

## Social Policy and Employment

### 1. Safety, Hygiene and Health at Work

#### Introduction

The provisions of the Armenian legislation in the field of safety, hygiene and health at work are of general nature and mainly do not comply with the EU legislation, except for the definitions of certain concepts, i.e. employer, employee, safety and health of a worker, radioactive waste, ionizing radiation, etc<sup>1</sup>.

The EU legislation in the field of safety, hygiene and health at work regulates minimum health and safety conditions at work, obligations between employer and employee as well as the organisation of health and safety measures by workplaces, dangerous substances, types and use of equipments and separate vulnerable groups of workers. The above-mentioned issues in the Republic of Armenia are regulated by the Labour Code<sup>2</sup>, the RoA laws on Employment of the Population<sup>3</sup> and on Safe Use of Nuclear Energy for Peaceful Purposes<sup>4</sup>, as well as other legal acts which do not completely include the requirements of the EU legislation.

Based on the screening results it should be noted that there are no clear and specified mechanisms in the Armenian legislation retaining health and safety requirements at work and their regulation is only carried out by collective contracts or legal acts drafted by the employer.

Particularly, the Armenian legislation does not regulate issues such as the protection of workers from risks related to the exposure to carcinogens and mutagens and display screen equipments, minimum health and safety requirements for the protection of workers at temporary and mobile construction sites, involved in the manual handling of loads, in the mineral-extracting industries and in explosive atmosphere as well as the requirement for the provision of health and safety signs at work which are specified in the European legal acts.

In Armenia the field of safety, hygiene and health at work is mainly regulated by the legal rules of the Labour Code, which are of general nature and do not ensure a detailed regulation of legal relations arising in the field. It is necessary to adopt legal acts encompassing clearly defined criteria for the regulation of this field, which will enable the responsible public authorities to objectively and comprehensively protect the interests of employers and employees.

Within the framework of the Programme, the subchapter "Health, Safety and Hygiene at Work" shall be completely approximated with the requirements of the EU legislation by 2009.

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<sup>1</sup> Council Directive No. 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

Council Directive No. 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources

Council Directive No. 96/29/Euratom of 13 May 1996 laying down the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

<sup>2</sup> HO-124, 09.11.2004

<sup>3</sup> HO -93, 03.12.1996

<sup>4</sup> HO -285, 01.02.1999

**Y2006**

For filling the gap in the regulation of legal relations in the field of health, safety and hygiene at work as well as for measures to encourage improvements in the safety and health of workers at work, relevant amendments shall be made to the Labour Code of Armenia and a draft Government Decree on the introduction of measures for the safety and health of workers at work shall be elaborated on the basis of the requirements of EU Directive<sup>5</sup> No. 89/391, which is the main legal act defining the frameworks for legal regulation of this field. For the application of the above-mentioned Directive, it is envisaged to approximate another 10 Directives, the requirements of which are mainly missing in the Armenian legislation. Those acts regulate the organisation of health and safety measures by workplaces, types and use of equipments and vulnerable groups of workers.

In particular, to lay down minimum health and safety requirements at temporary or mobile construction sites, at work of pregnant workers and workers who have recently given birth or are breastfeeding, for the manual handling of loads, relevant draft legal acts shall be elaborated accordingly based on Council Directives No. 92/57/EEC of 24 June 1992, No. 92/85/EEC of 19 October 1992 and No. 90/269/EEC of 29 May 1990<sup>6</sup>.

**Y2007**

To lay down requirements on the presence of safety and health signs at work and the use of personal protective equipment at the workplace by workers, as well as to define minimum health and safety requirements for workers at explosive atmosphere, on the use of work equipment by workers at work, for work with display screen equipment, and for workers in surface and underground mineral-extracting industries and in mineral-extracting industries through drilling, relevant draft legal acts shall be elaborated accordingly based on the following EU legal acts: Council Directives No. 89/656/EEC of 30 November 1989, No. 89/655/EEC of 30 November 1989, No. 90/270/EEC of 29 May 1990, 92/58/EEC of 24 June 1992, No. 92/91/EEC of 3 November 1992, 92/104/EEC of 3 December 1992 and Directive No. 1999/92/EC of the European Parliament and of the Council of 16 December 1999<sup>7</sup>.

<sup>5</sup> Council Directive No. 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

<sup>6</sup> Council Directive No. 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites

Council Directive No. 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

Council Directive No. 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers

<sup>7</sup> Council Directive No. 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace

Council Directive No. 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work

Council Directive No. 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment

Council Directive No. 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work

Directive No. 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres

Council Directive No. 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling

Council Directive No. 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries

<sup>8</sup> Council Directive No. 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances

Directive No. 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)

The objective of the approximation of the Armenian legislation in the field of safety, hygiene and health at work is the protection of health and safety of workers at work arising from the risks related to exposure to noise, dangerous substances and the control and prevention of major-accident hazards involving dangerous substances.

To this end, the following legal acts (secondary legislation) shall be drafted: a draft Government Decree on the control and prevention of major-accident hazards involving dangerous substances at work, a relevant draft legal act on minimum health and safety requirements regarding the exposure of workers to the risks arising from noise at work and a draft legal act on safety and protection requirements of workers from the risks related to exposure to asbestos and chemical agents. The elaboration of these legal acts shall be based on the requirements of relevant EU Directives<sup>8</sup>.

## Y2008

For the improvement of mechanisms for legal regulation aimed at protecting young people at work in Armenia, a draft law on making amendments to the Labour Code of Armenia shall be elaborated based on the Council Directive No. 94/33/EC of 22 June 1994<sup>9</sup>.

A relevant draft legal act on minimum requirements for the protection of workers from the risks related to exposure to carcinogens or mutagens at work shall be elaborated based on the relevant EU Directive<sup>10</sup>.

The main objective of the approximation of the Armenian legislation in the field of safety, hygiene and health at work is the protection of workers and the public from the risks related to the exposure of ionizing radiation, high-activity sealed radioactive sources and orphan sources through defining clear and specified mechanisms for legal regulation. From this perspective it is envisaged to elaborate a draft law on the protection of workers and the public exposed to the risk of ionizing radiation, draft decrees of the Government of Armenia on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work, on the establishment of indicative limit values of the mentioned agents and on the control of high-activity sealed radioactive and orphan sources on the basis of Council Directives No. 96/29/Euratom of 13 May 1996, No. 90/641/Euratom of 4 December 1990 and Commission Directive No. 91/322/EEC of 29 May 1991<sup>11</sup>.

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Council Directive No. 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work

Council Directive No. 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work

<sup>9</sup> Council Directive No. 94/33/EC of 22 June 1994 on the protection of young people at work

<sup>10</sup> Directive No. 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

<sup>11</sup> Council Directive No. 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation  
Council Directive No. 90/641/Euratom of 4 December 1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas and Council Directive No. 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources and Commission Directive No. 91/322/EEC of 29 May 1991 on establishing indicative limit values and on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work

**Y2009**

A relevant draft legal act on the control of high-activity sealed radioactive and orphan sources shall be elaborated in the course of the first quarter of 2009 based on the Council Directive No. 2003/122/Euratom of 22 December 2003<sup>12</sup>.

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<sup>12</sup> Council Directive No. 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources

**1.1. Legislative Approximation and Implementation**

0	1	2	3	4	5	6
N/N	Measure	EU Legal Source	Responsible Institutions	Submission Date	Necessary Resources (man/days)	EU Technical Assistance
<b>2006</b>						
1.	<ul style="list-style-type: none"> <li>• Elaboration of a draft law on making amendments to the Labour Code of Armenia</li> <li>• Elaboration of a draft Government Decree on the introduction of measures for the safety and health of workers at work</li> </ul>	Council Directive No. 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work	Ministry of Labour and Social Affairs (with participation of the Ministry of Justice)	4 <sup>th</sup> quarter	41	Consultancy, expertise
2.	Elaboration of a relevant draft legal act on minimum safety and health requirements of workers at temporary or mobile construction sites	Council Directive No. 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites	Relevant institution authorized by the Government of Armenia	4 <sup>th</sup> quarter	82	Consultancy
3.	Elaboration of a relevant draft legal act on the introduction of measures to improve safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	Council Directive No. 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	Relevant institution authorized by the Government of Armenia	4 <sup>th</sup> quarter	35	Consultancy, expertise
4.	Elaboration of a relevant draft legal act on the minimum health and safety	Council Directive No. 90/269/EEC of 29 May 1990 on the minimum health and safety	Relevant institution authorized by the Government of	4 <sup>th</sup> quarter	30	Consultancy, expertise

	requirements for the manual handling of loads	requirements for the manual handling of loads where there is a risk particularly of back injury to workers	Armenia			
<b>TOTAL</b>					<b>188</b>	
<b>2007</b>						
5.	Elaboration of a draft Government Decree on the minimum safety and health requirements for the use by workers of personal protective equipment at the workplace and for the provision of safety and health signs at work	<ul style="list-style-type: none"> <li>• Council Directive No. 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace</li> <li>• Council Directive No. 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work</li> </ul>	Ministry of Labour and Social Affairs (with participation of the Ministry of Healthcare)	1 <sup>st</sup> quarter	170	Consultancy, expertise
6.	Elaboration of a draft Government Decree on the minimum requirements for the safety and health protection of workers potentially at risk from explosive atmospheres	Directive No. 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres	Ministry of Labour and Social Affairs (with participation of the Ministry of Healthcare, Ministry of Trade and Economic Development of Armenia)	1 <sup>st</sup> quarter	51	Consultancy, expertise

7.	Elaboration of a relevant draft legal act on the minimum safety and health requirements for the use of work equipment by workers at work and for work with display screen equipment	<ul style="list-style-type: none"> <li>• Council Directive No. 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work</li> <li>• Council Directive No. 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment</li> </ul>	Relevant institution authorized by the Government of Armenia	2 <sup>nd</sup> quarter	60	Consultancy, expertise
8.	Elaboration of a relevant draft legal act on minimum health and safety requirements of workers in surface and underground mineral-extracting industries and in the mineral-extracting industries through drilling	<ul style="list-style-type: none"> <li>• Council Directive No. 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling</li> <li>• Council Directive No. 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries</li> </ul>	Relevant institution authorized by the Government of Armenia	2 <sup>nd</sup> quarter	110	Consultancy, expertise
9.	Elaboration of a draft Government Decree on the control and prevention of major-accident hazards involving dangerous substances at workplace	Council Directive No. 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances at workplace	Ministry of Labour and Social Affairs of Armenia (with participation of the Rescue Service of Armenia)	3 <sup>rd</sup> quarter	135	Consultancy, expertise

10.	Elaboration of a relevant draft legal act on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)	Directive No. 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)	Relevant institution authorized by the Government of Armenia	3 <sup>rd</sup> quarter	24	Consultancy
11.	Elaboration of a relevant draft legal act on the minimum protection and safety requirements regarding the exposure of workers to the risks arising from chemical agents and asbestos	<ul style="list-style-type: none"> <li>• Council Directive No. 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work</li> <li>• Directive No. 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work</li> </ul>	Relevant institution authorized by the Government of Armenia	4 <sup>th</sup> quarter	119	Consultancy, expertise
<b>TOTAL</b>					<b>669</b>	
<b>2008</b>						
12.	Elaboration of a draft law on making amendments to the Labour Code of Armenia	Council Directive No. 94/33/EC of 22 June 1994 on the protection of young people at work	Ministry of Labour and Social Affairs of Armenia	1 <sup>st</sup> quarter	34	
13.	Elaboration of a relevant draft legal act on minimum requirements for the protection of workers from the risks related to exposure to carcinogens or mutagens at work	Directive No. 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work	Relevant institution authorized by the Government of Armenia	1 <sup>st</sup> quarter	95	Consultancy, expertise
14.	Elaboration of a draft law on	• Council Directive No.	Ministry of Labour and	3 <sup>rd</sup> quarter	192	Consultancy,



	the protection of workers and the public against the dangers arising from ionizing radiation	96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation • Council Directive No. 90/641/Euratom of 4 December 1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas	Social Affairs of Armenia (with participation of the Ministry of Healthcare, Ministry of Nature Protection of Armenia)			expertise
15.	Elaboration of a relevant draft legal act on establishing indicative limit values of the mentioned agents and the protection of workers from the risks related to exposure to chemical, physical and biological agents at work	Commission Directive No. 91/322/EEC of 29 May 1991 on establishing indicative limit values and on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work	Relevant institution authorized by the Government of Armenia	4 <sup>th</sup> quarter	15	Expertise
<b>TOTAL</b>					<b>336</b>	
<b>2009</b>						
16.	Elaboration of a draft Government Decree on the control of high-activity sealed radioactive sources and orphan sources	Council Directive No. 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources	Ministry of Labour and Social Affairs of Armenia (Ministry of Health of with participation of the Ministry of Nature Protection of Armenia)	1 <sup>st</sup> quarter	60	
<b>TOTAL</b>					<b>60</b>	
<b>TOTAL</b>					<b>1253</b>	

**1.2 Institutional Capacities**

0	1	2	3	4
N/N	Institution	Reorganization	Training Needs	Technical Assistance Needs
1.	Relevant institution authorized by the Government of Armenia	Establishment and strengthening of the structural subdivision on safety, hygiene and health at work within the relevant institution authorized by the Government of Armenia	Training course on the introduction of measures to encourage improvements in safety and health of workers in the EU (15 days/2006)	Consultancy, staffing, logistics
2.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• RoA Ministry of Healthcare</li> </ul>	--	Training course on the measures for health and safety of young people and women at work in the EU (10 days/2006)	Consultancy
3.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• RoA Ministry of Healthcare</li> <li>• RoA Ministry of Nature Protection</li> </ul>	--	Training course on health and safety of workers exposed to noise, asbestos and dangerous chemical substances in the EU (15 days/2007)	Consultancy
4.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• RoA Ministry of Healthcare</li> </ul>	--	Training course on ergonomics and measures for health and safety of workers using personal protective equipments, workers involved in manual handling of loads and workers at risk from explosive atmosphere and dealing with equipments in the EU (20 days/2007)	Consultancy

5.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• RoA Ministry of Trade and Economic Development</li> <li>• RoA Ministry of Nature Protection</li> </ul>		Training course on the measures for safety and health of workers in mineral-extracting industries (10 days/2007)	Consultancy
6.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• RoA Ministry of Healthcare</li> </ul>		Training course on health and safety of workers related to exposure to carcinogens and mutagens in the EU (8 days/2008)	Consultancy
7.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• Rescue Service of Armenia</li> </ul>	--	Training course on the measures to improve the control and prevention of possible hazards at work involving dangerous substances(10 days/2008)	Consultancy
8.	Relevant institution authorized by the Government of Armenia	Establishment and strengthening of the structural subdivision of safety, hygiene and health at work within the relevant institution authorized by the Government of Armenia in accordance with the Council Regulation (EC) No. 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work	Training course on European Agency for Safety and Health at Work (10 days/2008)	Consultancy, staffing, logistics

9.	RoA Ministry of Labour and Social Affairs RoA Ministry of Healthcare RoA Ministry of Nature Protection	--	Training course on health and safety of workers exposed to the risk arising from ionizing radiation and radioactive sources in EU (15 days/2009)	Consultancy
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## 2. Employment Rights and Work Organization

### Introduction

The Armenian legislation in the field of employment rights and work organization is of general nature and mainly does not comply with the EU legislation.

The EU legislation in the field of employment rights and work organization regulates safeguarding of employment rights in case of insolvency of the employer, transfer of undertaking as well as the protection of employee's right to be informed of the conditions applicable to the employment contract and minimum health and safety requirements for the organisation of working time.

The above-mentioned issues are regulated in Armenia by the Labour Code of Armenia<sup>13</sup>, the RoA laws on Insolvency (bankruptcy)<sup>14</sup>, Transport<sup>15</sup> and other legal acts which, however, do not completely cover the requirements of the EU legislation.

Based on the screening results it should be noted that the Armenian legislation does not comply with the EU legislation in terms of the procedure for and requirement on informing the employee of the conditions applicable to the employment contract by the employer, provision of relevant information and its deadline in the written form in the event of any change in the employment conditions, minimum health and safety requirements for the organization of working time and etc.

Furthermore, in the event of transfer of undertaking the workers' rights are regulated by the legal rules of the Labour Code of Armenia, which are of general nature and, unlike the relevant EU legal acts, do not ensure detailed regulation of legal relations arising in this field.

Based on the screening results it should be highlighted that the RoA Law on Insolvency (bankruptcy) provides for the fulfilment of requirements resulting from the relations or employment contract, however, unlike the relevant EU legal acts, the Armenian legislation does not provide for the concepts of employer's insolvency and guarantor, as well as the specific mechanisms for legislative regulation thereof.

The Armenian legislation does not regulate legal relations related to safeguarding of employees' rights in the transport sector, organization of work and working time.

Within the framework of the Programme, the subchapter "Employment Rights and Work Organization" shall be completely approximated with the requirements of the EU legislation by 2009.

### Y2007

For regulation of legal relations in the field of employment rights and work organization, in particular measures to improve the organization of working time and protection of employees' rights in the event of transfer of undertaking in Armenia a draft law on making amendments to the Labour Code of Armenia shall be elaborated based on the requirements of Directive

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<sup>13</sup> HO-124, 09.11.2004

<sup>14</sup> HO-17, 17.12.2003

<sup>15</sup> HO-201, 02.03.1998

No. 2003/88/EC of the European Parliament and of the Council of 4 November 2003 and Council Directive No. 2001/23/EC of 12 March 2001.<sup>16</sup>

For the approximation of the provisions stipulated by Council Directive No. 91/533/EEC of 14 October 1991<sup>17</sup> and relating to the procedure for and requirement on informing the employee of the conditions applicable to the employment contract by the employer, deadline for the provision of relevant information in the event of any change in the employment conditions, draft laws on making amendments to the Labour Code of Armenia and to the RoA Law on Employment of Population shall be elaborated. The Armenian legislation does not stipulate any of the provisions on legislative regulation for measuring labour cost index as provided by Regulation (EC) No. 450/2003 of the European Parliament and of the Council of 27 February 2003<sup>18</sup>. In an effort to fill the legislative gap, a draft law on Labour Cost Index shall be elaborated.

### Y2008

In this stage, the objective of the approximation of the Armenian legislation in the field of employment rights and organization of work is the definition of mechanisms for the protection of workers' rights in the event of insolvency (bankruptcy) of employer and minimum health and safety requirements for the organization of working time of workers in road transport sector. To this end, a draft law on social protection of workers in the event of insolvency (bankruptcy) of employer and a draft decree of the Government of Armenia on organization of working time of workers in road transport sector shall be elaborated based on the Council Directive No. 80/987/EEC and Directive 2002/15/EC of the European Parliament and of the Council.<sup>19</sup>

### Y2009

To improve the mechanisms for legal regulation of social protection of workers in the transport system in Armenia, a draft law on social protection of workers in transport system shall be elaborated in accordance with the requirements of the Council Regulation (EEC) No. 3820/85<sup>20</sup>.

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<sup>16</sup> Directive No. 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time and Council Directive No. 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses

<sup>17</sup> Council Directive No. 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship

<sup>18</sup> Regulation (EC) No. 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index

<sup>19</sup> Council Directive No. 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer and Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities

<sup>20</sup> Council Regulation (EEC) No. 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport

**2.1 Legislative Compliance and Implementation**

0	1	2	3	4	5	6
N/N	Measure	EU Legal Source	Responsible institutions	Submission Date	Necessary Resources (man/day)	EU Technical Assistance
<b>2007</b>						
1.	Elaboration of a draft law on making amendments to the Labour Code of Armenia	Directive No. 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time	Ministry of Labour and Social Affairs of Armenia	1 <sup>st</sup> quarter	53	Consultancy
2.	<ul style="list-style-type: none"> <li>• Elaboration of a draft law on making amendments to the Labour Code of Armenia</li> <li>• Elaboration of a draft law on making amendments to the RoA Law on Employment of the Population</li> </ul>	Council Directive No. 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship	Ministry of Labour and Social Affairs of Armenia	1 <sup>st</sup> quarter	15	
3.	Elaboration of a draft law on making amendments to the Labour Code of Armenia	Council Directive No. 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses	Ministry of Labour and Social Affairs of Armenia (Ministry of Justice of Armenia)	2 <sup>nd</sup> quarter	44	Consultancy, expertise
4.	Elaboration of a draft law on	Regulation (EC) No.	Ministry of Labour and	2 <sup>nd</sup> quarter	29	Consultancy

	Labour Cost Index	450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index	Social Affairs of Armenia (National Statistical Service of Armenia)			
<b>TOTAL</b>					<b>141</b>	
<b>2008</b>						
5.	Elaboration of a draft Government Decree on the organization of working time of persons in road transport sector	Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities	Ministry of Labour and Social Affairs of Armenia (Ministry of Transport and Communication of Armenia)	1 <sup>st</sup> quarter	18	Consultancy, expertise
6.	Elaboration of a draft law on social protection of employees in the event of the employer's insolvency (bankruptcy)	Council Directive No. 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer	Ministry of Labour and Social Affairs of Armenia (Ministry of Justice of Armenia)	2 <sup>nd</sup> quarter	15	Consultancy, expertise
<b>TOTAL</b>					<b>33</b>	
<b>2009</b>						
7.	Elaboration of a draft law on social protection of workers in transport system	Council Regulation (EEC) No. 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport	Ministry of Labour and Social Affairs of Armenia (Ministry of Transport and Communication of Armenia)	1 <sup>st</sup> quarter	38	Consultancy, expertise
<b>TOTAL</b>					<b>38</b>	
<b>TOTAL</b>					<b>212</b>	



**2.2 Institutional Capacities**

0	1	2	3	4
N/N	Institution	Reorganization	Training Needs	Technical Assistance Needs
1.	RoA Ministry of Labour and Social Affairs	Elaboration of a draft government decree on making amendments to the Government Decree 1405-N of 22 August on the establishment of a National Institute for Labour and Social Researches for reorganization of the National Institute for Labour and Social Researches under the Ministry of Labour and Social Affairs in accordance with the requirements of Council Regulation (EEC) No. 1365/75 of 26 May 1975 on the establishment of a European Foundation for the improvement of living and working conditions	<p>Training course on the employer's obligation to inform the employee of the conditions of employment relations and certain aspects of working time in the EU (15 days/2007)</p> <p>Training course on a European Foundation for the improvement of living and working conditions (15 days/2007)</p>	Consultancy, staffing, logistics
2.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• National Statistical Service of Armenia</li> </ul>	--	Training course on Labour Cost Index in the EU (10 days/2007)	Consultancy
3.	<ul style="list-style-type: none"> <li>• RoA Ministry of Labour and Social Affairs</li> <li>• RoA Ministry of Justice</li> </ul>	--	Training course on the protection of workers' rights to receive remuneration in the event of reorganization of the company and insolvency of the employer (bankruptcy) in the EU (2008)	Consultancy, expertise, staffing, logistics

4.	<ul style="list-style-type: none"><li>• RoA Ministry of Labour and Social Affairs</li><li>• RoA Ministry of Transport and Communication</li></ul>	Establishment of a Guarantee Fund for the remuneration of employees in the event of the insolvency and bankruptcy of the employers according to the requirements with the Council Directive No. 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer	Training course on social protection of workers in road transport sector in the EU (10 days/2009)	Consultancy
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### **1.3 Equality between Men and Women**

#### **Introduction**

The provisions of the EU legislation on equality between men and women are mainly not envisaged by the Armenian legislation. The field of the principle of equality between men and women in the EU incorporates the implementation of the principle of equality between men and women as well as the protection of self-employed women's rights involved in agricultural and other activities. The mentioned legal relations in Armenia are mainly regulated by the Labour Code<sup>21</sup>, the provisions of which, however, do not cover the requirements of the EU legislation.

Based on the screening results it should be noted that the Armenian legislation does not provide for legislative mechanisms aimed at ensuring equal employment rights for men and women as regards access to employment, vocational training and promotion, the concept of self-employment and provisions on equal treatment for men and women in economic management sector.

Within the framework of the Programme, the subchapter "Equality between Men and Women" shall be completely approximated with the requirements of the EU legislation by 2009.

#### **Y2007**

To bridge the gap in legal regulation of the implementation of the principle of gender equality in employment relations, a draft law on the implementation of the principle of equal treatment for men and women in employment relations shall be elaborated in accordance with the requirements of Council Directive No. 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions.

#### **Y2008**

To fill the gap in legal regulation of ensuring the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, a draft law on making amendments to the Labour Code of Armenia shall be elaborated according to the requirements of Council Directive No. 86/613/EEC<sup>22</sup>.

#### **Y2009**

For promoting gender equality in state projects, a draft Government Decree on Promoting Gender Equality shall be elaborated in accordance with the requirements of the Regulation (EC) No. 806/2004 of the European Parliament and of the Council<sup>23</sup>.

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<sup>21</sup> HO-124, 09.11.2004

<sup>22</sup> Council Directive No. 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood

<sup>23</sup> Regulation (EC) No. 806/2004 of the European Parliament and of the Council of 21 April 2004 on promoting gender equality in development cooperation

**1.3.1 Legislative Approximation and Implementation**

0	1	2	3	4	5	6
N/N	Measure	EU Legal Source	Responsible Institutions	Submission Date	Necessary Resources (man/day)	EU Technical Assistance
<b>2007</b>						
1.	Elaboration of a draft law on the implementation of the principle of gender equality in employment relations	Council Directive No. 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions	Ministry of Labour and Social Affairs of Armenia	1 <sup>st</sup> quarter	18	Consultancy
<b>TOTAL</b>					<b>18</b>	
<b>2008</b>						
2	Elaboration of a draft law on making amendments to the Labour Code of Armenia	Council Directive No. 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity and in the protection of self-employed women during pregnancy and motherhood	Ministry of Labour and Social Affairs of Armenia	2 <sup>nd</sup> quarter	15	Consultancy
<b>TOTAL</b>					<b>15</b>	

			<b>2009</b>			
3.	Elaboration of a draft Government Decree on promoting gender equality	Regulation (EC) No. 806/2004 of the European Parliament and of the Council of 21 April 2004 on promoting gender equality in development cooperation	Ministry of Labour and Social Affairs of Armenia	1 <sup>st</sup> quarter	21	--
<b>TOTAL</b>					<b>21</b>	
<b>TOTAL</b>					<b>54</b>	

**1.3.2 Institutional Capacities**

NN	Institution	Reorganization	Training Needs	Technical Assistance Needs
1.	RoA Ministry of Labour and Social Affairs	--	Training course on the measures ensuring the implementation of the principle of equality between men and women in the EU (10 days/2007 )	Consultancy, provisional expertise

### 1.4 Social Dialogue

#### **Introduction**

The Armenian legislation in the field of social dialogue mainly does not comply with the EU secondary legislation, since it is of general nature. The EU legislation in this field envisages employer's obligation to inform and consult employees or their representatives, which is not regulated by the Armenian legislation.

Based on the screening results it should be noted that there are no mechanisms and conditions stipulated by the Armenian legislation to involve special experts and representatives of workers in the process of transferring information relating to employment relations between employer and employee.

Furthermore, the Armenian legislation does not stipulate the conditions of providing information on employment relations between employer, employee and their representatives, which are related to the cooperation principle, the assumption of mutual rights and obligations as well as mutual interests arisen in the above-mentioned process. Although the Armenian legislation envisages the concept of social partnership, the procedure for providing information is missing.

Within the framework of the Programme, the subchapter "Social Dialogue" shall be completely approximate with the requirements of the EU Legislation by 2007.

#### **Y2007**

For the approval of the procedure for informing and consulting employees and their representatives by the employer, a draft Government Decree on informing and consulting employees and their representatives by the employer shall be elaborated in accordance with the requirements of the Directive No. 2002/14/EC of the European Parliament and of the Council<sup>24</sup>.

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<sup>24</sup> Directive No. 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

**1.4.1 Legislative Approximation and Implementation**

0	1	2	3	4	5	6
N/N	Measure	EU Legal Source	Responsible Institutions	Submission Date	Necessary Resources (man/days)	EU Technical Assistance
<b>2007</b>						
1.	Elaboration of a draft Government Decree on informing and consulting employees or their representatives by the employer	Directive No. 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community	Ministry of Labour and Social Affairs of Armenia	2 <sup>nd</sup> quarter	15	Consultancy
<b>TOTAL</b>					<b>15</b>	



**1.4.2 Institutional Capacities**

<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>N/N</b>	<b>Institution</b>	<b>Reorganization</b>	<b>Training Needs</b>	<b>Technical Assistance Needs</b>
1.	RoA Ministry of Labour and Social Affairs	--	Training course on informing and consulting employees or their representatives by the employer (5 days/2007)	Consultancy, provisional expertise