the Charter.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to the targeted questions.

Prohibition of the right to strike

In the targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

Article 75(1) of the 2004 Labour Code prohibits police, armed forces, security services, centralised electricity supply services, heat supply services, gas supply services and emergency medical aid services from striking. This is confirmed in the specific legislation related to these different state services (Article 39(1) of the Law on Police Service, Article 43(1) of the Law on Service in National Security Bodies, Article 8(1) of the Law on Military Service and the Status of the Military Serviceman).

Under Article G of the Revised Charter, the right to strike of certain categories of public servants may be restricted, including members of the police and armed forces, judges and senior civil servants (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969), Statement of Interpretation on Article 6§4).

Restrictions to the right to strike of certain categories of civil servants, for example those whose duties and functions, given their nature or level of responsibility, are directly affecting the rights and freedoms of others, the public interest, national security or public health, may serve a legitimate purpose in the meaning of Article G (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §45). The Committee takes the view, however, that a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969)), Statement of Interpretation on Article 6§4. Allowing public officials only to declare symbolic strikes is not sufficient (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §§44-46).

Moreover, the imposition of an absolute prohibition of strikes to categories of public servants, such as prison officers, firefighters or civil security personnel, is incompatible with Article 6§4, since such an absolute prohibition is by definition disproportionate where an identification of the essential services that should be provided would be a less restrictive alternative.

Having regard to the nature of the tasks carried out by judges and prosecutors who exercise the authority of the State and the potential disruption that any industrial action may cause to the functioning of the rule of law, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified, provided such prohibition complies with the requirements of Article G, and provided the members of the judiciary and prosecutors are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration.

Restricting strikes in specific sectors essential to the community may be deemed to serve a legitimate purpose where such strikes would pose a threat to the rights and freedom of others or to the public interest, national security and/or public health (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; Conclusions I (1969), Statement of Interpretation on Article 6§4).

However, a comprehensive ban of strikes even in essential sectors – particularly when they are extensively defined, such as "*energy*" or "*health*" – is not deemed proportionate, to the extent that such comprehensive ban does not distinguish between the different functions exercised within each sector (*Matica Hrvatskih Sindikata* v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114). Simply prohibiting these workers from striking, without distinguishing between their particular functions, cannot be considered proportionate to the aim of protecting the rights and freedom of others or for the protection of the public interest, national security, public health, or morals, and thus necessary in a democratic society (Conclusions XVII-1 (2006), Czech Republic). At most, the introduction of a minimum service requirement in these sectors might be considered to be in conformity with Article 6§4, taking into account Article G of the Charter (*Matica Hrvatskih Sindikata* v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; see also Conclusions XVII-1 (2006), Czech Republic).

The Committee recalls that in its previous conclusions it found that the situation in Armenia was not in conformity with Article 6§4 on the grounds that the restrictions on the right to strike in some sectors go beyond the limits set by Article G of the Charter (Conclusions 2022).

As there has been no change to the situation, the Committee concludes that the situation is not in conformity with Article 6§4 of the Charter on the ground that the absolute prohibition on the right to strike for the electricity supply and gas supply sectors, as stipulated in Article 75(1) of the Labour Code, goes beyond the limits set by Article G of the Charter.

Concerning police officers, an absolute prohibition on the right to strike can be considered to be in conformity with Article 6§4 only if there are compelling reasons justifying why such an absolute prohibition on the right to strike is justified in the specific national context in question, and why the imposition of restrictions as to the mode and form of such strike action is not sufficient to achieve the legitimate aim pursued (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211). Where restrictions to the right to strike of police officers are so excessive as to render the right to strike ineffective, such restrictions will be considered to have gone beyond those permitted by Article G of the Charter. (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211), This includes situations where police officers may exercise the right to strike, but only provided certain tasks and activities continue to be performed during the strike period, including the prevention, detection and documentation of criminal offences; arrests; regulation and control of road traffic; protection of people and property; border control and; prevention and handling of incidents at borders (Conclusions 2022, North Macedonia).

The Committee recalls that in its previous conclusions it found that the situation in Armenia was not in conformity with Article 6§4 on the grounds that police were denied the right to strike (Conclusions 2022).

As there has been no change to the situation, the Committee concludes that the situation is not in conformity with Article 6§4 of the Charter on the ground that the absolute prohibition on the right to strike for the police, as stipulated in Article 75(1) of the Labour Code, goes beyond the limits set by Article G of the Charter.

The right to strike of members of the armed forces may be subject to restrictions under the conditions of Article G, i.e. if the restriction is established by law, and is necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals. This includes a requirement that the restriction is proportionate to the aim pursued. The margin of appreciation accorded to States in terms of the right to strike of the armed forces is greater than that afforded to States Parties in respect of the police (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, § 114-116).

Having regard to the special nature of the tasks carried out by members of the armed forces, the fact that they operate under a system of military discipline, and the potential that any industrial action disrupting operations could threaten national security, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified under Article G, provided the members of the armed forces are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §117; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §152; European Organisation of Military Associations (EUROMIL) v. Portugal, Complaint No. 199/2021, decision on the merits of 11 September 2024, §100).

Article 75(1) of the Labour Code provides that claims made by the members of armed forces shall be discussed though bodies for social partnership on the national level with the participation of the relevant trade union organisation and the employer. Since there is an established procedure of conciliation, the prohibition on the exercise of the right to strike is considered proportionate.

Therefore, the Committee considers that the situation in Armenia regarding the prohibition of the armed forces to strike is in conformity with Article 6§4 of the Charter, read in conjunction with Article G of the Charter.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors where there are restrictions on the right to strike and where there is a requirement of a minimum service to be upheld, as well as to provide details on relevant rules and their application in practice, including relevant case law.

According to the report a minimum level of service must be upheld in areas such as railroad and urban public transport, civil aviation, communications, healthcare, food production, water supply, sewage and waste management. This requirement also applies to sectors with continuous production processes and any other sectors where halting operations could lead to serious or dangerous consequences for the life and health of individuals or society as a whole.

The Committee recalls that the introduction of a minimum service requirement in these sectors might be considered to be in conformity with Article 6§4 of the Charter, read in combination with Article G of the Charter (*Matica Hrvatskih Sindikata* v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114, also Conclusions XVII-1 (2006), Czech Republic).

The Committee notes from the report that the minimum service shall be set by appropriate state or local self-government bodies with employers and representatives of workers (Article

77(2) of the Labour Code). The employer and the strike committee shall ensure that during a strike the minimum services requirement is maintained.

Prohibition of the strike by seeking injunctive or other relief

The Committee asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration body) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

The report states that, according to Article 78 of the Labour Code, a strike will be considered unlawful if its aims are in conflict with the Constitution of the Republic of Armenia, other legislation, or if it is organised in violation of the requirements and procedures set out in the Labour Law or the collective agreement. When a strike is initiated, the employer has the right to request the court to declare the strike unlawful. The court is required to examine the case and issue a decision within seven days of receiving the claim. Once a judgement declaring the strike unlawful comes into effect, any ongoing strike must be halted immediately, and if the strike has not yet commenced, it is forbidden from taking place.

The report further explains that the court may delay the start of a planned strike or suspend an ongoing strike for up to thirty days if there is an immediate threat resulting from the failure to provide minimum services necessary for the essential needs of society, which could lead to serious or dangerous consequences for life and health.

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 6§4 of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that:

- strikes are prohibited in the electricity, gas and heat supply services;
- strikes are prohibited in the emergency medical aid services;
- the police are denied the right to strike.

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

The Committee takes note of the information contained in the report submitted by Armenia as well as the comments submitted by the Disability Rights Agenda NGO and Rights Centre NGO.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing de facto inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions protecting women must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market the report refers that the draft 2024–2028 Gender Policy Strategy, which focuses on combating gender-based discrimination and reducing horizontal and vertical segregation. A number of targeted employment programs have been introduced in recent years, aimed both at supporting vulnerable women and at promoting broader integration into the workforce.

Furthermore, according to the report, the Employment Strategy for 2024–2030 is developed. One of the target groups defined by the above Strategy is unemployed women, particularly those aged 30 to 40, with measures foreseen to reintegrate them into the labour market, encourage women's entrepreneurship, and provide incentives for businesses to employ women and support to development of women entrepreneurship.

The report refers to data of the Statistical Booklet "Women and men of Armenia: 2023", where it is stated that the gender gap of the level of women and men labour force participation in

2022 (gender gap(GG)) has amounted to 32.3%, which is particularly high in the 25-34 age group (41%), primarily due to women's involvement in domestic responsibilities (pregnancy, childbirth, child care, etc.).

The report also demonstrates that sector-specific initiatives are being pursued. In the Ministry of Internal Affairs, a clear goal has been set to increase the number of women in the Police Patrol Service to 30% by 2026. Recruitment announcements now reserve places for women, and legal amendments have been adopted to broaden eligibility requirements. An awareness campaign, *"Be a strength for our country"*, was launched in 2023 to encourage more women to apply, and over the past two years 118 women have been appointed to managerial posts in the Ministry. Similar efforts are reported in the Ministry of Defence, where mechanisms have been introduced to promote women's representation in the Armed Forces. In the sports sector, the 2024–2030 Strategy for Physical Culture and Sports provides for actions such as naming sports schools after female athletes to strengthen female visibility, ensuring equal monetary rewards for achievements, and encouraging women's participation in mass events. Efforts are also underway in the information technology sector, although the report does not provide full details.

The Committee considers that these targeted initiatives demonstrate a concerted effort to break down occupational segregation in traditionally male-dominated professions and to broaden the range of employment opportunities available to women.

Nevertheless, the Committee notes that despite the initiatives taken to enhance women's participation in the labour market, challenges remain. Women continue to be concentrated in lower-level and lower-paid positions, often due to the burden of domestic responsibilities, which limits their access to posts of higher responsibility.

The Committee notes that the report does not provide statistical data on employment rates among female and male workers and the gender employment gap. It only provides data for the year 2022, which does not establish whether there has been a measurable progress in reducing the gender employment gap. Therefore, the Committee concludes that the situation in Armenia is not in conformity with Article 20.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies or electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable

progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

With regard to women's participation in decision-making, the report highlights legislative measures designed to reduce a gender gap in the representation of women in decision making positions. Amendments to the Electoral Code in 2020 introduced a minimum 30% quota for women candidates both in National Assembly elections and in local elections. The quota, which sets a minimum 30/70 gender ratio for candidates on party lists, was also applied in local government elections in communities with more than 4,000 voters under the proportional electoral system. This resulted in an increase in the representation of women in local self-government bodies compared to previous years.

The Committee notes that this legislative reform produced tangible results according to the report. Women account for 36% of the 8th convocation of the National Assembly. In local government structures, women hold 6% of mayoral positions in municipalities and 29% of seats in Councils of Elders. These figures show that although progress has been made in national-level decision-making, women continue to face barriers to equal participation in leadership roles at the local level.

According to the report, the 2024–2028 Gender Policy Strategy provides for thirteen specific actions aimed at establishing an inclusive political framework where women and men, including those from vulnerable groups, will be able to participate fully and have influence in decision-making processes.

The report also states that Armenia has achieved a high level of parity in decision-making positions. Six out of twelve ministers in the Government are women. At the level of deputy ministers, however, the proportion is lower, with women accounting for 29.1%.

The Committee considers that Armenia has made a measurable progress in promoting effective parity in decision-making positions and therefore, the situation in Armenia is in conformity with Article 20 of the Charter on this point.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). The States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

The report provides data on women's participation in public service institutions, offering insights into the extent of vertical segregation. In the highest managerial positions of the state service system, women account for only 27.5% of postholders. In mid-level managerial and professional positions, the share of women rises to 48%, while in lower-level positions women predominate, representing 67.4% in the leading group and 62.5% in the junior group.

The Committee notes that while the report provides extensive information on public institutions, the police, the armed forces, science, sport and electoral bodies, it does not include data on the participation of women in the management boards of publicly listed companies. Since Article 20 applies equally to private employment and management structures, the absence of such information the Committee concludes that it has not been established that a measurable progress has been made in increasing the share of women on management boards. Therefore, the Committee concludes that the situation in Armenia is not in conformity with Article 20.

Conclusion

The Committee concludes that the situation in Armenia is not in conformity with Article 20 of the Charter on the grounds that:

- it has not been established that a measurable progress has been made in reducing the gender employment gap;
- it has not been established that a measurable progress has been made in promoting representation of women in management boards of publicly listed companies.