TABLE OF CONTENTS

LABOUR CODE

OF THE REPUBLIC OF ARMENIA

Adopted on 9 November 2004

SECTION 1

GENERAL PROVISIONS

CHAPTER 1

LABOUR LEGISLATION AND RELATIONS REGULATED THEREBY

Article 1. Relations regulated by the Labour Code of the Republic of Armenia

1. This Code shall regulate collective and individual employment relations, define the grounds for origin, change and termination of such relations and the procedure for their implementation, rights and obligations of the parties to employment relations, their liability, as well as the conditions for ensuring the safety and healthcare of employees.
2. Peculiarities for regulating separate fields of employment relations may be defined by law.

Article 2. Objective of the labour legislation

The objective of the labour legislation is to:

(1) define the state guarantees for employment rights and freedoms of natural persons, i.e. citizens of the Republic of Armenia, foreign nationals and stateless persons (hereinafter referred to as "the citizens");

(2) contribute to the creation of favourable working conditions;

(3) protect the rights and interests of employees and employers.

Article 3. Principles of the labour legislation

1. The main principles of the labour legislation are the following:

(1) the free choice of employment, including the right to work (which everyone freely chooses or freely agrees to), the right to dispose of his or her working skills, to choose profession and type of activity;

(2) prohibition of compulsory or forced labour of any form (nature) and of violence, sexual harassment against employees;

(3) legal equality of parties to employment relations, irrespective of their gender, race, skin colour, national origin, language, origin, nationality, social status, religion, marital status and family status, age, beliefs or views, affiliation to parties, trade unions or non-governmental organisations, other circumstances not associated with the professional skills of an employee;

(4) ensuring the right to fair working conditions for every employee (including conditions ensuring safety and meeting hygiene requirements, right to rest);

(5) equality of rights and opportunities of employees;

(6) ensuring the right of every employee to fair remuneration in a timely manner and fully and not less than the minimum salary rate laid down by law;

(7) ensuring the right to freedom of association of employers and employees with others for the protection of employment rights and interests (including the right to form or join trade unions and employers' associations);

(8) stability of employment relations;

(9) freedom to collective bargaining;

(10) liability of the parties to collective agreements and employment contracts based on their obligations.

2. The State shall ensure exercise of employment rights in accordance with the provisions of this Code and other laws. Employment rights may be restricted only by law, where it is necessary for national and public security, public order, protection of the health and morals of the public, protection of the rights and freedoms, honour and good reputation of others.

(Article 3 supplemented by HO-360-N of 5 October 2022, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 3.1. Prohibition of discrimination

1. Discrimination shall be prohibited by the labour legislation.

2. Any direct or indirect distinction, exclusion or restriction on the grounds of sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances, the aim or

result whereof is displaying less favourable treatment in cases of emergence and/or change and/or termination of collective and/or individual employment relations or prohibiting or denying the recognition and/or exercise, on equal basis with others, of any right prescribed by labour legislation shall be deemed to be discrimination, except for cases when such distinction, exclusion or restriction is objectively justified by the legitimate aim pursued, and the means used for reaching that aim are proportionate and necessary.

3I n job announcements (competitions) and when establishing employment relations, it shall be prohibited to establish any other condition deemed to be a ground for discrimination but practical qualities and professional training and qualification, except for cases prescribed by this Code and laws of the Republic of Armenia, or when it derives from job-specific requirements.

(Article 3.1 supplemented by HO-173-N of 10 September 2019, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 3.2. Compulsory or forced labour

1. Compulsory or forced labour shall be prohibited.

2. Compulsory or forced labour shall be any work or service exacted from a person or performed by a person by use or under the threat of use of any form of force, which that person has not expressly agreed to on a voluntary basis, except for the cases provided for by part 3 of this Article.

3. Compulsory or forced labour shall not include:

   (1) any work that is performed by a convict in compliance with the law;

   (2) military or alternative service;

(3) any work required at the time of emergency situations posing a threat to life and well-being of the population.

(Article 3.2 supplemented by HO-360-N of 5 October 2022)

Article 3.3. Prohibition of violence or sexual harassment at work (workplace)

1. Violence or sexual harassment at work (workplace) shall be prohibited.
2. Violence at workplace or other place of performance of employment duties (including secondments) shall be one-time or repeated act of violence or containing a threat of violence against an employee or a third person which results or may result in physical, psychological, sexual or economic damage, or creating a hostile or humiliating environment for the person.
3. Sexual harassment at workplace or other place of performance of employment duties (including secondment) shall be an unwelcome sexual act displayed in physical or verbal or non-verbal conduct of sexual nature (including sexually suggestive advances, touches), and which directly or indirectly affects the persons' decision regarding the employment or creates working environment that humiliates the dignity or incites social alienation.

(Article 3.3. supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 4. Labour legislation and other legal acts

1. The employment relations in the Republic of Armenia shall be regulated by the Constitution of the Republic of Armenia, this Code, laws, other legal acts, employment contracts and collective agreements.

The labour legislation defines:

(1) the scope, objective and principles of the labour legislation;

(2) the legal grounds for exercise of the right to work;

(3) the procedure and conditions for conclusion and implementation of collective agreements and employment contracts, as well as the liability of the parties based on their obligations;

(4) the procedure and conditions for remuneration for work;

(5) the maximum duration of working time and minimum rest time;

(6) the minimum size (limit) of privileges, benefits and guarantees;

(7) the basic rules and norms of the healthcare and assurance of safety of employees;

(8) the rights and obligations, liability of representatives of employees — trade unions, representatives (entity) selected by the meeting (assembly) of employees, as well as unions of employers, the representatives thereof;

(9) the legal grounds for assurance of labour discipline;

(10) the conditions and amounts (limits) of material liability;

(11) the basic provisions on exercising control and supervision over observance of the labour legislation.

2. Acts of government agencies and local self-government bodies containing norms of labour law may be published only in the cases and within the limits provided for by the labour legislation.

3. Employers, as prescribed by the legislation and within the limits of their powers, may adopt internal (local) and individual legal acts.

(Article 4 amended by HO-66-N of 19 May 2008, edited by HO-117-N of 24 June 2010, supplemented and amended by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 5. Internal and individual legal acts of an employer

1. Internal and individual legal acts of an employer shall be adopted in the form of orders or executive orders and, in cases prescribed by the legislation — in the form of other legal acts.

   Where internal and individual legal acts contain provisions that are less favourable than the conditions prescribed for employees by labour legislation and other regulatory legal acts containing norms of labour law, such acts or the relevant parts thereof shall have no legal force.

2. Internal legal acts shall be adopted when the internal disciplinary rules, work (shift) and rest timetables (schedules) of an organisation are approved, employees are involved in overtime work and duty, as well as in cases provided for by this Code and other legal acts.

3. An employer shall adopt individual legal acts aimed at regulating individual employment relations.

4. The internal and individual legal acts adopted by the employer shall enter into force upon duly informing the concerned persons about that act, unless another time limit is provided for by those legal acts. One copy of an individual legal act on accepting for employment, as well as on rescinding the employment contract shall be delivered to the employee within three days following adoption thereof.

5. The internal and individual legal acts adopted by the employer shall be preserved, record-registered and archived as prescribed by the legislation of the Republic of Armenia.

(Article 5 edited by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 6. Regulation of employment and other relations directly associated therewith on a contractual basis

1. In accordance with the labour legislation and other regulatory legal acts containing norms of labour law, employment and other relations directly associated therewith shall be regulated through collective agreements and employment contracts concluded between employees and employers.

   Collective agreements and employment contracts may not contain such conditions that deteriorate the state of employees as compared with the workplace conditions laid down by the labour legislation and other regulatory legal acts containing norms of labour law. Where the conditions laid down by collective agreements or employment contracts contradict this Code, laws and other regulatory legal acts, these conditions shall have no legal force.

2. Where the labour legislation and other regulatory legal acts containing norms of labour law do not directly prohibit the parties to employment relations to establish by themselves mutual rights and obligations on a contractual basis, the parties, while establishing such rights and obligations on a contractual basis, shall be guided by the principles of justice, reasonableness and fairness.

Article 7. Scope of the labour legislation

1. The labour legislation and other regulatory legal acts containing norms of labour law shall apply to employment relations having arisen in the territory of the Republic of Armenia, irrespective of the fact whether the work is performed in the Republic of Armenia or in another state upon the assignment of the employer.

2. Provisions of the labour legislation of the Republic of Armenia and of other regulatory legal acts containing norms of labour law shall be mandatory for adherence by all employers, regardless of their organisational and legal form and form of ownership.

3. Employment relations arising at the time of performing work in vessels or aircrafts (flying vessels) shall be regulated by the labour legislation of the Republic of Armenia and other regulatory legal acts containing norms of labour law, where these vessels sail or the aircrafts (flying vessels) fly under the flag of the Republic of Armenia or bear the image of the coat of arms of the Republic of Armenia.

   The labour legislation of the Republic of Armenia and other regulatory legal acts containing norms of labour law shall be applied at the time of performance of work in other means of transport, where such means of transport owned by the employer are under the jurisdiction of the Republic of Armenia.

4. Where the employer is a foreign state or its diplomatic representation, a foreign entity or a foreign person registered in a foreign state (hereinafter referred to as "foreign employer"), the labour legislation of the Republic of Armenia and other regulatory legal acts containing norms of labour law shall cover the employment relations having arisen with the employers permanently residing in the Republic of Armenia to the extent that the diplomatic immunity is not violated.

5. The labour legislation of the Republic of Armenia and other regulatory legal acts containing norms of labour law shall not cover the employment relations having arisen between foreign employers and employees not residing permanently in the Republic of Armenia, irrespective of the fact that the employees perform work upon the instruction of the employer in the Republic of Armenia.

6. Where it is approved through judicial procedure that employment relations are actually regulated by a civil law contract concluded between the employer and the employee, provisions of the labour legislation and of other regulatory legal acts containing norms of labour law shall apply to such relations.

7. Employment (service) relations of persons holding public positions and of public servants, as well as of the employees of the Central Bank of the Republic of Armenia shall be regulated by this Code, unless otherwise provided for by appropriate laws.

8. This Code does not regulate employment relations involving citizens serving their sentence in correctional institutions, except for the relations with respect to working time and rest-time regulations, remuneration for work, safety and health of employees;

(Article 7 supplemented by HO-117-N of 24 June 2010, edited by HO-49 of 21 January 2020, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 8. Application of foreign law

Foreign law shall be applied to employment relations existing in the Republic of Armenia, where it is provided for by the international treaties or by the law of the Republic of Armenia.

Article 9. International treaties

Where norms other than those envisaged by this Code are laid down by the international treaties of the Republic of Armenia, the norms of the treaties shall apply.

Article 10. Application of legal norms in the field of employment by analogy

1. Where employment relations are not directly regulated by law, the norms of the labour legislation regulating similar relations (law analogy) shall be applied to such relations, unless it contradicts their essence.
2. Where it is impossible to apply law analogy, rights and obligations of the parties shall be determined on the basis of principles of labour legislation (right analogy).

3. The analogy of legislation or law may not be applied, if the rights, freedoms of employers or citizens are restricted, or new obligation or liability is envisaged for them, or sanctions, coercive measures imposed on them, or the procedure for their application, the conditions and procedure for exercising control and supervision over their activities are made more stringent.

(Article 10 edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 11. Principles of interpretation of norms of the labour legislation

1. The norms of the labour legislation of the Republic of Armenia shall be interpreted by the direct meaning of the words and phrases used therein by taking into consideration the requirements of this Code.

   Interpretation of the norm of the labour legislation of the Republic of Armenia shall not modify its meaning.

2. Where a legal act has been adopted for implementation of, or in accordance with, a legal act of equal or higher legal force, the act shall be interpreted primarily on the basis of the provisions and principles of the act of higher legal force.

Article 12. Operation of the labour legislation in time

The labour legislation of the Republic of Armenia covers the relations arisen before its entry into force, i.e. it has retroactive force only for cases provided for by this Code, other laws, as well as by the given regulatory legal act. The legal acts that restrict the rights and freedoms of employers or citizens, make more stringent the procedure for their implementation or establish liability or make the liability more stringent, or

establish obligations, or establish or make more stringent the procedure for the fulfilment of obligations, lay down or make more stringent the procedure for exercise of control or supervision over the activities of employers or citizens, as well as worsen their legal status in other ways shall have no retroactive force.

CHAPTER 2

EMPLOYMENT RELATIONS, GROUNDS FOR THE ORIGIN OF EMPLOYMENT RELATIONS, PARTIES TO EMPLOYMENT RELATIONS

Article 13. Employment relations

Employment relations are relations based on mutual agreement of employees and employers, under which employees shall personally perform official functions (work with certain profession, qualification or in a certain position) with certain remuneration adhering to internal disciplinary rules, and employers shall ensure conditions of employment provided for by the labour legislation, other regulatory legal acts containing norms of labour law, collective agreements and employment contracts.

Article 14. Grounds for and place of the origin of employment relations

(title supplemented by HO-160-N of 3 May 2023)

1. Employment relations between an employee and an employer shall arise on the basis of an employment contract concluded in writing as prescribed by the labour legislation, or by an individual legal act on accepting for employment.

1.1. Employment relations shall be considered as having arisen in the Republic of Armenia where the employment contract has been concluded, or the individual legal act on accepting for employment has been adopted in the Republic of

Armenia. Where the employment contract has been concluded beyond the Republic of Armenia, or by exchanging through communication ensuring postal or electronic transmission as prescribed by part 1.1 of Article 85 of this Code, or the individual legal act on accepting for employment has been sent through means of communication prescribed by this part, the employment contract shall be considered as concluded, and the individual legal act on accepting for employment shall be considered as adopted in the Republic of Armenia where:

(1) the registered office of an employer considered to be a resident legal person (the place of location of its permanently functioning body) is the Republic of Armenia;

(2) the employer is the Republic of Armenia or the community or the state or local self-government body;

(3) the place of state record-registration of the institution is the Republic of Armenia;

(4) the address of the place of location (postal address) of separated subdivisions and institutions of organisations registered in a foreign state or international organisations serving as an employer is the Republic of Armenia;

(5) the place of residence of a natural person employer is the Republic of Armenia.

2. The provisions of this Code on regulation of contractual relations shall apply to the regulation of employment relations arising by an individual legal act on accepting for employment.

(Article 14 edited by HO-117-N of 24 June 2010, amended by HO-68-N of 1 March 2011, HO-96-N of 22 June 2015, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 15. Labour passive capacity and active legal capacity of citizens

1. The capacity of having employment rights and bearing obligations (labour passive legal capacity) shall be recognised equally for all citizens of the Republic of Armenia. Foreign nationals, stateless persons shall have the same labour legal capacity in the Republic of Armenia as the citizens of the Republic of Armenia, unless otherwise provided for by law.

2. Labour passive legal capacity of citizens, their capacity to obtain and exercise employment rights through their activities, to create employment duties and to fulfil them (labour active legal capacity) shall arise in full scale from the moment of attainment of the age of 16, except for cases provided for by this Code and other laws.

Article 16. Labour passive legal capacity and active legal capacity of employers

1. Labour passive legal capacity and active legal capacity of employer legal persons arise from the moment of their establishment. The norms on labour passive legal capacity and active legal capacity shall be applied to the passive legal capacity and active legal capacity of other employers not considered legal persons, unless otherwise follows from this Code, other laws of the Republic of Armenia or peculiarities of these entities.

2. Employers shall obtain employment rights and bear employment duties, and perform them through officials vested with relevant powers, in cases provided for by law or other regulatory legal act or the charter of the legal person or the internal or individual legal act adopted by the employer — other persons having such powers, as well as their entities that are formed and act on the basis of laws, other regulatory legal acts, the charter of the legal person, or the internal or individual legal acts adopted by the employer.

3. Passive legal capacity and active legal capacity of the citizen who is an employer are regulated by the Civil Code of the Republic of Armenia. Citizens who are employers may exercise employment rights and incur obligations by themselves.

(Article 16 supplemented, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 17. The employee

1. The employee is the capable citizen having attained the age defined by this Code who performs certain work for the benefit of the employer based on certain profession, qualification or in a certain position.
2. Persons performing a temporary work prescribed by part 3 of Article 17.1 of this Code shall also be considered as employees.

2.1. ***(part repealed by HO-160-N of 3 May 2023)***

2.2. ***(part repealed by HO-160-N of 3 May 2023)***

3. ***(part repealed by HO-160-N of 3 May 2023)***

4. ***(part repealed by HO-160-N of 3 May 2023)***

(Article 17 edited, supplemented by HO-117-N of 24 June 2010, amended, supplemented by HO-96-N of 22 June 2015, edited, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 17.1. Peculiarities of employment relations involving persons under the age of eighteen

1. Every person under the age of eighteen shall have the right to engage in work activities relevant to his or her age-specific capacities, development peculiarities and abilities, not prohibited by this Code and other laws of the Republic of Armenia.

2. Persons under the age of fourteen may be involved only in creating or performing compositions (creative work) in cinematographic, sports, theatrical or concert organisations, circus, television or radio.

3. A temporary employment contract shall be concluded with persons under the age of sixteen. Accepting persons under the age of sixteen for permanent employment shall be prohibited. Persons under the age of sixteen may — in the cases and in the manner prescribed by this Code — be accepted for temporary employment upon the written consent of one of the parents or fostering parents, or adopters, or the guardian or curator, and in their absence — the guardianship or curatorship body of the place of residence of the person under the age of sixteen, unless it impedes their compulsory education process.

4. Persons under the age of sixteen may be involved in temporary works in compliance with parts 1 and 1.2 of Article 85, points 4 and 5 of part 1 of Article 89, point 1 of part 3 of Article 91, Article 101, points 1-4 of part 1 of Article 140, part 1.1 of Article 143, part 3 of Article 148, part 4 of Article 149, part 1.1 of Article 152, part 2 of Article 153, part 2 of Article 154, part 7 of Article 155, point 1 of part 4 of Article 164, part 3 of Article 209, part 2 of Article 240, part 1 of Article 249, Article 257 of this Code.

5. Persons under the age of eighteen may be involved only in works that do not pose a risk to their health (including physical and mental development, morality), do not pose a threat to their security and do not impede their compulsory education.

6. Persons under the age of eighteen may not be involved in work on days off, non-working days — holidays and commemoration days, except for the cases of participation in sport and cultural events.

7. Persons under the age of eighteen shall have the right to privileged conditions of work. Shorter working time shall be set for these persons in compliance with the requirements prescribed by points 1-5 of part 1 of Article 140 of this Code.

(Article 17.1 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 18. The employer

1. The employer is the participant of employment relations that uses the work of citizens on the basis of employment contract and/or as prescribed by law.

2. An employer may be legal persons having obtained state registration in the Republic of Armenia, regardless of the legal and organisational form, state and local self-government bodies, institutions record-registered in the Republic of Armenia, entities prescribed by part 4 of Article 4 of this Code, separated subdivisions, institutions — registered or record-registered as prescribed by law of the Republic of Armenia — of organisations registered in a foreign state or international organisations, as well as natural persons, including individual entrepreneurs and notaries public. An employer may be also the Republic of Armenia and the community, as well as other entity having the right to conclude an employment contract or an individual legal act on accepting for employment under the law of the Republic of Armenia.

3. ***(part repealed by HO-117-N of 24 June 2010)***

(Article 18 supplemented, amended by HO-117-N of 24 June 2010, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 18.1. Place of work (workplace)

1. A place of work (workplace) shall be the place where an employee performs official functions prescribed by an employment contract or an individual legal act on accepting for employment, or where the employee must be present or must appear given their job, and which is under the direct (immediate) management (administration) or control of the employer.

2. If due to the nature of work and in case of employment with the same employee more than one place (site) serves as a workplace for an employee, the main place of work (main workplace) shall be:

   (1) the workplace having permanent place of location and equipped with means of labour where the employee usually spends more than half of the time period necessary to perform works provided for by the employment contract or the individual legal act on accepting for employment;

   (2) the place of location of the employee or the place of location of the structural or separated subdivision or office or institution of the employer where the employee works, in the cases when:

      a. the duration of the time period provided for by point 1 of this part for performing the works provided for by the employment contract or the individual legal act on accepting for employment cannot be determined;

      b. the works are field works, or works of transportation (mobility) nature, or works having no permanent place of location, or works at itinerant trade points.

   (3) the workplace prescribed by the employment contract upon consent of the parties, in the case when the main place of work cannot be determined under points 1 and 2 of this part.

3. In the case provided for by point 2 of part 2 of this Article where the employer is a natural person not considered to be individual entrepreneur or notary public, the main place of work (main workplace) shall be his or her permanent place of residence, and in case of an individual entrepreneur — the address of entrepreneurial activity recorded in the unified state register prescribed by law.

4. For the purpose of applying secondment-related relations, the main place of work shall be considered the settlement where the workplace complying with part 2 of this Article is located.

(Article 18.1 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 19. Team of employees, procedure for adopting decisions by team of employees

1. All employees being in employment relations with the employer shall form the team of employees.

   The team of employees shall make the decisions thereof through staff meetings (assembly).

2. The staff meeting shall have quorum, where more than fifty per cent of the employer's employees participate therein, and the assembly shall have quorum where more than two thirds of envoys selected by the employees participate.

3. Decisions of the staff meeting (assembly) shall be deemed to be made, where more than fifty per cent of the participants (envoys) of the meeting (assembly) have voted for it, except for the cases provided for by this Code.

4. By the decision taken by the majority of votes of the participants of the staff meeting (envoys of the assembly), decisions of the staff meeting (assembly) may be made by secret ballot.

5. The team of employees may also make its decisions by the sum-up of votes received in the meetings convened by structural and separated subdivisions of an organisation.

Article 20. Service record

1. Service record is considered to be the time period during which the citizen was in employment relations regulated by this Code, as well as other periods that may be counted in the service record in accordance with regulatory legal acts or collective agreements to which the labour legislation, other regulatory legal acts and collective agreements attach certain employment rights or additional employment guarantees and privileges. Service record may be:

   (1) general service record counting the whole period of employment relations of the citizen, as well as other periods permitted by the legislation of the Republic of Armenia to count in the service record;

   (2) professional service record counting the service record of a citizen that complies with the qualification or profession referred to in the document certifying the vocational education prescribed by the legislation of the Republic of Armenia, and where the given job description (position profile) involves specific vocational education — in the document certifying that education, regardless whether the work is performed in the public or private sector, as well as other periods permitted by the legislation of the Republic of Armenia to count in the service record of the given type. The professional service record shall cover the period worked after obtaining the relevant qualification;

   (3) service record within a certain organisation or with the same employer, counting working period at the same position as well as periods permitted by the legislation of the Republic of Armenia to count in the service record of the given type;

(4) uninterrupted service record counting period of work within the same organisation (with the same employer) or several organisations (employers) where shift from one workplace to the other has been made upon the mutual agreement of employers or upon other grounds not interrupting the service record or when intervals between the shift from one work to the other one have not exceeded one month;

(5) ***(point repealed by HO-160-N of 3 May 2023)***

2. The procedure for counting the service record shall be defined by the Government of the Republic of Armenia.

(Article 20 amended by HO-238-N of 24 October 2007, supplemented by HO-117-N of 24 June 2010, amended by HO-96-N of 22 June 2015, supplemented, edited, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

CHAPTER 3

REPRESENTATION IN COLLECTIVE EMPLOYMENT RELATIONS

Article 21. Voluntarism and freedom of representation

For the purpose of protection and representation of their rights and interests, employers and employees may freely and voluntarily join and establish trade unions and employers' associations in the manner prescribed by law.

Article 22. Basics of representation

1. Employers and employees may acquire employment rights and duties, alter or waive them and protect them through their representatives. Employers and employees may be represented both in collective and individual employment relations. Representation in collective employment relations shall be regulated by this Code and other laws, whereas representation in individual employment relations shall be regulated by the Civil Code of the Republic of Armenia.

2. Representation in collective employment relations shall occur, where the representative represents the will of over fifty per cent of the employees. Obligations of general nature assumed through such representation shall also be binding to all employees, who do not have the special powers endowed to the representative of the team, who fall within the scope of such obligations assumed.

Article 23. Representatives of employees

1. Trade unions shall have the right to represent the rights and interests of employees and to protect those rights and interests in employment relations. Where there is/are no trade union(s) in the organisation, the staff meeting (assembly) may delegate the functions of the representation of employees and protection of interests to the relevant branch or territorial trade union. In that case, the staff meeting (assembly) shall elect a representative(s) to participate in the collective bargaining conducted with the given employer in the delegation of the branch or territorial trade union.

2. Where in the organisation:

   (1) employees are affiliated only with one trade union, and it joins more than half of employees of the organisation, that trade union shall represent and

protect the rights and interests of all employees of the organisation in collective employment relations;

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

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

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

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

(Article 23 edited by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 24. Regulation of activities of entities representing the rights and interests of employees

While protecting the employment, professional, economic and social rights and interests of employees, the representatives of employees shall be governed by this Code, laws, other regulatory legal acts and the statutes thereof.

(Article 24 edited by HO-117-N of 24 June 2010)

Article 25. Rights of representatives of employees

1. Representatives of employees shall have the right to:

   (1) draft their statutes and regulations, freely elect their representatives, arrange their administrative staff and their activities and draw up their programmes;

   (2) acquire information from the employer in the manner prescribed by this Code;

   (3) submit proposals to the employer on work organisation and workplace conditions;

   (4) conduct collective bargaining within the organisation, conclude collective agreements, exercise the supervision over their execution;

   (5) exercise non-state supervision within an organisation over implementation of labour legislation and other regulatory legal acts containing rules of labour law;

   (6) appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof contradicting the legislation of the Republic of Armenia, as well as collective agreements and employment contracts or violating rights of the employees or representatives of employees within the organisation;

   (7) participate in the development of production plans and their implementation within the organisation;

   (8) submit proposals to the employer on improvement of working and leisure conditions of employees, introduction of new technical equipment, reduction of the amount of manual labour, revision of the production norms, as well as the amount of and procedure for the remuneration for work.

2. Trade unions, except for as prescribed by part 1 of this Article, shall have the right to:

   (1) ensure the coordination of employees' and employers' interests in collective employment relations at different levels of social partnership;

   (2) submit proposals to state and local self-government bodies;

   (3) organise and lead strikes.

3. Representatives of the employees may, by collective agreement, be vested with additional powers not contradicting the legislation.

(Article 25 edited by HO-117-N of 24 June 2010, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 26. Employer's obligations and rights relating to representatives of employees

1. The employer shall be obliged to:

   (1) respect the rights of the representatives of employees and not impede their activities. Activities of the representative of employees may not be terminated by the employer's will;

   (2) when taking decisions that may affect the legal status of the employees, hold consultations with representatives of employees and, in cases provided for by this Code, receive their consent;

   (3) ensure the conduct of collective bargaining within short time limits;

   (4) within the time limits laid down by this Code and, where such time limits are not laid down, not later than within one month, consider the proposals of the representatives of employees and provide answers in writing;

(5) provide necessary information free of charge on issues related to the work to the representatives of employees;

(6) discharge other obligations laid down by collective agreements;

(7) ensure the exercise of the rights of the representative of employees as prescribed by the legislation;

(8) provide the representatives of employees with facilities and supplies to exercise their powers as prescribed by the collective agreement or by the agreement of the parties.

2. When the representative of employees violates the employer's rights, requirements of the legislation or norms of contracts, the employer shall have the right to refer to the court in the manner prescribed by the legislation requesting termination of unlawful activities of the representative of employees.

(Article 26 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 27. Representatives of employers

1. In collective and individual employment relations of the organisation the head (director, general director, chairperson, etc.) of the organisation acts as a representative of the employer. In cases provided for by law or other regulatory legal act or the statute of the legal person or internal or individual legal acts adopted by the employee or within the scope of their powers, employers may also be represented by other persons.

2. The employer shall have the right to assign his or her powers in the field of employment right or some part of them to citizens or legal persons.

3. In collective relations at national, branch and territorial levels, the relevant association of employers shall act as a representative of employers.

The association of employers is a legal person, regarded as a non commercial organisation that unites employer-organisations and employer-citizens. Employer-organisations, acting as members of the association, may be represented in the association through their representatives.

The activities of the association of employers shall be regulated by this Code, law and its statute.

(Article 27 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

CHAPTER 4

TIME LIMITS

Article 28. Determination of a time limit

1. The time limit laid down by the labour legislation, other regulatory legal acts containing norms of labour law, collective agreements and employment contracts or set by the court shall be determined upon the end of a certain time period counted by a calendar year, month, date or years, months, weeks, days or hours.
2. The time limit shall also be determined by mentioning the event that must inevitably happen.

Article 29. Calculation of time limits

1. The time limit determined by a time period shall start on the day following the calendar year, month, date or event signifying the beginning of the time limit.

2. The time limit calculated in years shall expire on the corresponding month and day of the last year of the time limit. Where it is impossible to determine exactly the starting month of the time limit calculated in years, the last day of the time limit shall be considered to be 30 June of the corresponding year.

   The rules for time limit calculated in months shall be applied to the semi-annual time limit.

3. The rules for time limits calculated in months shall be applied to the time limit calculated by quarters of a year. Moreover, a quarter shall be considered equal to three months and the calculation of quarters shall start from the beginning of the year.

4. A time limit calculated in months shall expire on the corresponding day of the last month of the time limit.

   Where the time limit calculated in months expires in a month not having a corresponding day, the time limit shall expire on the last day of that month.

   Where it is impossible to determine exactly the starting day of the time limit calculated in months, the last day of the time limit shall be considered to be on the 15th of the corresponding month.

5. A time limit determined by half a month shall be considered as a time limit calculated by days and deemed equal to fifteen days.

6. A time limit calculated in weeks shall expire on the corresponding day of the last week of the time limit.

7. Rest days and non-working days, such as holidays and commemoration days, shall also be included in the time limits calculated in calendar days. Where the last day of the time limit coincides with a non-working day, the last day of the time limit shall be considered to be the following working day. The time limit calculated in days shall be calculated in calendar days, unless otherwise provided for by the labour legislation or other regulatory legal acts containing norms on labour law.

8. Where a time limit has been established for carrying out an action, that action may be carried out until 24:00 of the last day of the time limit. However, where the action must be performed within the organisation, the time limit shall expire at the hour when corresponding operations in the organisation are stopped according to the established rules.

9. The written applications and notifications (documents) submitted to a communication organisation by 24:00 of the last day of the time limit shall be deemed to be timely submitted.

Article 30. Statute of limitations

1. Statute of limitations is the time period for protection of the right through the claim of the person whose right has been violated.

2. The general period of statute of limitations for relations regulated by this Code shall be three years, with the exception of the cases provided for by this Code. With regard to certain types of claims shorter or longer special statute of limitations, compared to the general statute of limitations, may be defined.

3. Statute of limitations shall not cover claims for protection of employee's honour and dignity, salary, compensation of damages caused to person's life or health.

4. Provisions concerning statute of limitations of Civil and Civil Procedure Codes of the Republic of Armenia may be applied to employment relations where the

labour legislation does not provide for any provisions concerning the application of statute of limitations.

Article 31. Expiry dates

1. The labour legislation may set such time limits upon expiry whereof rights and obligations relating thereto shall abolish (expiry dates).
2. Expiry dates shall not be subject to suspension, extension or renewal, with the exception of the cases provided for by the labour legislation.

Article 32. Procedural time limits

Time limits established by the labour legislation for carrying out procedural actions shall be determined by the Civil Procedure Code of the Republic of Armenia based on the provisions pertaining to the calculation and application of such time limits, with the exception of the cases provided for by the labour legislation.

CHAPTER 5

CONTROL AND SUPERVISION OVER OBSERVANCE OF THE LABOUR LEGISLATION

Article 33. State supervision over the the labour legislation

(title edited by HO-265-N of 4 December 2019)

State supervision over the observance of the requirements of the labour legislation and other regulatory legal acts containing norms of labour law, as well as of collective

agreements shall be exercised by the authorised inspection body in the field (hereinafter referred to as "the inspection body") imposing sanctions in the cases provided for by law.

(Article 33 amended by HO-117-N of 24 June 2010, edited by HO-265-N of 4 December 2019)

Article 33.1. State supervision over the labour legislation during prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergency cases or elimination of consequences thereof

(Article repealed according to part 2 of Article 9 of Law HO-236-N of 29 April 2020)

Article 34. State control and supervision over the implementation of the labour legislation and collective agreements

(Article repealed by HO-256-N of 17 December 2014)

State control and supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and in other cases provided for by law, by other state authorities.

Functions, rights and obligations of the State Labour Inspectorate are established by law.

Article 35. Non-state supervision over the implementation of the labour legislation and collective agreements

Non-state supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and of collective

agreements shall be exercised by representatives of employees, and non-state supervision over the implementation by employees of the labour legislation, other regulatory legal acts containing norms of labour law and collective agreements shall be exercised by employers (representatives of employers).

(Article 35 amended by HO-117-N of 24 June 2010)

CHAPTER 6

EXERCISE AND PROTECTION OF EMPLOYMENT RIGHTS

Article 36. Grounds for accrual of employment rights and duties

Employment rights and duties may accrue, change and terminate:

(1) from the bases provided for by this Code, other laws, other regulatory legal acts containing norms of labour law, employment contracts and collective agreements, as well as from such actions of citizens and employers, which although not provided for by law or other legal acts, however, according to the principles of the labour legislation originate employment rights and duties;

(2) from the acts issued by state and local self-government bodies, that are stipulated by law as grounds for accrual of employment rights and duties;

(3) from a judicial act laying down employment rights and duties;

(4) due to caused damage;

(5) due to such events, to which the law or other legal act attributes accrual of employment legal consequences.

Article 37. Exercise of employment rights and fulfilment of obligations

1. Employers, employees and their representatives, upon exercising their rights and fulfilling their obligations, shall be obliged to adhere to the law, act in good faith and in a reasonable manner. Abuse of employment rights shall be prohibited.

2. Upon exercise of employment rights and fulfilment of obligations, other persons' rights and interests protected by law shall not be violated.

3. ***(part repealed by HO-117-N of 24 June 2010)***

(Article 37 amended by HO-117-N of 24 June 2010)

Article 38. Protection of employment rights

1. Protection of employment rights — in compliance with the jurisdiction over the cases prescribed by the Civil Procedure Code of the Republic of Armenia — shall be exercised by the court.

2. Protection of employment rights shall be carried out by the representatives of employees.

3. Protection of employment rights shall be carried out:

   (1) by recognising the right;

   (2) by reinstatement of the situation having existed before the violation of the right;

   (3) by preventing or eliminating actions violating or creating a danger of violation of the right;

   (4) by recognising the legal act of a state or local self-government body or the employer as invalid;

(5) through non-application by the court of a legal act of a state and local self-government body contradicting the employer's law;

(6) through self-protection of the right;

(7) by enforcing to discharge the obligations by in-kind;

(8) by receiving compensation for the damage;

(9) by levy of execution on penalty (fine);

(10) by termination or alteration of legal relationship;

(11) by other methods provided for by law.

(Article 38 edited, supplemented by HO-117-N of 24 June 2010)

SECTION 2

COLLECTIVE EMPLOYMENT RELATIONS

CHAPTER 7

SOCIAL PARTNERSHIP IN THE FIELD OF EMPLOYMENT

Article 39. Concept and principles of social partnership

1. The social partnership is the system of relationships between the employees (their representatives), employers (their representatives), and in cases prescribed by this Code, the Government of the Republic of Armenia, which is called upon to ensure the consolidation of the interests of the employees and employers in collective employment and related social or economic relations.

2. The main principles of social partnership shall be the following:

(1) legal equality of the parties;

(2) freedom to collective bargaining;

(3) taking into consideration the interests of the parties and demonstrating respectful attitude;

(4) compliance by parties and their representatives with the requirements of labour legislation and other regulatory legal acts;

(5) authorisation of the representatives of the parties;

(6) freedom of choice of work-related issues offered for discussion;

(7) assuming obligations voluntarily;

(8) feasibility of the obligations assumed by the parties;

(9) mandatory nature of the collective agreement;

(10) control and supervision over the implementation of the collective agreement;

(11) liability for failure to implement the collective agreement by fault of the parties or their representatives.

(Article 39 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 40. Parties of social partnership

The employees and employers shall be the parties of social partnership represented by their representatives. In case of trilateral social partnership, representatives of the Government of the Republic of Armenia shall participate, on equal bases, with the representatives of employees and employers.

Article 41. System of social partnership

The system of social partnership shall involve the following levels:

(1) national level, which establishes the basics for the regulation of employment relations in the Republic of Armenia. The parties of such partnership are the Government of the Republic of Armenia, the Republican Union of Trade Unions, the Republican Association of Employers;

(2) branch level, which establishes the basics for the regulation of employment relations in the appropriate branch (branches) of economy (production, service, profession). The parties of such partnership are the Republican Branch Trade Union Organisation, and the appropriate Branch Association of Employers;

(3) territorial level, which establishes the basics for the regulation of employment relations in a specific territory. Parties of such partnership are the relevant territorial trade union organisation and the relevant territorial association of employers;

(4) organisation level, which establishes certain mutual labour obligations between the employer and employees. The parties of such partnership are the employer and the representatives of employees.

(Article 41 amended by HO-117-N of 24 June 2010)

Article 42. Forms of social partnership

As a rule, social partnership shall be carried out in the following forms:

(1) conduct of collective bargaining in connection with drafting and concluding a collective agreement;

(2) holding of mutual consultations and exchange of information.

Article 43. Receipt of information

1. Employees shall have the right to receive any information on employment relations that is not prohibited by law.
2. The employer shall provide the information on employment relations to employees' representatives. The volume of the information being provided shall be conditioned by the social partnership level.
3. The information shall include:
   (1) information on employer's current and future activities;
   (2) information on possible changes in employment;
   (3) information on measures to be implemented in case of possible reduction in the number of employees;
   (4) other information on employment relations, unless such information is deemed to be a state or commercial secret.
4. Procedure and conditions of provision of information shall be defined upon agreement of the parties.

(Article 43 amended by HO-53-N of 1 March 2023)

Article 44. Peculiarities of the application of norms in Section 2 of this Code

1. The norms in Section 2 of this Code established by law for state and local self-government bodies, as well as employees of the Central Bank of the Republic of Armenia shall be applied in the manner prescribed by this Code.
2. The norms prescribed by Section 2 of this Code shall not apply to the employment relations between the officers of the armed forces, police, national security body and persons holding public positions (except for discretionary positions).

(Article 44 edited by HO-117-N of 24 June 2010, HO-49-N of 21 January 2020)

CHAPTER 8

GENERAL PROVISIONS ON COLLECTIVE AGREEMENTS

Article 45. Collective agreements

1. Collective agreement, which regulates employment and related social or economic relations between employees and employers and, in cases provided for by this Code, also the Government of the Republic of Armenia, is a voluntary agreement concluded in writing between employer (representative of employer) and representatives of employees or association of employers and trade union. Collective agreements are bilateral, except for the collective agreement being concluded with the participation of the Government of the Republic of Armenia, which is trilateral.

2. Parties to collective employment relations and their representatives shall coordinate their interests and settle disputes through collective bargaining. A party willing to enter into a collective bargaining relationship shall be obliged to notify the other party thereon in writing. The notification shall indicate the objective of the collective bargaining, as well as the proposals and claims. A party having received a notification on conducting collective bargaining shall be obliged to inform — within the time limit prescribed by Article 66 of this Code — the party willing to enter into a collective bargaining relationship of the stance thereof on participating in the collective bargaining.

3. The parties to the collective bargaining shall agree upon the day of starting collective bargaining and the procedure thereof.

4. Collective bargaining must be conducted in a reasonable manner and without delays.

5. Parties to the collective bargaining and their representatives shall have the right to make mutual inquiries on issues relating to collective bargaining. The replies

to the inquiries shall be submitted not later than within fifteen days after the day of inquiry. This time limit may be changed upon additional arrangement of parties or the representatives thereof.

6. The party providing information shall have the right to demand the other party not to disclose the received information.

7. Collective bargaining is deemed to be completed after the moment of signing a collective agreement or entering the amendments or supplements to the collective agreement into force or drawing up a protocol on areas of disagreement or sending a written notification from one of the parties to another on withdrawal from collective bargaining.

8. Collective bargaining is deemed to have failed, where in accordance with part 2 of this Article, the notified party refuses to participate in collective bargaining.

(Article 45 supplemented by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 46. Levels of collective agreements

Collective agreements may be of the following levels:

(1) collective agreement concluded on national level;

(2) collective agreement concluded on branch and territorial level;

(3) collective agreement concluded on the level of an organisation or a separated (structural) subdivision thereof.

CHAPTER 9

NATIONAL, BRANCH AND TERRITORIAL COLLECTIVE AGREEMENTS

Article 47. Scope of national, branch and territorial collective agreements

Provisions of national, branch and territorial collective agreements shall apply to employees of such organisations the employers whereof, within the validity period of the agreement, are members of the Association of Employers having concluded an agreement.

Article 48. Parties to national, branch and territorial collective agreements

1. Republican Trade Union Organisations, Republican Association of Employers and the Government of the Republic of Armenia shall be parties to the national collective agreement.
2. The Association of Employers of the appropriate branch of economy (manufacturing, service, profession) and the Republican Branch Trade Union Organisation shall be parties to branch collective agreement.

   Where the employer is the Republic of Armenia or the community, the Republican Branch Trade Union Organisation and the relevant state body or a community leader shall be the parties to branch collective agreement.
3. Territorial Association of Employers engaged in activities in a specific territory and Territorial Trade Union Organisation shall be the parties to territorial collective agreements.

(Article 48 amended by HO-49-N of 21 January 2020)

Article 49. Contents of national, branch and territorial collective agreements

1. The contents and structure of national, branch and territorial collective agreements shall be determined by parties to an agreement.

2. The following may be defined by the national collective agreement:

   (1) additional measures ensuring safety and hygiene of work;

   (2) additional guarantees for employment;

   (3) additional social and employment guarantees deemed necessary by parties;

   (4) procedure for receiving information on the implementation of the collective agreement and for exercising control over it.

3. The following may be defined by branch and territorial collective agreements:

   (1) conditions of remuneration for work, regulation mechanisms of remuneration for work taking into consideration the level of inflation and increase in prices;

   (2) conditions of employment;

   (3) working and rest time (including provision of leaves and their duration);

   (4) procedure and conditions of reduction in the number of employees, guarantees in case of reductions;

   (5) safety and hygiene conditions of work;

   (6) conditions for ecological safety of the production and health care of employees;

   (7) conditions for acquiring profession, raising qualification and re-qualification of employees;

   (8) guarantees and compensations deemed necessary by parties;

(9) procedure for receiving information on the implementation of collective agreement and for exercising control and supervision over it;

(10) liability for failure to implement the collective agreement;

(11) in case of collective labour disputes, the procedure and time limits for filing of claims by employees and employers;

(12) measures of social partnership aimed at avoiding collective labour disputes, strikes;

(13) other terms and conditions, upon agreement of the parties.

(Article 49 supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 50. Procedure for concluding national, branch and territorial collective agreements

1. Parties referred to in Article 48 of this Code shall initiate the conclusion of national, branch and territorial collective agreements.

2. The procedure and time limits for drafting national, branch and territorial collective agreements, as well as issues connected therewith shall be determined by parties to the agreement.

Article 51. Record-registration of national, branch and territorial collective agreements

(title amended by HO-160-N of 3 May 2023)

1. National, branch and territorial collective agreements shall be record-registered by the inspection body upon submission of an appropriate application and

the collective agreement. The Association of Employers which is regarded as a party shall submit national, branch and territorial collective agreements for record-registration within ten days after signing. It is prohibited to reject with any justification the record-registration of a collective agreement signed by parties and submitted for record-registration.

2. Where the Association of Employers fails to submit the agreement for record-registration within the time limit specified in part 1 of this Article, national, branch or territorial collective agreement may be submitted for record-registration by a trade union which is regarded as a party to the agreement. The trade union shall submit national, branch or territorial collective agreement for record-registration within five days after the expiry of the time limit specified in part 1 of this Article.

3. The procedure for record-registration of national, branch and territorial collective agreements — as provided for by this Article — shall be established by the Government of the Republic of Armenia.

(Article 51 amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 52. Scope and rescission of national, branch and territorial collective agreements

1. National, branch and territorial collective agreements shall enter into force upon signing, unless otherwise provided for by the collective agreement.

2. Validity period of national, branch and territorial collective agreements shall be defined by parties, but for a period of not more than three years. Parties shall have the right to extend the validity period of the agreement, but for a period of not more than three years.

3. During the last two months of the validity period of national, parties to branch and territorial collective agreements may initiate collective bargaining with regard to conclusion of a new collective agreement or extension of the validity period of the collective agreement in force.

4. National, branch and territorial collective agreements shall be effective till the end of the validity period specified therein and may be rescinded prematurely in cases and in the manner provided for by the collective agreement.

Article 53. Control and supervision over the implementation of national, branch and territorial collective agreements

Control over the implementation of national, branch and territorial collective agreements shall be exercised by parties or their representatives, authorised for that purpose. State authorised body may exercise control and supervision over the implementation of national, branch and territorial collective agreements, where parties to collective agreement are unable to exercise control on their own and have filed appropriate request to the state authorised body.

Article 54. Settlement of disputes arising with regard to implementation of provisions of national, branch and territorial collective agreements

Disputes arising with regard to conclusion of national, branch and territorial collective agreements and implementation of provisions thereof shall be settled in the manner prescribed by Chapter 11 of this Code.

CHAPTER 10

COLLECTIVE AGREEMENT OF AN ORGANISATION

Article 55. Collective agreement of an organisation and the scope thereof

1. Collective agreement of an organisation is a written agreement on the conditions or a part of them prescribed by part 3 of Article 49 of this Code concluded between the employer and the representatives of employees of the given organisation.

2. Collective agreement concluded in the organisation shall apply to all employees of that organisation. Collective agreements may be concluded in separated and structural subdivisions of the organisation in cases and in the manner provided for by the collective agreement of the organisation.

(Article 55 amended by HO-117-N of 24 June 2010, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 56. Parties to a collective agreement of the organisation

1. The parties to a collective agreement of the organisation are the group of employees of the organisation in the person of the representative of employees acting in the organisation and the employer, in the person of the head of the organisation or his or her authorised person.

2. Where there is more than one representative of employees in the organisation the collective agreement of the organisation shall be concluded between the unified representative body of employees and the employer.

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

4. In case the functions related to the protection of representations and interests of employees are transferred to the corresponding territorial or branch trade union, the employer and the corresponding territorial or branch trade union shall be considered to be the parties to the collective agreement.

(Article 56 edited by HO-117-N of 24 June 2010, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 57. Contents of a collective agreement of the organisation

1. The parties to a collective agreement of the organisation shall lay down conditions not regulated by labour legislation, other regulatory legal acts or national, branch and territorial collective agreements, that do not contradict them and in comparison with the conditions provided for thereby do not worsen the state of employees.

2. The collective agreement of the organisation shall contain mutual obligations of the employees and employers with regard to conditions or a part of them prescribed by Article 49(3) of this Code.

(Article 57 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 58. Elaboration and consideration of a draft collective agreement of an organisation

1. In accordance with parts 2 and 3 of Article 45 of this Code, the parties having obtained the agreement to start negotiations on the conclusion of a collective agreement shall set up a commission on the basis of the principle of equal membership to elaborate the collective agreement of the organisation. The composition of the commission shall be set by protocol. The date of signing the protocol shall be considered to be the date of commencement of collective bargaining.

2. Upon commencing the collective bargaining, the parties shall agree on the contents of information to be provided thereby, the time limits for the provision of it, the procedure and time limits for elaboration of the collective agreement of the organisation, which shall be set by a protocol.

3. Where no agreements are reached about the conditions prescribed by part 2 of this Article, a protocol on disagreements shall be drawn up. The protocol shall specify the recommendations of the parties for eliminating the disagreements and shall set the time limit for resuming the collective bargaining.

4. The draft collective agreement of the organisation elaborated as a result of collective bargaining shall be submitted to the staff meeting (assembly) for consideration. Where the staff meeting (assembly) does not approve the draft collective agreement of the organisation, the staff meeting may decide to resume the collective bargaining or to initiate collective labour disputes. Collective labour disputes may also be initiated in case of failure to eliminate disagreements specified in part 3 of this Article. Where the staff meeting (assembly) approves the draft collective agreement of the organisation, the agreement shall be signed by the representatives of the employer and of employees.

If the number of employees (delegates) participating in the staff meeting (assembly) convened for the discussion of the draft collective agreement is less than the one defined by part 2 of Article 19 of this Code, a new staff meeting (assembly) shall be convened not later than within five days following the meeting (assembly).

Article 59. Entry into force and validity period of a collective agreement of the organisation

1. Collective agreement of the organisation shall enter into force from the moment of its signing, unless otherwise provided for by that agreement.

2. The validity period of a collective agreement of the organisation shall be determined by the parties, but for a period of not longer than three years. Parties shall have the right to extend the validity period of the agreement for a period of not more than three years.

3. During the last two months of the validity period of the collective agreement of the organisation the parties may start collective bargaining about conclusion of a new collective agreement or extension of the validity period of the existing collective agreement in the prescribed manner.

4. The collective agreement of the organisation shall remain in force in cases when the enterprise changes the name, founder (participant, shareholder, sharer, etc.), or replacement of his or her head (representative of the employer having signed the contract).

5. ***(part repealed by HO-117-N of 24 June 2010)***

6. In case of reorganisation of the organisation or privatisation (denationalisation) of the organisation, the collective agreement of the organisation shall remain valid until its remaining validity period expires, or until a new collective agreement is concluded, except for the case provided for by part 7 of this Article.

7. When the organisations have had more than one collective agreement before reorganisation, then in the event that the organisation is reorganised, those collective agreements shall cease to be valid, and a new collective agreement shall be concluded within a period of two months, the provisions of which may not be less favourable than the provisions of collective agreements of reorganised organisations.

(Article 59 supplemented, amended by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 59.1. Record-registration of collective agreement of the organisation

1. Record-registration of the collective agreement of an organisation shall be carried out by the inspection body, where the relevant application and the collective agreement are submitted. Rejection of record-registration of the submitted collective agreement with any reasoning shall be prohibited.

2. The collective agreement of an organisation shall, within a 10-day period from the moment of signing, be submitted for record-registration by the employer acting as a party to the collective agreement concerned.

3. Where the employer fails to submit the collective agreement of the organisation for record-registration within the period referred to in part 2 of this Article, the collective agreement of the organisation may be submitted for record-registration by the representative of the employees acting as a party to the agreement. The representative of the employees acting as a party to the collective agreement of the organisation shall submit the agreement for record-registration within 5 days upon expiry of the period referred to in part 2 of this Article.

4. The procedure for record-registration of the collective agreement of the organisation shall be established by the Government of the Republic of Armenia.

(Article 59.1 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 60. Amendments and supplements to the collective agreement of the organisation

The procedure for amending and supplementing a collective agreement of an organisation shall be prescribed by the collective agreement of the organisation. Where no such procedure is defined by the collective agreement of the organisation, amendments and supplements of the collective agreement shall be made by the procedures laid down by this Code for the conclusion of agreements.

Where collective labour disputes arise for making amendments and supplements to the collective agreement of the organisation, it shall be discussed by the Conciliation Commission (including, with participation of a mediator). Where collective labour disputes fail to be settled (including failure of collective bargaining, refusal to discuss the issue with the Conciliation Commission), the validity of the collective agreement of the organisation shall continue for the remaining time limit.

(Article 60 amended by HO-130-N of 20 May 2009)

(Provision of the Article declared — upon Decision SDVo-677 of 7 February 2007 — to be contradicting the Constitution, was brought in compliance with the Constitution, as amended by Article 1 of Law HO-130-N of 20 May 2009)

Article 61. Rescission of a collective agreement of the organisation

1. Collective agreement of the organisation may be rescinded in the manner and cases prescribed thereby by any of the parties after giving a notice to the other party not later than three months before. A collective agreement of the organisation may not be rescinded within the first six months of its validity period, except for the case provided for by part 3 of this Article.

2. ***(part repealed by HO-160-N of 3 May 2023)***

3. The collective agreement of the organisation shall be considered to be rescinded from the moment when the court judgement on the bankruptcy of the debtor organisation enters into legal force.

(Article 61 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 62. Control and supervision over the implementation of the collective agreement of the organisation

1. Parties or their representatives, authorised for that purpose, shall exercise control over the implementation of the collective agreement of the organisation. A state authorised body may exercise control and supervision over the implementation of a collective agreement of the organisation, where the parties to the collective agreement are unable to exercise control on their own and have filed appropriate request to the state authorised body.

2. Representatives of the parties report on the fulfilment of obligations set by the collective agreement of the organisation to the staff meeting (assembly). The procedure and time limits for making a report shall be laid down by the collective agreement of the organisation.

Article 63. Procedure for settlement of disputes related to the conclusion of collective agreement of the organisation and its provisions

Disputes related to the conclusion of a collective agreement of the organisation and the implementation of its provisions shall be settled in the manner prescribed by Chapter 11 of this Code.

CHAPTER 11

SETTLEMENT OF COLLECTIVE LABOUR DISPUTES, STRIKE

(title supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 64. Collective labour dispute

1. Collective labour disputes are disagreements between the trade union and the employer or parties having the right to conclude collective agreement on claims filed and not granted. They arise during bargaining for the reason of the establishment, change of socio-economic conditions of the work of employees, the conclusion of or amendment to a collective agreement, as well as during the change, cessation of conditions laid down by the legislation, other regulatory legal acts or collective agreements or establishment of new working conditions, conclusion and implementation of the collective agreement, including with respect to the relations having arisen within the scope of the subject matter of this collective contract, but not regulated in advance upon consent of the parties, or the relations not regulated under the collective agreement.

(Article 64 edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 65. Submission of claims

1. Parties of social partnership shall have the right to submit claims regarding the collective labour disputes to the employer or a party to a collective agreement.

2. Claims shall be submitted in writing, be clearly worded and substantiated. Written demands shall be handed in to the employer or the relevant party of the social partnership.

Article 66. Consideration of claims

The employer or the relevant party having received the claims shall be obliged to consider the received claims and within seven days after their receipt, take a written decision and communicate it to the entity having submitted the claims. Where the adopted decision fails to satisfy the entities having submitted claims, the parties may consider the dispute by the procedures laid down in this Chapter.

Article 67. Applicable procedures

1. The procedure for consideration of collective labour disputes shall be composed of the following stages:

   (1) consideration of the collective labour dispute in the Conciliation Commission (including with participation of a mediator). Consideration of a collective labour dispute by the Conciliation Commission is a mandatory stage in the consideration of collective labour disputes;

   (2) examination of the collective labour dispute in the court, where the collective labour dispute refers to the implementation process of the collective agreement.

2. No party to the collective labour dispute shall have the right to avoid conciliation procedures.

The representatives of the parties, the Conciliation Commission, the mediator shall be obliged to use all the opportunities provided for by the legislation to settle the collective labour dispute.

(Article 67 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 68. Establishment of Conciliation Commissions

1. Conciliation Commissions shall be set up from equal number of representatives from among the parties of the collective labour dispute. The total number of the members of the Conciliation Commission shall be determined upon agreement of the parties. The Conciliation Commission shall be set up within seven days from the day of written refusal to meet the claims by the entity having received the claim. The composition of the Commission shall be set by protocol.
2. Where the parties fail to determine the total number of the members of the Conciliation Commission, they shall at their discretion delegate their representatives to the Commission. Each party may not have more than five representatives.

Article 69. Consideration of collective labour dispute by the Conciliation Commission

1. The Conciliation Commission shall consider the collective labour dispute within seven days after its establishment. The specified time limit may be extended upon agreement of the parties.

2. Representatives of the parties may invite specialists (consultants, experts, etc) to dispute discussions by the Conciliation Commission.

3. The employer shall be obliged to create conditions necessary for the work of the Conciliation Commission.

Article 70. Decision of the Conciliation Commission

1. Where agreement is reached on the submitted claims by the Conciliation Commission, a written decision shall be adopted on considering the collective labour disputes settled and the conciliation process completed. The decision of the Conciliation Commission shall be binding for the parties and shall be subject to execution by the procedure and within the time limits prescribed by the decision of the Conciliation Commission.

2. Where the Conciliation Commission fails to reach an agreement on all or part of the claims, the parties of the collective labour dispute shall draw up a protocol on disagreements and make a decision to continue the consideration of collective labour disputes with participation of a mediator (if disputes are related to the conclusion or amendment of a collective agreement) or on failure to settle disputes and on completing the conciliation process.

3. The decision of the Conciliation Commission shall be communicated to the employees.

Article 71. Consideration of collective labour disputes in participation with a mediator

1. Collective labour disputes shall be considered in participation with a mediator only in the case where disputes are related to the conclusion or amendment of a collective agreement.

2. After a protocol on disputes is drawn up and a decision is taken in accordance with part 2 of Article 70 of this Code by the Conciliation Commission, parties of collective labour dispute shall invite a mediator within three working days. Where necessary, the parties of the collective labour dispute may apply to the state authorised body functioning in the labour sector regarding the candidacy of a mediator. Agreement on the candidacy of the mediator shall be set by a protocol which shall specify the size of and procedure for remuneration of the mediator. Where during three working days the parties of the collective labour dispute fail to come to an agreement about the candidacy of the mediator, the negotiations shall be considered to be completed and the collective labour dispute — not settled.

3. The procedure for the consideration of the collective labour dispute in participation with a mediator shall be determined upon agreement of the parties, in which the mediator shall also take part.

4. The mediator shall have the right to submit requests to the parties of the collective labour dispute and receive from them the necessary documents and information about the given dispute. The mediator shall have the right to submit recommendations to the parties of collective labour dispute.

5. The consideration of the collective labour dispute in participation with the mediator shall be carried out within seven days upon his or her invitation. Where agreement on the claims submitted to the Conciliation Commission is obtained, a written decision shall be adopted on considering the collective labour dispute as settled, and where no agreement on the submitted claims or part of them has been obtained — on non-settlement of the dispute and completion of the conciliation process.

Article 72. Examination of a collective labour dispute in court

In case of collective labour dispute about the implementation of the provisions of a collective agreement, where no agreement has been reached in the Conciliation Commission, within ten day upon drawing up a protocol and taking the decision on non-settlement of the dispute and conclusion of the conciliation process, the parties may apply to the court.

Article 73. Strike

1. Employees shall have the right to strike for the purpose of protection of their economic, social or labour interests.

2. A strike shall be temporary termination of works fully or partially through collective actions of a team of employees or a certain group of employees with one or several employers for the purpose of protection of economic, social or labour interests of employees, including where:

   (1) the labour dispute is not settled upon agreement of the employee and the employer;

   (2) the collective labour dispute is not settled;

   (3) the employer avoids from carrying out a conciliation process;

   (4) the employer fails to execute the decision of the Conciliation Commission adopted in accordance with part 1 of Article 70;

   (5) the employer fails to perform the obligations assumed by the collective employment agreement having been concluded beforehand;

   (6) the employer having received a written notification on conducting collective bargaining has failed to inform the party willing to enter into a collective bargaining relationship within the time limit prescribed by Article 66 of this Article.

(Article 73 edited by HO-130-N of 20 May 2009, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

(Provision of the Article declared — upon Decision SDVo-677 of 7 February 2007 — to be contradicting the Constitution, was brought in compliance with the Constitution, as amended by Article 2 of the Law HO-130-N of 20 May 2009)

Article 74. Calling of a strike

1. The right to adopt a decision to call a strike shall be vested in the trade union in the manner prescribed by this Code. A strike shall be called in case when the decision thereon has been approved by secret ballot:

   (1) in case of a strike with the employer (in case of a collective strike of employees) — by the majority vote of employees having participated in the voting, which may not be less than half of the total number of employees;

   (2) when calling a strike in the separated or structural subdivision or office of the employer or the institution of the employer — by majority vote of the employees of that subdivision or office or institution having participated in the voting, which may not be less than half of the total number of employees of that subdivision or office or institution. When calling a strike in a separated or structural subdivision or office or institution of an employer impedes the smooth functioning of other subdivisions of the employee, the decision on calling of a strike shall be approved by majority of the employees of that subdivision or office or institution having participated in the voting, which may not be less than one third of the total number of employees of the employer.

1.1. In case an employer has no trade union, the adoption of a decision on calling a strike and the performance of other functions related to calling a strike may be reserved, upon the decision of the staff meeting (assembly), to a relevant branch or territorial trade union, and in case relevant branch or territorial trade union is

also absent, the decision on calling a strike may be adopted and other functions related to calling a strike may be performed by the representatives (body) elected by the staff meeting (assembly).

2. The trade union shall be obliged to inform the employer in writing about the intended strike at least seven days before the beginning of the strike, while providing the employer with the decision on calling a strike that contains the information prescribed by part 5 of this Article.

3. A warning strike may be organised before going on a strike. It may last no more than two hours. The employer shall be informed in writing about such a strike not later than three days before.

4. When a decision is adopted on organising a strike in organisations engaged in activities covering railway and urban public transport, civil aviation, communication, health care, food production, water supply, sewerage and waste disposal, organisations with a continuous production cycle, as well as other organisations the cessation of work wherein may result in grave or hazardous consequences for the life and health of the society or individual humans, the employer must be warned in writing about the strike at least fourteen days before starting a strike.

5. The decision on calling a strike shall specify:

   (1) the requirements serving as a ground for calling a strike; moreover, the claims that are met during the conciliation procedures may not be filed;

   (2) the date and the hour of starting the strike;

   (3) the body leading the strike.

(Article 74 amended, supplemented by HO-117-N of 24 June 2010, edited, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 75. Restrictions to strike

1. It is prohibited to call a strike in the police, armed forces (in other equivalent services), security services, as well as centralised electricity supply services, heat supply, gas supply organisations, and in urgent medical aid services. Claims made by employees of such organisations and services shall be discussed through bodies for social partnership on the national level, with the participation of the relevant trade union organisation and the employer.

2. In natural disaster areas as well as regions where a martial law or emergency situation (a state of emergency) has been declared in the prescribed manner, the strikes are prohibited before the effects of natural disaster are eliminated, or martial law or emergency situation (state of emergency) is lifted in the prescribed manner.

3. ***(part repealed by HO-130-N of 20 May 2009)***

(Article 75 amended by HO-130-N of 20 May 2009)

(Provision of the Article declared — upon Decision SDVo-677 of 7 February 2007 — to be contradicting the Constitution, was brought in compliance with the Constitution, as amended by Article 3 of the Law HO-130-N of 20 May 2009)

Article 76. Body leading the strike

1. The body leading the strike shall be the trade union or the strike committee established thereby.

2. Rights and obligations of the strike committee, in accordance with this Code and other laws, shall be defined by the trade union establishing such a committee.

3. The activities of the strike committee shall be considered as terminated after the strike is called off.

(Article 76 amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 77. Process of the strike

1. During the strike, the body leading the strike and the employer shall be obliged to ensure the protection of the public order, the safety of the employees' life and the property of the organisation.

2. During a strike in organisations specified in part 4 of Article 74 of this Code, minimum conditions (services) necessary for meeting the immediate (vital) needs of the society shall be ensured. Minimum conditions shall be set by appropriate state or local self-government bodies further to the negotiations with employers and relevant representatives of employees. Compliance with such conditions shall be ensured by the body leading the strike, the employer and the employees appointed thereby.

3. In case of non-compliance with the conditions mentioned in part 2 of this Article the state and local self-government bodies or the employer may involve other services to ensure them.

(Article 77 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 78. Challenging the lawfulness of a strike

1. When a strike is called, the employer or the party to which the claims have been submitted may apply to the court with a motion to declare the strike unlawful. The court shall examine the case and render a judgement within seven days after the day of accepting the claim.

2. The court shall declare the strike unlawful where the objectives of the strike contradict the Constitution of the Republic of Armenia, other laws, or where the strike has been called by breach of the requirements and the procedure laid down by this Code or the collective agreement.

3. After the court judgement on declaring the strike unlawful enters into force, the strike may not begin, and the strike already in progress shall be terminated immediately.

4. Where an immediate threat emerges as a result of not ensuring minimum conditions (services) for meeting the immediate (vital) needs of the society, which may lead to grave or hazardous consequences for the social or human life and health, the court may postpone the proposed strike for a period of thirty days and to suspend the strike already in progress for the same time limit.

(Article 78 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 79. Legal status and guarantees of strikers

1. Participation in a strike shall be voluntary. No one may be compelled to participate in a strike or to refuse to participate therein. Persons that compel an employee to participate in a strike or to refuse to participate therein shall be subject to liability in the manner prescribed by legislation of the Republic of Armenia.

2. Employees participating in a strike are released from an obligation to perform their official functions. The workplace (position) of an employee participating in a strike shall be retained during the strike. The employer need not pay salaries to the employees participating in the strike.

   During the negotiations by parties on termination of the strike, the parties may reach an agreement on full or partial payment of salary to strikers.

3. The employees — not participating in a strike, but deprived of the opportunity to fulfil their official duties as a result of the strike — shall be paid for the idleness caused not by their fault, or they may be transferred to another job upon their consent.

Article 80. Actions prohibited to the employer upon calling of and in the course of a strike

1. After a decision on calling a strike is made and in the course of the strike, the employer shall have no right to:

   (1) impede all or individual employees to attend their workplaces;

   (2) refuse to provide work to employees;

   (3) subject employees to disciplinary liability for participating in a strike.

2. During a strike, the employer shall have no right to hire new employees instead of the ones participating in a strike, except for the case provided for by part 3 of Article 77 of this Code.

Article 81. Termination of a strike

1. A strike shall be terminated, where:

   (1) the submitted claims are met;

   (2) in the course of the strike parties reach an agreement on termination of a strike under relevant conditions;

   (3) the trade union having called a strike admits the inappropriateness of further continuation of the strike;

   (4) the strike has been declared as unlawful by the civil judgment of the court having entered into force.

2. After the claims are met, the trade union having called a strike shall take a decision on terminating the strike. The written decision on terminating a strike shall specify the time limit for resuming the work.

(Article 81 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 82. Liability in case of unlawful strike

1. In case a strike is declared as unlawful in the manner prescribed by Article 78 of this Code, the trade union having called the strike shall compensate for the damages incurred to the employer on the account of its property in the manner prescribed by legislation of the Republic of Armenia.

1.1 Where the decision on calling a strike declared as unlawful in the manner prescribed by Article 78 of this Code has been adopted by the representatives (body) elected by the staff meeting (assembly) or the unified representative body of employees, the employees having participated in the strike declared as unlawful shall bear joint and several liability for the damage caused to the employer.

2. The employer, heads and other officials of its separated or structural subdivisions, who have violated the requirements of Article 80 of this Code, may be subjected to administrative or material liability in the manner prescribed by law.

3. Damage incurred to other persons due to the strike shall be compensated in the manner prescribed by the legislation of the Republic of Armenia.

(Article 82 supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

SECTION 3

INDIVIDUAL EMPLOYMENT RELATIONS

CHAPTER 12

EMPLOYMENT CONTRACT

(title edited by HO-117-N of 24 June 2010)

Article 83. Concept of employment contract

An employment contract shall be an agreement between an employer and an employee according to which the employee is obliged to perform work in specific profession, position, qualification or not requiring a qualification by adhering to the workplace discipline, and the employer shall be obliged to provide the employee with the work stipulated by the contract, to pay the salary envisaged by the employment contract for the work performed, and to ensure workplace conditions envisaged by the legislation of the Republic of Armenia, other regulatory legal acts, collective agreement, and upon the agreement of parties.

(Article 83 amended by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 84. Contents of the individual legal act on accepting for employment and the employment contract

(title supplemented by HO-96-N of 22 June 2015)

1. The following shall be mentioned in the individual legal act on accepting for employment and in the employment contract:

(1) year, month, date and location of adoption of the individual legal act and conclusion of the employment contract;

(2) first name, last name, patronymic name of the employee;

(3) name of the employer or first name and last name, patronymic name of the natural person employer;

(3.1) place of work;

(4) structural subdivision or separated subdivision or office or institution (where available) of the employer where the employee works;

(5) year, month and date of the commencement of work;

(6) title of position and/or official duties or reference to the document defining the functions deriving from the position;

(7) amount of the basic salary (including taxes, social or other mandatory payments prescribed by law) and the form of determining it (hourly, daily, work-based or monthly rate);

(8) bonuses, additional payments, premiums granted to employees in the prescribed manner;

(9) validity period of the individual legal act or the employment contract (upon necessity);

(10) in case of defining a probation — duration and terms of the probation;

(11) working time regime (normal duration of working time, or part-time work, or short duration of working time, or calculation of total working time) and weekly duration (except for cumulative calculation of working time);

(12) type (minimum, additional, extended) and duration of annual leave;

(13) position, first name and last name of the person signing the individual legal act or the employment contract;

(14) means for the employer and employee to notify each other regarding employment relations.

2. ***(part repealed by HO-96-N of 22 June 2015)***

3. Upon the consent of the parties, the individual legal act on accepting for employment or the written employment contract may also contain other conditions.

(Article 84 edited by HO-117-N of 24 June 2010, supplemented by HO-209-N of 1 December 2014, supplemented, edited and amended by HO-96-N of 22 June 2015, HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 84.1. Employment contract and the law

1. The employment contract shall correspond to the compulsory rules (imperative norms) for the parties established by law or other regulatory legal acts in force at the moment of its signing.

2. Where following the signing of an employment contract, a law or other regulatory legal act is adopted that defines rules compulsory for the parties that differ from the existing rules defined at the moment of signing, the conditions of the concluded agreement shall be valid, except for the cases when, by law or other regulatory legal act, it is defined that it applies to the relations arising from previously concluded contracts. Where more favourable conditions are defined by legislation, the employment contract shall be brought into compliance with the requirements of the legislation.

(Article 84.1 supplemented by HO-117-N of 24 June 2010)

Article 85. Procedure for concluding an employment contract

1. Written employment contract shall be concluded in two copies, through the preparation of one document signed by the parties, and in case of employment contracts concluded with workers under the age of fourteen, the employment contract shall be signed by one of the parents or fostering parents or adopters, or guardian, one copy of which the employer shall — within a period of three days after the employment contract is concluded — hand to the employee, and, in case employment relations arise with the participation of a person under the age of fourteen, to one of the parents, or the fostering parents, or the adopters, or to the guardian.

1.1. Employment contract may also be concluded by exchanging it between the parties through communication ensuring postal or electronic transmission which allows for certifying the authenticity of the contract and determining accurately that it originates from the party to the employment contract. In cases prescribed by this part the party having signed the employment contract shall provide one copy of the employment contract to the other party, and after the other party signs it, it shall be received by one or more of the following means:

(1) through sending — by a registered letter with acknowledgement of receipt — the signed copy of the employment contract to the place of location or residence provided (indicated) by the other party;

(2) through sending via facsimile communication (telecopying) the facsimile reproduction of the signed copy of the employment contract;

(3) through sending the signed and scanned copy of the employment contract or the copy of the employment contract with electronic digital signature via communication ensuring the electronic transmission (including via official e-mail prescribed by the Law “On public and individual notification via the Internet”).

1.2. In case an employment contract is concluded with a person under the age of fourteen as prescribed by part 1.1 of this Article, one of the parents, or fostering parents or adopters, or the guardian shall receive, sign the employment contract on behalf of the person under the age of fourteen and shall hand one copy of it to the employer.

1.3. In case an employment contract is concluded as prescribed by part 1.1 of this Article, the employment contract shall be considered as concluded from the moment both parties having signed the contract receive the copy of the employment contract signed by both parties.

2. Before commencing work, the employer or the employer's authorised person shall be obliged to properly introduce the hired employee to the conditions of employment, the collective agreement (if it exists), the internal regulatory rules and other legal acts of the employer regulating the employee's work at the workplace.

3. The employee shall be obliged to commence work on the day mentioned in the employment contract. Failure to appear to work with no valid excuse on the day mentioned in the employment contract shall be a ground for rescinding the employment contract.

(Article 85 edited by HO-117-N of 24 June 2010, HO-96-N of 22 June 2015, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 86. Preconditions for conclusion of employment contract

1. The employer shall have the right to independently, directly (without competition or other procedures) fill the vacant or newly created positions by concluding

employment contracts provided for by this Code. The employer seeking an employee may also fill the vacant or newly created positions through competition organised by him or her, or use services of relevant specialised organisations. The procedure for organising and holding competition for filling vacant positions, as well as for concluding an employment contract with successive candidates shall be defined by the employer.

2. The procedure and conditions for filling vacant pubic service positions shall be defined by law and legal acts.

(Article 86 edited by HO-49-N of 21 January 2020)

Article 87. Elective office

Elective offices shall be deemed to be positions that are occupied through elections. Those positions, as well as the procedure and conditions for holding elections shall be defined by the Constitution of the Republic of Armenia, law or statute of the organisation.

Article 88. Qualification examinations

The person performing works or being appointed to a position requiring special professional knowledge may be required to take qualification examinations. Qualification requirements and the procedure for conducting qualification examinations shall be defined by the employer in accordance with the requirements of laws and other legal acts.

Article 89. Required employment documents

1. For concluding an employment contract the employer shall be obliged to require the following documents:

   (1) a personal identification document;

   (2) social security card or a statement of information on not having a social security card, or public service number or a statement of information on not having a public service number, except where the hired person is a foreign citizen holding no residence status in the Republic of Armenia or a stateless person and is not going to actually stay in the Republic of Armenia;

   (3) certificate on education or required qualification where the work is related to certain type of education or professional competence in accordance with the legislation;

   (4) statement on health condition, where the employment contract is concluded for such jobs, which require initial and regular medical examination, as well as when concluding the employment contract with citizens under the age of eighteen. The list of such jobs shall be defined by the Government of the Republic of Armenia;

   (5) written consent of one of the parents, or fostering parents, or adopters, or a guardian or a curator, and in their absence — of the guardianship and curatorship body of the place of residence of the person under the age of sixteen, where a person under the age of sixteen is accepted for employment;

   (6) other documents prescribed by law or other regulatory legal acts.

1.1 The documents provided for by points 1-3 of part 1 of this Article shall be photocopied and returned, and the documents provided for by points 4 and 5 shall be kept by the employer.

1.2 Where necessary, upon consent of the employer and the employee, the employee may submit a statement of information on his or her previous employment which includes the data existing in the database of the system of individual (personalised) record system.

2. When accepting for employment it is prohibited to require such documents that are not provided for by law or other regulatory legal acts.

3. The employee may — on his or her own initiative — submit to the employer a performance record, a reference letter and other documents describing him or her from the previous workplaces, as well as information or documents on his or her professional competence, qualification and the use thereof.

(Article 89 supplemented by HO-103-N of 22 February 2007, amended by HO-117-N of 24 June 2010, amended and supplemented by HO-96-N of 22 June 2015, supplemented, amended, edited by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 90. Employment record book

(Article repealed by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

1. The employment record book shall be the main document which includes information on employment background of the employee.

2. The employer shall be obliged to keep employment record book for all employees working in the main workplace.

3. The employment record book shall comprise the following information:

(1) first name and last name (also patronymic name upon his or her wish) of the employee;

(2) date of birth;

(3) employment period according to the employment contract;

(4) the time period of receiving unemployment benefit (shall be filled by the authorised body);

(5) the time period of being included in the personnel reserve of state services, which, in compliance with regulatory legal acts, shall be calculated within work experience (shall be filled out by the authorised body);

(6) the time period of study at intermediate vocational and higher educational institutions (shall be filled out by the employer that hired the employee, upon graduation from the educational institution);

(7) the time period of compulsory provisional military service (shall be filled out by the employer that hired the person after demobilisation);

(8) the ground for recording — the number, the day, month and year of adoption of the legal act.

The time period for performing the works — which according to the legislation entitle the employee to privileged pension — shall also be fixed.

4. Upon the request of the employee, the employment record book shall comprise the following information:

(1) the ground for rescission of the employment contract;

(2) information on the position held or the work performed;

(3) the time period for working concurrently where the employee submits a document certifying concurrent work to the main employer.

5. No other information, except for the information prescribed by parts 3 and 4 of this Article, shall be recorded in the employment record book.

6. The form of the employment record book, the procedure for keeping them, as well as for providing the copy of the employment record book shall be defined by the Government of the Republic of Armenia.

(Article 90 supplemented by HO-117-N of 24 June 2010)

Article 91. Probation upon conclusion of employment contract

1. A probation period may be set upon concluding an employment contract upon consent of the parties. It may be set upon the wish of the employer to check whether the employee is suitable for the envisaged job (position) or upon the wish of the person being accepted for employment to check his or her suitability for the offered job (position). Conditions related to the probation period shall be defined by the employment contract.
2. During the probation period the employee shall enjoy all the rights and incur all the obligations prescribed by this Code, other laws and regulatory legal acts, collective agreement and employment contract.
3. The probation period may not be set in case of accepting for employment persons:
   (1) under the age of eighteen;
   (2) holding elective offices, as well as those having taken qualification examinations to be appointed to a position or persons having studied with the employer or in another place upon the initiative of the employer;
   (3) transferred to another job upon mutual consent of employers;
   (4) other cases provided for by the legislation.

(Article 91 amended by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 92. Time limit of the probation period

1. The time limit of the probation period shall not be more than three months, except for the cases provided for by part 2 of this Article.
2. The probation period for a time period of twelve months may be set in cases provided for by the legislation of the Republic of Armenia.
3. The probation period shall not include the following time periods when the employee is absent from work:
   (1) the time period envisaged by the collective agreement or the employment contract;
   (2) the time period of leave (including unpaid) upon the consent of parties;
   (3) the time period of the employee's temporary inability to work;
   (4) the time period of performing obligations imposed on the employee by state or local self-government bodies;
   (5) the time period of lawful strike where the employee participates in the strike in the manner prescribed by law;
   (6) the time periods of performing the duties of military enlistment, participating in training musters, military trainings, military exercises, mobilisation-based military service, participating as a person not involved in the military service (volunteer), *i.e.* on voluntary basis in military operations for the defence of the Republic of Armenia, other countries based on military mutual assistance contracts concluded with the Republic of Armenia or the state authorised body in the sector of defence.

(Article 92 amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 93. Results of the probation period

1. Where the employer finds that the employee — based on the current results of the probation period set for evaluating the suitability of the employee for the envisaged job (position) — does not meet the prescribed requirements, he or she may dismiss the employee from work before the expiry of the time limit of the probation period by notifying him or her thereon in writing three days in advance.

2. Where the probation period is set upon the wish of the person to be accepted for employment for evaluating his or her suitability for the proposed job (position), the results of the probation period shall be evaluated by the employee. The employee shall have the right to rescind the employment contract during the probation period by notifying the employer thereof in writing three days in advance.

3. Where the employee continues to work after the end of the probation period, he or she shall be deemed to have passed the probation period, the validity period of the concluded employment contract continues, and the employer may only rescind the employment contract on the grounds laid down in part 1 of Article 109 of this Code.

(Article 93 supplemented and amended by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

CHAPTER 13

TYPES OF EMPLOYMENT CONTRACT

Article 94. Types of employment contract

An employment contract shall be concluded for:

(1) an indefinite time limit where the validity period thereof is not specified in the employment contract;

(2) a fixed time limit where the validity period thereof is specified in the employment contract.

Employment contract shall be concluded for an indefinite period, except for the cases provided for by Article 95 of this Code.

(Article 94 supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 95. Employment contract concluded for a fixed time limit

1. An employment contract shall be concluded for a fixed time limit, where the employment relations may not be determined for an indefinite time limit, taking into account the nature of the work to be performed or the conditions for its completion, unless otherwise provided for by this Code or laws.

2. An employment contract concluded for a fixed time limit may be concluded for a fixed time period or by the setting a calendar period or by defining the completion of works provided for by the employment contract.

2.1. Where the validity period of an employment contract concluded for a fixed time limit with the same employee for the same job at the same employer's office is extended, or an employment contract is concluded with the same employee for the same job at the same employer's office for the second time, the interruption whereof does not exceed one month, the employment contract shall be deemed to be concluded for an indefinite time limit. The provision stipulated by this part shall not apply to the cases provided for by parts 1 and 3 of this Article.

3. Employment contracts for a fixed time limit shall also be concluded with:

(1) employees hired to elective offices for a selected time period;

(1.1) employees appointed for a time limit prescribed by law;

(2) ***(point 2 repealed by HO-183-N of 3 October 2019)***;

(3) those performing seasonal works;

(4) those performing temporary works (for a time period of up to two months);

(5) an employee substituting a temporarily absent employee;

(6) foreigners, in the period of permission to work or validity period of the right to residence, where a foreigner is required to have residence status to work in the Republic of Armenia,

(7) ***(point repealed by HO-160-N of 3 May 2023)***

(Article 95 edited by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015, supplemented, amended, by HO-183-N of 3 October 2019, edited by HO-270-N of 27 May 2021, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 96. Determining the validity period of an employment contract

The validity period of an employment contract may be determined till certain calendar year, month, day, or till occurrence, change in or end of a certain event.

Article 97. Employment contract for the provision of services of personal character

(Article repealed by HO-117 of 24 June 2010)

Article 98. Employment contract with home-based workers

Home-based workers shall be deemed as persons who, based on the employment contact, perform work at home with materials, tools and equipments provided by the employer or with his or her materials, tools and equipments or acquired at his or her own expenses.

In case the home-based worker performs work with his or her own tools and equipments the employer shall reimburse for depreciation of the tools and equipments in cases and manner prescribed by the employment contract.

The procedure and time limits for the provision of raw materials, materials and semi-finished products to home-based worker, the procedure for paying for the materials owned by home-based worker, the procedure and time limits for transfer of the finished product, as well as for payment of the salary shall be defined by the employment contract.

Employment relations of home-based workers shall be regulated by this Code.

Article 99. Concurrent employment

1. Concurrent employment shall be the work performed by the employee during time outside of the main work (except for the case prescribed by part 2 of this Article) for the same or other employer based on the employment contract.

2. Persons holding public positions and public service positions may perform the scientific, educational and creative work performed concurrently also at the working hours of their main job as prescribed by the internal disciplinary rules of the employer or the collective agreement or the employment contract.

3. The employment contract concluded for concurrent employment shall specify that the work is performed concurrently.

4. In case of concurrent employment, main job shall be considered to be the work performed on the basis of the employment contract concluded earlier or the individual legal act on accepting for employment adopted earlier, except for the case provided for by part 5 of this Article.

5. Upon consent of the parties, the concurrent employment may be considered main job (in which case the note provided for by part 3 of this Article shall be removed from that employment contract), and the main job — concurrent employment (in which case the note provided for by part 3 of this Article shall be made in the employment contract).

6. The annual leave of an employee working concurrently for the same employer or other employer shall be provided together with the annual leave granted for the main job, except for the case provided for by part 6 of Article 164 of this Code.

(Article 99 amended by HO-39-N of 27 February 2006, HO-96-N of 22 June 2015, edited by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 100. Seasonal employment contract

1. A seasonal employment contract shall be concluded for performing seasonal work. Seasonal work shall be deemed as the work which, due to natural and climatic conditions, is not performed all year round, but in certain time period (season) not exceeding eight months, and which is defined by the list of seasonal works.

2. The list of seasonal works shall be defined by the Government of the Republic of Armenia.

3. ***(part repealed by HO-117-N of 24 June 2010)***

4. The employee or the employer shall have the right to rescind the seasonal employment contract before the expiry of the validity period thereof by notifying each other thereon in writing at least three days in advance.

(Article 100 amended by HO-117-N of 24 June 2010)

Article 101. Temporary employment contract

1. A temporary employment contract shall be an employment contract concluded for a period of up to two months.

2. Employees having concluded a temporary employment contract may be engaged in work on rest days and non-working days, i.e. holidays and commemoration days, except for persons under the age of eighteen that may participate only in sports and cultural events on these days. The work performed on non-working days — holidays and commemoration days — shall be remunerated in at least double amount of hourly (daily) pay rate or task rate.

3. ***(part repealed by HO-117-N of 24 June 2010)***

4. The employee or the employer shall have the right to rescind the temporary employment contract before the expiry of the validity period thereof by notifying each other thereon in writing at least three days in advance. In case the temporary employment contract is rescinded the employee shall not be paid dismissal benefit.

(Article 101 amended by HO-117-N of 24 June 2010, amended and supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 102. Illegal employment

1. Work performed without the written employment contract concluded as prescribed by the labour legislation or without the individual legal act on accepting for work shall be deemed to be illegal.

2. Voluntary work and the work performed for provision of assistance may not be deemed as illegal. The procedure and conditions for performing such works shall be prescribed by law.

3. The employers or their representatives who have given permission and/or induce to perform illegal work shall bear liability in the manner prescribed by the legislation of the Republic of Armenia, as well as reimburse the employees performing such work for damages incurred during the performance of that work not by the fault of the employee. Where it is established through judicial procedure that there are (have been) actual employment relations between the employee and the employer the employment relations shall be deemed as having arisen on the day the employee was actually hired. To affirm the presence of employment relations, the employee shall have the right to apply to court within the time period of actual employment relations, as well as within one year after termination of actual employment relations. Affirmation of the presence of actual

employment relations between the employer and the employee by the legitimate civil judgement of court shall not discharge the employer of the liability prescribed by law.

(Article 102 edited by HO-117 of 24 June 2010, supplemented by HO-5-N of 12 March 2014, edited by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

CHAPTER 14

EXECUTION OF EMPLOYMENT CONTRACT

Article 103. Fulfilment of obligations and exercise of rights

1. The employer shall fulfil his or her obligations personally or through his or her representative.
2. The employee shall fulfil his or her obligations personally. The employee may assign the performance of works envisaged by the employment contract to another person being in employment relations with the employer only upon the permission of the employer.
3. The parties shall exercise their rights personally or through their representatives.

(Article 103 supplemented by HO-117-N of 24 June 2010)

Article 104. Performance of work not envisaged by employment contract

The employer shall have the right to require of the employee to perform works not envisaged by the employment contract only in cases prescribed by this Code and the law.

Article 105. Changing the essential conditions of employment

1. The essential conditions of employment are allowed to be changed in the case of changing the conditions of work capacity and/or economic and/or technological and/or organisation of labour.

1.1. In the cases provided for by part 1 of this Article, the essential working conditions of a person actually taking care of a child and not being on vacation during the entire period of taking care of a child under the age of one may be changed to less favourable conditions, except for the title of position and (or) categories.

2. The essential conditions of employment are the workplace, the amount of remuneration for work and/or the method of determining it, the privileges, the working time (work and rest) regime, the elemental procedures and the titles of positions, official functions, the type of employment contract, and in the case of changes and/or change of employer, the employer shall inform the employee within the time limits established by Article 115 of this Code, except for the following cases:

   (1) in case of increment of the amount of the basic salary and/or bonuses, additional payments, premiums, where the other conditions are met;

   (2) in case of reduction of daily and/or weekly working time, where the remuneration for reduced working time and the other conditions are met;

   (3) in case of simultaneous occurrence of cases prescribed by points 1 and 2 of this part, where the other conditions are met.

3. The employer may change the amount of remuneration for work and/or method of determining it without the written consent of the employee only in case of change in conditions of remuneration for work by law or by collective agreement, about which the employer must notify the employee in writing no later than one month in advance, prior to entry into force of the new conditions.

4. The employee may not be transferred to a job that is contraindicated to him or her in terms of the health state by the conclusion of the Medical and Social Commission of Experts.

5. Where the previous essential conditions of employment may not be protected, and the employee has not given written consent to continue the work under the new conditions, the employment contract shall be rescinded in accordance with point 9 of part 1 of Article 109 of this Code.

6. During the period of martial law, the provision of parts 1, 2 and 5 of this Article shall not apply — due to martial law — to the cases of changing of workplace of employees of the state, territorial administration and local self-government bodies, state and community organisations and institutions, as well as of organisations and institutions having passed under the management of authorised public administration body of any field due to martial law (irrespective of the form of ownership).

(Article 105 edited by HO-117-N of 24 June 2010, edited, amended and supplemented by HO-96-N of 22 June 2015, supplemented by HO-415-N of 16 September 2020, HO-460-N of 9 October 2020, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-460-N of 9 October 2020 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 106. Temporary change of conditions of employment in special cases

1. The employer shall be entitled to transfer the employee for a period of up to one month to another job therewith not envisaged by the employment contract and/or to change, for the same period, the conditions laid down in points 4,6

and 11 of part 1 of Article 84 due to natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency, as well as for the purpose of preventing and urgently eliminating the consequences thereof.

2. Transferring the employee to a job that is contraindicated his or her health state shall be prohibited.

3. In cases provided for by part 1 of this Article, remuneration shall be based on the work performed. Where, upon the transfer of the employee to another job, his or her salary is decreased for reasons beyond his or her control, the amount of last month's salary for the previous job shall be maintained.

(Article 106 amended by HO-117-N of 24 June 2010, supplemented and amended by HO-96-N of 22 June 2015, edited by HO-236-N of 29 April 2020, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 106.1. Remote work

(title edited by HO-316-N of 25 October 2023)

1. Remote work shall be the fulfilment of employment duties by the employee without showing up to the workplace.

2. Remote work shall be performed upon mutual consent of the employee and employer (irrespective of the form of ownership and organisational and legal type), where the nature of the work allows to perform it also remotely.

3. The consent of the parties about performing the work remotely shall be formulated in writing, which shall not be deemed to be a change in the essential working conditions.

4. In the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency or urgent elimination of the consequences thereof, where due to those cases it becomes impossible to ensure fulfilment by the employee of his or her employment duties in the workplace, the work shall be performed remotely.
5. Where it becomes impossible to fulfil the employment duties within the periods prescribed by part 4 of this Article, including remotely, the employer shall grant annual leave upon the request of the employee (if available). Where the employee does not request that annual leave be granted to him or her or does not have unused days of annual leave, he or she shall be deemed to be in idleness not by the fault of the employee, as prescribed by part 1 of Article 107 of this Code.
6. The procedure and conditions for remote work, as well as the required equipment, materials or the issues regarding compensation for the costs associated with acquiring them shall be determined under the collective agreement or under the internal disciplinary rules of the employer or upon written consent of the parties.
7. In the period of fulfilling employment duties remotely, the employee must ensure proper fulfilment of the employment duties, as well as his or her availability for the employer, in a mutually agreed manner. Failure to fulfil the requirement prescribed by this part by the fault of the employee shall be deemed to be violation of labour discipline.
8. In the case of remote work, the requirements of the norms for maintenance of health and safety of employees shall not apply to the employer, except for the requirements for providing employees with individual safety measures.
9. Point 6 of part 3 of Article 95 of this Code shall not apply to foreigners working remotely for the employer outside of the territory of the Republic of Armenia.
10. Performing work remotely shall not serve as a basis for restricting the rights and guarantees of the employee that are prescribed by the labour legislation of the Republic of Armenia.

11. In case of performing remote work in the Republic of Armenia or outside the Republic of Armenia, the procedure for reimbursement of the expenses for showing up to the workplace shall be established upon written consent of the parties which shall not be deemed to be secondment for the employee as prescribed by Article 209 of this Code.

(Article 106.1 supplemented by HO-236-N of 29 April 2020, edited by HO-316-N of 25 October 2023)

(Law HO-316-N of 25 October 2023 has a transitional provision)

Article 107. Transfer to another job in case of idleness

1. Idleness not caused by the employee at the workplace is the situation when the employer, due to production or other objective reasons, fails to provide the employee with the job envisaged by the employment contract.
2. Taking into consideration the profession, qualification and health state of the employee the employer shall have the right to transfer the employee to another job during idleness, upon his or her written consent. The employee may be transferred, upon his or her consent, to another job without taking into account his or her profession and qualification.
3. The work of employees transferred to another job due to idleness shall be remunerated in accordance with the procedure prescribed by Article 186 of this Code.

Article 108. Suspension from work

1. The employer shall not allow the employee to perform his or her employment duties and shall not pay salary where the employee is under the influence of alcoholic beverages, narcotic or psychotropic substances, as well as in other cases provided for by law.

1.1. During the state of emergency declared or quarantine set in the Republic of Armenia due to infectious diseases, the employer shall not allow the employee to be at the workplace, to perform his or her job responsibilities in case of failure to submit by the employee — when appearing to work — the documents that are a necessary condition for appearing to work prescribed by the legislation on ensuring sanitary and epidemiological safety of the population, envisaged by the sanitary and epidemiological safety rules aimed at preventing the spread of infectious diseases in the Republic of Armenia, and shall not pay salary for that period until the documents provided for by this part are submitted.

2. After the expiry of the period of suspension from work, the employee shall be reinstated in his or her former position in case the reasons for the suspension have not given rise to grounds for rescission of the employment contract.

3. The employee shall have the right to demand reimbursement for damages in the manner prescribed by the legislation where the employer has not allowed him or her to work without any justified reasons.

(Article 108 supplemented by HO-389-N of 10 December 2021, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 108.1. Legal consequences of employee suspension

(title amended by HO-157-N of 9 June 2022)

1. The workplace (position) of the employee having a status of an accused, including of a person who is a public servant shall — from the moment of suspension as prescribed by Article 126 of the Criminal Procedure Code of the Republic of Armenia until the elimination of suspension — be retained, the issue of remuneration of the employee (except for the person who is a public servant)

shall be determined upon agreement of the parties, whereas in case of a person who is a public servant a monthly compensation shall be paid in the amount of fifty per cent of the base salary, but not less than the amount of the minimum monthly salary prescribed by law, making the remaining payment upon completion of the criminal proceedings on a rehabilitating ground.

2. During employee suspension having a status of an accused, he or she may not enjoy the right to annual leave.
3. Suspension shall not be a prohibition for rescinding the employment contract where one of the grounds provided for by law for rescinding the employment contract is emerged during the period of suspension.
4. In case of a person who is a public servant, part 1 of this Law shall be applied unless otherwise provided for by sectoral laws.

(Article 108.1 supplemented by HO-124-N of 25 March 2021, amended, edited by HO-157-N of 9 June 2022, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-124-N of 25 March 2021 has a transitional provision)

(Law HO-157-N of 9 June 2022 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 108.2. Legal consequences of imposing detention as a measure of restraint on an employee

(title as amended by HO-157-N of 9 June 2022)

1. The powers of employee shall — from the moment of imposing detention as a measure of restraint on an employee, including a person who is a public servant until changing or lifting it with another measure of restraint — be deemed as suspended.
2. During the period of being under detention, the workplace (position) of an

employee shall be retained. During the period of being under detention, the issue of remuneration of the employee (except for the person who is a public servant) shall be determined by the employer upon agreement of the parties, and the remuneration of a person who is a public servant shall not be preserved.

3. During the period of being under detention, the employee may not enjoy his or her right to annual leave.
4. Imposing detention as a measure of restraint on an employee shall not be a prohibition for rescinding the employment contract concluded with an employee where one of the grounds provided for by this Code or other law for rescinding the employment contract is emerged during the period of being under detention.
5. In case of a person who is a public servant, parts 1 and 2 of this Law shall be applied unless otherwise provided for by sectoral laws.

(Article 108.2 supplemented by HO-124-N of 25 May 2021, amended by HO-157-N of 9 June 2022, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-124-N of 25 March 2021 has a transitional provision)

(Law HO-157-N of 9 June 2022 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

CHAPTER 15

RESCISSION OF EMPLOYMENT CONTRACT

Article 109. Grounds for rescission of an employment contract

1. The employment contract shall be rescinded:

   (1) upon consent of the parties;

(2) in case of expiry of the employment contract;

(3) upon the initiative of the employee;

(4) upon the initiative of the employer;

(5) where the employee is conscripted to compulsory provisional military service;

(6) in the presence of a court decision entered into legal force, according to which the employee has been subject to such liability that prevents him or her from continuing the work;

(7) where the employee has been deprived of the rights to perform certain activities in the manner prescribed by legislation;

(8) where the employee is under the age of sixteen, and one of the parents, or fostering parents or adopters, or a curator, or a guardian (in their absence, the guardianship and curatorship body of the place of residence of the person under the age of sixteen), a physician carrying out medical control over his or her health or the inspection body requires rescission of the employment contract;

(9) in case of change of the essential conditions of employment;

(10) ***(point repealed by HO-160-N of 3 May 2023)***

(11) in case of death of the employee;

(12) where the information defined by point 3-5 of part 1 of Article 89 of this Code, presented when being employed, is false;

(12.1) based on the results of the probation period defined upon consent of the employee and the employer;

(12.2) by virtue of law:

a. in the case provided for by part 2 of Article 111 of this Code when the employer has not notified the employee about rescinding the employment contract concluded for a fixed time limit and has not adopted relevant individual legal act on rescinding the employment contract concluded for a fixed time limit, and the employment relations did not continue;

b. in the case provided for by part 4 of Article 111 of this Code when the employee has not notified the employer about rescinding the employment contract concluded for a fixed time limit and has not come to work on the working day following the last working day envisaged by the employment contract, and the employer has not adopted an individual legal act on rescinding the employment contract concluded for a fixed time limit;

c. in the case prescribed by part 3.2 of Article 112 of this Code;

d. in the case prescribed by part 1 of Article 128 of this Code;

(13) where the employee has concealed, when being employed, the fact of being deprived of the rights to perform certain works.

2. In the cases prescribed by this Article, dismissal of an employee from work shall be formulated by the individual legal act adopted by the employer, except for the cases provided for by point 12.2 of part 1 of this Article.

3. The last working day of an employee shall be:

(1) in case of expiry of the validity period of the employment contract — the last day of the validity period of the employment contract unless the employment relations continue in compliance with part 5 of Article 11 of this Code after the expiry of that period;

(2) in the case prescribed by part 3.2 of Article 112 of this Code — the last day of the time limit specified in the notification on rescinding the employment contract;

(3) in case of death of the natural person employer — the day prescribed by part 1 of Article 128 of this Code;

(4) in other cases not provided for by points 1-3 of this part — the day considered as the time limit for termination of employment relations in compliance with the requirements of this Code and specified in the individual legal act of the employer on dismissing the employee from work, unless otherwise prescribed by this Code or other laws of the Republic of Armenia.

4. The peculiarities for terminating the executive bodies (collegial and single-person) of legal persons and rescinding employment contracts concluded with them shall be defined by the Civil Code of the Republic of Armenia and laws of the Republic of Armenia regulating the activities of those legal persons.

(Article 109 edited by HO-117 of 24 June 2010, supplemented by HO-5-N of 12 March 2014, amended by HO-256-N of 17 December 2014, supplemented by HO-96-N of 22 June 2015, amended by HO-172-N of 21 March 2018, HO-265-N of 4 December 2019, supplemented, amended, edited by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 110. Rescission of an employment contract upon consent of parties

1. When rescinding the employment contract upon consent of the parties one party to the employment contract shall offer the other party in writing to rescind

the contract. In case of agreement on the offer, the other party shall, within seven days, notify about his or her consent to the party having made the offer. Where the parties agree to rescind the contract, they shall conclude a written agreement thereon which includes the time limit and other conditions (reimbursements, etc.) for rescission of the contract.

2. Where the party who has received the offer to rescind the contract fails to notify about his or her consent to rescind the contract within the term prescribed by part 1 of this Article, the offer to rescind the employment contract shall be deemed as rejected.

Article 111. Rescission of an employment contract concluded for a fixed time limit due to its expiry

1. The employer or the employee shall have the right to rescind the employment contract due to the expiry of the employment contract concluded for a fixed time limit, except for the cases provided for by part 5 of this Article.

2. The employer may rescind the employment contract concluded for a fixed time limit due to the expiry of the contract by notifying the employee thereon in writing at least ten days in advance. In case the employer fails to comply with the notification requirement prescribed by this part or adopt an individual legal act on rescinding the employment contract concluded for a fixed time limit, the employment contract shall be considered as rescinded on the day following the expiry of the time limit prescribed thereby, provided that the employment relations have not continued, *i.e.* the employee did not come to work on the working day following the last working day envisaged by the employment contract, or the employer was unwilling to continue the employment relations and did not allow the employee to continue the work. In this case the employer shall not be released from an obligation to pay a fine prescribed by part 2 of Article 115 of this Code.

3. The periods prescribed by this Article shall not apply to the employees who have been accepted for employment in place of an absent employee, as well as to the employees performing certain works envisaged by the employment contract.

4. The employee may rescind the employment contract concluded for a fixed time limit by notifying the employer thereon in writing at least ten days before the expiry of the contract. Where the employee has not notified the employer about rescinding the contract concluded for a fixed time limit and has not come to work on the day following the last day envisaged by the employment contract, the contract shall be deemed as rescinded and the employer shall be obliged to make a final settlement with the employee within five days upon filing such a claim.

5. Where the employment contract is not rescinded after the expiry of the employment contract concluded for a fixed time limit in the manner prescribed by this Article and the employment relations continue, the contract shall be deemed as concluded for an indefinite time limit. This part shall not apply to the cases provided for by part 3 of Article 95 of this Code.

(Article 111 supplemented by HO-117-N of 24 June 2010, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 112. Rescission of an employment contract upon the initiative of the employee

1. The employee shall have the right to rescind the employment contract concluded for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before the expiry thereof by notifying the employer thereon in writing at least thirty days in advance. The collective agreement may envisage a longer period of notification.

2. The employee shall have the right to rescind the employment contract concluded for an indefinite period, as well as the employment contract concluded for a fixed time limit before its expiry by notifying the employer thereon in writing at least five days in advance, where the rescission of the employment contract is justified by the illness of the employee preventing the performance of work or occupational maiming, or there are other good reasons envisaged by the collective agreement, or where the employer fails to fulfil the obligations envisaged by the employment contract, violates the law or the collective agreement, as well as in other cases provided for by this Code.

2.1. In the absence of objection of the employer, the employment contract shall be rescinded within a different time limit specified in the notification of the employee (in the letter of dismissal), without keeping the time limits prescribed by parts 1 and 2 of this Article. In case the employer objects to rescinding the employment contract within a different time limit specified in the notification of the employee (in the letter of dismissal), the employment contract shall be rescinded after the expiry of the time limits prescribed by parts 1 and 2 of this Article.

2.2. In case the employee fails to keep the time limits provided for by parts 1 and 2 of this Article, and the employer objects to rescinding the employment contract in a different time limit specified in the notification of the employee (in the letter of dismissal), the employee shall be obliged to pay a fine to the employer for each overdue day of notification, in the amount of the average daily salary, but not more than the average monthly salary.

3. The employee shall have the right to withdraw his or her notification on rescinding the employment contract no later than within three working days after submission of the notification (except when the employee desires to be

dismissed from work within three working days after the day of submitting the notification on rescinding the employment contract). He or she may withdraw his or her notification after the mentioned time limit only upon the consent of the employer.

3.1. After the expiry of the time limit for notification prescribed by parts 1 and 2 of this Article, the employee shall have the right to terminate his or her work, and the employer shall be obliged to formulate the rescission of the employment contract and make a final settlement with the employee.

3.2. Where, after the expiry of the time limit specified in the notifications prescribed by parts 1 and 2 of this Article, the employer fails to adopt relevant individual legal act on terminating the employment relations, the employment contract shall be considered as rescinded on the day following the expiry of the time limit prescribed by the notification.

(Article 112 amended by HO-117-N of 24 June 2010, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 113. Rescission of an employment contract upon the initiative of the employer

1. The employer shall have the right to rescind the employment contract concluded with the employee for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before the end of the validity period, if:

   (1) the employer is liquidated (its activity is terminated), its state record-registration is cancelled, and in case of a notary employer — he or she has resigned;

(2) the number of employees and/or staff positions is reduced due to the changes in volumes of work and/or economic and/or technological and/or work organisation conditions and/or by production needs;

(3) the employee is not suitable for the position held or the work performed;

(4) in case the employee is reinstated in previous position;

(5) where the employee regularly fails to fulfil the obligations reserved for him or her by the employment contract or the internal regulatory rules, with no good reason;

(6) the employer has lost confidence in the employee;

(7) the employee is in a long-term incapacity for work (in case the employee has been in temporary incapacity for work, for more than six consecutive months or for more than 180 days during the last 12 months, save the days of pregnancy and maternity leave);

(8) where the employee is found to be under the influence of alcoholic beverages, narcotics or psychotropic substances at the workplace, or when performing official functions at the workplace or outside the workplace;

(9) where the employee fails to come to work throughout the entire working day (shift) with no good reason;

(10) the employee rejects or evades mandatory medical examination;

(11) ***(point repealed by HO-160-N of 3 May 2023)***

(12) where the residence status of a foreigner is revoked or declared as invalid;

(13) where the employee fails to perform his or her job responsibilities for more than 10 consecutive working days (shift) as a result of not being allowed to work as prescribed by part 1.1 of Article 108 of this Code or more than 20 consecutive working days (shift) in the past three months.

1.1. In the presence of other equal conditions when rescinding the employment contract on the ground provided for by point 2 of part 1 of this Article, the

preferential right to remain in employment shall be enjoyed by the former military serviceman entitled to disability pension, as well as the family member (spouse, child, father, mother, sister, brother, grandmother, grandfather) of the former military serviceman receiving pension for limited functionality of severe level or the military serviceman who has fallen (died) or has been declared as missing or dead, provided that he or she:

(1) takes care of the former military serviceman receiving pension for limited disability of severe level or the children, grandchildren, brothers or sisters of the military serviceman who has fallen (died) or has been declared as missing or dead until they attain the age of eighteen;

(2) has disability;

(3) is the only person capable of work in the family, who has attained the age prescribed by this Code.

The collective agreement may define other categories of employees enjoying the preferential right to remain in employment in other equal conditions.

2. When rescinding the employment contract concluded for a fixed time limit or indefinite time limit on the grounds provided for by points 1, 2, 3 and 7 of part 1 of this Article the employer shall be obliged to notify thereon to the employee within the time limits provided for by part 1 of Article 115 of this Code, whereas on the ground provided for by point 13 of this Article – within the time limits provided for by part 1.1 of Article 115.

3. The employer shall have the right to rescind the employment contract based on the grounds provided for by points 2, 3 and 4 of part 1 of this Article, where the employer, within his or her possibilities, has offered the employee another job corresponding to his or her professional competence, qualification, health state, and where the employee has rejected it.

Where the employer does not have a possibility to offer another job the employment contract shall be rescinded without offering other job to the employee.

(Article 113 edited by HO-117-N of 24 June 2010, supplemented, edited and amended by HO-96-N of 22 June 2015, supplemented by HO-389-N of 10 December 2021, HO-270-N of 27 May 2021, edited, amended, supplemented by HO-160-N of 3 May 2023)

(Provision of the Article declared — upon Decision SDVo-792 of 24 February 2009 — to be contradicting the Constitution, was brought in compliance with the Constitution, as amended by Article 39 of the Law HO-117-N of 24 June 2010)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 114. Prohibition on rescission of employment contract upon the initiative of the employer

1. Rescission of the employment contract upon the initiative of the employer shall be prohibited:

   (1) in the time period of temporary incapacity of the employee for work, except for the cases provided for by point 7 of part 1 of Article 113;

   (2) during the leave of the employee;

   (2.1) in the case of pregnant women, from the day of submitting a reference to the employer until one month after the maternity leave;

   (2.2) in the entire period when the person, actually taking care of the child and not on leave, takes care of the child under one, except for the cases provided for by points 1, , 5, 6 and 8 and 10 of part 1 of Article 113 of this Code;

(3) after a decision on calling a strike is adopted and during the strike where the employee participates in this strike in the manner prescribed by this Code;

(4) during the period of fulfilling the obligations imposed on the employee by state or local self-government bodies, except for the cases provided for by part 1 of Article 124 of this Code;

(5) during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and other emergency cases or urgently eliminating the consequences thereof, where the employee fails to appear to work due to those cases;

(6) during the period of unplanned transfer or unplanned provision of vacations envisaged for education (including pre-school) institutions, where the employee fails to report to work for the purpose of organising the care of a child under the age of twelve.

2. Where an employee fails to come to work upon expiry of the time periods provided for by part 1 of this Article, the employer may rescind the employment contract on the grounds provided for by this Chapter.

3. The restrictions provided for by part 1 of this Article shall not apply when rescinding the employment contract in cases prescribed by point 1 of part 1 of Article 113 of this Code.

4. The following shall not be deemed as a lawful reason for the rescission of the employment contract:

(1) membership to a trade union or participation in the activities of a trade union during non-working hours, and upon consent of the employer — also during working hours;

(2) being the employees' representative at any time;

(3) filing claims to the employer for violation of laws, other regulatory legal acts or the collective agreement;

(4) gender, race, skin colour, nationality, language, origin, citizenship, social status, religion, marital status and family status, convictions or views, affiliation to political parties or non-governmental organisations, as well as other circumstances not associated with the professional skills of an employee, except for the cases prescribed by this Code and laws of the Republic of Armenia;

(5) the age, except for cases defined by law.

(Article 114 supplemented, amended, edited by HO-117-N of 24 June 2010, edited by HO-96-N of 22 June 2015, supplemented by HO-236-N of 29 April 2020, amended by HO-415-N of 16 September 2020, amended, supplemented by HO-160-N of 3 May 2023)

(Provision of the Article declared — upon Decision SDVo-792 of 24 February 2009 — to be contradicting the Constitution, was brought in compliance with the Constitution, as amended by Article 40 of the Law HO-117-N of 24 June 2010)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article115. Notification on rescission of an employment contract

1. In case of rescinding the employment contract on the grounds provided for by points 1 and 2 of part 1 of Article 113 of this Code the employer shall be obliged to notify the employee thereon in writing not later than two months in advance.

If the employment contract is rescinded on the grounds provided for by points 3 and 7 of part 1 of Article 113 of this Code, as well as in the cases defined in part 2 of Article

105 of this Code, the employer shall be obliged to provide a written notification to the employee no later than 14 days in advance for employees who have been working for up to one year, no later than 35 days in advance for employees who have been working for up to five years, no later than 42 days in advance for employees who have been working for five to ten years, no later than 49 days in advance for employees who have been working for ten to fifteen years and no later than 60 days in advance for employees who have been working for more than fifteen years, whereas on the ground provided for by point 12 of part 1 of Article 113 of this Code – 3 days in advance.

Collective agreements and employment contracts may define longer time limits for notification as compared to the time limits envisaged by this part.

1.1. In case of rescinding the employment contract on the grounds provided for by point 13 of part 1 of Article 113 of this Code the employer shall be obliged to notify the employee thereon in writing not later than three days in advance.

2. In case the time limits provided for by parts 1, 1.1 of this Article, as well as part 1 of Article 93 and part 2 of Article 111 of this Code are not observed the employer shall be obliged to pay a fine to the employee for every overdue day of notification which is calculated based on the average daily salary rate.

3. Notification on rescission of the employment contract shall include:

   (1) ground and reason for dismissal from work and, in case of offering another job to the employee, also the title of the position, the amount the salary or the absence of possibility to offer another job;

   (2) year, month, day of dismissal from work.

4. During the periods defined by part 1 of this Article the employer shall provide the employee with time off to look for a new job. The duration of the time provided may not be less than ten percent of the working time included in the

notification period. The time-off to look for a new job shall be provided in accordance with the schedule proposed by the employee. The average salary of the employee shall be maintained during the mentioned period and shall be calculated based on the average hourly salary rate.

5. The notification on rescission of the employment contract shall be deemed as repealed where more than five days have elapsed since the expiry of the notification period and the employer has not rescinded the contract. The periods for the employee's leave and temporary incapacity for work shall not be calculated within this time limit.

(Article 115 amended, edited by HO-117-N of 24 June 2010, amended and supplemented by HO-96-N of 22 June 2015, HO-389-N of 10 December 2021, supplemented by HO-270-N of 27 May 2021, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 116. Mass dismissals

1. In cases prescribed by point 1 of part 1 of Article 113 of this Code or in case of reduction in the number or staff positions of employees, the employer shall be obliged to submit data on the number of dismissed employees (in accordance with profession, age and gender) to the authorised state body of the Government of the Republic of Armenia in the field of employment and to the representative of the employees not later than two months prior to rescinding the employment contracts, where it is envisaged to dismiss more than ten percent of the total number of employees, but not less than 10 employees during two months (mass dismissals).

2. Cases of dismissals of employees working under the employment contract concluded for a fixed time limit, including under seasonal employment contract shall not be deemed as mass dismissals where they were dismissed from work without violation of the time limits specified in the contracts.

(Article 116 supplemented by HO-117-N of 24 June 2010, supplemented and amended by HO-96-N of 22 June 2015, amended by HO-49-N of 21 January 2020, HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 117. Guarantees for pregnant women and employees taking care of a child

(Article repealed by HO-117 of 24 June 2010)

Article 118. Guarantees for an employee having contracted occupational disease and maiming, as well as in a temporary incapacity for work

1. The workplace and position of the employee having lost his or her capacity for work due to occupational disease or maiming shall be retained until his or her recovery or recognition thereof as a person with disability. The employer may rescind the employment contract on the grounds provided for by this Chapter unless his or her working capacity is recovered and he or she recognised as a person with disability, where a relevant conclusion on contraindication regarding the engagement in the given work issued by the authorised body is available.

2. Employees who have temporarily lost their capacity for work in cases not provided for by part 1 of this Article, shall retain their workplace and position,

where they have been in temporary incapacity for work not more than 6 successive months or for not more than 180 days within the last 12 months, save the days of pregnancy and maternity leave.

(Article 118 amended, edited, supplemented by HO-296-N of 14 July 2022, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 119. Guarantees for representatives of employees

1. The employees elected to representative bodies of employees may not be dismissed from work during the implementation of their powers, as well as within six months after the expiry of those powers at the initiative of the employer, without the preliminary consent of the representative body of employees, except for cases provided for by points 1, 5, 6 and 8-10, 13 of part 1 of Article 113 of this Code.

2. The employer must refer to the representative body of employees to receive his or her consent on the dismissal from work of the representative of the employees, as well as the employee specified in part 4 of this Article. The representative body of employees shall be obliged to reply to the employer within 14 days after the receipt of the application. The representative body of employees shall be obliged to submit the decision on his or her approval or rejection to dismiss the employee from work in writing. Where the state labour inspector fails to reply to the employer within the specified time limit, the employer shall have the right to rescind the employment contract.

3. The employer may appeal against the decision on rejecting the dismissal of the employee from work through judicial procedure.

3.1. Employees elected to the representative bodies of employees functioning in the organisation shall, during the year, be released from performance of official duties for a period of up to 10 working days to participate in the activities of the representative bodies of employees or to raise the level of qualification as a member of the representative body of employee. For these periods an employee shall be paid in the amount of at least 50 per cent of his or her average daily salary.

4. The guarantee provided for by part 1 of this Article may apply also to the employees not deemed as a representative of employees and other employees not specified in part 1 of this Article where it is envisaged by the collective agreement.

(Article 119 amended by HO-117-N of 24 June 2010, HO-256-N of 17 December 2014, supplemented by HO-389-N of 10 December 2021, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 120. Rescission of an employment contract in case of incompatibility with the position held or work performed

1. The employer shall have the right to rescind the employment contract on the grounds envisaged by point 3 of part 1 of Article 113 of this Code, where by reason of insufficiency of the professional skills or the health state the employee cannot perform his or her employment duties.

2. Deterioration of the health state of the employee may serve as a ground for rescission of the employment contract, where it is of sustainable nature and hinders the process of work or excludes the possibility to continue it.

3. Compatibility of the employee's professional abilities with the assumed position or work that is undertaken is assessed by the employer, whereas assessment of the employee‘s health state is determined by the of the medical and social expert conclusion.

(Article 120 amended by HO-117-N of 24 June 2010, HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 121. Rescission of an employment contract in case of employee's failure to fulfil his or her obligations or improper fulfilment of obligations

1. The employer shall have the right to rescind the employment contract on the ground provided for by point 5 of part 1 of Article 113 of this Code, where the employee having committed a disciplinary violation prior to commission of the given disciplinary violation has at least two disciplinary fines that have not been lifted or cancelled.

2. ***(part repealed by HO-117-N of 24 June 2010)***

3. When rescinding the employment contract the employer shall be obliged to follow the rules of imposing disciplinary liability in accordance with this Article.

(Article 121 edited, amended by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 122. Rescission of an employment contract due to loss of confidence in the employee

The employer shall have the right to rescind the employment contract with the employee in whom the employer has lost confidence on the ground provided for by point 6 of part 1 of Article 113 of this Code, where the employee:

(1) has committed acts that have made the employer incur or may make the employer incur material damage;

(2) while carrying out teaching and educating functions, has committed an act that is incompatible with the continuation of the given task;

(3) has released state, commercial or technological secrets or has informed the competing organisation thereon;

(4) has failed to follow (has violated) the requirements of legal acts on ensuring the safety and healthcare of employees, rules of organising and performing works and instructions, which has caused or may have caused serious consequences by posing danger to the life and health of persons or a real threat to the life and health of persons or causing damage to their life and health;

(5) has unlawfully (without agreeing or informing) used the computer or information system (tools to access information systems (username, password etc.)) of the employer or other employees, through which he or she has acquired official or personal data, made unauthorised use, recording, destruction, modification, blocking, duplication, dissemination of data, or he or she has committed acts with digital technology, including setting viruses or software that may have disrupted or have disrupted the smooth functioning of the employer.

(Article 122 edited by HO-117-N of 24 June 2010, amended by HO-53-N of 1 March 2023, edited, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 123. Rescission of an employment contract upon the initiative of the employee without notifying the employee

In cases provided for by points 4, 5, 6 and 8-10 of part 1 of Article 113 of this Code the employer shall have the right to rescind the employment contract without notifying the employee.

(Article 123 edited by HO-117-N of 24 June 2010, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 124. Regulation of employment relations with regard to joining military service and participating in military operations on a voluntary basis

(title edited by HO-460-N of 9 October 2020)

1. In case of being conscripted to compulsory military service no later than three days prior to the date mentioned in the relevant written notice, the employer shall rescind the employment contract.

Within a month after the discharge from compulsory military service the employee may address the employer for the conclusion of a new employment contract. In case the employee addresses the employer within the mentioned time limits, the employer shall be obliged to conclude a new employment contract within three days, the essential conditions of which shall not be less favourable for the employee than the conditions of the employment contract which was in effect prior to recruitment to compulsory fixed-term military service.

2. During the conduct of military registration, participation in training musters, military trainings and military exercises or draft for military service, the employment relations with the employee shall be regulated in the manner prescribed by law and this Article.

2.1. When enrolling an employee in training musters the employer not considered to be a state or territorial administration body, state or community organisation or institution shall — within the first 30 calendar days — continue paying at least the positive difference between the basic salary of the employee for each working day (in case of employees paid based on task rate — average salary, except for the amounts of awards) and the cash security calculated for the employee as a military serviceman for the calendar days of participation in the training musters during that period of time, and the salary of the employee for the period of time exceeding 30 days shall be determined by the agreement of the employer and employee or as provided for by the collective agreement of the employment contract.

When enrolling an employee in training musters, the employer considered to be a state or territorial administration body, state or community organisation or institution shall continue paying for each working day the positive difference between the basic salary of the employer (in case of employees paid based on task rate — the average salary, except for the amounts of awards) and the cash security calculated for the employee as a military serviceman for the calendar days of participation in training musters.

3. When performing mobilisation military service or participating, on a voluntary basis, in military operations as a person (volunteer) not being in military service for the defence of the Republic of Armenia, as well as of other countries on the ground of military mutual assistance treaties with the Republic of Armenia or the authorised body in the field of defence, the employee shall be exempt from performing employment duties, retaining workplace (position).

4. The employee shall — in the cases prescribed by part 3 of this Article — exempt from performing employment duties on the basis of notification on mobilisation call-up or the statement of information on engagement, on a voluntary basis, in the activities of defence issued by the state authorised body in the field of

defence of the Republic of Armenia, whereas the remuneration of employee for the period of being exempted from performing employment duties shall, upon consent of the parties or by the collective agreement, be determined by the employer unless otherwise provided for by law.

(Article 124 supplemented by HO-117-N of 24 June 2010, amended and supplemented by HO-96-N of 22 June 2015, edited, supplemented by HO-460-N of 9 October 2020)(Law HO-96-N of 22 June 2015 has a transitional provision, supplemented by HO-141-N of 13 April 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-460-N of 9 October 2020 has a transitional provision)

(Law HO-141-N of 13 April 2023 has a transitional provision)

Article 125. Rescission of an employment contract in case of bankruptcy of employer

(Article repealed by HO-117-N of 24 June 2010)

Article 126. Restrictions on rescission of an employment contract when restructuring an organisation

Restructuring of the organisation, as well as change in persons having rights under an obligation or other rights thereto shall not be a ground for rescinding the employment contract unless there is reduction in the number of employees and/or of the staff positions.

(Article 126 supplemented by HO-117-N of 24 June 2010)

Article 127. Rescission of an employment contract in case of death of employee

In case of the death of an employee the employer shall rescind the employment contract on the day following the day of the employee's death based on the document issued by the authorised body registering the death.

(Article 127 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 128. Rescission of the employment contract in the case of death of natural person employer

1. Where the natural person employer dies, the employment contract shall be considered as rescinded from the day following the day of the death of the employer specified in the document of the authorised body registering the death.
2. ***(part repealed by HO-160-N of 3 May 2023)***
3. ***(part repealed by HO-160-N of 3 May 2023)***

(Article 128 edited by HO-117-N of 24 June 2010, HO-96-N of 22 June 2015, edited, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 129. Dismissal benefit

1. In case of rescinding the employment contract on the grounds provided for by points 1, 2 and 4 of part 1 of Article 113 of this Code, the employer shall pay

dismissal benefit to the employee in the amount of his or her average monthly salary, whereas in cases provided for by points 3 and 7 of part 1 of Article 113, as well as point 9 of part 1 of Article 109 and Article 124, where the employment contract is rescinded, the employer, taking into consideration the continuous work experience of the employee, shall pay the employee a dismissal benefit:

(1) where the employee has worked for up to one year — in the amount of ten-fold of the average daily salary;

(2) where the employee has worked from one to five years — in the amount of twenty-five-fold of the average daily salary;

(3) where the employee has worked from five to ten years — in the amount of thirty-fold of the average daily salary,

(4) where the employee has worked from ten to fifteen years — in the amount of thirty-five-fold of the average daily salary;

(5) where the employee has worked for up to fifteen years and more — in the amount of forty-four-fold of the average daily salary.

2. Payment of dismissal benefit may be envisaged for a longer period or in a larger amount in accordance with the collective agreement or employment contract or upon written consent of the parties.

(Article 129 edited by HO-117-N of 24 June 2010, supplemented and edited by HO-96-N of 22 June 2015, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 130. Procedure for final settlement with an employee

1. In case of rescinding an employment contract the employer shall be obliged to make a full final settlement with the employee on the day of rescission

of the employment contract, unless other procedure for final settlement is provided for by this Code, the law or upon agreement between the employer and the employee.

1.1. Where the employee is moved (transferred) to another job with the same employer recognised as a legal successor as prescribed by law without rescinding the employment contract, the employer shall not make a final settlement with the employee.

2. The employer shall be obliged to pay the employee his or her salary and other equivalent payments on the day of final settlement, and where that obligation is impossible to fulfil due to reasons beyond the control of the employer, the salary of the employee and other equivalent payments shall be paid within five working days after the employee submits such a request.

2.1. In the case of death of the natural person employer, the obligations of making the final settlement shall be transferred to those accepting the inheritance, and in the case of absence of the inheritors or their refusal to accept the inheritance, to the person or authority that accepts that property, within the range of its value.

3. By will of the employee, the employer shall be obliged to provide him or her with a statement on his or her functions (duties), the amount of salary, paid taxes, social or other mandatory payments prescribed by law and performance evaluation.

(Article 130 amended by HO-238-N of 24 October 2007, supplemented by HO-117-N of 24 June 2010, supplemented and amended by HO-96-N of 22 June 2015, amended by HO-502-N of 7 December 2022, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

CHAPTER 16

PROTECTION OF PERSONAL DATA OF EMPLOYEES

Article 131. Concept of personal data of employee and processing of those data

Personal data of an employee shall be deemed as the information related to the employment relations and on a particular employee necessary for the employer.

Processing of personal data of the employee shall be deemed as the receipt, protection, co-ordination, transfer or use of the personal data of the employee in any other way.

Article 132. General requirements for processing of personal data of employee and guarantees for protection thereof

For the purpose of ensuring human and civil rights and freedoms, the employer shall follow the following requirements while processing the personal data of an employee:

(1) the processing of personal data of an employee may be carried out exclusively for the purpose of ensuring the fulfilment of the requirements of laws and other regulatory legal acts, supporting the employment, education and promotion of the employees, ensuring the personal security of the employees, supervising the quantity and quality of the work performed and ensuring the integrity of the property;

(2) while determining the volume and content of personal data being processed the employer shall be guided by the Constitution of the Republic of Armenia, this Code and other laws;

(3) all personal data shall be provided by the employee. Where the personal data of the employee can only be received from a third person, the employee shall be required to give his or her written consent. The employer shall be obliged to inform the employee about the purpose of receiving the personal data, possible ways and sources for receiving thereof, as well as about the nature of the personal data to be received and about the consequences where the employee rejects to provide written consent about receipt thereof;

(4) the employer shall have no right to obtain and process data on the employee's political, religious and other convictions or personal life. In cases directly related to employment relations the employer shall have the right to obtain and process data on the employee's personal life only upon the employee's written consent;

(5) the employer shall have no right to obtain and process the employee's personal data on his or her membership to non-governmental associations or his or her activities in trade unions, except for the cases provided for by law;

(6) while adopting decisions relating the employee, the employer shall have no right to rely only on the personal data received by automated processing or electronic means;

(7) the lawfulness or protection of the employee's personal data which is ensured by the employer at his or her own expenses in the manner prescribed by law;

(8) the employees and their representatives by their signature shall become familiarised with legal acts of the employer that define the procedure for processing the personal data, as well as about their rights and obligations in this field;

(9) the employees shall have no right to waive their rights of ensuring confidentiality and protection.

Article 133. Maintenance and use of personal data of employees

The procedure for maintenance and use of personal data of employees shall be prescribed by law.

(Article 133 amended by HO-117-N of 24 June 2010)

Article 134. Transfer of personal data of employee

While transferring the personal data of the employee the employer shall be obliged to follow the following requirements:

(1) not to disclose the personal data of the employee to third parties without the employee's written consent, except for the cases when this is necessary for preventing the threat to the life and health of the employee, as well as in other cases provided for by law;

(2) not to disclose the personal data of the employee for commercial purposes without the employee's written consent;

(3) warn the persons receiving the personal data of the employee and require them to assert that the data received may only be used for the purposes for which the employees are informed. The persons receiving personal data of the employees shall be obliged to keep them confidential. This provision shall not apply to the transfer of personal data of the employees in the manner prescribed by law;

(4) the transfer of the personal data of the employees to the employer shall be carried out in accordance with the internal legal acts of the employer;

(5) the right to become familiar with the personal data of the employees shall be reserved only to persons with such authorities; moreover, these persons may receive only the personal data of the employee which are necessary for the fulfilment of certain functions;

(6) not to require information on health of the employee, except for the data which are related to the possibility of the employee to fulfil official duties;

(7) while transferring the personal data of the employee, among others, to the representatives of employees, be limited only to the data which are transferred for the purposes of personal data processing, or are necessary to fulfil those purposes.

(Article 134 amended, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 135. Rights of employees related to protection of personal data maintained by employer and receiving information thereon

(title edited by HO-160-N of 3 May 2023)

1. The employee shall have the right to receive — personally or upon the request of the representative acting by virtue of the power of attorney (and the employee under the age of sixteen — of one of the parents or fostering parents or adopters, or the guardian, or the curator) — full information on his or her personal data maintained by the employer and the processing thereof, including:

(1) ***(point repealed by HO-160-N of 3 May 2023)***

(2) familiarise himself or herself with his or her personal data, receive a copy of the record containing personal data freely and at no cost, except for the cases prescribed by law;

(3) familiarise himself or herself with his or her medical data, including with the participation of a physician chosen by him or her;

(4) demand to remove or correct the wrong or incomplete personal data, as well as personal data processed in violation of the requirements of this Code. In case the demand is rejected the employee shall have the right to present his or her disagreement to the employer in writing by attaching relevant justifications;

(5) demand the employer to inform all the persons that have been communicated wrong or incomplete information on himself or herself about the information that has been removed, as well as the corrections and additions that have been made;

(6) appeal through judicial procedure any action or inaction of the employer with regard to the processing and storage of his or her personal data.

(Article 135 edited, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 136. Liability for violation of the procedure for processing and protection of personal data of employee

Persons violating the procedure prescribed by this Code, other laws and legal acts for processing and protection of personal data of the employee shall be held liable in the manner prescribed by law.

CHAPTER 17

WORKING TIME

Article 137. Concept of working time

Working time shall be the period when the employee is obliged to perform work envisaged by the employment contract, as well as other equivalent periods.

Article 138. Structure of working time

1. Working time shall include:

(1) actual hours worked, shift at workplace or at home;

(2) the period of secondment;

(3) the period necessary for arranging or preparing a workplace, work tools and safety measures;

(4) breaks included in the working hours according to the law, the collective agreement or the internal legal acts of the employer;

(5) the period of mandatory medical examination;

(6) the period necessary for training, requalification, professional training or raising the level of qualification of the employee at the workplace or at educational institutions, except for the period of training, requalification, professional training or raising the level of qualification at the initiative of the employee, when remuneration is not envisaged;

(7) the period of prohibition to work under the procedure prescribed by Article 108 of this Code where the employee prohibited to work is allowed to stay at the workplace adhering to the rules of the procedure established at the workplace;

(8) the period of idleness;

(9) other periods prescribed by law, collective agreement or internal legal acts.

2. The following shall not be included in the working time but is calculated in the work experience:

(1) the period of not coming to work upon consent of the employer or his or her representative, not exceeding 30 days within one working day;

(2) the periods of performance of state, social or civil duties, military registration, participation in training musters, military trainings or military exercises, as well as of mobilisation military service;

(2.1) the periods of participation, on a voluntary basis, in military operations as a person (volunteer) not being in military service for the defence of the Republic of Armenia, as well as of other countries on the ground of military mutual assistance treaties with the Republic of Armenia or the authorised body in the field of defence;

(3) the period of the employee's temporary incapacity for work;

(4) breaks for rest or eating, daily (inter-shift), weekly uninterrupted rest, non-working holidays and commemoration days prescribed by this Code, leave. The mentioned periods may be included in the working time where the employee performs work on those days in cases and by the procedure provided for by this Code.

(5) other periods prescribed by law, collective agreement or internal legal acts.

(Article 138 amended, supplemented by HO-460-N of 9 October 2020, edited, supplemented by HO-160-N of 3 May 2023)

(Law HO-460-N of 9 October 2020 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 139. Duration of working time

1. Normal duration of the working time may not exceed 40 hours a week.

2. Daily working time may not exceed eight working hours, except for the cases provided for by this Code, law and other regulatory legal acts.

3. The maximum duration of working time, including overtime work, may not exceed 12 hours a day (including the break for rest and meal), and 48 hours — during the week.

4. The duration of the working time for specific categories of workers (healthcare organisations working on an uninterrupted shift basis, curatorship (guardianship) organisations, child care educational institutions, specialised energy, gas, heating supply organisations, specialised communications services, as well as specialised services for elimination of the consequences of accidents, etc.) may amount to 24 hours a day. The average duration of the working time of such workers in a week may not exceed 48 hours, and the rest time between the working days may not be less than 24 hours. The list of such jobs shall be defined by the Government of the Republic of Armenia.

5. The duration of daily working time (including breaks for rest and meal) of an employee working on the basis of two and more employment contracts with a different or the same employer may not exceed 12 hours a day. In case of working with different employees on the basis of two and more employment contracts the obligation of fulfilling the requirement prescribed by this part shall incur the employee, except for the case when the employee has notified the employer in writing of the concurrent employment of the employee.

(Article 139 edited by HO-117-N of 24 June 2010, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 140. Shorter working time

1. Shorter working time shall be set for:

   (1) children under the age of seven — up to two hours a day, but not more than four hours during the week, beyond the hours set for mandatory education;

   (2) children between the ages of seven and twelve — up to three hours a week, but not more than six hours during the week, beyond the hours set for mandatory education;

   (3) children between the ages of twelve and fifteen — up to four hours a day, but not more than twelve hours during the week, beyond the hours set for mandatory education;

   (4) children between the ages of fifteen and sixteen — up to 24 hours a week, beyond the hours set for mandatory education;

   (5) employees between the ages of sixteen and eighteen — up to 36 hours a week, beyond the hours set for mandatory education;

   (6) employees in whose workplace it is impossible, due to technical or other reasons, to reduce the maximum permissible levels of occupational hazards to the level safe for health as defined by legal acts on safety and health at work, the working time shall be set not more than 36 hours a week;

   (7) in other cases prescribed by laws of the Republic of Armenia.

2. The procedure and conditions for reducing the working time of employees engaged in work related to mental and emotional defatigation shall be prescribed by law, collective agreement or employment contracts.

(Article 140 edited by HO-117-N of 24 June 2010, HO-96-N of 22 June 2015, supplemented, edited by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 141. Incomplete working time

1. An incomplete working day or an incomplete working week is set:

   (1) upon the consent of the employee and the employer;

   (2) upon employee's request, related to his or her health state, or based on medical conclusion;

   (3) upon request of a pregnant woman or an employee taking care of a child under the age of two;

   (4) upon request of a person with disabilities, based on medical conclusion;

   (5) upon request of an employee taking care of a sick member of the family, based on medical conclusion, but for not more than six months, and not more than half of the working time defined for one day with regard to each day.

2. Upon consent of the parties, incomplete working time may be defined by reducing the working days of the week or the working day (shift), or applying both at the same time, unless otherwise provided for by the medical conclusion. The incomplete working time may be divided into parts during the working day. The procedure for providing the incomplete working time defined by points 1-4 of part 1 of this Article shall be defined upon consent of the parties and may be included in the employment contract.

3. When defining the duration of the annual leave, calculating the length of service, appointing to a higher position, raising the qualification, as well as exercising other rights of the employee, the work performed in the conditions of incomplete working time shall be no basis for applying restrictions.

(Article 141 amended by HO-296-N of 14 July 2022, amended, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 142. Working time regime

1. Distribution of (changes in) the working and rest time for each employee during the day, week or reporting period, as well as the beginning and end of the daily work (shift) shall be defined by the internal disciplinary rules of the employer. The work (shift) schedules shall be approved by the employer, whereas in cases and in the manner prescribed by the collective agreement it shall be agreed with the body of the organisation having signed the collective agreement. The beginning and end of the working time in state and local self-government bodies and organisations under subordination thereof shall be defined by the Government of the Republic of Armenia.

2. A five-day working week with two rest days shall be prescribed for the employees. Within the organisations where, due to the nature of production or the work or other conditions, application of the five-day working week is impossible, a six-day working week with one rest day shall be defined.

3. The employees shall be obliged to keep to the defined work (shift) schedules. The employer shall be obliged to properly notify the employee about a change made in the working (shift) schedule no later than one week before the entry into force of the legal act. The employer shall be obliged to ensure the proportion of rotation of the employees' activities.

4. Engaging the employee in uninterrupted work with two shifts shall be prohibited, except for the case provided for by point 4 of part 1 of Article 145.

5. The employee raising a minor under the age of fourteen without a husband (wife) shall have the right of priority to choose a shift where the employer has such an opportunity.

6. The employer shall be obliged to precisely record the daily and weekly working time of each employee, according to which, the information will be ensured by which it will be possible to clarify fulfilment of the requirements of the norms

defined in Chapter 17 of this Code. The record-keeping of daily and weekly working time of employees shall be conducted in paper form or electronically and shall serve as a ground for calculation of the salary.

7. The specifics of the work and rest regime of employees working in the fields of healthcare, curatorship (guardianship), child education, energy, gas and heat supply, communication and other fields of work of special nature shall be defined by the Government of the Republic of Armenia.

(Article 142 amended, edited, supplemented by HO-117 of 24 June 2010, edited by HO-68-N of 1 March 2011, amended and edited by HO-96-N of 22 June 2015, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 143. Summarised calculation of working time

1. In organisations operating with uninterrupted regime or in case of completion of works of special nature where it is impossible to keep daily or weekly duration of the working time for employees of the given category preconditioned by the specifics of the production (work), summarised calculation of working time shall be allowed, provided that it does not exceed the normal number of working hours in the reporting period (month, quarter, etc.). The duration of the summarised calculated working time, in each case, may not exceed 6 months.

The procedure for the application of summarised calculation of working time shall be defined by internal disciplinary rules of the employer.

1.1. Calculation of the working time shall be prohibited for employees under the age of 18.

2. In case of summarised calculation of working time, the duration of daily and weekly uninterrupted rest prescribed by this Code shall be guaranteed. Where the summarised calculation of working time exceeds the number of working hours defined for the employees, the employee's working day shall be shortened upon his or her will or rest day(s) is/are provided in the manner prescribed by the collective agreement or internal disciplinary rules, or they shall be paid additional payment defined for overtime work.

(Article 143 supplemented by HO-96-N of 22 June 2015, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 144. Restrictions on overtime work

1. The overtime work shall be the work the duration of which is more than the working time defined by part 1 or 2 or 4 of Article 139, Article 140 or Article 141 or part 1 or 2 or part 7 of Article 142 or part 1 of Article 147 of this Code.

2. The employer may engage the employee in overtime work only in exceptional cases provided for by Article 145 of this Code.

2.1. In the absence of exceptional cases provided for by Article 145 of this Code the employee may be engaged in overtime work only upon his or her written consent.

3. The following shall not be engaged in overtime work:

   (1) employees under the age of 18;

   (2) employees studying in general education and vocational schools without interrupting work in production or employment — on the days of classes;

(3) employees under the influence of factors that are harmful and/or dangerous to the health;

(4) employees working under other conditions provided for by the legislation of the Republic of Armenia and the collective agreement.

4. Pregnant women and employees taking care of a child under the age of one may be engaged in overtime work only upon their written consent.

Persons with disabilities may be engaged in overtime work only upon their written consent where the performance of such work is not forbidden by a medical conclusion.

5. The work of managerial staff of the employer exceeding the working time set shall not be deemed as overtime work. Within the meaning of this Article, the managerial staff of the employer shall be considered only the employees that hold positions in the management body of the employer, or that perform, as a work deriving from their official status, the function of management of the employer or general management of ongoing activities of the employer, or are head of any structural or territorial or separated subdivision (department, bureau, division, branch, representative office or other unit) of that employer, except for heads of such subdivisions performing maintenance and technical support functions that are not directly engaged in the performance of functions of the employer, unless otherwise provided for by law. The list of managerial positions of the employer shall be defined by laws and internal legal acts of the employer.

(Article 144 amended, edited by HO-117-N of 24 June 2010, edited by HO-96-N of 22 June 2015, amended by HO-296-N of 14 July 2022, supplemented and amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 145. Exceptional cases of permitting overtime work

1. Overtime work shall be permitted in the following exceptional cases where:

(1) the work performed is necessary for the defence of the state, including within the scope of the process of shifting the activities of the state and territorial administration, local self-government bodies, organisations to the working regime of martial law, as well as for prevention of natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency or for elimination of the consequences thereof;

(2) it is necessary to accomplish the work started and that could not be possibly accomplished during the normal working time due to accidental or unforeseen obstacles and where the termination of the works started may result in the deterioration, destruction of materials or breakdown of equipment;

(3) the work performed is related to repair or restoration of mechanisms or equipment the breakdown of which has caused interruption of work of a significant number of employees;

(4) the shift employee has not reported for work that may lead to disruption of continuity of work. In such cases the employer or his or her representative shall be obliged to take immediate measures for substituting the absent person with another employee;

(5) works of loading or unloading and other related works are performed for preventing or eliminating the accumulation of freight in delivery and destination points and for prevention of idleness of transportation means, as well as for vacating warehouses of the organisation;

(6) there is a necessity for urgent fulfilment of contractual obligations of the employer.

2. In case it is necessary to engage the employee in overtime work the employer shall be obliged to inform the employee thereon within reasonable period of time, except for the cases provided for by point 1 of part 1 of this Article.

(Article 145 supplemented by HO-176-N of 19 April 2021)

Article 146. Duration of overtime work

1. In cases provided for by parts 2 and 2.1 of Article 144 of this Code the overtime work shall not exceed 4 hours during two successive days, and 180 hours — during a year, except for the cases referred to in point 1 of part 1 of Article 145, under the condition whereof the overtime work must not exceed 8 hours during two successive days, in which case the maximum duration of daily and weekly working hours established by part 3 of Article 139 of this Code must be maintained.

2. ***(part repealed by HO-96-N of 22 June 2015)***

(Article 146 amended by HO-117-N of 24 June 2010, HO-96-N of 22 June 2015, supplemented by HO-236-N of 29 April 2020, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 147. Duration of work on the eve of non-working holidays, commemoration days and rest days

(title amended by HO-117-N of 24 June 2010)

1. The duration of the working day on the eve of non-working holidays and commemoration days and rest days shall be shortened by an hour, except for part-time employees working with incomplete working time or on shift.

2. ***(part repealed by HO-117-N of 24 June 2010)***

(Article 147 amended by HO-39-N of 27 February 2006, amended, supplemented by HO-117-N of 24 June 2010, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 148. Night work

1. Night time shall be considered the period between 22:00 and 6:00.
2. The work performed at night time shall be considered as night work.
3. Persons under the age of eighteen as well as employees who are not allowed to be employed in night work according to a medical conclusion are not allowed to be engaged in night work.
4. Pregnant women and employees taking care of a child under the age of three may be engaged in night work only upon their consent, after undergoing a preliminary medical examination and submitting a medical opinion to the employer.
5. ***(part repealed by HO-117-N of 24 June 2010)***
6. Where it is confirmed that the night work has harmed or may cause harm to the health of the employee, the employer shall be obliged to transfer the employee only to day work.

(Article 148 supplemented by HO-39-N of 27 February 2006, edited and amended by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 149. Duty

1. To ensure workplace discipline within the organisation or the performance of urgent works in special cases, the employer may engage the employee on duty in the organisation or at home at the end of the working day or on non-working holidays, commemoration days and rest days not more than once a month, whereas upon consent of the employee — not more than once a week.

2. Where the duty is performed after the end of the working day, the time of the duty together with the working day (shift) in the organisation may not exceed the duration of the working day (shift) prescribed by part 2 of Article 139 of this Code, whereas the duration of the duty in the organisation or at home on non-working holidays, commemoration days and rest days may not exceed eight hours a day. The time of duty in the organisation shall be equalised to the working time, whereas at home not less than half of the working time.

3. Where the duration of the duty in the organisation or at home exceeds the working time prescribed by part 1 of Article 139, point 6 of part 1 of Article 140, Article 141 and part 1 of Article 143 of this Code the employee shall, during the next month, be given rest time with the same duration, or the rest time may, upon the will of the employee, be added to the annual leave or may be paid as overtime work.

4. Employees under the age of eighteen shall not be allowed to be engaged in duty work at home or in an organisation. Pregnant women and the employee taking care of a child under the age of three may be engaged on duty at home or in the organisation only upon their consent.

(Article 149 amended by HO-96-N of 22 June 2015, HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

CHAPTER 18

REST TIME

Article 150. Concept of rest time

The rest time shall be the time free from work regulated by this Code, law, collective agreement or employment contract, which the employee uses at his or her discretion.

Article 151. Types of rest time

Types of the rest time shall be as follows:

(1) break for rest and meal;

(2) additional and special breaks for rest during the working day/shift;

(3) uninterrupted rest between working days/shifts;

(4) weekly uninterrupted rest;

(5) annual rest time (non-working holidays, commemoration days, leave).

Article 152. Break for rest and meal

1. After the end of the first half of the working day (shift) but not later than four hours after starting the work the employees shall be provided with a break for rest and meal for no longer than two hours and not less than half an hour.

1.1. Where the duration of the working day does not exceed 4 hours, a break with the duration prescribed by part 1 of this Article for rest and meal during the working day (shift) shall be provided to an employee upon consent of the parties, except for pregnant women and employees under the age of eighteen, whose break for rest and meal shall be provided at the hour of their choice.

2. The break for rest and meal shall not be included in the working time, and the employee shall use it at his or her discretion. The employee shall have the right to be absent from the workplace during that period.

3. In case of a six-day working week, on the eve of holidays and commemoration days and rest days, the work may be performed without a break for rest and meal where the duration of the working day does not exceed six hours.

4. Where in certain types of work the provision of a break for rest and meal is impossible due to conditions of production or employment, the employee shall be granted an opportunity to eat while working.

5. The beginning and end of a break for rest and meal shall be defined by internal disciplinary rules, the work schedule, collective agreement or employment contract.

(Article 152 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 153. Additional and special breaks

1. Due to the working conditions the employees shall be provided with additional break for rest during the working day.

2. Employees under the age of eighteen, whose working time exceeds four hours, shall be granted additional break for at least 30 minutes for rest during the working time.

3. Special breaks must be granted where the work is performed at the air temperature above +40oC or below -10oC, as well as under other hazardous conditions of hard physical or mental and emotional defatigation or in such cases when at workplace it is impossible, due to technical or other reasons, to reduce

the maximum permissible levels of occupational hazards to the level safe for health, prescribed by the legal acts on health and safety of employees.

4. 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 schedule, collective agreement or employment contract.

5. The number of additional and special breaks, the duration thereof and the place of rest shall be envisaged by the collective agreement or employment contract.

(Article 153 amended by HO-39-N of 27 February 2006, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 154. Rest during the day

1. The duration of uninterrupted rest between working days/shifts may not be less than 11 hours.

2. The duration of daily uninterrupted rest for employees under the age of sixteen may not be less than 16 hours, whereas for employees between the ages of sixteen and eighteen it may not be less than 12 hours and shall include the period from 22 p.m. to 6 a.m.

(Article 154 amended by HO-96-N of 22 June 2015, HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 155. Weekly uninterrupted rest

1. The common rest day is Sunday, and in case of a five-day working week the rest days are Saturday and Sunday, except for the cases envisaged by parts 2-4 of this Article and by other legal acts.

2. In organisations where the work on common rest day may not be terminated due to the need to provide services to the population (public transportation, specialised organisations supplying energy, gas, and heat, theatres, museums, public catering, etc.), the rest day shall be defined by the employer.

3. In organisations where works may not be terminated due to technical conditions of production or to the need for uninterrupted and continuous provision of services to the population, as well as in other organisations with uninterrupted work regime, the rest days shall be granted on the other days of the week in a sequence prescribed by the working schedule for each group of employees. These schedules shall be prepared and approved in the manner prescribed by Article 142 of this Code.

4. In case of summarised calculation of working time, the rest days shall be granted to the employees, in accordance with the working schedule (shifts).

5. Uninterrupted weekly rest must not be less than 35 hours. Two rest days being granted in the cases provided for by parts 2-4 of this Article shall follow each other.

6. Engagement of employees in work on rest days shall be prohibited, except for the works the termination of which is impossible due to technical reasons of production or which are necessary for the provision of services to the population, as well as for performing urgent repair, loading or unloading operations.

   Pregnant women, employees taking care of a child under the age of one may be engaged in work on rest days only upon their consent.

7. Employees under the age of eighteen are granted at least two rest days per week.

(Article 155 amended by HO-117-N of 24 June 2010)

Article 156. Non-working holidays and commemoration days

1. The non-working days (holidays and commemoration days) in the Republic of Armenia shall be established by law.
2. Engagement of employees in work on non-working holidays and commemoration days shall be prohibited, except for the works the termination of which is impossible due to technical reasons of production or which are necessary for the provision of services to the population, as well as for performing urgent repair, and loading or unloading operations.

Pregnant women, employees taking care of a child under the age of one may be engaged in work on non-working holidays and commemoration days only upon their consent.

(Article 156 edited, amended by HO-117-N of 24 June 2010)

Article 157. Other holidays and commemoration days

(Article repealed by HO-117 of 24 June 2010)

Article 158. Annual leave

1. Annual leave is a period calculated in working days, which is provided to employees for rest and for recovering their working capacity. During this time, his or her workplace (position) shall be retained, and average salary shall be paid.

2. Annual leave shall be minimum, extended and additional.

(Article 158 supplemented by HO-140-N of 8 July 2005, amended by HO-117-N of 24 June 2010)

Article 159. Minimum annual leave

1. The duration of the minimum annual leave, in the case of the five-day working week, is 20 working days, and in the case of the six-day working week, 24 working days.

2. The annual leave for employees with shorter working time, or incomplete working time, or with summarised calculation of the working time, or the annual leave for employees under a separate category prescribed by part 4 of Article 139 of this Code shall not be reduced, and the duration thereof shall be determined by counting five working days in each calendar week respectively, in case of a five-day working week, and six working days, in case of a six-day working week.

3. Leaves with longer duration may be prescribed by a collective agreement or employment contract or by legal acts of the employer, except for the organisations funded from state and community budget.

(Article 159 edited, supplemented by HO-117-N of 24 June 2010, edited by HO-96-N of 22 June 2015, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 160. Extended annual leave

An extended annual leave with a duration of 25 working days in case of a five-day working week, and with a duration of 30 working days in case of a six-day working week (in exceptional cases — 35 working days in case of five-day working week, and 42 working days in case of six-day working week) shall be granted to employees of special category working under special working conditions whose work is related to mental and emotional defatigation or occupational hazard. The list of employees of a specific category entitled to such a leave shall be defined by the Government of the Republic of Armenia.

(Article 160 amended by HO-117-N of 24 June 2010)

Article 161. Additional annual leave

1. Additional annual leave shall be granted to:
   (1) employees working under harmful and hazardous working conditions;
   (2) employees with irregular work schedule;
   (3) employees engaged in works of special nature.
2. The list of employees of a specific category entitled to additional annual leave, the minimum duration of the leave and the procedure for the provision thereof shall be defined by the Government of the Republic of Armenia.

(Article 161 amended by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 162. Determining the duration of annual leave

1. Additional annual leave shall be added to the minimum annual leave and may be granted along with it or separately.

2. The employees entitled to extended annual and additional annual leave shall be granted either with only extended annual or the additional leave added to the minimum annual leave in the manner prescribed by part 1 of this Article at their choice.

(Article 162 amended by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 163. Granting of annual leave in parts

Upon the consent of the parties, the annual leave may be granted in parts. In case of granting the annual leave in parts, one of the parts of the annual leave shall be at least 10 working days in case of a five-day working week, and at least 12 working days — in case of a six-day working week.

(Article 163 edited by HO-22-N of 16 December 2005, HO-117-N of 24 June 2010)

Article 164. Procedure for granting annual leave

1. Annual leave for each working year shall be granted in the same working year by the individual legal act adopted by the employer based on the application on granting annual leave that the employee submits to the employer, except for the case prescribed by part 10 of this Article. The working year starts from the day of commencing work on the day provided for by the employment contract of the employee or by the individual legal act on accepting for employment and ends in the relevant month and on the relevant date of the next calendar year.

2. Annual leave for the first working year shall be granted after six months of uninterrupted work with the employer, except for employees working concurrently, whose annual leave shall be granted in compliance with the requirements prescribed by part 6 of Article 99 of this Code, as well as other

cases prescribed by this Code. Annual leave may — upon consent of the parties — be granted before the expiry of six months of uninterrupted work of the employee with that employer. For the second and subsequent working years annual leave shall be granted at any time of the working year, in accordance with the succession for granting annual leaves. The procedure for establishing succession shall be defined by a collective agreement, and where such agreement is not made — upon the consent of the parties.

3. Prior to the expiry of six months of uninterrupted work, annual leave shall be granted at the request of an employee in the following cases:

   (1) to women before or after maternity leave;

   (2) in other cases provided for by the collective agreement.

4. After six months of uninterrupted work, the following persons shall have the right to choose the time of annual leave:

   (1) employees under the age of 18;

   (2) pregnant women and employees taking care of a child under the age of fourteen.

5. Men shall be granted their annual leave at their request during the pregnancy and the maternity leave of their wives.

6. The teaching staff and scientific and pedagogical staff of educational institutions shall be granted annual leave during the summer vacations of learners and students, including during the first year of employment, irrespective of the date when these employees began to work.

7. Annual leave for employees studying without interruption of their employment shall be, at their request, adjusted with the time of their examinations, tests, preparation of the thesis or graduation paper and laboratory activities, academic internships envisaged by the curriculum.

8. The employees taking care of an ill or person with disabilities at home, as well as employees with chronic diseases the exacerbation of which depends on the conditions of the atmosphere shall be granted annual leave at the time of their choice, on the basis of the medical conclusion.

9. An employee subjected to violence or sexual harassment at workplace shall, at his or her request, be granted annual leave, irrespective of the period of performance of the work.

10. Where an employee avoids using or refuses to use, constantly for two-and-a-half years of employment, the annual leave or a part thereof to be paid to him or her, by failing to submit an application on granting annual leave, and failure to submit this application is not conditioned by the fact that the employee is on leave granted for care of a child under the age of 3 or any fact prescribed by points 1, 3 and 4 of part 1 of Article 167 of this Code, the period for granting annual leave to the employee concerned shall be determined by the employer, taking into consideration the requirements defined by parts 4, 6 and 8 of this Article, and the individual legal act of the employer on granting annual leave or a part thereof shall be adopted without the existence of the application of the employee on granting annual leave.

(Article 164 supplemented by HO-96-N of 22 June 2015, edited, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 165. Work experience required for annual leave

Working year, for which annual leave is granted, shall include the following:

(1) the actual period worked;

(2) the period in which, according to the legislation, the employee retains the workplace (position) and salary completely or partially, except for the periods of paying compensation to a person who is a public servant and has a status of an accused as prescribed by Article 126 of the Criminal Procedure Code of the Republic of Armenia, when a criminal judgment was rendered upon completion of criminal proceedings or the criminal prosecution was terminated on a non-rehabilitating ground;

(3) the period of the employee's temporary incapacity for work;

(4) the period of paid annual leave;

(5) the period of mandatory idleness of the employee in case of reinstatement in his or her former position;

(6) the period of lawful strike;

(6.1) the period of participating in training musters, performing mobilisation military service or participating, on a volunteer basis, in military operations as a person (volunteer) not being in military service for the defence of the Republic of Armenia, as well as of other countries on the ground of mutual military assistance treaties with the Republic of Armenia or the state authorised body in the field of defence;

(7) other periods defined by legislation.

(Article 165 amended by HO-117-N of 24 June 2010, supplemented by HO-460-N of 9 October 2020, HO-124-N of 25 March 2021, amended by HO-157-N of 9 June 2022, HO-160-N of 3 May 2023)

(Law HO-460-N of 9 October 2020 has a transitional provision)

(Law HO-157-N of 9 June 2022 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 166. Recall from annual leave

1. Recall from annual leave shall be permitted only upon the employee's consent, except for the cases provided for by part 2 of this Article. Within the scope of the process of shifting the activities of the state and territorial administration, local self-government bodies, organisations to the working regime of martial law, the consent of employee shall not be required in case of recalling from annual leave.
2. In case of declaration of martial law, the consent of the employee shall not be required when recalling from annual leave the employees of state, territorial administration and local self-government bodies, state and community organisations and institutions, as well as the organisations and institutions having passed under the management of authorised public administration body of any field due to the martial law (irrespective of the form of ownership).
3. The unused part of annual leave shall be granted in accordance with Article 167(2) and (3) of this Code in the cases provided for by parts 1 and 2 of this Article.

(Article 166 edited by HO-460-N of 9 October 2020, supplemented by HO-176-N of 19 April 2021)

(Law HO-460-N of 9 October 2020 has a transitional provision)

Article 167. Transfer and extension of annual leave

1. Transfer of the annual leave or a part thereof shall be allowed only upon the written application or the written consent of the employee, including when the employee:

   (1) is temporarily incapable to work;

   (2) becomes entitled to a special purpose leave provided for by Article 171 of this Code;

(3) takes part in operations for prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergency cases or in operations for immediate elimination of their consequences, irrespective of the procedure, according to which he or she was mobilised to take part in these operations;

(4) takes part in training musters, military trainings and military exercises or performs mobilisation-based military service, or as a person (volunteer) not being in military service, participates on voluntary basis in the military operations for the defence of the Republic of Armenia, as well as of other countries on the ground of military mutual assistance treaties with the Republic of Armenia or the state authorised body in the field of defence.

2. Where the reasons specified in part 1 of this Article or any other reasons (due to which annual leave or a part thereof could not be used) arose before the commencement of annual leave, annual leave or a part thereof shall be transferred to some other time. Where those reasons arose during the annual leave, the annual leave shall be extended in the amount of the corresponding days.

3. The transferred annual leave or the transferred part of the annual leave, as a rule, shall be granted in the same working year, but not later than within 18 months, starting from the end of the working year, for which the annual leave has not been granted or has been partially granted. Through the mediation or upon the consent of the employee, the annual leave or unused part thereof may be transferred and added to the annual leave of the subsequent year.

4. The employee shall retain the right to annual leave even when annual leave is not granted to the employee within the time limits and in the manner prescribed by this Code.

5. Where the annual leave or the transferred part of the annual leave is not granted to the employee within the period prescribed by part 3 of this Article, the employer shall be obliged to pay the employee a penalty of 0,15 percent of the average monthly salary of the employee due for each day upon expiry of the period, but not more than the average monthly salary, except for the cases when failure to grant the annual leave or the transferred part of the annual leave to the employee was conditioned by the fact that the employee was on leave granted for care of a child under the age of 3 or by any fact prescribed by point 3 or point 4 of part 1 of this Article.

(Article 167 amended, supplemented by HO-117-N of 24 June 2010, amended by HO-96-N of 22 June 2015, edited, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 168. Granting of unused annual leave when being dismissed from work

When an employee is being dismissed from work (with the exception of cases envisaged by points 1, 5 and 6 of part 1 of Article 113 and points 6, 7, 11, 12 and 13 of part 1 of Article 109) the unused annual leave shall be granted, at his or her own request, by transferring the year, month, date of dismissal. In this case, the day of dismissal from shall be the day following the last day of the annual leave.

(Article 168 amended, supplemented by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015, HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 169. Pay for annual leave

1. The employer shall pay average salary to the employee for annual leave, which is calculated by multiplying the average daily salary of the employee by the number of days of the leave being granted.

Payments that are larger than those defined by this Code can be defined for the annual leave by the collective agreement or the employment contract or the employer's legal act, except for the organisations funded from the state and community budget, as well as the Central Bank of the Republic of Armenia.

2. The payment for annual leave shall be made not later than three days before the commencement of annual leave and, where this is not possible due to reasons beyond the control of the employer, within three working days following the period of start of the annual leave referred to in the application of the employee. Where the payment due to the employee is not made in the defined period not by the fault of the employee, annual leave shall be extended by as many days as the payment was delayed, and the payment for the extended period shall be the same as the payment for annual leave.

3. According to parts 1 and 2 of Article 166 of this Code, the employee involved in work shall be paid a salary, regardless of the fact that the payment for the annual leave has been made. Where the employee subsequently uses the paid, but not used days of the annual leave, the employer shall pay for these days the average salary through the procedure established by this Code.

(Article 169 amended by HO-39-N of 27 February 2006, supplemented by HO-117-N of 24 June 2010, HO-96-N of 22 June 2015, HO-460-N of 9 October 2020)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-460-N of 9 October 2020 has a transitional provision)

Article170. Monetary compensation for the unused annual leave

1. Replacing the annual leave with monetary compensation shall not be allowed. Where due to rescission of the employment contract the annual leave cannot be granted to the employee, who was granted the right to annual leave, or where the employee does not want the leave to be granted, he or she shall be paid monetary compensation.

1.1. In case of rescission of the employment contract concluded for the periods prescribed by Article 100 or 101 of this Code, as well as with employees having worked for up to six months, the employer shall pay monetary compensation to the employee for the unused annual leave, in compliance with part 2 of this Article.

2. The monetary compensation for the unused annual leave shall be paid when the employment contract is rescinded. The amount of compensation shall be determined in accordance with the number of days of the unused annual leave to be granted for the given period. Compensation shall be paid for all the unused annual leaves.

(Article 170 amended, supplemented by HO-117-N of 24 June 2010, supplemented and edited by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 171. Types of special purpose leave

Special purpose leave shall be:

(1) pregnancy and maternity leave;

(2) leave granted for taking care of a child under the age of three;

(3) study leave;

(4) leave being granted for fulfilment of state or social duties;

(5) unpaid leave;

(6) paternity leave.

During the period of special purpose leave the employee's position shall be retained, with the exception of cases envisaged by 113(1)(1).

(Article 171 supplemented by HO-117-N of 24 June 2010, edited by HO-33-N of 30 April 2013, supplemented by HO-415-N of 16 September 2020)

Article 172. Pregnancy and maternity leave

1. Employed women shall be granted pregnancy and maternity leave:

(1) 140 days (70 days for pregnancy leave, 70 days for maternity leave);

(2) 155 days (70 days for pregnancy leave, 85 days for maternity leave) in case of hard delivery;

(3) 180 days (70 days for pregnancy leave, 110 days for maternity leave) in case of simultaneous delivery of more than one child.

These types of leave shall be calculated in total and granted to the woman in full length. In case of early delivery, unused days of pregnancy leave shall be added to the days of maternity leave.

2. An employee having adopted a newborn or appointed a guardian of a newborn shall be granted a leave for a period from the day of adoption or of being appointed guardian up to when the infant attains an age of 70 days (in case of adoption or being appointed a guardian of two or more newborns — up to when the newborns reach 110 days).

2.1. The employee (the child's biological mother) having given birth to a child through a surrogate shall be granted a leave for a period starting from the day of birth

of the child up to when the newborn attains an age of 70 days (in case of birth of two or more newborns — up to when the newborns reach 110 days).

3. In the cases provided for by parts 1, 2 and 2.1 of this Article, the payment for leave shall be made to the hired employee as prescribed by the legislation of the Republic of Armenia.

(Article 172 amended, supplemented by HO-210-N of 24 October 2005, supplemented by HO-151-N of 12 December 2013, amended by HO-209-N of 1 December 2014)

Article 173. Leave granted for taking care of a child under the age of three

1. Leave for taking care of a child under the age of three shall be granted upon the request of the mother (step-mother), father (step-father) of the family, or the guardian who is actually taking care of the child. The leave may be taken as a single period or be used in parts. The employees entitled to such leave may take it out of turn.

2. ***(part repealed by HO-33-N of 30 April 2013)***

(Article 173 amended by HO-226-N of 22 December 2010, HO-33-N of 30 April 2013)

Article 174. Study leave

1. Employees shall be granted a leave in order to prepare for examinations for admission to educational institutions implementing professional education programmes, three working days for each examination.

2. Employees studying at general education, educational institutions implementing professional education programmes shall be granted a study leave upon the motion of the educational institution:

(1) to prepare for and take current examinations — three working days for each examination;

(2) to prepare for and take credit tests — two working days for each credit test;

(3) for laboratory work — as many days as envisaged by the curriculum;

(4) to prepare and defend theses or a graduation paper — 30 working days;

(5) to prepare for and take each state (graduation) examination — six working days;

(6) for academic internships — as many working days as envisaged by the curriculum.

3. The time for arriving at and returning from the educational institution shall not be calculated in the study leave.

4. An employee may — upon consent of the employer — be granted study leave for the whole period of the study but not more than two years to raise the level of his or her professional qualification, or acquire new knowledge directly related to the performance of official duties, or develop them at foreign education institutions.

(Article 174 amended, supplemented by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 175. Exempting employees from the performance of employment duties for fulfilling state or social duties

(title amended by HO-117-N of 24 June 2010)

1. Employees shall be exempt from performing employment duties and shall retain the workplace (position):

(1) when exercising their right of suffrage;

(2) when showing up as a witness, victim, expert, professional, translator by the call of investigative and preliminary investigative bodies, a prosecutor and court;

(3) when participating in trials as a representative of the employees;

(4) when fulfilling obligations of a donor;

(4.1) ***(point repealed by HO-460-N of 3 October 2020)***;

(4.2) in the cases provided for by parts 2 and 3 of Article 124 of this Code;

(5) in other cases provided for by the legislation of the Republic of Armenia.

2. The average salary of the employee having been exempt from performance of employment duties for fulfilment of state or social duties as defined by part 1 of this Article, except for point 4.2 of part 1 of this Article, shall be paid or compensated by the organisation (body), the obligations of which shall be fulfilled by the employee, whereas the average salary for employees of state or local self-government bodies shall be paid from the primary workplace of the employee, unless otherwise provided for by law. The average salary paid shall be calculated, accepting the following as a basis:

(1) the average hourly salary where the period of exemption from performance of employment duties exceeds one week;

(2) the average daily salary where the period of exemption from performance of employment duties exceeds one week.

In the cases provided for by point 4.2 of part 1 of this Article the remuneration of the employee shall be paid as prescribed by this Code and law.

3. ***(part repealed by HO-160-N of 3 May 2023)***

4. ***(part repealed by HO-460-N of 9 October 2020)***

(Article 175 amended, supplemented, edited by HO-117-N of 24 June 2010, supplemented by HO-109-N of 17 June 2016, amended by HO-460-N of 9 October 2020, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-460-N of 9 October 2020 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 176. Unpaid leave

1. Upon request of the employee, the unpaid leave shall be granted to:

   (1) the husband of a woman on pregnancy and maternity leave, as well as of one taking care of a child under the age of one. The total duration of the leave may not exceed 2 months;

   (2) the employee with disabilities or the employee taking care of an ill member of the family, in periods defined by the medical conclusion, but not more than 30 working days within a year;

   (3) for marriage, three working days;

   (4) in case of death of a member of family, up to three working days;

   (5) for celebrating his or her national, religious holidays or days of remembrance not more than four working days per annum;

   (6) the employee working concurrently — in case of being in secondment in the main workplace, or the employee of the main workplace — in case of being in secondment in the concurrent workplace, but not more than 30 days in the work year.

2. Other reasons for unpaid leave may be defined by the collective agreement.

3. In the cases prescribed by the collective agreements or employment contracts or upon the consent of the parties, the employee may be granted an unpaid leave

for duration of not more than 60 days throughout the work year. An unpaid leave for not more than 30 days throughout the year may be granted to persons holding public positions and public servants, unless otherwise provided for by law.

(Article 176 edited by HO-117-N of 24 June 2010, HO-49-N of 21 January 2020, supplemented by HO-287-N of 2 June 2020, amended by HO-296-N of 14 July 2022, supplemented, edited, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 176.1 Paternal leave

1. The paid leave with a duration of five working days shall — within 30 days after the date of birth of the child, upon the wish of the father — be granted, for each day whereof the employer shall pay in the amount of the average daily salary of the employee.

(Article 176.1 supplemented by HO-415-N of 16 October 2020)

Article 177. Additional privileges for leave

(Article repealed by HO-117 of 24 June 2010)

CHAPTER 19

SALARY

Article 178. Salary

1. The salary is the remuneration for works performed by an employee under law, other legal acts or an employment contract.
2. Men and women shall receive equal pay for equal or equivalent work.
3. The salary shall include the basic salary and any additional salary paid by the employer to the employee for the work performed by him or her.

Basic salary shall be the amount of remuneration defined for performing works provided for by law, another regulatory legal act or by employment contract.

Additional salary shall be the bonuses, additional payments, premiums and awards calculated against the basic salary prescribed by this Code, by law, other regulatory legal acts, a collective agreement or employment contract or the legal act of the employer.

Bonus shall be the additional remuneration calculated against the basic salary in the cases and in the amounts prescribed by this Code, by law, other regulatory legal acts, collective agreement or employment contract or the legal act of the employer which shall be paid for performing heavy, harmful or especially heavy, especially harmful work and/or overtime work and/or nightly work and/or works performed on rest days and non-working days (holidays and commemoration days) prescribed by law.

Additional payment shall be the additional remuneration, calculated against the basic salary in the cases and in the amounts prescribed by this Code, by law, other regulatory legal acts, collective agreement or employment contract or by the legal act

of an employer, which shall be paid for qualification (class, diplomatic, scientific degree, title, etc.) and work experience.

Premium shall be any form of remuneration, apart from the basic salary, bonus, additional payment and award, paid to the employee in the cases and in the amounts provided for by collective agreement or employment contract or the legal act of the employer, or prescribed by the Government of the Republic of Armenia.

Award shall be the remuneration paid monthly, quarterly, every semester or once, for properly performing the employment duties, performing longstanding work and service and official duties excellently in the manner and in the amounts prescribed by law, other regulatory legal acts, collective agreement or employment contract or the legal act of the employer.

3.1. The procedure for paying the amount of the premium prescribed by paragraph 6 of part 3 of this Article to employees of budgetary institutions not considered state and local self-government bodies for working in high mountainous settlements shall be established by the Government of the Republic of Armenia. Within the meaning of this part, high mountainous settlements shall include the settlements at a height of 2000 and more metres above sea level, the list of which shall be established by the Government of the Republic of Armenia.

4. The salary of an employee shall depend on the employee's qualification, as well as conditions of employment, quality, amount and difficulty of work.

5. ***(part repealed by HO-96-N of 22 June 2015)***

(Article 178 edited, amended by HO-117-N of 24 June 2010, amended and supplemented by HO-209-N of 1 December 2014, amended by HO-96-N of 22 June 2015, supplemented by HO-387-N of 26 October 2022)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-387-N of 26 October 2022 has a transitional provision)

Article 179. Minimum salary

1. The minimum monthly and hourly salary shall be defined by law.

The minimum salary shall not include taxes, social and other mandatory payments prescribed by law, bonuses, additional payments, awards and premiums.

1.1. On the national level of social partnership the law may — based on the proposal of the parties to the social partnership — set other amount of minimum monthly salary (hourly salary) for employees working in separate branches of economy or settlements or separate professions (qualifications) that may not be less than the amount prescribed by part 1 of this Article.

2. A minimum salary higher than the minimum salary defined by part 1 of this Article may be defined by the collective agreement.

3. The amount of the hourly pay or monthly salary of the employee may not be less than the amounts defined by parts 1 and 2 of this Article.

(Article 179 amended by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015, edited by HO-502-N of 7 December 2022, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 180. Manner of remuneration for work

1. The minimum conditions, amount of remuneration for work, occupational and official, tariff and qualification requirements, labour standards, as well as tariffication of jobs and employees shall be defined by the legislation of the Republic of Armenia or by the collective agreement.

2. The hourly, daily, work-based and monthly rates, amount and conditions of remuneration for work, the labour standards shall be defined by the collective agreement or the employment contract.

2.1. The employee's hourly rate for the current month shall be determined by dividing the basic salary or official rate in the given month by the total number of working hours of the month established by the legislation of the Republic of Armenia, or the collective agreement or employment contract or by a legal act of the employer or upon the consent of the parties, and the employee's daily rate for the current month shall be determined by dividing the basic salary or official rate in the given month by the total number of working days of the month established by the legislation of the Republic of Armenia, or the collective agreement or employment contract or by a legal act of the employer or upon the consent of the parties.

3. 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.

(Article 180 supplemented, amended by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 181. Remuneration for work of officials and servants

The procedure and conditions for remuneration for work of persons holding public positions and of public servants as well as employees of the Central Bank of the Republic of Armenia shall be determined by law.

(Article 181 edited by HO-49-N of 21 January 2020)

Article 182. Indexation of salary

Indexation of salary shall be done in the manner prescribed by the legislation of the Republic of Armenia.

Article 183. Remuneration for the performance of heavy, harmful, especially heavy and especially harmful works

1. The employee shall be paid an additional payment for performing heavy, harmful, especially heavy and especially harmful works prescribed by the legislation of the Republic of Armenia.
2. The employee shall be paid a bonus not less than 30 percent of his or her basic salary for performing works prescribed by the list of heavy and harmful productions, works, occupations and positions, and not less than 50 percent for performing works prescribed by the list of especially heavy, especially harmful productions, works, occupations and positions. The lists provided for by this part shall be established by the Government of the Republic of Armenia.

(Article 183 edited by HO-117-N of 24 June 2010, amended and supplemented by HO-96-N of 22 June 2015, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 184. Remuneration for overtime and night work

1. For each hour of overtime work, in addition to the hourly rate, an additional payment shall be made, not less than 50 percent of the hourly rate, and for each hour of night work, not less than 30 percent of the hourly rate, except for the case provided for by part 2 of this Article.

2. During the period of martial law the provision stipulated by part 1 of this Article with respect to the obligation to make additional payment shall not apply to the cases of engagement — due to the martial law — in work of employees of organisations and institutions of state, territorial administration and local self-government bodies, state and community organisations and institutions, as well as of organisations and institutions having passed under the management of authorised public administration body of any field due to the martial law (irrespective of the form of ownership).

(Article 184 edited by HO-117-N of 24 June 2010 supplemented by HO-460-N of 9 October 2020)

(Law HO-460-N of 9 October 2020 has a transitional provision)

Article 185. Remuneration for work on rest days and non-working days (holidays and commemoration days)

1. The work performed on rest days and non-working days of holidays and commemoration days established by law, unless it is envisaged in the work schedule, upon the consent of the parties shall be remunerated in at least double the amount of the hourly (daily) pay rate or task rate, or the employee shall be granted another paid rest day within a month, or that day shall be added to the annual leave, except for the case provided for by part 1.1 of this Article.

1.1. During the period of martial law the provision stipulated by part 1 of this Article with respect to the obligation to make additional payment shall not apply to the cases of engagement — due to the martial law — in work of employees of organisations and institutions of state, territorial administration and local self-government bodies, state and community organisations and institutions, as well as of organisations and institutions having passed under the management of authorised public administration body of any field due to the martial law (irrespective of the form of ownership).

2. The work performed on non-working days of holidays and commemoration days established by law in the working schedule shall be remunerated in at least double the amount of hourly (daily) pay rate or task rate.

3. The requirements set by parts 1 and 2 of this Article shall not apply to employees working in the sectors of healthcare, curatorship (guardianship), children's upbringing, energy, gas and heat supply, communication and other fields of work of special nature in case the work is performed during any one of at least five consecutive non-working days (holidays, commemoration days, rest days). Moreover, in the case prescribed by this part, the amount of the bonus for work performed during a non-working day shall be determined upon the consent of the parties or by the collective agreement.

(Article 185 edited by HO-117-N of 24 June 2010, supplemented by HO-151-N of 12 December 2013, by HO-460-N of 9 October 2020)

(Law HO-460-N of 9 October 2020 has a transitional provision)

Article 186. Payment during idleness

1. Where during the period of idleness not due to the fault of the employee, the employee is not offered another job that complies with his or her profession, qualification and that he or she could have performed without causing harm to his or her health, the employee shall be paid at least two-thirds of his or her average hourly salary prior to idleness for every hour of idleness, but not less than the minimum hourly rate established by legislation.

2. Where during the idleness due to the fault of the employee, the employee is, upon his or her consent, temporarily transferred to another job with a lower salary, but complying with his or her profession, qualification and not causing harm to his or her health, the employee shall be paid for every hour by his or her hourly rate preceding the month of idleness.

3. Where the employee rejects the offered temporary job that complies with his or her profession and qualification and that he or she could have performed without causing harm to his or her health, the employee shall be paid not less than 30 percent of the established minimum hourly rate for every hour of idleness.

4. The employee shall be paid a salary in the amount defined by part 1 of this Article for being at the workplace upon the request of the employer during idleness.

5. The collective agreement or employment contract may envisage cases when the employee may not show up to work at all during the period of idleness.

6. The employee may not be paid for idleness having occurred due to extraordinary circumstance unavoidable in the given conditions (force majeure), as well as for idleness due to the fault of the employee.

7. During the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency or urgent elimination of the consequences thereof, temporary restriction of the rights and freedoms of natural and legal persons upon legislation, in case whereof it is impossible to perform employment duties, shall be deemed as force majeure prescribed by part 6 of this Article.

(Article 186 supplemented, amended by HO-236-N of 29 April 2020, amended by HO-160-N of 3 May 2023)

(The supplementation made to point 1 of Article 6 of the Law HO-236-N of 29 April 2020 shall enter into force on the day following its official promulgation and apply to the relations having risen after 16 March 2020.)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 187. Remuneration for incomplete working time

In cases provided for by the legislation of the Republic of Armenia, as well as upon the agreement between the employer and the employee, in cases of incomplete working time (incomplete working day or week), the remuneration for work shall be proportionate to the actual hours or the volume of work performed.

(Article 187 amended by HO-117-N of 24 June 2010)

Article 187.1 Remuneration for special cases

1. Where during the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency or urgent elimination of the consequences thereof, an employee failed to appear to work or appeared to work for an incomplete working day conditioned by those cases, the remuneration for work shall be proportionate to the actual hours or the volume of work performed.
2. In case of appearing to work for an incomplete working day in order to organise the care of a child under the age of twelve during the period of unplanned transfer or unplanned provision of vacations envisaged for education (including pre-school) institutions, the employee will retain his or her salary completely, where his or her absence during the working day does not exceed two hours. In the cases referred to in the same part, where the absence during the working day exceeds two hours, as well as where the employee failed to appear to work for the whole working day, the remuneration for work shall be proportionate to the actual hours or the volume of work performed.
3. ***(part repealed by HO-316-N of 25 October 2023)***

(Article 187.1 supplemented by HO-236-N of 29 April 2020, amended by HO-316-N of 25 October 2023)

(Law HO-316-N of 25 October 2023 has a transitional provision)

Article 188. Remuneration for work in case of increase in volume of work

1. Where the workload of the employee increases in comparison with the prescribed norms, he or she shall be remunerated in proportion to the volume of work performed.
2. Certain amounts of remuneration for work shall be defined by the collective agreement or the employment contract.

Article 189. Remuneration for shorter working time

The conditions for remunerating employees with shorter working time shall be established by the legislation of the Republic of Armenia.

Article 190. Remuneration for work in case of defective product

1. The work of an employee in case of defective product not due to the fault of the employee shall be remunerated in the amount of remuneration prescribed for a non-defective product.
2. The work of an employee for defective product due to the fault of the employer or for hidden flaw of the material being reprocessed, as well as for the defective product noticed after acceptance of the product shall be remunerated in the amount of remuneration prescribed for a non-defective product.
3. The work shall not be remunerated in case of a defective product due to the fault of the employee.

(Article 190 edited by HO-117-N of 24 June 2010)

Article 191. Remuneration for work in case of failure to comply with labour standards

1. Where labour standards are not complied with due to the fault of the employee, remuneration for work shall be paid for the actual work performed. In this case the monthly salary may not be less than two-thirds of his or her monthly average salary, which may not be less than the established minimum monthly salary.
2. Where labour standards are not complied with due to the fault of the employee, remuneration for work shall be proportionate to the actual work performed.

Article 192. Time limits and procedure for payment of salary

(title amended by HO-117-N of 24 June 2010)

1. The salary for each month shall be calculated and paid to the employee on working days, at least once a month by the 15th of the following month.

The employer may pay salary with a periodicity of more than once a month.

2. Payment of salary by bonds and securities shall be prohibited, except for the cases provided for by law.

The salary shall be paid in the currency of the Republic of Armenia in cash or non-cash form in the cases and as prescribed by law.

(Article 192 amended by HO-117-N of 24 June 2010, supplemented by HO-96-N of 22 June 2015, HO-187-N of 24 October 2019, edited by HO-14-N of 18 January 2022)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-14-N of 18 January 2022 has a transitional provision)

Article 193. Calculation sheets

1. When paying the salaries to all employees the employer shall submit calculation sheets upon the request of the employee.
2. The sums that are calculated, paid and kept shall be indicated in the calculation sheet.

(Article 193 amended by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 194. Notification about new conditions for remuneration for work

(Article repealed by HO-96-N of 22 June 2015)

Article 195. Average salary

1. The average salary shall be guaranteed to the employees in cases envisaged by the legislation of the Republic of Armenia, by the collective agreements or employment contracts. A single procedure of calculation is defined for all cases of determining the amount of the average salary envisaged by this Code. When calculating the average salary, all types of remuneration for work shall be taken into consideration (basic salary, additional salary — bonuses, additional payments, supplementary payments, awards), which are applied within the given organisation, irrespective of the source of payment.
2. The amount of the average monthly salary of the employee shall be determined by dividing by twelve the total sum of all types of remuneration (basic salary, supplementary payments — bonuses, additional payments, supplementary payments, awards) calculated for the employee by the given employer under the given employment contract in the last 12 months preceding the month in which such a demand emerges.

The twelve months subject to settlement shall not include the months during which the employee was temporarily incapable for work and/or at leave and/or in idleness not due to his or her fault or in forced idleness, as well as the months of performing duties for military registration, participating in training musters, military trainings and military exercises, as well as of performing mobilisation military service or as a person (volunteer) not being in military service participating in the military operations for the defence of the Republic of Armenia, as well as of other countries on the ground of military mutual assistance treaties with the Republic of Armenia or the authorised body in the field of defence. The twelve months subject to settlement shall not include also the month of accepting for employment.

If because of any of the reasons mentioned in the second paragraph of this part twelve months have not been added up or the request to calculate the average monthly salary has emerged before the first year of employment of the employee has lapsed, the average monthly salary of the employee shall be calculated by dividing the total sum of all types of remuneration (excluding amounts for awards) for work calculated for the employee during all the other months in the given period, and the amounts for awards shall be calculated by 1/12 of the salary.

Where the employee has not had an actually calculated salary in the twelve months preceding the month in which the demand for estimating the average monthly salary has emerged, or where there are cases listed in the second paragraph of this part in the twelve months, the official rate established by legislation for the employee or the monthly salary established by the employment contract or the legal act on accepting for employment shall be accepted as a basis for calculation instead of the average salary. Where an hourly rate is established, the hourly rate shall be accepted as a basis for calculations.

Where during the calculation of the average salary there have been awards calculated for the employee in the months taken out of the count through the procedure established by the second paragraph of this part, the amount of the award shall be

taken into consideration in the average salary through the procedure established by the third paragraph of this part.

3. In case of a five-day working week, the amount of the average daily salary shall be determined by dividing the average monthly salary by 21. In case of a six-day working week, the amount of the average daily salary shall be determined by dividing the average monthly salary by 25.

The average daily salary of employees who have worked less than a month shall be determined by dividing the total sum of all types of remuneration for work (basic salary, additional salary, including bonuses, additional payments, supplementary payments, awards, etc.), calculated for the days that the employee has worked by the number of days that have been worked.

4. The average hourly salary rate shall be determined by dividing the product of the average monthly salary and the months recorded for calculation of the average monthly salary by the number of the hours that the given employee has worked during the months recorded for calculation of the average monthly salary.

The average hourly salary for employees having worked less than a month shall be determined by dividing the total sum of all types of remuneration for work (basic salary, additional salary — bonuses, additional payments, supplementary payments, awards, etc.), calculated for the days that have been worked by the number of working hours established by the legislation of the Republic of Armenia or the collective agreement or the employment contract or the legal act of the employer.

Where the employee has not had an actually calculated salary in the twelve months preceding the month in which the demand for estimating the average monthly salary has emerged, or where there are cases listed in the second paragraph of part 2 of this Article in the twelve months, the average hourly salary shall be determined by dividing the official rate established by the legislation for the employee or the monthly

salary established by the employment contract or the legal act on accepting for employment by the number of working hours established by the legislation of the Republic of Armenia or the collective agreement or employment contract or the legal act of the employer for the month of making the calculation for the given employee.

5. ***(part repealed by HO-220-N of 12 November 2012)***

6. ***(part repealed by HO-220-N of 12 November 2012)***

7. Where the average monthly salary or average hourly salary calculated through the procedure established by this Article is lower than the minimum monthly salary or than the minimum hourly tariff rate existing at the given moment, the minimum monthly salary or minimum hourly tariff rate existing at the given moment shall be accepted as a basis, instead of the average monthly or average hourly salaries respectively.

(Article 195 amended, supplemented by HO-23-N of 16 December 2005, edited by HO-117 of 24 June 2010, supplemented by HO-220-N of 12 November 2012, HO-151-N of 12 December 2013, supplemented and edited by HO-96-N of 22 June 2015, supplemented by HO-460-N of 9 October 2020, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-460-N of 9 October 2020 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 196. Meeting the demands of employees in case of bankruptcy of the employer

In case of bankruptcy of the employer the demands of employees relating to the payment of the salary and other payments equivalent to that shall be met in the manner prescribed by law.

Article 197. Payment of salary in case of death of employee

In case of death of the employee the salary to be paid to him or her and other payments equivalent to that shall be made to the member of the family of the deceased where the member of the family submits the death certificate and other documents required for certifying the fact that he or she is a member of the family within six months following the death of the employee. Payments shall be made within three working days following the submission of the mentioned documents. The salary and other equivalent payments not received in the defined period shall be subject to be passed on to the inheritors.

Article 198. Late payment of salary and other payments due by the employer

(title amended by HO-160-N of 3 May 2023)

1. Where the payment of the salary or other payments due by the employer is made by violation of the periods established by this Code, the collective agreement or employment contract or upon the consent in writing reached between the parties due to the fault of the employer, the employer shall — for each day of overdue payment — pay a fine to the employee in the amount of 0,15 percent of the payment due, but not more than the amount of the sum that is due.
2. Where the employer is recognised as bankrupt, the calculation of the fine established by part 1 of this Article shall be terminated from the moment the court renders a civil judgement on recognising him or her as bankrupt.

(Article 198 edited by HO-117-N of 24 June 2010, amended, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 199. Data regarding salary and other conditions of employment

The data regarding the salary and other conditions of employment for the employee shall be provided or promulgated only in the cases provided for by the legislation of the Republic of Armenia or upon the consent of the employee.

CHAPTER 20

GUARANTEES AND COMPENSATIONS

Article 200. Conditions of remuneration for study leave

1. The employer shall pay for the study leave granted to employees studying at a general school, educational institutions implementing professional education programmes, in the amount not less than the average daily salary of the employee for each working day, in case the employee was sent to receive education by the employer.
2. The issue of payment for the study leave of employees taking entrance examinations or studying, on their own initiative, at a general school, educational institutions implementing professional education programme may be regulated by a collective agreement or upon consent of the parties.

(Article 200 edited by HO-117-N of 24 June 2010, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 201. Professional training for employees having received notification about rescission of employment contract

Employees having received notification about rescission of employment contract in cases provided for by points 1, 2 and 3 of part 1 of Article 113 of this Code may be sent to learn a profession that meets the demands of the labour market or to raise the level of qualification. The procedure for professional training or raising the level of qualification is defined by the legislation of the Republic of Armenia.

(Article 201 amended by HO-39-N of 27 February 2006, HO-117-N of 24 June 2010)

Article 201.1. Organising by the employer of professional training for the person being accepted for employment

(title edited by HO-160-N of 3 May 2023)

1. The employer may, before accepting a person for employment, organise, near him or her or in other place (including within another organisation), the professional training of a person being accepted for employment (hereinafter referred to as "the student") for up to five months, by paying the students remuneration in the amount of at least the minimum monthly salary established by law throughout the training.
2. The relations of the employer and employee with regard to professional training shall be regulated by a written contract concluded between the parties (hereinafter referred to as "the student contract"), which shall be subject to record-registration through the procedure established by the legislation of the Republic of Armenia.
3. Where the person having passed the professional training refuses to be accepted for employment with the employer after the professional training or fails, by his

or her fault, to fulfil the duty to work for the employer in the period provided for by the student contract after being accepted for employment, the person having passed the professional training shall, upon the request of the employer, be obliged to compensate the employer not more than the actual expenses related to organising his or her professional training through the procedure and under the conditions provided for by the student contract.

4. The requirements for maximum duration of working time, as well as for minimum durations of break for rest and meal, uninterrupted daily (inter-relay) and weekly rest, as prescribed by this Code, shall apply to the person who is accepted for employment during the professional training.

(Article 201.1 supplemented by HO-117-N of 24 June 2010, edited by HO-96-N of 22 June 2015, HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 201.2. Additional professional training of employees

1. The employer may — upon consent of the employee — organise additional professional training of the employee therewith or in other place (including in a foreign state) for the purpose of acquiring professional skills or developing them or training the employee.

2. With respect to the additional professional training of the employee, a professional training agreement shall be concluded between the employer and the employee.

3. The workplace (position) and remuneration of the employee shall be maintained during his or her additional professional training, except for the case prescribed by point 1 of part 1 of Article 113 of this Code.

4. The additional professional training prescribed by this Article shall not be considered secondment for the employee within the meaning of Article 209 of this Code.

5. In case of failure to perform, due to his or her fault, the duty to work with the employer within the period provided for by the professional training agreement after the additional professional training, the person having completed the additional professional training shall be obliged to reimburse the employer not more than the actual costs for organising his or her additional professional training, in the manner and under the conditions provided for by the professional training agreement.

(Article 201.2 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 201.3. Organising internship by an employer

1. Employer shall be entitled to organise internship by concluding an employment contract for a period of up to two months with the person undergoing internship (hereinafter referred to as "contract of intern") not more than once, without the right to extension.

2. The person undergoing internship (hereinafter referred to as "the intern") shall be the citizen who is involved by the employer in work for the purpose of gaining work experience with a certain profession, qualification or name of position while studying at or graduating from an educational institution carrying out vocational (handicraft), intermediate vocational or higher vocational education programmes within one year, in which case the issue of remuneration shall be determined upon the consent of the parties.

3. The number of interns working for the employer may not exceed ten percent of the number of employees at the given moment.

4. The relations pertaining to being involved by the employer as an intern shall be regulated by a civil-legal contract concluded with the intern, in writing, in two copies, and the employer shall deliver a copy of the contract to the intern.

5. Persons under the age of 18 shall be involved by the employer in work as interns and shall gain work experience in observance of the characteristics prescribed by Articles 17.1 and 257 of this Code.

6. The period of gaining work experience with the employer shall not be deemed to be service record for the intern.

7. The intern shall be involved by the employer in work and shall gain work experience for not more than 5 days a week, 4 hours a day and 20 hours a week, in observance of the breaks for rest and meal.

(Article 201.3 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 201.4. Internship agreement

1. The intern contract on gaining work experience shall be concluded in writing, by which the rights and obligations of the parties with regard to gaining work experience, the grounds and procedure for changing and discontinuing them, the guarantees of the intern, the amount of remuneration in case remuneration is provided for upon the consent of the parties, as well as other relations pertaining to gaining work experience, are prescribed.

2. The intern shall be granted a certificate on gaining work experience in which the period of being involved as an intern, information on the knowledge, capabilities or skills acquired in accordance with the profession and qualification or name of position, are indicated.

3. The contract on gaining work experience shall be subject to record-registration as prescribed by the legislation of the Republic of Armenia.

(Article 201.4 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 202. Remuneration for work in case of transfer to another job due to health state of employee

1. Where the health condition of the employee has deteriorated due to the work performed (employee cannot perform the previous job due to injury, occupational disease and other reasons for deterioration of health) and it is impossible to transfer him or her to another job that corresponds to his or her profession, qualification and health state due to lack of a relevant job within the given organisation, he or she shall, in the amount established by legislation, be paid a benefit prior to receiving the opinion of the state Medical and Social Commission of Experts regarding his or her working capacity. Where the employee has not had insurance for accidents at the workplace and occupational diseases, the employer shall pay compensation for damage after the level of loss of working capacity is determined.

2. Where the employee is transferred to a job with a lower salary in cases provided for by part 1 of this Article, he or she shall be paid for the work performed and a compensation-the difference between the amounts of salaries paid for the previous average monthly salary and the salary for the work performed, prior to receiving the opinion of the Medical and Social Commission of Experts regarding his or her working capacity.

(Article 202 amended by HO-39-N of 27 February 2006)

Article 203. Pay for additional and special breaks

The employer shall pay the average salary for additional and special breaks, for the calculation of which the amount of the average hourly salary shall be accepted as a basis.

Article 204. Guarantees for health checks

An employee, who must undergo a health check due to the nature of his or her work, shall be paid the average salary for the time spent for his or her health check, which is calculated based on the amount of the average hourly salary rate.

Article 205. Compensation due to specific conditions of employment or nature of work

Employees whose work is performed in fields or is of transportation (mobility) nature shall be reimbursed for the additional expenses for the work performed, due to the conditions or nature of work.

The minimum amount of reimbursements and the payment procedure shall be determined by the Government of the Republic of Armenia. In case the expenses of business trips are covered by state or community budgets the maximum amount of compensations shall also be defined by the Government of the Republic of Armenia.

Article 206. Payment in case of refusal to perform the work

For the period during which the employee has refused to work due to substantiated reasons, relating to presence of danger for safety assurance and health, not undergoing training for safe performance of work and lack of collective safety measures, the employee shall be paid his or her average salary, for the calculation

of which the average hourly salary rate shall be accepted as a basis. Where the employee refuses to perform the work for unsubstantiated reasons, the period not worked shall not be paid, and the damage caused to the employer shall be subject to compensation in the manner defined by the legislation of the Republic of Armenia.

Article 207. Guarantees for donors

On the day of giving blood or the components thereof the donor shall be exempt from performing employment duties. The employee shall be obliged to notify the employer about not showing up to work not later than a day before. The employer or his or her representative shall not impede the donor to give blood or the components thereof. On the day of giving blood or the components thereof the average daily salary of the employee shall be maintained.

(Article 207 amended by HO-117-N of 24 June 2010, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 208. Compensation for the depreciation of tools and working clothes of the employee

1. The employer shall guarantee free provision of tools, devices, special clothes and individual and other collective safety measures required for the employee.
2. Where the employee's measures specified in part 1 of this Article are used in labour, the employer shall be obliged to compensate the employee for the depreciation of those measures. The conditions of and procedure for compensation shall be determined by mutual agreement between the employer and the employee, or by the employment contract.

Article 209. Guarantees and compensations in case of business trips

(title amended by HO-117-N of 24 June 2010)

1. The employees on business trips shall be guaranteed that during the entire period of business trip they shall retain their workplace (position) and the salary. They shall be paid per diem, and the costs relating to the business trip shall be reimbursed.

2. The minimum amount of payments specified above and the payment procedure shall be determined by the Government of the Republic of Armenia. In case the expenses of business trips are covered by state or community budgets the maximum amount of compensations shall be defined by the Government of the Republic of Armenia.

3. Persons under eighteen years of age shall be prohibited to be sent on a business trip. Pregnant women and employees taking care of a child under one may be sent on a business trip only upon their consent.

(Article 209 amended, supplemented by HO-117-N of 24 June 2010)

Article 210. Guarantees and compensations for transfer to another workplace or being accepted for employment at another workplace

(Article repealed by HO-117-N of 24 June 2010)

Article 211. Cases of return of paid compensations

(Article repealed by HO-117-N of 24 June 2010)

Article 212. Meeting monetary demands

1. The monetary demands having arisen as a result of employment relations and related to damage caused to the life or health of the employee shall be compensated by the employer in the manner prescribed by the legislation of the Republic of Armenia.

2. The funds from the special fund established by the Government of the Republic of Armenia may be used to meet the demands established by part 1 of this Article, in the manner prescribed by the legislation of the Republic of Armenia.

Article 213. Grounds for making deductions from salary

1. Deductions from salary may be made in the manner and cases defined by law.

2. For the purpose of covering the arrears to the employer, the following deductions or charges from salaries shall be made:

   (1) the advance payment of the salary paid to the employee;

   (2) the excess payments made as a result of mechanical errors of calculation;

   (3) the part of the advance payment provided to an employee for a business trip or a shift to another workplace or for performance of specific tasks, which was not spent and not returned appropriately;

   (4) the amount of compensation for damage caused to an employer by the employee;

   (5) the amount paid for days not worked — where, in cases provided for by points 6, 7, 12, 13 of part 1 of Article 109, parts 1, 2, 4 of Article 111, Article 110 and parts 1 and 2.1 of Article 112, points 5, 6, 8-10, 13 of part 1 of Article 113 of this Code, the employee shall be exempt from work until the end of the work year for which he or she was granted leave.

2.1. In cases mentioned in points 1-4 of part 2 of this Article, the employer shall have the right to make deductions or charges where no later than within a one-month period upon the date of expiry of time limits for return of advance payment, of making excess payments executed as a result of mechanical errors of calculation, of returning the amount of advance payment not spent and not returned on time, of detecting the damage caused to an employee, it has published a relevant legal act on making deductions or charges. In the case specified in point 5 of part 2 of this Article the employer shall have the right to make deductions or charges provided that before the day of making a full final settlement with the employee as prescribed by this Code the employer has adopted a relevant legal act thereon or has made a note on making deductions or charges in the individual legal act on dismissing the employee from work (rescinding the employment contract).

3. It shall not be permitted to deduct or charge the salary calculated and paid in excess due to the incorrect application of law, except for cases of mechanical errors of calculation.

4. In the case the employee is dismissed from work and the arrears of the employee to the employer is not covered in full after making deductions or charges as prescribed by this Code, as well as in the case deductions or charges cannot be made, whereas the employee has outstanding debts to the employee, the employer shall have the right to apply to the court claiming the repayment of outstanding debts.

(Article 213 amended, edited by HO-117-N of 24 June 2010, supplemented by HO-389-N of 10 December 2021, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 214. Limitations on size of deductions from salary

Upon the payment of salary, the overall size of deductions and charges shall be calculated in the manner prescribed by law, which cannot exceed fifty percent of the monthly salary of the employee. The salary paid to the employee after the deductions and charges prescribed by Article 213 of this Code may not be less than the amount of the minimum salary prescribed by law.

(Article 214 supplemented by HO-96-N of 22 June 2015, amended by HO-160-N of 3 May 2023)

(Law HO-96-N of 22 June 2015 has a transitional provision)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

CHAPTER 21

WORKPLACE DISCIPLINE

Article 215. Ensuring workplace discipline

1. Workplace discipline shall be ensured by creating normal organisational and economic conditions for productivity and encouraging efficiency.
2. Disciplinary measures may be applied against employees violating the workplace discipline.

Article 216. Obligations of the employee

The employee shall be obliged to perform in good faith the obligations assumed by the employment contract; follow the internal disciplinary rules, observe workplace

discipline of the organisation; meet the specified labour standards; follow the requirements for labour safety and security; the current rules of sanitary and epidemiological safety aimed at preventing the spread of infectious diseases in the Republic of Armenia during the state of emergency or quarantine; treat the properties of the employer and other employees in good faith, as well as notify the employer immediately about a danger causing a threat to the life and health of persons and the protection of the employer's property, perform functions reserved thereto by laws, other regulatory legal acts of the Republic of Armenia, the employment contract (or the individual legal act on accepting for employment), position profile, internal and individual legal acts of the employer.

(Article 216 supplemented by HO-359-N of 10 December 2021, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 217. Obligations of the employer

The employer shall be obliged to:

(1) provide the employee with a job specified in the contract and organise his or her labour;

(2) pay the salary of the employee within the envisaged time limit and in the specified amount;

(3) provide the employee with paid and unpaid leave in the prescribed manner;

(4) ensure safe workplace conditions and conditions not harmful to health;

(5) when accepting for employment and during the work, introduce the employee to the internal disciplinary rules of the organisation, the requirements for labour safety and fire-prevention security;

(6) discharge other obligations provided for by law, other legal acts, by collective agreement and employment contract.

(Article 217 supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 218. Workplace discipline and internal disciplinary rules of the organisation

1. The workplace discipline shall be the rules of conduct established by the labour legislation, other regulatory legal acts containing norms of the labour law, by collective agreement and employment contract, by internal legal acts of the employer, which all employees shall be obliged to follow.

2. The internal disciplinary rules (internal legal act of the employer) of the organisation shall regulate the procedure of accepting for employment and dismissal of employees, the fundamental rights, obligations and liability of the parties to the employment contract, the working regime, the time for rest, the measures for encouragement and disciplinary liability being applied to employees, other issues relating to record-keeping of daily or weekly working time of employees, prohibition of violence or sexual harassment at work (workplace), as well as employment relations.

(Article 218 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 219. Incentives applied by the employer

1. The employer may promote employees for performing employment duties in good faith. The following types of incentives may be applied to the employee:

(1) expression of gratitude;

(2) lump-sum monetary reward;

(3) award of a token;

(4) granting an additional paid leave;

(5) lifting of disciplinary sanction.

2. Other types of incentives may be established by the collective agreement or the internal legal act, including the programme of employee shareholding.

3. Employees may be presented for state awards in cases and manner provided for by law.

(Article 219 amended by HO-237-N of 26 May 2021)

Article 220. Violation of workplace discipline

1. Lack of performance of employment duties or improper performance of such duties due to the fault of the employee or otherwise violating the rules of conduct prescribed by part 1 of Article 218 of this Code shall be deemed as violation of workplace discipline.

2. The following shall be deemed to be the violation of working discipline:

(1) during the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency or urgent elimination of the consequences thereof, failure by the employee to appear to work or appear to work for an incomplete working day conditioned by those cases;

(2) during the period of unplanned transfer or unplanned provision of vacations envisaged for education (including pre-school) institutions, failure by the employee to appear to work or appear to work for an

incomplete working day for the purpose of organising the care of a child under the age of twelve.

(Article 220 edited by HO-236-N of 29 April 2020, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 221. Major violation of workplace discipline

(Article repealed by HO-117-N of 24 June 2010)

Article 222. Grounds for disciplinary liability

Only the employee having violated the workplace discipline may be subject to disciplinary liability.

Article 223. Disciplinary penalties

1. The following disciplinary penalties may be applied for violation of workplace discipline:
   (1) reprimand;
   (2) severe reprimand;
   (3) rescission of an employment contract by grounds in Article 113(1) (5), (6), (8)-(10) of this Code.
2. Other disciplinary penalties may also be defined by law for employees in individual categories.
3. Application of disciplinary penalties not provided for by law shall be prohibited.

(Article 223 amended by HO-117-N of 24 June 2010, supplemented by HO-389-N of 10 December 2021)

Article 224. Selection of disciplinary penalty

The gravity of violation and consequences thereof, the guilt of the employee, the circumstances behind the violation and the work that the employee has previously performed shall be taken into consideration in case of application of a disciplinary penalty.

Article 225. Ban on application of several disciplinary penalties for one violation of workplace discipline

One disciplinary penalty shall be imposed for each disciplinary violation.

Article 226. Procedure for application of disciplinary penalty

1. Prior to application of a disciplinary penalty the employer shall demand from the employee a written explanation on the violation providing a reasonable time. Where within the reasonable time limit established by the employer the employee fails to submit a written explanation with no valid reason, the disciplinary penalty may be applied without a written explanation.

(Article 226 edited by HO-404-N of 24 October 2018, HO-76-N of 23 January 2020)

Article 227. Time limit of application of disciplinary penalty

1. A disciplinary penalty may be applied within a month following revelation of the violation, not counting the periods of absence of the employee due to temporary incapacity, business trip or leave.

2. A disciplinary penalty may not be applied where six months have elapsed from the day when the violation was committed. Where the violation is revealed during an auditing, financial-economic activity, a check (inventory) of sums or other values, the disciplinary penalty may be applied where not more than one year has elapsed since the day when the violation was committed.

Article 228. Appeal against disciplinary penalty

The disciplinary penalty may be appealed against through judicial procedure within one month following entry into force of the legal act on applying the given disciplinary penalty as prescribed by law.

(Article 228 supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 229. The period of validity of the disciplinary penalty

Where a new disciplinary penalty has not been imposed on an officer within one year after the day of imposition of the disciplinary penalty it shall be considered as expired.

Article 230. Lifting of disciplinary penalty

The disciplinary sanction may be lifted before one year elapses, where an employee has not committed a new disciplinary violation and performs his or her employment duties with good faith.

CHAPTER 22

MATERIAL LIABILITY

Article 231. Grounds for emergence of material liability

Material liability arises when the party (employer or employee) to the employment contract causes damage to the other party through failure to fulfil or by improper fulfilment of his or her obligations.

The obligations having arisen as a result of damage caused shall be regulated by the Civil Code of the Republic of Armenia, unless otherwise provided for by this Code.

Article 232. Conditions for emergence of material liability

Material liability emerges in the case of presence of all the following conditions:

(1) damage has been caused;

(2) the damage has been caused as a result of an illegal act;

(3) there is a cause-and-effect between the illegal act and emergence of the damage;

(4) there is the guilt of the violator;

(5) the parties having committed the violation and the injured parties have been in employment relations at the moment of violation of rights;

(6) emergence of damage is linked to professional activity.

Article 233. Considering the guilt of the injured party

If the damage has been caused due to the fault of the employee having been maimed or by the deceased employee — as a result of his or her gross negligence, taking into consideration the level of culpability, compensation for damage shall be reduced, or the claim for compensation for damage shall be rejected.

Article 234. Cases of emergence of material liability of employer

Material liability of an employer emerges when:

(1) the employee not insured from accidents at work and from occupational diseases has contracted an occupational disease, has been maimed or has died;

(2) the damage has been caused as a result of loss, elimination of property or becoming unfit for use;

(3) other violations of the property rights of employees or other persons have been committed.

The employer shall compensate for the damage caused by him or her in the manner prescribed by the Civil Code of the Republic of Armenia.

Article 235. Compensation for damage in case of reorganising an organisation

Where the organisation obliged to compensate for the damage is reorganised the obligation to compensate for the damage shall be transferred by the way of legal succession, in accordance with the act of transfer or the separation balance.

Article 236. Compensation for damage in case of liquidation of an organisation

In case of liquidation of an organisation the damage caused to the employee shall be subject to compensation in the manner prescribed by the Civil Code of the Republic of Armenia and other laws.

Article 237. Cases of material liability of the employee

The employee shall be obliged to compensate for the material damage caused to the employer, which has emerged:

(1) as a result of destruction or loss of property of the employer;

(2) as a result of allowing surcharge of materials;

(3) in cases of compensation of the employer for damage caused to other persons during performance of employment duties on the part of the employee;

(4) due to expenses made as a result of destruction of property belonging to the employer;

(5) as a result of improper maintenance of material assets;

(6) as a result of intentionally not taking measures to prevent the issuing of low-quality products, confiscating material or monetary assets.

Article 238. Limits of material liability of the employee

The employee shall be obliged to compensate the employer for the damage caused fully, but not more than the amount of his or her average salary for three months, except for the cases provided for by Article 239 of this Code.

Article 239. Cases of full compensation for damage on the part of employees

The employee shall be obliged to compensate for material damage caused to the employer fully, if:

(1) the damage has been caused intentionally,

(2) the damage has been caused as a result of a criminal activity of the employee;

(3) an agreement on full material liability was signed with the employee;

(4) the damage has been caused as a result of the loss of tools, devices, special clothes and individual or collective safety measures provided to him or her for work, as well as the loss of materials, semi-finished products or products;

(5) the damage has been caused in a way or with a property, in the case of which full liability for property is defined by law;

(6) the damage has been caused under the influence of alcoholic drinks, narcotics or psychotropic substances.

Article 240. Agreement on full material liability

1. An agreement on full material liability may be concluded with employees whose work is directly linked to maintenance, acceptance, writing-off, trade, move or use of material assets. The agreement on full material liability shall be concluded in written form. The material assets for which the employee assumes full material liability, as well as the obligations of the employer, that is, conditions ensuring prevention of damages shall be specified in the agreement.

2. An agreement on full material liability may not be concluded with employees under the age of 18.

Article 241. Determining the amount of damage subject to compensation

1. The damage subject to compensation shall include the actual damage and the missed benefit.

2. Damages are the expenses incurred or to be incurred by the person whose right has been violated to reinstate the violated right, the loss of or injury to the property thereof (actual damage), as well as unearned incomes that this person would have earned under the usual conditions of civil circulation where the right thereof had not been violated (missed benefit).

3. A person who has compensated for the damage inflicted by another person (the employee while discharging occupational, official or other employment duties, driving a vehicle, etc.) shall have the right to regress over this person in the amount of the paid compensation, unless the law establishes a different amount of compensation.

CHAPTER 23

SAFETY AND HEALTH OF EMPLOYEES

Article 242. Ensuring the safety of employees and maintaining their health

(title amended by HO-160-N of 3 May 2023)

Ensuring the safety of employees and maintaining their health shall be a system of protecting the life and health of employees during the working activity, which includes legal, social and economic, organisational and technical, sanitary hygienic, medical and preventive, rehabilitation and other measures.

(Article 242 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 243. The right of employees to safe work

1. Adequate, safe conditions and conditions harmless for health established by law shall be created for every employee during labour.

2. The employer shall be obliged to maintain the safety and health of the employees. Taking into consideration the level of danger of production or work for employees, the employer shall include a qualified service for ensuring the safety of employees and maintaining their health, or shall personally carry out that function.

3. The classification of employment conditions and the minimum permissible level and quantity of factors that are harmful to health, shall be defined by laws and other legal acts.

(Article 243 amended, supplemented by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 244. Ensuring normal working conditions

The employer shall be obliged to ensure normal employment conditions in order for employees to be able to perform the labour standards. These conditions shall be as follows:

(1) due operation of mechanisms, equipments and other means of labour;

(2) timely provision of technical documents;

(3) proper quality and timely provision of materials and tools required for the performance of the work;

(4) ensuring production with electric power, gas and other types of energy;

(5) employment conditions, which are secure and harmless for health (adherence to safety norms and rules, adequate lighting, heating, air

conditioning, ensuring that the noise, radiation, vibration and other dangerous factors with negative impact on the health of the employee do not exceed the set minimum level);

(5.1) provision of reasonable adjustments to persons with disabilities;

(6) other conditions necessary for the performance of certain tasks.

(Article 244 supplemented by HO-296-N of 14 July 2022)

Article 245. Furnishing the workplace

1. The workplace and the environment of each employee shall be safe, comfortable and harmless for health; it shall be equipped in compliance with the requirements of the regulatory legal acts on assurance of safety and healthcare of the employees. Ensuring accessibility in the workplace (providing reasonable adjustments in the workplace) for persons with disabilities shall be guaranteed by law.
2. New and reconstructed sites (complexes, enterprises, plants, workshops, etc.) shall be put into operation by the procedure established by the Government of the Republic of Armenia.

(Article 245 supplemented by HO-296-N of 14 July 2022)

Article 246. Means of labour

1. Only means of labour in operable condition and in compliance with the requirements in regulatory legal acts on safety assurance and healthcare of employees shall be permitted for use in labour.
2. The minimum requirements for safety assurance and healthcare of employees with regard to means of labour shall be set by relevant regulatory legal acts.
3. The mandatory conditions for safety assurance and healthcare with regard to production of different means of labour and the procedures for assessment of their compatibility shall be set by technical standards and other regulatory legal acts.

4. The requirements for ensuring safety when using a certain means of labour shall be set by the documents accompanying the means of labour. The person producing the means of labour shall be obliged to provide those documents along with the means being provided.

5. The employer shall exercise permanent mandatory control over safe exploitation of equipments, unless otherwise provided for by the contract on use (exploitation) of those equipments.

(Article 246 amended by HO-117-N of 24 June 2010, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 247. Protection from influence of dangerous chemical substances

1. At employers' facilities where chemical substances dangerous to the health of persons are used, produced, moved or maintained during production process the employers shall define and take adequate measures to ensure the safety of employees and the protection of the environment.

2. The packaging of dangerous chemical substances shall be labelled with a warning sign of danger or hazard.

3. In cases prescribed by part 1 of this Article employees must be trained and instructed to treat certain dangerous chemical substances safely. Collective safety measures, special systems for registration of the number of dangerous chemical substances and systems warning employees about the danger shall be installed at workplaces. Employees must be ensured through individual safety measures.

(Article 247 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 248. Organising safe performance of work

1. The work must be organised in accordance with the requirements in regulatory legal acts on safety assurance and healthcare of employees.

2. ***(part repealed by HO-117-N of 24 June 2010)***

3. The employer shall be obliged to adopt internal legal acts on ensuring the safety and healthcare of employees, where requirements for safety assurance and healthcare of employees are defined in the legislation of the Republic of Armenia on the given area of activities carried out by the employer.

4. Failure to follow the requirements of legal acts on ensuring the safety and healthcare of employees, rules of organising and performing works and instructions shall be deemed as violation of internal disciplinary rules of the organisation.

(Article 248 amended by HO-117-N of 24 June 2010, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 249. Mandatory medical examination

1. Persons under the age of eighteen shall be obliged to undergo preliminary mandatory medical examination when being accepted for employment. Employees under the age of eighteen shall be obliged to undergo periodic medical examination once every work year.

2. Employees who may be subject to occupational risks at the workplace shall, before being accepted for employment — undergo preliminary medical examination, and during the employment — periodical medical examination, in accordance with the medical examination schedule approved by the employer. Employees whose occupational risk is due to use of dangerous substances

during work shall be subject to periodic medical examination at the workplace within the same organisation or in case of changing the job.

3. Employees of organisations specialising in food industry, trade and public catering, water structures, medical and preventive organisations, as well as child care and other organisations must undergo periodic medical examinations for the healthcare of the population.

4. Employees working at night and on shift must undergo — before being accepted for employment, and during the employment — periodically, once every work year, medical examination, according to the medical examination schedule approved by the employer.

5. The employer shall be obliged to approve the list of the employees who are subject to mandatory medical examination, and reach an agreement with the health organisation on the schedule for medical examinations. Employees shall be notified about the schedule of medical examinations by their signature.

6. Periodic medical examination shall be conducted at working hours, at the expense of the employer. Results of the medical examination shall be entered into the individual health (medical) record of the employee.

7. The list of professions and jobs subject to preliminary and periodic mandatory medical examination, the form of the health record, as well as the procedure for conducting medical examination are defined by the Government of the Republic of Armenia.

(Article 249 amended, edited by HO-117-N of 24 June 2010, edited, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 250. Temporary termination of employment

1. Employment shall be temporarily terminated in the manner prescribed by regulatory legal acts, if:

   (1) the employee has not been introduced to the rules for safe performance of labour;

   (2) the means of labour is in a non-operable condition or there is an accident;

   (3) the work is performed with violations of the technical regulation;

   (4) employees are not provided with collective and/or individual safety measures;

   (5) the workplace is dangerous or harmful to life and health.

2. In case of emergence of danger at the workplace or receiving information on emergence of danger in other place of performance of official functions of employees the employer shall be obliged to:

   (1) notify as soon as possible all employees and those who may be in danger about the danger, as well as about the measures to be taken for ensuring the safety and healthcare of employees and the actions to be taken by the employees;

   (2) take measures to terminate the works and instruct the employees to abandon the working area and move to a safer place;

   (3) organise the provision of first aid to the injured and the evacuation of the employees;

   (4) notify the relevant internal and external services and authorities about the danger and the injured employees as soon as possible;

   (5) prior to the arrival of the specialised services, engage the service of the employer in charge of ensuring the safety and healthcare of

employees, as well as the employees having received corresponding training to eliminate the danger.

3. In cases provided for by part 1 of this Article, where the employer does not take measures to protect employees from the potential danger, the service of the employer in charge of ensuring the safety and healthcare of employees, as well as the representatives of the employees shall have the right to demand termination of work. Where the employer refuses to fulfil the demand of the service in charge of ensuring the safety and healthcare of employees and the representatives of the employees, the latter shall notify the inspection body. The head of the inspection body may take a decision to make the employer obliged to terminate work after assessing the safety assurance and state of health of the employees. Where the employer refuses to fulfil the demands of the head of the inspection body exercising supervision over the labour safety authorised by the Government of the Republic of Armenia, the latter shall be have the right to address the Police for execution of the demand for termination of work and the evacuation of employees from the dangerous workplaces.

4. Employees shall be obliged to notify the employer immediately about the non-operable condition of means of labour and the cause of an accident.

5. Except for natural person employers that are not individual entrepreneurs or notaries public, every employer shall be obliged to have a plan for evacuation of employees that must be drawn up taking into consideration the needs of persons with disabilities.

6. The employers that produce, use and maintain dangerous substances shall be obliged to have, in the manner prescribed by the legislation, action plans for warning about the potential accident and eliminating the consequences thereof.

7. The plans for evacuation of employees must be posted in places visible to employees. The service of the employer in charge of ensuring the safety and

healthcare of employees and the trade union shall be obliged to be informed about the plans for warning about evacuation and accidents and eliminating them.

8. When work is temporarily terminated in cases provided for by part 1 of this Article, the average salary of the employee shall be maintained, accepting the average hourly rate as a basis for calculation.

9. Where natural conditions impede the safe performance of works, they must be terminated. In case of emergence of a danger, the employer shall, in the manner prescribed by this Code have the right to transfer employees to another job not provided for by the employment contract in order to prevent accidents at the workplace.

(Article 250 supplemented, amended by HO-75-N of 26 May 2008, amended by HO-117-N of 24 June 2010, HO-256-N of 17 December 2014, HO-172-N of 21 March 2018, HO-265-N of 4 December 2019, supplemented by HO-296-N of 14 July 2022, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 251. Sanitary-hygienic rooms of the employer

(title amended by HO-160-N of 3 May 2023)

1. In cases and in accordance with the procedure prescribed by regulatory legal acts on ensuring the safety and healthcare of employees, the employer's facilities shall be furnished with sanitary and personal hygiene rooms or corresponding separated places (sinks, showers, bathrooms) for rest, breastfeeding children, dressing and keeping clothes, shoes and observing individual safety measures.

2. In the employer's facilities where dangerous substances are used, the sanitary and personal hygiene rooms shall be furnished by following the special

requirements for the furnishing of such rooms. The requirements for furnishing of sanitary and personal hygiene rooms shall be set by the regulatory legal acts on ensuring the safety and healthcare of employees, taking into consideration the nature of work, the substances used and the number of employees.

3. The medical clinics and nourishment rooms of the employer shall be furnished in accordance with the requirements for furnishing such rooms, taking into consideration the number of employees.

(Article 251 supplemented by HO-178-N of 20 November 2014, amended, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 252. Performance evaluation of the employer

(Article repealed by HO-117-N of 24 June 2010)

Article 253. Participation of employees in the implementation of actions to ensure the safety and healthcare of employees

The employer shall be obliged to inform the employees about the issues relating to the analysis and planning of the safety assurance and healthcare of employees, organising such activities and supervision over them, as well as make consultations with them. The employer shall be obliged to involve the employees' representatives in the discussion of the issues regarding the safety assurance and health of employees. The employer may set up a Commission for safety assurance and health of employees therewith, the rules of procedure whereof shall be prescribed by the Government of the Republic of Armenia.

(Article 253 amended by HO-117-N of 24 June 2010, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 254. Instruction and training of employees as regards the safety assurance and health of employees

1. The employer may not require from the employee to perform employment duties, where the employee has not undergone operational safety training and/or has not received instructions.

2. The employer shall ensure that the employee seconded thereto assumes his or her employment duties only after being informed about the potential risk factors existing therewith and after receiving workplace-specific safety instructions.

(Article 245 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 255. Providing employees with protective measures

1. The employer shall furnish the collective protective measures and provide employees with free protective measures, based on regulatory legal acts on ensuring the safety and healthcare of employees and the assessment of the state of safety and health of employees at the employer's facilities.

2. Where the collective protective measures do not ensure the protection of employees from risk factors, the employees must be provided with individual protective measures. The individual protective measures must be adapted to the job, must be appropriate for application and must not present additional danger for the safety of employees. The requirements for assessing the compatibility between the design and production of individual protective measures shall be set by the regulatory legal acts on ensuring the safety and healthcare of employees.

(Article 255 amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 256. Organising the medical care of employees

1. In cases of emergence of accidents or acute diseases at the workplace the employer shall be obliged to provide employees with first aid.
2. The employer shall organise the transfer of an employee having become ill or having received an injury at the workplace or in other place while performing the official functions to the health organisation at his or her expense.

(Article 256 supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 257. Works prohibited for persons under the age of eighteen

(title edited by HO-160-N of 3 May 2023)

1. Persons under the age of eighteen shall be prohibited to engage in works for production, use, promotion, trade in or dissemination in any other manner or sale of alcoholic beverages, narcotic drugs, psychotropic (psychoactive) substances, tobacco, other tobacco substances or their substitutes, printed publications, movies, videos, television and radio programmes with erotic, pornographic, horror content, pornographic materials or objects, as well as works for organising gambling or promoting them.
2. Persons under the age of eighteen shall be prohibited to engage in heavy, harmful, especially heavy, especially harmful works established by the legislation of the Republic of Armenia, as well as in works considered to be heavy and harmful for persons under the age of eighteen. The list of works considered to be heavy and harmful for persons under the age of eighteen shall be established by the Government of the Republic of Armenia.

(Article 257 edited by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 258. Protection of motherhood

1. Pregnant women or women taking care of a child under the age of one shall be prohibited to engage in heavy, harmful, especially heavy and especially harmful works established by the legislation of the Republic of Armenia, as well as works considered to be heavy and harmful for pregnant women or women taking care of a child under the age of one. The list of works considered to be heavy and harmful for pregnant women or women taking care of a child under the age of one shall be established by the Government of the Republic of Armenia.

2. Based on the list of hazardous conditions and dangerous factors of work, as well as the assessment results of the workplace, the employer shall be obliged to determine the nature and duration of hazardous effect on safety and health of pregnant women and women taking care of a child under the age of one. After identification of the potential effect, the employer shall be obliged to undertake temporary measures to ensure the elimination of the risk of hazardous factors.

3. Where the hazardous factors are impossible to eliminate, the employer shall undertake measures to improve the workplace conditions so that pregnant women and women taking care of a child under the age of one are not exposed to impact of such factors. Where it is impossible to eliminate such impact as a result of improvement of workplace conditions, the employer shall be obliged to transfer the woman (upon her consent) to another job in the organisation. In case of absence of such possibility, the woman shall be provided with a paid leave prior to granting pregnancy and maternity leave.

4. Where a pregnant woman and a woman taking care of a child under the age of one need to undergo medical examination during the working time, the employer shall be obliged to release her from the performance of employment duties by maintaining the average salary, which is calculated on the basis of the average hourly salary rate.

5. Apart from general break for rest and meal, a woman having a child under the age of two shall be given an additional break of at least 30 minutes once every

three hours. These breaks may, upon the request of the woman, be added and joined to the break for rest and meal, or provided at the beginning of the working day, or transferred to the end of the working day, by accordingly reducing the duration of the working day. In the period of breaks prescribed by this part the employee shall be paid in the amount of the average hourly salary.

(Article 258 edited, supplemented, amended by HO-117-N of 24 June 2010, edited by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 259. Guarantees for the safety and health of employees with disabilities

(title amended by HO-296-N of 14 July 2022)

The safety and healthcare of employees with disabilities shall be guaranteed by laws.

(Article 259 amended by HO-117-N of 24 June 2010, HO-296-N of 14 July 2022)

Article 260. Notification about accidents, occupational diseases at the workplace

1. The employee having suffered from an accident at the workplace or in other place while performing the official functions, having contracted an occupational disease (if capable), as well as the person having witnessed the accident or the consequences thereof, shall be obliged to notify the head of the subdivision, the employer and the service of the employer in charge of safety and health of employees immediately thereon.
2. In case of death of an employee at the workplace or in other place while performing the official functions the employer shall be obliged to notify

immediately the insurer, the Police of the Republic of Armenia and the inspection body.

(Article 260 amended by HO-117-N of 24 June 2010, HO-256-N of 17 December 2014, HO-172-N of 21 March 2018, HO-265-N of 4 December 2019, supplemented, amended by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 261. Official investigation into accidents and occupational diseases

1. An official investigation shall be carried out with the purpose of finding out the reasons of occupational diseases and accidents in the employer's facilities. The employer must record occupational diseases and accidents. The procedure for recording of and official investigation into occupational diseases and accidents shall be defined by the Government of the Republic of Armenia.
2. The victim or his or her representative may, by the prescribed procedure, participate in the official investigation of the accident during working time or occupational disease, has the right to become familiar with the materials of the official investigation of the accident or occupational disease, receive the act of the official investigation of the accident or occupational disease, and in case of disagreement with the act the results of the official investigation may be appealed through administrative and/or judicial procedure.

(Article 261 amended by HO-117-N of 24 June 2010, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 262. Supervision over the safety assurance and healthcare of employees

(title edited by HO-172-N of 21 March 2018, supplemented by HO-160-N of 3 May 2023)

1. The inspection body shall exercise supervision over the safety assurance and healthcare of employees.

(Article 262 edited by HO-172-N of 21 March 2018, amended by HO-265-N of 4 December 2019, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

CHAPTER 24

LABOUR DISPUTES

Article 263. Concept of a labour dispute

A labour dispute is a disagreement between the employee or the employee who has formerly been in employment relations with the given employer and the employer that arises or has arisen during the fulfilment of rights and obligations prescribed by the labour legislation other regulatory legal acts, internal legal acts, the employment contract or collective agreement.

(Article 263 supplemented by HO-96-N of 22 June 2015)

(Law HO-96-N of 22 June 2015 has a transitional provision)

Article 264. Body investigating labour disputes and mediation of labour disputes

(title supplemented by HO-160-N of 3 May 2023)

1. Labour disputes shall be subject to examination through judicial procedure in the manner prescribed by the Civil Procedure Code of the Republic of Armenia. Mediation may also be carried out in relation to labour disputes as prescribed by the Law "On mediation".

2. Collective labour disputes shall be settled in the manner prescribed by Chapter 11 of this Code.

3. Labour disputes, in compliance with the requirements of the Civil Procedure Code of the Republic of Armenia and the Law of the Republic of Armenia "On commercial arbitration", may be submitted to the resolution of the arbitration tribunal, where the employee and employer have concluded an agreement, or where the collective agreement provides for a possibility to submit the dispute to the arbitration tribunal. The labour disputes provided for by Article 264 of this Code may be submitted to the resolution of the arbitration tribunal within the time limits defined by the same article. An arbitration agreement does not restrict the right of an employee to submit to the court the dispute arising from the employment contract, except when the arbitration agreement has been concluded after the dispute has arisen and the parties have unconditionally agreed to submit the dispute to the resolution of the arbitration tribunal.

(Article 264 supplemented by HO-77-N of 19 June 2015, HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 265. Disputes relating to the employment contract

1. In case of disagreement with the change of employment conditions or termination of employment relations, the employee shall have the right to apply to court within two month following the receipt of the individual legal act on change of employment conditions or his or her dismissal (or rescission of the employment contract), and in cases prescribed by point 12.2 of part 1 of Article 109 of this Code — within two months following the day the employment contract is considered as rescinded by virtue of law.

1.1. Where, in cases prescribed by part 1 of this Article, it is revealed that employment conditions have been changed, or employment relations have been terminated upon absence of lawful grounds or in violation of the requirements defined by the legislation of the Republic of Armenia or the internal or individual legal acts of the employer or the employment contract, the violated rights of the employee shall be restored. In cases the employer shall be charged an average salary for the whole period of forced idleness or the difference of the salary for the period during which the employee performed work with minimum remuneration for the given employer.

2. For economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee the court need not reinstate the employee to his or her former office, making the employer obliged to pay compensation for the entire period of forced idleness in the amount of the average salary, prior to entry into force of the court judgement, and pay compensation in exchange for non reinstatement of the employee to office in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed as rescinded starting from the day of entry into legal force of the court judgement.

3. In determining the amount of the average salary provided for by parts 1.1 and 2 of this Article, the amount of the salary calculated for the employee as prescribed by Article 195 of this Code before the rescission of the employment contract shall be taken into consideration. In cases provided for by parts 1.1 and 2 of this Article the average salary shall be calculated by multiplying the amount of the average daily salary of the employee by the number of working days of the whole period of forced idleness.

(Article 265 amended, supplemented by HO-117-N of 24 June 2010, amended, edited by HO-5-N of 12 March 2014, edited, supplemented by HO-160-N of 3 May 2023)

(Law HO-160-N of 3 May 2023 has a final part and transitional provisions)

Article 266. Judicial expenses for labour disputes

Judicial expenses for labour disputes shall be made in the manner prescribed by law.

President

of the Republic of Armenia **R. Kocharyan**

14 December 2004

Yerevan

HO-124-N