



European
Social
Charter

Charte
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02/07/2020

RAP/RCha/ARM/14(2020)Add

EUROPEAN SOCIAL CHARTER

Addendum to the
14th National Report on the implementation of the European Social
Charter

submitted by

THE GOVERNMENT OF ARMENIA

Articles 1, 15, 18, 20 and 24

Report registered by the Secretariat on
8 June 2020

CYCLE 2020

APPENDIX

Under the European Social Charter member states are committed to ensuring the effective exercise of the right to work and the objective of high and stable employment (full employment). However, changes — and potential threats — resulting from globalisation and rapid technological developments such as automation require robust and comprehensive strategies and responses, in particular education and training. In order for the labour force to be responsive to evolving needs, the policy measures adopted have to be adequately resourced and implemented vigorously and proactively. The measures must rest firmly on guarantees of basic labour rights such as nondiscrimination in access to employment, equal pay for women and men and dismissal protection as well as of the rights of persons who are or may be vulnerable to particular disadvantage in the labour market, such as persons with disabilities and migrants and refugees.

In pursuance of the above States Parties are invited to provide the following information pertaining to the reference period 2015-2018:

Article 1§1*

Please provide details of labour market policy measures specifically designed to support specific groups or communities, such as: young people who have not yet entered the labour market, persons in geographical areas and communities with distinct levels of underemployment (quality) or unemployment (quantity) or experiencing severe or chronic unemployment as well as migrants and refugees;

(Please see pages 2-3 of the Report.)

Please include statistical information on the overall impact of employment policy during the reference period: economic growth indicators, unemployment rates broken down by gender, age and duration, public expenditure on passive and active labour market measures as a share of GDP, number of participants in active measures (training), activation rate (participants/unemployed ratio).

(Please see page 3 and pages 17-21 of the Report (Table 1. Main indicators of employment, Table 2. Performance of state programmes of employment regulation, Table 4. Activation rate by years. Table 5. Expenses incurred for the maintenance of State Employment Agency and for state employment programmes by years.) There are no other available statistical data in this respect.)

Article 1§2*

Please provide updated information on legislation prohibiting all forms of discrimination in employment in particular on grounds of gender (if not accepted Article 20/Article 1 AP), race, ethnic origin, sexual orientation, religion, age political opinion, disability (if not accepted Article 15§2), including information on remedies.

Please indicate any specific measures taken to counteract discrimination in employment of migrants and refugees.

(Please see pages 3-8 of the Report. There are no other grounds of discrimination specified by the legislation of Armenia.)

Please indicate what measures have been taken to assess the prevalence of the problem of exploitation of vulnerability, forced labour, modern slavery? Does legislation exist to deal with the phenomenon of exploitation of vulnerability, forced labour, modern slavery and does it make provision for the identification and protection of victims, enable prosecution of exploiters, or otherwise provide reporting requirements for businesses to detail actions taken to investigate their supply chains for forced labour, due diligence in public procurement to guarantee funds are not inadvertently supporting modern slavery? Are there regular inspections of sectors such agriculture, construction, hospitality, manufacturing and domestic work, which are particularly affected by labour exploitation?

Please provide information on any measures taken to protect workers in the “gig economy” or “platform economy whose employment is very often precarious, against exploitation.

(Please see pages 11-16 of the Report.)

Article 1§3

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 1§4

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 9

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 10§1*

Please state what strategies and measures are adopted to match the skills acquired through vocational education and training with the demands of the labour market, especially demands resulting from

globalisation and technological developments, and thus to bridge the gap between education and work.

Please provide information on measures taken to integrate migrants and refugees in vocational education and training.

Article 10§2

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 10§3*

Please describe strategies and measures (legal, regulatory and administrative frameworks, funding and practical arrangements) in place to ensure skilling and reskilling in the full range of competencies (in particular digital literacy, new technologies, human-machine interaction and new working environments, use and operation of new tools and machines), needed by workers to be competitive in emerging labour markets.

Article 10§4 ESC

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 10§4 RESC*

Please indicate the nature and extent of special retraining and reintegration measures taken to combat long-term unemployment as well as figures demonstrating the impact of such measures (please include detailed statistics on long-term unemployment in your country, if not provided under Article 1§1).

Article 10§5

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 15§1*

Please indicate progress in ensuring access to and inclusion of children with disabilities into mainstream facilities. Please indicate trends in this area, including number of children with disabilities included in mainstream facilities, the number attending special schools, the number attending school on a part time basis etc. In addition, please indicate the legislative basis for inclusion and remedies in place in cases of exclusion from education on the basis of disability.

Article 15§2*

Please provide information on progress made in ensuring persons with disabilities have access to employment on the open labour market, including recent non-discrimination measures and measures to promote employment. Please include figures on the number of persons with disabilities in employment and the number of unemployed.

Please provide up-dated information concerning obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment of persons with disabilities.

(Please see pages 23-27 of the Report. Detailed information on numbers is also provided in Tables 1, 2, 3 and 4 of the Report.)

Article 15§3*

Please describe the measures taken (and progress made) to ensure that persons with disabilities have the right to live independently in the community, such as the existence of available independent living schemes, sheltered housing for persons with disabilities, in-home, residential and other community support services, including personal assistance.

(Please see pages 27-30 of the Report.)

Article 18§1

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 18§2

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 18§3

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 18§4

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

Article 20/Article 1 of the 1988 Additional Protocol*

Please provide up-dated information on the statutory framework guaranteeing equal pay for equal work or work of equal value with particular emphasis on the following aspects:

- rules on shifting the burden of proof in cases where pay discrimination is alleged on grounds of sex **(Please see page 8 and pages 37-38 of the Report.)**
- rules on compensation in case of pay discrimination on grounds of sex (are ceilings applicable?) **(Please see pages 6-7 of the Report.)**
- does national law and practice provide for pay comparisons outside the company directly concerned? **(There are no mechanisms to compare salaries in Armenia.)**

Please describe the job classification and promotion systems in place as well as strategies adopted and the measures taken to ensure pay transparency in the labour market (notably the possibility for workers to receive information on pay levels of other workers), including the setting of concrete timelines and measurable criteria for progress.

(Please see pages 32-33 of the Report. By the decree of the Government of the Republic of Armenia N 737 of July 3, 2014 the official rates of persons performing civil work and providing technical services in state bodies have been determined. Hence, in the public sector the amount of the employee's salary can be clearly calculated on the basis of the occupied position and years of service. Therefore, transparency in terms of salary is guaranteed.)

Please provide statistical data on the gender pay gap (adjusted and unadjusted) for all years of the reference period.

(Please see pages 36-37 of the Report.)

Article 24*

Please provide an up-dated description of national law concerning valid reasons of dismissal. As regards dismissal for certain economic reasons, please indicate whether the courts have the competence to review a case on the economic facts underlying dismissals.

(Please see pages 40-41 of the Report.)

Please indicate what safeguards exist against retaliatory dismissal and dismissal due to temporary absence from work due to illness or injury (e.g time limit on protection against dismissal, rules applying in case of permanent disability and compensation for termination of employment in such cases).

(Please see pages 37-38 of the Report.)

Please indicate what strategies and measures exist or are being introduced to ensure dismissal protection for workers (labour providers), such as “false self-employed workers” in the “gig economy” or “platform economy”. Please outline the obligations on employers/labour engagers in this respect.

(Please see pages 38-43 of the Report.)

Please provide an up-dated description of national law and practice as regards compensation and reinstatement in case of unlawful dismissals.

(Please see pages 39-40 of the Report.)

Article 25

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

* In addition to replying to the specific targeted questions for this provision, if there was a conclusion of non-conformity for your country the report must contain information in this respect. Likewise, if the previous conclusion for this provision was deferred in respect of your country, the requested information must be provided.