

*NON OFFICIAL TRANSLATION*

Appendix

to the Protocol Decree No. 28  
of 17 July 2008 of the Government  
of the Republic of Armenia



REPUBLIC OF ARMENIA

**EUROPEAN SOCIAL CHARTER  
(REVISED)**

## **Report of the Republic of Armenia**

Reference period

2004-2006

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**Strasbourg, 24 January 2001**

***FORM***  
**of the reports to be submitted for the**  
**Revised European Social Charter**

***Adopted by the Committee of Ministers on 17 January 2001***

## REPORT FORM

(Complete in English or French)

Submitted by the Government of the Republic of Armenia for the period of 2001-2004 in accordance with the requirements of Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the implementation of the ratified articles of the Revised European Social Charter as well as the measures taken in that regard.

This report also covers the implementation of the adopted provisions in territories which, in accordance with Article L, were declared: Republic of Armenia.

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, the copies of this report have been communicated to the Trade Union Confederation of Armenia, the Employers Organisation of Armenia\*.

*\* Please state whether you have received observations from these national organisations of employers and workers and the materials were communicated to these organisations. In addition, the document should be completed, attaching a statement on all observations and highlighting the acceptable recommendations.*

The report shall comprise useful information with respect to securing the measures to be taken with regard to each adopted provision of the Revised European Social Charter, in particular:

1. laws or regulations, collective agreements or other provisions that supplement this Form;
2. court decisions which in principal relate to these provisions;
3. factual information enabling an evaluation of the extent of implementation of these provisions; this relates particularly to the questions specified in this Form.

The reports of the parties should be accompanied by the principal laws and regulations on which the implementation of the adopted provisions of the Revised European Social Charter is based. The mentioned texts may be submitted in the national language of the given country, and translation in one of the official languages of the Council of Europe may be requested in exceptional circumstances.

The replies of the governments should, wherever appropriate, specify explicitly:

- a. whether they are only concerned with the situation of nationals or whether they apply equally to the nationals of the other Parties (see Appendix to the Revised Charter, paragraphs 1 and 2);
- b. whether they are valid for the national territory in its entirety, including the nonmetropolitan territories, if any, to which the Revised Charter applies by virtue of Article 34;

- c. whether they apply to all categories of persons included in the scope of the provision.

A state bound by obligations under certain International Labour Conventions may find it sufficient to supply a copy of the relevant reports submitted to the ILO on the application of these conventions in so far as the latter cover the same field of application and the same reference period as the relevant provision of the Charter.

The information required, especially statistics, should, unless otherwise stated, be submitted for the period covered by the report.

Where statistics are requested for any provision, it is understood that, if complete statistics are lacking, governments may supply data or estimates based on ad hoc studies, specialised or sample surveys, or other scientifically valid methods, whenever they consider the information so collected to be useful.

The report should as far as possible be submitted by E-mail to the address [social.charter@coe.int](mailto:social.charter@coe.int) or be appended by a diskette *in Word format*.

If this is not possible, the Parties are requested to submit their reports in five copies and the appendices in two copies.

**PARTIES ARE REQUESTED:**

- as far as the first report is concerned:  
to reply to all questions appearing in this Form;
- as far as subsequent reports are concerned:  
to update the information given in the previous report.

The Secretariat is invited to distribute with this form a working document indicating the information provided by the United Nations, the ILO, the WHO, the European Union and the Council of Europe, as well as other organisations exercising supervision, in line with different articles of the Revised European Social Charter.

## **ARTICLE 1: THE RIGHT TO WORK**

### **ARTICLE 1 PARA. 1**

*"With a view to ensuring the effective exercise of the right to work, the Parties undertake:*

*to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment."*

#### **Question A**

Please indicate the policy followed by your government in attempting to reach and maintain full employment. Please supplement with details of the measures and programmes implemented to achieve as high and stable a level of employment as possible.

*The Law of the Republic of Armenia "On Employment of Population and Social Protection in Case of Unemployment" /Articles 10, 11, 12, 13 and 20/ stipulates that:*

*- The aim of the National Employment Policy is the creation of necessary conditions to ensure full and effective employment of the population.*

*- The National Employment Policy is developed by the public administration body authorised by the Government of the Republic of Armenia (Ministry of Labour and Social Issues of the Republic of Armenia) and implemented by the "State Employment Service of the Republic of Armenia" Agency functioning within the structure of the Ministry.*

*The basic principles of the National Employment Policy are as follows:*

- 1. voluntary engagement in employment and freedom in selecting an occupation;*
- 2. ensuring the employment of persons irrespective of their national origin, race, gender, age, language, religion, political or other opinion, social origin, property or other status;*
- 3. creation of conditions for the implementation of the right to employment;*
- 4. occupational orientation aimed at vocational education in relevance with the labour market demands;*
- 5. ensuring free movement (internal and external) of labour force;*
- 6. social partnership;*
- 7. social protection of population in case of unemployment.*

*With a view to the state regulation of the population's employment, the Government of the Republic of Armenia implements adjustment of balance and structural consistency between labour supply and demand through financial and credit, investment, taxation and demographic policies.*

*For the purpose of state regulation of the population's employment, annual employment programmes are designed and financed from the State Budget, comprised of national and regional employment programmes.*

*Annual National Employment Programmes include:*

- 1) analysis and forecast of regional and national labour market;
- 2) projected activities, schedule for their implementation and the scope of necessary financial resources according to marzes (regions),
- 3) results expected from the implementation of the programmes (deliverables).

The Annual Employment Programmes aimed at the regulation of population's employment are as follows:

- payment of unemployment benefit;
- vocational education of unemployed persons having at least one year of social insurance history;
- vocational education and labour rehabilitation of persons with disabilities;
- submission of recommendations in relation to granting an old-age pension entitlement earlier than the defined term to persons at an age that is one year less than the pension age, who are entitled to receive an unemployment benefit for a period of 12 months and who have at least 35 years of social insurance history;
- compensation paid to the unemployed persons for the expenses incurred due to relocation to another work place;
- occupational re-training of unemployed job seekers who receive long-term service benefits and privileged benefits;
- organisation of activities aimed at labour market analysis and forecasts;
- payment of funeral benefit in case of the death of the unemployed person.

Employment support national programmes funded by the State Budget of Armenia are as follows:

- vocational education of unemployed persons having no or up to one-year social insurance history;
- financial assistance to the unemployed for the state registration of a business for the purpose of engaging in an entrepreneurial activity;
- partial compensation provided to the employer for paying salary to persons hired from the following labour market sensitive groups:
  - a/ persons with disabilities;
  - b/ persons, having returned from places of detention or from institutions providing medical treatment of compulsory character, and having applied to the state employment service within six months after return;
  - c/ children of employment age without parental care and persons belonging to the group of children without parental care in case of remaining unemployed for a period of one year;
  - d/ persons registered at the state employment service after release from the compulsory military service in case of remaining continuously unemployed for a period of one year;
  - e/ persons remaining unemployed for more than three years;
  - f/ refugees.
- organisation of vocational education and labour rehabilitation of disabled persons having no or up to one-year social insurance history, as well as financial assistance for state registration of a business for engaging in entrepreneurial activity;.
- organisation of paid public works.

Please indicate, if possible, the overall trend in employment policy expenditure over the past five years, including the relative shares of "active" (job creation, trainings, etc.) and "passive" (financial compensation, etc.) measures.

*One of the main functions of the "State Employment Service" Agency of the Ministry of Labour and Social Issues of the Republic of Armenia is to provide consultation to job seekers on issues of professional orientation. Vocational guidance is carried out in 51 territorial centres through individual and group-work methods. Along with job seeker beneficiaries, vocational guidance is provided to disabled persons applying to the centre. This service as well as other services are provided free of charge. Within the reference period, the number of persons having received consultation and vocational training is as follows:*

<i>Year</i>	<i>Number of persons having received consultation on professional orientation</i>	<i>Number of unemployed persons involved in vocational training activities</i>	<i>Financial resources spent /million AMD /</i>
<i>2002</i>	<i>5293</i>	<i>184</i>	<i>8,027</i>
<i>2003</i>	<i>6451</i>	<i>479</i>	<i>26,3</i>
<i>2004</i>	<i>6641</i>	<i>408</i>	<i>27,7</i>
<i>2005</i>	<i>6503</i>	<i>1205</i>	<i>76,8</i>
<i>2006</i>	<i>7915</i>	<i>952</i>	<i>80,8</i>
<i>2007</i>	<i>10765</i>	<i>1183</i>	<i>110,8</i>



IN 2002-2007 ACTUAL FINANCING OF STATE PROGRAMMES AIMED AT EMPLOYMENT OF THE POPULATION IN THE REPUBLIC OF ARMENIA

N	SUBPROGRAMMES PROVIDED WITHIN THE FRAMEWORK OF THE PROGRAMMES	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million AMD)					
		2002	2003	2004	2005	2006	2007
1	Payment of unemployment benefit	9497 /268.19 (million AMD)	9901 /223.78 (million AMD)	7179 /204.4 (million AMD)	5520 /411.028 (million AMD)	12500 /835.2 (million AMD)	15800 /1859.5 (million AMD)
2	Monetary aid	23930 /178.16 (million AMD)	29298 /169.66 (million AMD)	24319 /171.5 (million AMD)	0	0	0
3	Organisation of vocational training	184 /8.027 (million AMD)	479 /26.3 (million AMD)	408 /27.7 (million AMD)	1205/77.462 (million AMD)	948 /80.09 (million AMD)	1179 /110.448 (million AMD)
4	Relocation of the unemployed	0	0	0	0	1 /0.065(million AMD)	0
5	Establishment of specialised enterprises for the disabled and organisation of vocational trainings for persons with disabilities	0	37 /3.51 (million AMD)	48 /2.7 (million AMD)	0		
6	Occupational retraining of unemployed job seekers who receive long-term service benefits and privileged benefits					4 /0.041 (million AMD)	4 /0.3875 (million AMD)
7	Organisation of vocational trainings for persons with disabilities	0	0	0	66 /4.5 (million AMD)	98 /7.832 (million AMD)	66 /6.381173 (million AMD)

N	SUBPROGRAMMES PROVIDED WITHIN THE FRAMEWORK OF THE PROGRAMMES	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million AMD)					
		2002	2003	2004	2005	2006	2007
8	Organisation of tender for carrying out scientific-research activities in social sphere and implementation of such activities	0	0	0	5.484 (million AMD)	2.484 (million AMD)	0
9	Partial compensation provided to the employer for paying salary to persons hired from labour market vulnerable groups				0	52 /0.069 (million AMD)	161 /20.152424 (million AMD)
10	Financial assistance provided to the unemployed for engaging in entrepreneurial activities and creating new jobs	0	0	0	0	8 /0.024 (million AMD)	51 /0.4202 (million AMD)
11	Funeral benefit					35 /0.945 (million AMD)	75 /2.682 (million AMD)
12	“Benefit for Work” programme	11700 /404.4 (million AMD)	8874 /455.24 (million AMD)	10718 /486.41 (million AMD)			
13	Organisation of paid public works				7913 /576.569 (million AMD)	10254 /656.716 (million AMD)	9083 /692.0 (million AMD)
14	UN “Food for Work” public works	527	1343	629	1330	1300	1600

*Taking into account the importance of the matter, in 2006, based on international experience, a Vocational Orientation Youth Centre was established in Yerevan financed by the World Bank /Decree No. 1915-N of 14.12.2006 of the Government of RA/, with the purpose of providing quality services in the area of professional orientation to young people living in the capital.*

Please indicate the active policy measures taken in order to favour access to employment of groups most exposed to or affected by unemployment (e.g. women, the young<sup>1</sup>, old age workers, the long-term unemployed<sup>2</sup>, the disabled, immigrants and/or ethnic minorities). If possible, please indicate the number of beneficiaries from these measures and information on their impact on employment.

*Active employment programmes implemented:*

*“Vocational Training” Programme*

*In 2007, within the framework of the programme, trainings were organised with respect to 50 occupations involving 1179 unemployed persons, 4 job-seekers receiving long-term service pension benefits and 66 disabled persons.*

*In 2007, about 62% of persons having attended trainings under the “Vocational Training” Programme were placed for employment.*

*“Partial salary compensation provided to the employer for the purpose of assisting in job placement of persons that are vulnerable in the labour market” Programme*

*In 2007 the programme involved 161 persons, 38 of which were disabled. During 2007, 44 people out of 52 who were involved in the programme as of 31 December 2006, continued to work.*

*“Paid Public Works” Programme*

*In 2007 the programme was implemented in 290 communities. For the implementation of the programme, a sum of 700 million AMD was allocated, from which every worker received a daily wage of 1400 AMD /in 2006 the daily wage was 1200 AMD/. In general 467 programmes were implemented with the capacity of 367.585 people per day. The number of persons involved in the programme was 9083.*

*“State assistance provided to the unemployed and the disabled for the state registration of entrepreneurial activity” Programme*

*In 2007 financial support was provided to 51 unemployed persons.*

*Active employment programmes were implemented also in cooperation with the UN Development Programme and UN World Food Programme mission offices in Armenia, resulting in job placement of 1610 job seekers.*

*In cooperation with the USAID “Armenia Social Protection Systems Strengthening Project”, in 2007 a job fair was organised for the first time in Yerevan /with participation of 100 employers and approximately 5000 job seekers/ thus creating a base for further organisation of such job fairs and consultations on a nation-wide scale.*

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<sup>1</sup> Aged between fifteen and twenty-four.

<sup>2</sup> Persons without employment for over one year and currently seeking employment.

The table below reflects the information on the number of persons being unemployed for different terms and persons provided with jobs.

BREAKDOWN OF THE NUMBER OF UNEMPLOYED PERSONS ADMITTED FOR EMPLOYMENT ACCORDING TO THE LENGTH OF UNEMPLOYMENT

<i>End of year</i>	<i>Thousand persons</i>		
	2004	2005	2006
<b>Persons admitted for employment</b>	6.3	6.3	7.0
<i>According to the length of unemployment</i>			
< 3 months	0.3	0.2	0.4
3 - 6 months	0.4	0.4	0.5
6 - 12 months	0.8	0.8	1.0
12 >	4.8	4.9	5.0
<i>Average length of terminated unemployment (months)</i>	15.2	15.4	14.6

QUESTION B

Please indicate the trends in employment<sup>3</sup> covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate<sup>4</sup>, the employment rate<sup>5</sup> and the distribution of employment by region, by gender, by age, by employment status (employed, self-employed), by type of employment (full time and part time, permanent and fixed term, temporary), and by sector of activity.

The table below reflects the information on the employed classified according to economic activity, gender, age and distribution in the RA marzes (regions).

BREAKDOWN OF THE EMPLOYED BY GENDER

*Annual average*

	<b>Employed (thousand people)</b>			<b>Rate of growth %</b>		
	Total	Men	Women	Total	Men	Women
2004	1081.7	584.2	497.5	97.7	100.4	94.6
2005	1097.8	597.1	500.7	101.5	102.2	100.6
2006	1092.4	593.0	499.4	99.5	99.3	99.7

<sup>3</sup> Reference is made to the definition of employment adopted by the Thirteenth International Conference of Labour Statisticians (Geneva, 1982) or any further versions.

<sup>4</sup> The activity rate represents the total labour force as a percentage of the population aged 15 years and over and living in private households. The labour force is defined as the sum of persons in employment plus the ones with no employment capacity.

<sup>5</sup> The employment rate represents persons in employment as a percentage of the population aged 15-64 years and living in private households.

BREAKDOWN OF THE EMPLOYED BY MARZES OF ARMENIA

Annual average

	Employed (thousand people)			Rate of growth %		
	2004	2005	2006	2004	2005	2006
<b>Total</b>	1081.7	1097.8	1092.4	97.7	101.5	99.5
<b>Yerevan</b>	292.0	300.0	301.5	94.7	102.7	100.5
<b>Aragatsotn</b>	64.8	64.4	63.9	98.8	99.4	99.2
<b>Ararat</b>	108.4	116.2	115.9	95.8	107.2	99.7
<b>Armavir</b>	116.9	121.9	121.4	102.9	104.3	99.6
<b>Gegharkunik</b>	102.0	103.5	102.3	102.4	101.5	98.8
<b>Lori</b>	95.3	93.8	92.8	97.9	98.4	98.9
<b>Kotayk</b>	85.0	80.0	78.4	92.4	94.1	98.0
<b>Shirak</b>	89.6	87.6	86.7	102.6	97.8	99.0
<b>Syunik</b>	49.7	51.4	50.7	97.8	103.4	98.6
<b>Vayots Dzor</b>	26.8	27.7	27.0	98.2	103.4	97.5
<b>Tavush</b>	48.6	48.6	49.4	97.4	100.0	101.6

BREAKDOWN OF THE EMPLOYED BY TYPES OF ECONOMIC ACTIVITY

Annual average

	Total (thousand people)			% in relation to the total number		
	2004	2005	2006	2004	2005	2006
<i>Employed people</i>	1081.7	1097.8	1092.4	97.7	101.5	99.5
<b>Agriculture, hunting and forestry</b>	507.0	507.5	504.3	99.6	100.1	99.4
<b>Fishery, fish breeding</b>	0.1	0.1	0.2	100.0	100.0	200.0
<b>Mining</b>	6.9	7.0	7.6	84.1	101.4	108.6
<b>Processing industry</b>	111.5	114.3	110.5	97.4	102.5	96.7
<b>Production and supply of electricity, gas and water</b>	21.2	18.9	22.8	91.0	89.2	120.6
<b>Construction</b>	33.3	34.6	29.7	89.5	103.9	85.8
<b>Trade, repair of cars, consumer products and articles of personal use</b>	103.2	108.9	105.9	101.2	105.5	97.2
<b>Hotels and restaurants</b>	3.9	5.7	7.7	81.3	146.2	135.1
<b>Transportation and communication</b>	46.5	49.7	48.6	111.2	106.9	97.8
<b>Financial activities</b>	5.6	6.1	6.6	112.0	108.9	108.2
<b>Real estate operations, rent and customer services</b>	18.3	19.1	23.3	94.3	104.4	122.0
<b>Public administration</b>	29.1	28.2	34.9	105.1	96.9	123.8
<b>Education</b>	100.5	98.7	100.8	90.0	98.2	102.1
<b>Healthcare and social services</b>	49.8	50.6	48.8	82.6	101.6	96.4

	Total (thousand people)			% in relation to the total number		
	2004	2005	2006	2004	2005	2006
<b>Utilities, social and individual services</b>	<b>44.8</b>	<b>48.4</b>	<b>40.8</b>	<b>104.9</b>	<b>108.0</b>	<b>84.3</b>

#### BREAKDOWN OF THE EMPLOYED BY EMPLOYMENT STATUS AND GENDER

	Total	Hired employee	Other than hired employee	of which			
				Employer	Self-employed	Family member working without payment	Other
<i>Total</i>				%			
<b>2004</b>	100	56.3	43.7	1.8	28.9	12.9	0.2
<b>2005</b>	100	63.7	36.3	0.6	29.9	5.5	0.3
<b>2006</b>	100	63.2	36.8	0.6	31.6	4.4	0.1
<i>Men</i>							
<b>2004</b>	100	52.5	47.5	3.0	37.2	7.2	0.1
<b>2005</b>	100	62.5	37.5	0.6	30.8	5.8	0.2
<b>2006</b>	100	61.2	38.8	1.0	34.3	3.4	0.1
<i>Women</i>							
<b>2004</b>	100	61.2	38.8	0.3	18.0	20.3	0.2
<b>2005</b>	100	65.5	34.5	0.6	28.4	5.1	0.3
<b>2006</b>	100	66.0	34.0	0.1	27.9	5.9	0.2

#### BREAKDOWN OF THE UNEMPLOYED BY GENDER AND AGE GROUPS<sup>6</sup>

	%								
	Total			of which (according to gender)					
	2004	2005	2006	men			women		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Unemployed persons</i>	100	100	100	100	100	100	100	100	100
15-19	7.0	5.4	10.7	6.7	3.6	11.1	7.3	6.9	10.4
20-24	19.7	22.9	22.3	24.0	29.7	26.4	16.1	16.9	19.1
25-29	11.7	13.6	12.3	13.3	15.2	13.9	10.4	12.2	11.1
30-34	10.4	7.6	10.3	10.0	6.1	9.0	10.7	9.0	11.2
35-39	8.9	9.3	7.2	7.8	7.3	6.8	10.0	11.1	7.5
40-44	11.3	13.0	9.7	7.8	11.5	7.2	14.3	14.3	11.7
45-49	11.9	13.3	11.1	9.5	9.1	8.4	13.9	16.9	13.1
50-54	9.0	9.0	7.9	8.6	7.9	6.4	9.4	10.1	9.1
55-59	5.5	4.0	5.0	6.4	6.7	5.5	4.8	1.6	4.6
60-64	1.6	0.8	1.7	2.2	1.2	2.5	1.0	0.5	1.1
65>	2.9	1.1	1.8	3.7	1.8	2.9	2.0	0.5	1.0
<b>Average age</b>	36.4	35.4	34.5	35.9	34.8	33.7	36.9	35.9	34.5

<sup>6</sup> As a result of sample survey of labour force in the households.

## BREAKDOWN OF THE EMPLOYED BY THE NATURE OF THEIR OCCUPATION<sup>7</sup>

%

	Employed persons, total	Permanent	Temporary	Seasonal	Occasional, one-time
2004	100	63.3	10.6	23.7	2.4
2005	100	83.2	9.7	5.8	1.3
2006	100	75.6	8.2	11.8	4.3

Please give the trend of the figures and percentages of unemployed in your country, including the proportion of unemployed to the total labour force. Please give the distribution of the unemployed by region, category, gender and age.

*In 2007 the number of job seekers registered in territorial employment centres has increased by 4,5% as compared to that of 2006, reaching the number of 89367 as of 31 December 2007, of which 75050 persons were unemployed. In 2007, 43,7% of job seekers were involved in employment programmes and 8322 persons, or 9,3% of job seekers were placed for employment, thus exceeding the indicator of 2006 by 1,2%. Out of those that were placed for employment, 21,8% are young people; 300 persons vulnerable in the labour market were also placed for employment.*

*As of 31 December 2006, the level of unemployment in the Republic of Armenia was 7,2% and as of 31 December 2007 this level was 6,7%.*

*Statistical data on unemployment are provided below.*

## BREAKDOWN OF THE UNEMPLOYED BY GENDER

*Annual average*

	Unemployed (thousand people)			Growth rate, %		
	Total	Men	Women	Total	Men	Women
2004	114.8	35.0	79.8	92.0	87.3	94.2
2005	98.0	29.0	69.0	85.4	82.9	86.5
2006	88.9	25.5	63.4	90.7	87.9	91.9

<sup>7</sup> As a result of sample survey of labour force in households.

## NUMBER OF THE UNEMPLOYED ACCORDING TO MARZES OF ARMENIA

*Annual average*

	Unemployed (thousand people)			<i>Growth rate, %</i>		
	2004	2005	2006	2004	2005	2006
<b>Total</b>	<i>114.8</i>	<i>98.0</i>	<i>88.9</i>	<i>92.0</i>	<i>85.4</i>	<i>90.7</i>
<b>Yerevan</b>	<b>28.0</b>	<b>24.5</b>	<b>20.1</b>	<b>86.7</b>	<b>87.5</b>	<b>82.0</b>
<b>Aragatsotn</b>	<b>1.4</b>	<b>1.3</b>	<b>1.3</b>	<b>93.3</b>	<b>92.9</b>	<b>100.0</b>
<b>Ararat</b>	<b>3.9</b>	<b>3.3</b>	<b>2.9</b>	<b>84.8</b>	<b>84.6</b>	<b>87.9</b>
<b>Armavir</b>	<b>5.3</b>	<b>3.9</b>	<b>3.0</b>	<b>93.0</b>	<b>73.6</b>	<b>76.9</b>
<b>Gegharkunik</b>	<b>5.6</b>	<b>4.7</b>	<b>4.9</b>	<b>88.9</b>	<b>83.9</b>	<b>104.3</b>
<b>Lori</b>	<b>21.9</b>	<b>20.2</b>	<b>19.7</b>	<b>100.5</b>	<b>92.2</b>	<b>97.5</b>
<b>Kotayk</b>	<b>5.4</b>	<b>5.0</b>	<b>4.7</b>	<b>83.1</b>	<b>92.6</b>	<b>94.0</b>
<b>Shirak</b>	<b>24.9</b>	<b>19.4</b>	<b>17.1</b>	<b>92.6</b>	<b>77.9</b>	<b>88.1</b>
<b>Syunik</b>	<b>13.3</b>	<b>10.9</b>	<b>9.8</b>	<b>95.7</b>	<b>82.0</b>	<b>89.9</b>
<b>Vayots Dzor</b>	<b>1.7</b>	<b>1.4</b>	<b>1.3</b>	<b>100.0</b>	<b>82.4</b>	<b>92.9</b>
<b>Tavush</b>	<b>3.5</b>	<b>3.4</b>	<b>4.1</b>	<b>97.2</b>	<b>97.1</b>	<b>120.6</b>

## BREAKDOWN OF THE UNEMPLOYED BY GENDER AND AGE GROUPS

%

	<i>Total</i>			<i>In which (according to gender)</i>					
				Men			Women		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Unemployed</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>
15-19	<b>7.0</b>	<b>5.4</b>	<b>10.7</b>	<b>6.7</b>	<b>3.6</b>	<b>11.1</b>	<b>7.3</b>	<b>6.9</b>	<b>10.4</b>
20-24	<b>19.7</b>	<b>22.9</b>	<b>22.3</b>	<b>24.0</b>	<b>29.7</b>	<b>26.4</b>	<b>16.1</b>	<b>16.9</b>	<b>19.1</b>
25-29	<b>11.7</b>	<b>13.6</b>	<b>12.3</b>	<b>13.3</b>	<b>15.2</b>	<b>13.9</b>	<b>10.4</b>	<b>12.2</b>	<b>11.1</b>
30-34	<b>10.4</b>	<b>7.6</b>	<b>10.3</b>	<b>10.0</b>	<b>6.1</b>	<b>9.0</b>	<b>10.7</b>	<b>9.0</b>	<b>11.2</b>
35-39	<b>8.9</b>	<b>9.3</b>	<b>7.2</b>	<b>7.8</b>	<b>7.3</b>	<b>6.8</b>	<b>10.0</b>	<b>11.1</b>	<b>7.5</b>
40-44	<b>11.3</b>	<b>13.0</b>	<b>9.7</b>	<b>7.8</b>	<b>11.5</b>	<b>7.2</b>	<b>14.3</b>	<b>14.3</b>	<b>11.7</b>
45-49	<b>11.9</b>	<b>13.3</b>	<b>11.1</b>	<b>9.5</b>	<b>9.1</b>	<b>8.4</b>	<b>13.9</b>	<b>16.9</b>	<b>13.1</b>
50-54	<b>9.0</b>	<b>9.0</b>	<b>7.9</b>	<b>8.6</b>	<b>7.9</b>	<b>6.4</b>	<b>9.4</b>	<b>10.1</b>	<b>9.1</b>
55-59	<b>5.5</b>	<b>4.0</b>	<b>5.0</b>	<b>6.4</b>	<b>6.7</b>	<b>5.5</b>	<b>4.8</b>	<b>1.6</b>	<b>4.6</b>
60-64	<b>1.6</b>	<b>0.8</b>	<b>1.7</b>	<b>2.2</b>	<b>1.2</b>	<b>2.5</b>	<b>1.0</b>	<b>0.5</b>	<b>1.1</b>
65>	<b>2.9</b>	<b>1.1</b>	<b>1.8</b>	<b>3.7</b>	<b>1.8</b>	<b>2.9</b>	<b>2.0</b>	<b>0.5</b>	<b>1.0</b>
<b>Average age</b>	<b>36.4</b>	<b>35.4</b>	<b>34.5</b>	<b>35.9</b>	<b>34.8</b>	<b>33.7</b>	<b>36.9</b>	<b>35.9</b>	<b>34.5</b>

### Question C

Please indicate the trend in the number and the nature of vacant jobs in your country.

*The labour market of the Republic of Armenia is extremely disproportionate.*



*In 2006 the average number of vacancies presented by the employers to the Employment Agency was about 1200. In the labour market of the capital of Armenia there is a demand for civil servants, people specialised in providing services and a large number of labourers, whereas in marzes there is an unmet demand mainly for doctors with different specialisations and teachers (mostly of foreign languages). For the last two years there was a demand also for carpet-makers, tailors and construction labourers.*

*The information on the number of vacant jobs and statistical data on labour force demand in the labour market of the Republic of Armenia are provided below.*

#### THE NUMBER OF VACANT JOBS

*By the end of year*

	2004	2005	2006
<b>Vacant job positions</b>			
<i>Data provided by the State Employment Service</i>	622	1129	1167
<i>Data provided by organisations conducting statistical monitoring</i>	<b>1174</b>	<b>992</b>	<b>1429</b>

#### Information on workforce demand /in terms of occupations/ in the Republic of Armenia (as of 10.01.07)

N	Occupations	According to the data provided by the REC (Regional Employment Centre)		According to the data collected from mass media and other sources	Total
		Yerevan	Marzes		
1.	Engineers	2	-	-	2
2.	Teachers	6	24	1	31
3.	Doctors, pharmacists	4	148	-	152
4.	Accountants, clerks	1	4	2	7
5.	Specialists of services sector	202	17	8	227
6.	Labourers (blue-collar workers)	148	249	-	397
7.	Inspectors, agents	19	-	-	19
8.	Tailors	19	40	-	59
9.	Drivers	54	6	4	64
10.	Guards, cleaners	98	18	1	117

11.	Other occupations	35	110	16	161
	<b>Total</b>	<b>588</b>	<b>616</b>	<b>32</b>	<b>1236</b>

## **ARTICLE 1 PARA. 2**

*"With a view to ensuring the effective exercise of the right to work, the Parties undertake: to protect effectively the right of the worker to earn his living in an occupation freely entered upon."*

[The Appendix to the Charter stipulates that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice.]

*Elimination of all forms of discrimination in employment*

### Question A

Please give information concerning legislative or other measures taken to ensure the elimination of all forms of discrimination<sup>8</sup> in employment which might be based on gender, social or national origin, political opinion, religion, race, colour or age and to promote effectively equal opportunities in seeking employment and in taking up an occupation<sup>9</sup>.

*The Constitution of the Republic of Armenia /Article 14.1 / states:*

*"Everyone shall be equal before the law. Any discrimination based on any ground such as gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited".*

*The Constitution of the Republic of Armenia /Article 32/ states:*

*"Everyone shall have the freedom to choose his/her occupation".*

*The Labour Code of the Republic of Armenia /Article 3/ stipulates that.*

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

- 1) freedom of employment, including the right to employment (which is freely selected or agreed upon by each person); the right to administer the labour capacities, choose a profession and a type of activity;*
- 2) prohibition of any type of compulsory work and violence towards the employees;*
- 3) equality between the parties to labour relations irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital and family status, age, political or any other opinion, membership to any political party, trade union or public organisation, other factors irrelevant to the employee's professional qualities;*

<sup>8</sup> The term "discrimination" in this Form is to be understood within the meaning given to it by the ILO Convention No. 111 (Discrimination, Employment, Occupations), Article 1.

- 4) *ensuring the exercise of the right to just conditions of work for each employee, (including conditions of work that meet occupational health and safety requirements);*
  - 5) *equality of the rights and opportunities of employees;*
  - 6) *ensuring the exercise of the right to receive timely and complete remuneration of each employee at the rate not lower than the minimal salary provided by law;*
  - 7) *ensuring the exercise of the right of employers and employees to freedom of association for the protection of the rights and interests thereof, including the rights to create trade and employer's unions or join them;*
  - 8) *stability of labour relationships;*
  - 9) *freedom to bargain collectively;*
  - 10) *liability of the parties to the collective and employment contracts according to their obligations.*
2. *The State shall ensure the implementation of the labour rights in accordance with the provisions of this Code and other laws. Labour rights may be restricted only by law if such restrictions are necessary for the protection of national security, public safety, public order, health and morals, rights and interests of others, honour and good reputation.*

*The Labour Code of the Republic of Armenia /Article 114, part 4/ defines that the following shall not be considered as legitimate reasons for the termination of the employment contract:*

- 1) *membership in a trade union or involvement in the activities of a trade union beyond the working hours or, with the consent of the employer, also during the working hours;*
- 2) *acting as a representative of employees at any time;*
- 3) *raising claims to the employer for violation of laws, other normative acts or for a breach of a collective contract;*
- 4) *gender, race, national origin, language, origin, nationality, social state, religion, marital and family status, convictions or views, affiliation to political parties and public organisations;*
- 5) *age, except when an employee is already entitled to the full old age pension or is already receiving it.*

Please provide relevant information on existing sanctions and remedies in cases of discrimination in employment.

*The Administrative Violations Code of RA defines /Article 41/ that the violation of the requirements of the labour legislation and other normative legal acts containing norms of labour law shall entail imposing of a fine on the employer in the amount of one hundred-fold the defined minimum salary.*

*The violation of the requirements of labour legislation and other normative legal acts containing norms of labour law that takes place within a year after the application of an*

***administrative penalty shall entail imposing of a fine on the employer in the amount of two hundred-fold the defined minimum salary.***

*The sanctions defined in the Administrative Violations Code of the Republic of Armenia are of a general nature and cover any violation of labour law, including discrimination on the ground of gender, social or national origin, political opinion, religion, race, colour or age.*

*Note. The Law of the Republic of Armenia “On Making Amendments to the Administrative Violations Code of the Republic of Armenia” /Article 41/, adopted on 6 December 2007, defines that violation of the requirements of the labour legislation and other normative legal acts containing norms of labour law (except for cases prescribed by Articles 41.1, 41.2, 41.3, 96.1, part 17 of Article 158, and Articles 169.5, 169.7, 169.8 of the Code) shall entail issuing of a warning with respect to the infringer.*

*The violation of the requirements of labour legislation and other normative legal acts containing norms of labour law within one year after the application of administrative penalty measures shall entail imposing of a fine on the employer in the amount of fifty-fold the minimum salary.*

*Article 41.1. Obstructing the exercise of the rights of representatives of employees stipulated by the Labour Code of the Republic of Armenia shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the minimum salary for each case of violation.*

*The same violation being committed again within one year after applying administrative penalty measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the minimum salary for each case of violation.*

*Article 41.2. After a decision is taken to call a strike and hindering all or individual employees to get to their work places during the strike, refusal to provide the employees with work, application of disciplinary sanction with respect to employees for participating in the strike shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the minimum salary defined.*

*The same violation being committed again within one year after applying administrative penalty measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the minimum salary defined.*

### Question B

Please indicate any methods adopted:

a. to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the adoption and observance of the policy of non-discrimination;

*In the Republic of Armenia the social partnership is provided for by the Labour Code of the Republic of Armenia /Articles 39, 40/, by the laws of the Republic of Armenia “On*

*Employment of Population and Social Protection in Case of Unemployment”, “On Employers’ Union” and “On Trade Unions”.*

b. to ensure the adoption and observance of the above policy through educational efforts.

*The Law of the Republic of Armenia “On State Labour Inspectorate” /Articles 9 and 10/ stipulates that the tasks of State Labour Inspectorate include assistance to employers, trade unions and employees in receiving information on the application of more effective means and methods of implementation of the labour legislation and other legal acts containing norms of labour law.*

*The powers of the State Labour Inspectorate include organising of seminars related to implementation of the labour legislation and other legal acts containing norms of labour law for employers, their unions, representatives of labour groups.*

*Workshop-seminars are regularly organised with the participation of social partners.*

*The “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia as well as the territorial bodies of the State Labour Inspectorate provide consultation to employers and employees.*

### Question C

Please indicate the guarantees, including applicable sanctions and remedies, which prevent any discrimination in regard to members of workers' organisations at the time of engagement, promotion or dismissal.

*The Labour Code of the Republic of Armenia /Article 35/ stipulates: “Non-state supervision over compliance of employers with the labour legislation, other normative legal acts containing rules of labour law and collective contracts shall be exercised by trade unions, and non-state supervision over compliance of employees with the labour legislation, other normative legal acts containing rules of labour law and collective contracts shall be exercised by employers (representatives of employers)”.*

*The Labour Code of the Republic of Armenia /Article 34/ stipulates: “State control and supervision over compliance of employers with the provisions of labour legislation, other normative legal acts containing rules of labour law, and collective contracts shall be exercised by State Labour Inspectorate and - in cases prescribed by law – by other institutions.*

*Administrative Violations Code of the Republic of Armenia /Article 41/ stipulates that the violation of the requirements of the labour legislation and other normative legal acts containing rules of labour law shall entail imposing of a fine on the employer in the amount of one hundred-fold the defined minimum salary.*

*The violation of the requirements of labour legislation and other normative legal acts containing rules of labour law that takes place within one year after the application of an*

*administrative sanction shall entail imposing of a fine on the employer in the amount of two hundred-fold the defined minimum salary.*

*Note. The Law of the Republic of Armenia “On Making Amendments to the Administrative Violations Code of the Republic of Armenia”, adopted on 6 December 2007, /Article 41/ defines:*

*Violation of the requirements of the labour legislation and other normative legal acts containing rules of labour law (except for cases prescribed by Articles 41.1, 41.2, 41.3, 96.1, part 17 of Article 158, and Articles 169.5, 169.7, 169.8 of this Code) shall entail issuing of a warning with respect to the person having committed the violation.*

*The violation of the requirements of labour legislation and other normative legal acts containing rules of labour law within one year after the application of administrative sanction measures shall entail imposing of a fine on the employer in the amount of fifty-fold the defined minimum salary.*

*Article 41.1 Prevention of the representatives of employees from exercising their rights stipulated by the Labour Code of the Republic of Armenia shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the defined minimum salary for each case of violation.*

*The same violation being committed again within one year after applying administrative penalty measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the defined minimum salary for each case of violation.*

*Article 41.2 After a decision is taken to call a strike and during the strike hindering all or individual employees to get to their work places, refusal to provide the employees with work, application of disciplinary sanction with respect to employees for participating in the strike shall entail imposing of a fine on the person having committed the violation in the amount of fifty-fold the defined minimum salary defined.*

*The same violation being committed again within one year after applying administrative sanction measures shall entail imposing of a fine on the person having committed the violation in the amount of hundred-fold the defined minimum salary defined.*

#### Question D

Please indicate whether any form of forced or compulsory labour is authorised or tolerated<sup>9</sup>.

***The Constitution of the Republic of Armenia /Article 32/ states: “Forced labour shall be prohibited”.***

***The Labour Code of the Republic of Armenia /Article 3, paragraph 2/ stipulates that Labour rights may be restricted only by law if such restrictions are necessary for the protection of***

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<sup>9</sup> The term "forced labour" in this Form is to be understood in the meaning given to it by the ILO Convention No. 29 (Forced Labour), Article 2.

***national security and public safety, public order, health and morals, rights and interests of others, honour and good reputation.***

Question E

If so, please describe the nature and scope of any such labour and indicate the extent to which recourse has been had thereto during the reference period.

***There are no such cases.***

Question F

Please indicate what measures are being taken to secure the complete abolition of forced or compulsory labour and the date by which these measures will be fully implemented.

*The Penitentiary Code of the Republic of Armenia /Article 133/ stipulates that upon entry into force of the Code the following shall be repealed:*

- *The Correctional Labour Code of the Republic of Armenia adopted on 7 July 1971 by the Supreme Council of the Armenian Soviet Socialist Republic;*
- *The Law of the Armenian Soviet Socialist Republic on Approving the Armenian SSR Correctional Labour Code;*
- *The “Regulation on procedure and terms of executing convicts’ criminal punishments not related to correctional labour in the Republic of Armenia” approved on 30 January 1985 by the Supreme Council Presidium of the Armenian Soviet Socialist Republic.*

*The Penitentiary Code of the Republic of Armenia entered into force on 28 January 2005.*

Question G

Please give information concerning the conditions under which work is carried out in prison establishments.

*The Penitentiary Code of the Republic of Armenia /Chapter 16/ stipulates the following:*

- *If possible, convicts shall be provided with work or vested with the right to find work individually in accordance with the procedure laid down in the internal by-laws of correctional institutions. When engaging a convict in employment, the administration of the correctional institution shall take into consideration his/her gender, age, working capacity, health status, and, to the degree possible, profession. The work activities of the convict should not impede the implementation of the tasks of the correctional institution.*
- *When providing with work, priority shall be given to convicts who have property obligations or are in a difficult financial situation.*
- *Convict’s work may not pursue the aim of generating income for the correctional institution.*
- *The labour relations of convicts shall be regulated by the labour legislation of the Republic of Armenia, except for the cases provided by law.*

*-The Government of the Republic of Armenia shall define the list of occupations prohibited for convicts.*

*- The convict shall be entitled to remuneration for his/her work in accordance with the legislation of the Republic of Armenia.*

*- Monthly remuneration for the work performed by the convict may not be less than the defined minimum salary.*

*- Upon the decision of the head of the correctional institution, convicts may, upon their consent, be engaged in an unpaid work aimed at improving the correctional institution and its adjacent areas.*

*- Convicts may be engaged in an unpaid work in turns, provided that the work is not performed during the rest hours and does not last more than two hours a day.*

*- It shall be prohibited to engage in an unpaid work those convicts who have first or second group of disability, pregnant convicts, and convicts who have reached the retirement age.*

### **ARTICLE 1 PARA. 3**

*"With a view to ensuring the effective exercise of the right to work, the Parties undertake: to establish or maintain free employment services for all workers."*

#### **Question A**

Please describe in what way the free employment services are accessed in your country, indicating the age, gender and nature of occupation of the persons placed in employment and the persons seeking employment.

*The Law of the Republic of Armenia "On Employment of Population and Social Protection in Case of Unemployment" /Articles 12 and 15/ stipulates that the state regulation of the population's employment shall be implemented by the Authorised Body, i.e. the Ministry of Labour and Social Issues of the Republic of Armenia through its separate subdivision - "State Employment Service" Agency.*

*The "State Employment Service" Agency is required to:*

*- refer job seekers to employers in case of relevant vacancies;*

*- implement programmes in terms of regulating the external and internal relocation of labour force; assist job seekers in selecting appropriate jobs and provide employers with specialists having proper profession and qualification;*

*- regularly announce information on vacancies through mass media;*

*- keep record of job seekers.*

*The "State Employment Service" Agency's activities are funded by the State Budget of Armenia and implemented through its 51 regional bodies.*

*No payment or duty is levied from the citizens for the services of the "State Employment Service" Agency.*

Please indicate as far as possible the number of vacancies, the placement rate and the duration of unemployment of persons placed.



As of 31 December 2007, there were 89367 persons, of which 75050 were unemployed and registered in the Regional Employment Centres. In 2007 the rate of job seekers included in employment programmes was 43,7%, and 8322 persons or 9,3% of job seekers were placed in employment.

The tables below reflect the information on vacancies and statistical data on the unemployed placed in employment.

#### NUMBER OF VACANT JOBS

*By the end of year*

	2004	2005	2006
<b>Vacancies</b>			
<i>Data provided by the State Employment Service</i>	622	1129	1167
<i>Data provided by organisations engaged in statistical monitoring<sup>10</sup></i>	<b>1174</b>	<b>992</b>	<b>1429</b>

#### BREAKDOWN OF UNEMPLOYED PERSONS PLACED IN EMPLOYMENT ACCORDING TO THE DURATION OF UNEMPLOYMENT

*By the end of year      Thousand people*

	2004	2005	2006
<b>Persons placed</b>	6.3	6.3	7.0
<i>According to the duration of unemployment</i>			
<b>&lt; 3 months</b>	<b>0.3</b>	<b>0.2</b>	<b>0.4</b>
<b>3 - 6 months</b>	<b>0.4</b>	<b>0.4</b>	<b>0.5</b>
<b>6 - 12 months</b>	<b>0.8</b>	<b>0.8</b>	<b>1.0</b>
<b>12 &gt;</b>	<b>4.8</b>	<b>4.9</b>	<b>5.0</b>
<i>Average duration of terminated unemployment (month)</i>	15.2	15.4	14.6

#### Question B

Please describe how the public employment services operate in your country, indicating the accompanying measures for the unemployed, and where appropriate, the steps taken to revise the geographical distribution of local and regional employment centres and to redeploy resources when the changing patterns of economic activity and of population so warrant.

*The mentioned activities of the “State Employment Service” Agency are funded by the State Budget of Armenia and are implemented through its 51 regional bodies which are equally distributed in terms of geographical location.*

<sup>10</sup> The data on small and ultra small organisations is not included.

*The “State Employment Service” Agency:*

- carries out analytical studies; forecasts the demand and supply of labour force; publicises information through mass media on the labour market;
- based on the results of studies and forecasts makes recommendations with respect to the professions trained free of charge in the educational institutions of preliminary (craft) education, middle professional education and higher education;
- refers job seekers to employers in case of relevant vacancies;
- implements programmes in terms of regulating the external and internal relocation of labour force; assists job seekers in selecting appropriate jobs and provides employers with specialists with proper profession and qualification;
- announces information on vacancies through mass media;
- keeps record of job seekers.

### Question C

If both public and private free employment services exist in your country, please describe the steps taken to co-ordinate such services, and to determine the conditions governing the operation of private employment agencies.

*There are also private organisations providing intermediary employment services. According to the legislation of the Republic of Armenia this type of activity is not subject to licensing.*

*According to the Civil Code of the Republic of Armenia legal entities shall have the right to carry out any type of economic activity which is not prohibited by law. These organisations are registered in the State Register of Legal Entities of the Ministry of Justice of the Republic of Armenia; however, as private companies providing employment services, they are not subject to special registration.*

### Question D

Please indicate how the participation of representatives of employers and workers in the organisation and operation of the employment services and in the development of employment services policy is provided for?

*The Law of the Republic of Armenia “On Employment of Population and Social Protection in Case of Unemployment” /Article 16/ states:*

- upon the initiative of the State Employment Service, national and regional coordination committees are formed for the purpose of making agreed decisions on issues concerning the design and implementation of national and territorial projects with respect to the employment of population;
- representatives of trade unions representing employees’ interests, representatives of employers’ unions, representatives of national executive authorities, as well as representatives of the State Employment Service are equally included in the national coordination committee;

- representatives of trade unions representing employees' interests, representatives of NGOs, representatives of local self-government bodies, as well as representatives of the State Employment Service are equally included in the territorial coordination committee;
- the territorial coordination committees consider the drafts of territorial projects aimed at employment of population and submit a corresponding opinion thereon to the State Employment Service;
- the national coordination committee considers the national draft project on population employment and submits a corresponding opinion thereon to the authorised body implementing state regulation of population employment;
- the representatives of territorial and national coordination committees have the right to receive information from the State Employment Service on the implementation of annual state programmes on employment regulation.

*The procedure for organising activities and the powers of territorial and national coordination committees are defined, within their competence, by mutual consent of the parties represented in the committees.*

#### Question E

Please indicate what legislative and administrative guarantees are provided to ensure accessibility of these services.

*Legislative and administrative guarantees ensuring access to the above-mentioned services are as follows:*

- the Civil Code of the Republic of Armenia;
- the Labour Code of the Republic of Armenia ;
- the Law of the Republic of Armenia "On Employment of Population and Social Protection in case of Unemployment";
- the Administrative Violations Code of the Republic of Armenia.

*The services of the "State Employment Service" Agency of the Ministry of Labour and Social Issues of the Republic of Armenia are available to the nationals of the Republic of Armenia as well as for foreign nationals, refugees and stateless persons living in the territory of the Republic of Armenia.*

*The services provided by the territorial bodies of the State Employment Service are free of charge.*

#### **ARTICLE 1 PARA. 4**

***"With a view to ensuring the effective exercise of the right to work, the Parties undertake: to provide or promote appropriate vocational guidance, training and rehabilitation."***

Please indicate, illustrating with relevant data as far as possible, what measures have been taken, with a view to ensuring the possibility for the worker to earn his living in an occupation freely entered upon, to provide or promote:

- a. vocational guidance;<sup>11</sup>
- b. vocational training;<sup>12</sup>
- c. vocational rehabilitation;<sup>13</sup>

*The right to education in Armenia is enshrined by the Constitution of the Republic of Armenia (Article 39) according to which the main general education is mandatory with the exception of cases provided by law. Education shall be free of charge in state secondary educational institutions. Every citizen is entitled to receive education on free-of-charge and competitive basis in higher and other specialised state educational institutions.*

*The sphere of education is regulated by the Law of the Republic of Armenia on Education /adopted 14.04.1999/ and other legislative acts. The arrangement of vocational education of job seekers, including unemployed and disabled persons, is regulated by the Law of the Republic of Armenia “On Employment of Population and Social Protection in Case of Unemployment” /adopted 24.10.2005/ (Articles 19 and 20), the Law of the Republic of Armenia “On Education of Persons with Needs for Special Education Conditions” /adopted 25.05.2005/ and Procedure for Establishment of Separate Specialised Enterprises for Disabled Persons and Arrangement of their Vocational Education approved by the Decree No. 222 of 25 June 1997 of the Government of the Republic of Armenia. According to the mentioned legal acts, the “State Employment Service” Agency, on the basis of results of the labour market analysis and forecast through the Ministry of Labour and Social Issues of the Republic of Armenia, submits suggestions to the Ministry of Education and Science of the Republic of Armenia on the specialisations instructed free-of-charge in the preliminary vocational (handicraft), middle professional and higher educational institutions.*

*Within the education system of the Republic of Armenia, the following programmes are implemented:*

- a. *Preliminary vocational (handicraft) education: This programme is implemented in 26 handicraft senior schools, one fund and 12 middle professional educational institutions (technical colleges). At present, there are about 2700 students involved in the system.*
- b. *Middle professional education: This programme is implemented in 84 state and 28 non-state middle professional educational institutions where 27837 and 2981 students are involved accordingly.*
- c. *Higher and post-graduate professional education: There are 22 state higher educational institutions with 11 branches and 67 private higher educational institutions functioning in Armenia. There are 73716 students in state institutions and 24148 students in private institutions. 11 higher educational institutions have graduate schools where 788 graduate students study to receive master’s degree. There are about 7000 students in the distance*

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<sup>11</sup> If your country has accepted Article 9, it is not necessary to describe the vocational guidance services here.

<sup>12</sup> If your country has accepted Article 10, it is not necessary to describe the vocational training services here.

<sup>13</sup> If your country has accepted Article 15, it is not necessary to describe the rehabilitation services for physically or mentally handicapped persons.

*learning educational system. Post-graduate and doctorate courses are available in 11 higher educational institutions of the country. The post-graduate courses are attended by 1528 students, of which 1309 study free of charge. 34 persons study for doctor's degree, 32 of which study free of charge.*

*The Labour Code of the Republic of Armenia /Article 49/ states that sectoral and territorial collective contracts may define the conditions of acquisition of profession, raising qualification and re-qualification training of employees.*

*The Labour Code of the Republic of Armenia /Article 164/ states that annual leave for the persons, who study without interruption of their employment, shall be adjusted at their request according to the period of their examinations, tests, work on the graduation thesis, laboratory activities.*

*The Labour Code of the Republic of Armenia defines the educational leave as a special-purpose leave /Article 171/ and states the length of the educational leave /Article 174/.*

*“1. For the purpose of taking and preparing for entrance examinations at the secondary vocational and higher educational institutions, the employees shall be entitled to educational leave with the duration of three days for each examination.*

*2. Employees studying at general schools, secondary vocational or higher educational institutions shall be entitled to educational leave upon the motion of the educational institution”.*

*The Labour Code of the Republic of Armenia /Article 200/ defines that the employee studying in a general school, secondary-vocational or higher educational institutions is paid for his/her educational leave by the employer in the amount of not less than the average daily wage of the employee for each day in case the employee was sent to receive education by the employer. The issue of payment for the educational leave of employees taking entrance examinations or studying on their own initiative may be regulated by a collective contract or with the consent of the parties.*

Please indicate whether an equal access is ensured for all those interested persons, disabled persons, as well as nationals of the Contracting Parties to the Charter who lawfully reside or work regularly in your territory.

*The nationals of the Republic of Armenia, as well as foreign nationals and stateless persons residing in the Republic of Armenia reserve the right to make a choice between employment and unemployment, except for the cases stated by the legislation of the Republic of Armenia (Law of the Republic of Armenia “On Employment of Population and Social Protection in case of Unemployment”, Article 3).*

*Within the framework of the state employment programmes, vocational guidance consultation and vocational education for job seekers are implemented through preliminary vocational programmes, as well as working ability rehabilitation programmes for disabled persons are*

*conducted. Unemployed job seekers entitled to long-term service and privileged pensions can also be involved in the vocational training programmes.*

*In relation to the additional information requested by the European Commission of Social Rights through “Conclusions 2007, Armenia” with respect to paragraph 4 of Article 1 of the Revised European Social Charter we inform that:*

*1. Upon the Decree No. 1915-N of 14 December 2006 of the Government of the Republic of Armenia, “Vocational Guidance Centre for Young People” state non-commercial organisation was established within the structure of the Ministry of Labour and Social Issues of the Republic of Armenia, the scope and purpose of the activities of which are as follows:*

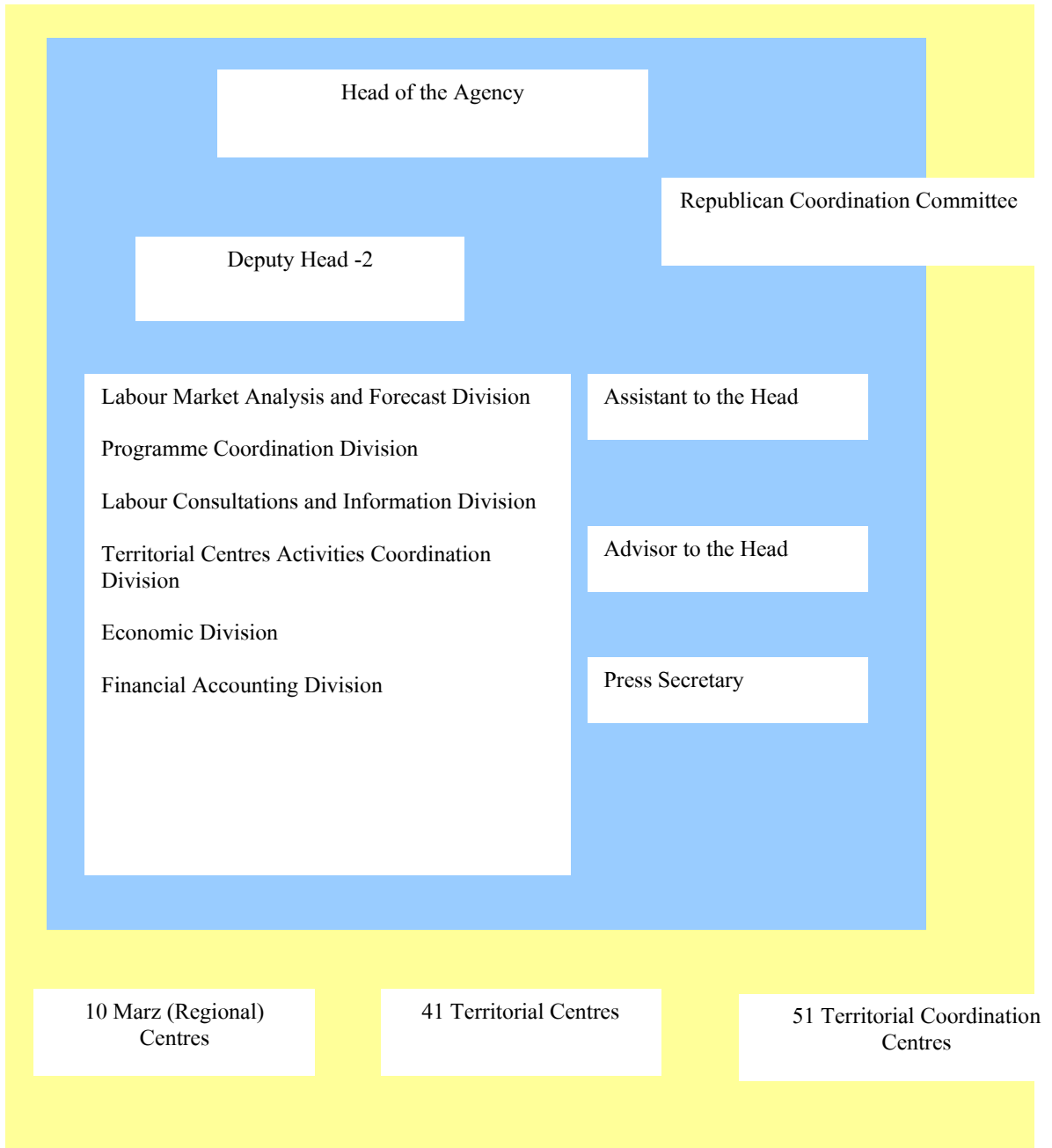
- a) performance of vocational guidance aimed at increasing the youth competitiveness in the labour market and selection of a profession in accordance with the labour market demands;*
- b) providing consultations to 14-16 years old persons in relation to directions of education and selection of a profession (specialisation);*
- c) identification and definition of skills, abilities and propensities of young people;*
- d) provision of information to the youth on education, training, labour market and different spheres of professional activities;*
- e) guidance of job seekers (including the unemployed) in terms of participating in courses of vocational training, retraining, qualification development and re-qualification;*
- f) providing assistance to young people in development of necessary skills for entering the labour life;*
- g) carrying out research and analysis on the present state and prospective developments of the labour market;*
- h) provision of free legal advice to young people in relation to admission to employment, dismissal, legal relationships between employers and employees.*

*For the purpose of ensuring its normal functioning the “Vocational Guidance Centre for Young People” state non-commercial organisation was provided with appropriate premises which are under construction and renovation. The staff of the Centre has already been formed and trained. The Centre has already started giving consultations in the senior classes of general schools in terms of vocational guidance of the youth. The next National Report of the Republic of Armenia will provide more detailed information with respect to the activities of the Centre.*

*2. In the Republic of Armenia, the functions of vocational guidance in the labour market are provided by the “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia through its 51 territorial centres, by the “Vocational Guidance Centre for Young People” state non-commercial organisation of the Ministry of Labour and Social Issues of the Republic of Armenia. All of the services provided by the above-mentioned organisations are completely free of charge.*

*In the Republic of Armenia, the services of vocational guidance can be provided also by private commercial organisations.*

*The “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia has the following organisational structure:*



The “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia has 405 employees.

- The “Vocational Guidance Centre for Young People” state non-commercial organisation under the Ministry of Labour and Social Issues of the Republic of Armenia has work teams specialised in labour issues consultations and information technologies, as well as administrative and support staff. Generally, the Centre has nine employees.

- Private commercial organisations providing employment services independently define the administrative-organisational structure and the number of employees in their organisations.

3. Financial resources envisaged by the State Budget of Armenia for the vocational guidance are not separated. They are separated only according to the types of implemented programmes.

**ACTUAL FINANCING OF STATE PROGRAMMES AIMED AT EMPLOYMENT OF POPULATION IN THE REPUBLIC, 2002-2007**

		NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million AMD)					
N	SUBPROGRAMMES PROVIDED WITHIN THE FRAMEWORK OF PROGRAMMES	2002	2003	2004	2005	2006	2007
1	Unemployment Benefit	9497 /268.19 (million AMD)	9901 /223.78 (million AMD)	7179 /204.4 (million AMD)	5520 /411.028 (million AMD)	12500 /835.2 (million AMD)	15800 /1859.5 (million AMD)
2	Monetary Assistance	23930 /178.16 (million AMD)	29298 /169.66 (million AMD)	24319 /171.5 (million AMD)	0	0	0
3	Organization of Vocational Trainings	184 /8.027 (million AMD)	479 /26.3 (million AMD)	408 /27.7 (million AMD)	1205/77.462 (million AMD)	948 /80.09 (million AMD)	1179 /110.448 (million AMD)
4	Assistance to the unemployed for implementing entrepreneurial activity and to the employers for creating new jobs	0	0	0	0	0	51/0.4202 (million AMD)
5	Relocation of the unemployed	0	0	0	0	1 /0.065 (million AMD)	0
6	Establishment of specialised manufactures for the disabled and organisation of vocational trainings for the disabled	0	37 /3.51 (million AMD)	48 /2.7 (million AMD)	0		
7	Occupational retraining of unemployed job seekers who receive long-term service benefits and privileged benefits					4 /0.041 (million AMD)	4 /0.3875 (million AMD)
8	Vocational training of disabled persons	0	0	0	66 /4.5 (million AMD)	98 /7.832 (million AMD)	66 /6.381173 (million AMD)



9	Organisation of tender for carrying out scientific-research activities in the social sphere and implementation of such activities	0	0	0	5.484 (million AMD)	2.484 (million AMD)	0
10	Partial compensation provided to the employer for paying salary to persons hired from labour market sensitive groups				0	52 /0.069 (million AMD)	161 /20.152424 (million AMD)
11	Financial assistance provided to the unemployed for running entrepreneurial activities and creating new jobs	0	0	0	0	8 /0.024 (million AMD)	51 /0.4202 (million AMD)
12	Funeral benefit					35 /0.945 (million AMD)	75 /2.682 (million AMD)
13	“Benefit for Work” Programme	11700 /404.4 (million AMD)	8874 /455.24 (million AMD)	10718 /486.41 (million AMD)			
14	Organisation of paid public works				7913 /576.569 (million AMD)	10254 /656.716 (million AMD)	9083 /692.0 (million AMD)
15	UN “Food for Works” Public Works	527	1343	629	1330	1300	1600

4. In 29 December 2005 the Government of the Republic of Armenia approved “The Concept and Strategy of Adult Education” with a view to introducing a national policy for the education of adults in the Republic of Armenia.

According to the document, the education of adults is considered to be an education of persons grown up from the age of general education, which is organised through general and additional educational programmes, as well as with vocational educational programmes which is also an educational process organised with the help of appropriate curricula, teaching methods, technical means, environment of vital activity, as well as pedagogical and social services necessary for the education of citizens.

The key purpose of additional education is the continuous development of professional qualifications of an individual at each stage of vocational education. This should be achieved through educational institutions of secondary, vocational and additional education, as well as through individual pedagogical activities.

Continuation of education is viewed as a process that provides ongoing education and development of a person and is divided into stages where each of them prepares basis for reaching upper stages.

“The Strategy for Preliminary (Handicraft) and Middle Professional Education and Training of the Republic of Armenia” defines the education of adults as a “process which is implemented by educational and non-educational institutions through certain educational and on-the-job training programmes aimed at reproducing, updating, developing the skills gained

*as a result of fundamental education and using them effectively subject to demands and requirements of the given period”.*

*Much importance is given to the adult education as an “ongoing and never ending educational process which leads to renovation of human resources and adaptation of the content of education in the course of whole life” adequate to the requirements of the labour market, i.e. is viewed as a process serving the purpose of retraining the adults.*

*The education (additional education) for the adult is provided by market-oriented private and governmental organisations. They provide mainly short-term vocational training/retraining programmes with no age limitation for participants, according to the market demand.*

*The “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia provides vocational training programmes for the adult by focusing on the professional skills of the unemployed or job seekers, as well as the development of skills required for professional qualification or for starting a small business.*

*The adult education programmes are addressed to everyone without any restrictions in terms of age, race, gender, etc., they expand the opportunities of additional education for the citizens of RA of all ages, create supplementary educational materials for adult education, develop a new and mass employment sphere in the economy of Armenia, raise the effectiveness of education in the system of market relationships and connections, promote cooperation with leading international centres for providing additional education.*

*Some higher educational institutions have distance learning systems for a certain number of professions. Some other higher educational institutions provide education through faculties of arts where a student can attain a second diploma for another profession studying for two years in parallel with the main profession.*

*Besides, the legislation regulating the sphere of Civil Service provides for mandatory advanced training for civil servants once per three years.*

*Adult education programmes are also implemented by the state administrative bodies of the Republic of Armenia through the organisations established for that purpose. For example, the National Institute of Education of the Ministry of Education of the Republic of Armenia and Science periodically organises advanced training courses for teachers. Persons working in public health and social spheres also undergo advanced training courses. The Training Centre of the Ministry of Finance and Economy of the Republic of Armenia organises training and retraining courses on management of state finances. “The Palace of Culture” of the Police adjunct to the Government of the Republic of Armenia, the “Officers’ Home” of the Ministry of Defence of the Republic of Armenia carry out various projects on adult education and retraining. Projects on adult education in Armenia are also carried out by the Armenian offices of international organisations. The main task of the “Lifetime Education and Training of Adults” fund is to conduct research in the market of training services.*

*The key objective of this strategy is the education of adults without proper education, provision of an opportunity for them to gain a second profession, re-specialisation of persons unable to work in a given occupation, organisation of vocational education for registered*

*unemployed persons, organisation of vocational education of those who are unable to work by their profession due to health problems.*

*Adult education is aimed at providing citizens with new profession and job in accordance with their skills and health status, as well as supporting them to adapt to social conditions.*

*Adult education includes:*

- a) vocational training of the unemployed;*
- b) retraining;*
- c) re-specialisation.*

*Adult education is carried out irrespective of age, former level of education, qualification level and knowledge of a language.*

*On completing education programme courses and taking final attestation the adults may get a relevant qualification degree and a certificate.*

*5. The “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia has organised training courses with respect to almost 51 professions through 35 different organisations, eight of which are state educational institutions. Vocational trainings are organised solely at the expense of State Budget resources; learners receive state scholarship in the amount of 120% of the unemployment benefit.*

<i>Year</i>	<i>Number of persons having received consultation on professional guidance</i>	<i>Number of unemployed persons involved in vocational training activities</i>	<i>Financial resources spent /million AMD /</i>
<i>2004</i>	<i>6641</i>	<i>408</i>	<i>27,7</i>
<i>2005</i>	<i>6503</i>	<i>1205</i>	<i>76,8</i>
<i>2006</i>	<i>7915</i>	<i>952</i>	<i>80,8</i>
<i>2007</i>	<i>10765</i>	<i>1183</i>	<i>110,8</i>

*6. The “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia increases - year by year - the scope of trainings organised for job seekers, including disabled persons, and the number of vocations covered. The trainings are organised within the framework of state employment programmes and at the expense of the State Budget resources. Taking into account the difficulties that disabled persons face in the labour market and based on the necessity of their integration into the society the Law of the Republic of Armenia “On Employment of Population and Social Protection in Case of Unemployment”, entered into force on 1 January 2006, defines disabled persons as an uncompetitive group in the labour market and consequently provides for additional guarantees for them. Within the framework of annual state employment programme, the following projects are implemented for the disabled:*

### Vocational Training of the Disabled, Vocational Rehabilitation

During the reference period, regional (marz) and territorial employment centres organised trainings for the disabled covering the subject of civil service and the following vocations: cooks, shoemakers, seamstress-tailors, locksmiths, embroiders, furniture-makers, hairdressers, computer operators, manager assistant-secretaries, computer designers, computer device repairing specialists.

<i>Year</i>	<i>Number of the disabled involved in vocational training activities</i>	<i>Number of the disabled placed in employment</i>	<i>Financial resources spent /million AMD /</i>
2004	48	37	2,7
2005	66	32	4,5
2006	98	25	7,5

### Partial compensation provided to the employer in case of hiring persons from uncompetitive groups in the labour market

The programme has been functioning since December 2006. By the end of 2007, within the framework of the programme, 51 disabled persons have been provided with jobs, 11 of which in 2006 and 40 in 2007.

### The disabled are also provided with financial assistance for state registration of entrepreneurial activities.

Besides the above-mentioned programmes, with a view to addressing the issue of temporary employment of the disabled the employment centres involve them in paid programmes of “organisation of public works”, in the “Food for Training” programme which is organised within the framework of the UN World Food Programme.

Taking into account the problems of the disabled the “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia has undertaken to establish an Employment Rehabilitation Centre for the Disabled in Gyumri in 2008 through assistance provided by the World Bank. The objective of this Centre is to provide vocational guidance and employment rehabilitation to disabled persons with the purpose of integrating them into the common labour market.

Employment statistics of the disabled in the labour market are presented in the table below:

*NUMBER OF EMPLOYED DISABLED PERSONS BY ECONOMIC SECTORS<sup>14</sup>*

	<i>Employed disabled (persons )</i>			<i>% in relation to the number of employees in the given sector</i>		
	2004	2005	2006	2004	2005	2006
<b><i>Total</i></b>	1082	1039	1928	0.3	0.3	0.6
<b>Agriculture, hunting, forestry, fishery and fish breeding</b>	-	-	10	-	-	0.4
<b>Industry</b>	594	513	542	0.9	0.7	0.8
<b>Construction</b>	30	17	44	0.2	0.1	0.5
<b>Services</b>	458	509	1332	0.2	0.2	0.5
<b><i>Including</i></b>						
<b>Transport and Communication</b>	29	49	137	0.1	0.2	0.5
<b>Financing</b>	-	-	21	-	-	0.3
<b>Education</b>	88	84	381	0.1	0.1	0.4
<b>Public health and social services</b>	141	180	476	0.4	0.4	1.2
<b>Other</b>	200	196	317	0.3	0.2	0.4

**ARTICLE 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY**

**ARTICLE 15 PARA. 2**

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible due to the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;”

**Question A**

Please describe the measures taken to promote the employment of persons with disabilities in an ordinary working environment and in particular the measures concerning the placing of

<sup>14</sup> According to the results of the sample survey of labour force in household economies.

persons with disabilities; incentives for employers to hire persons with disabilities and, where appropriate, measures obliging employers to adjust working conditions.

Please provide information on employment obligation for persons with disabilities.

*Article 5 of the Law of the Republic of Armenia “On Social Protection of Disabled Persons in the Republic of Armenia” addresses the issue of participation of enterprises, establishments and organisations in the social protection of disabled persons, and Article 20 addresses the issue of labour activities of the disabled. In particular, Article 5 of the mentioned Law states that enterprises, establishments and organisations functioning in the territory of the Republic of Armenia that participate in the implementation of public policy for social protection of the disabled /financing social assistance activities addressed to the disabled, production of technical and other products designed for disabled persons, provision of services, construction and maintenance of social infrastructure facilities providing services to the disabled, arrangement of production activities using exclusively labour force of disabled persons, etc./ shall be entitled to tax privileges and other benefits according to the procedure defined by the legislation of the Republic of Armenia.*

*Article 20 of the same Law states that bodies of public administration and local self-government provide necessary conditions for the disabled persons to run their entrepreneurial activities, particularly by providing them non-residential areas on privileged basis and assisting in the procurement of raw materials and realisation of products.*

*Provisions ensuring the employment process of the disabled are also laid down in Law of the Republic of Armenia “On Employment of Population and Social Protection in Cases of Unemployment”. According to Article 15 of this Law the “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia is required to provide financial support to the disabled persons for the state registration of their entrepreneurial activities. According to Article 19 the unemployed disabled job seekers are entitled to free vocational training, vocational rehabilitation and employment, as well as financial support for entrepreneurial activities at the expense of state resources.*

*Article 20 of the Law states that with a purpose of ensuring the employment of disabled persons the “State Employment Service” Agency, jointly with national and territorial coordination committees, develops and implements vocational training /vocational training for disabled persons may be implemented by vocational training institutions as well/, as well as salary compensation programmes aimed at job placement (the programmes are financed from state resources).*

Please specify the measures which ensure the protection of persons with disabilities in employment (obligation to provide occupational retraining for persons who become disabled following an accident at work or an occupational disease, ban on dismissal of workers due to their disability, obligation of employers to adjust working conditions, provision of support for persons with disabilities to start their own business, etc.).

*Article 17 of the Law of the Republic of Armenia “On Social Protection of Disabled Persons” states that rejection of signing an employment contract with a disabled person or promoting*

*him/her, dismissal or redeployment to another workplace upon the initiative of the administration because of the disability is prohibited except for cases when bodies of medical-social expertise give an opinion that the person's health hinders the performance of occupational duties or threatens the health and occupational safety of other persons.*

*The policy of the Republic of Armenia in the sphere of disability aims at achieving social security of disabled persons in all spheres (legal, economic, etc.) and ensuring equal opportunities for disabled persons with other citizens of the country. The disability status in the Republic of Armenia is determined by medical-social expertise. The medical-social expertise is conducted by an authorised state body (currently this authorised body is the Medical-Social Expertise Agency with its 25 regional committees).*

*Disability is defined as a limitation of a person's vital activity because of health injuries. Although the definition of disability does not determine the degree of capacity limitation, the medical-social expertise committees give opinions for each disabled person on the limitation extent of their working capacity.*

*The authorised bodies in the sphere of medical-social expertise determine the nature and degree of vital activity limitation and rehabilitation potential of the person, recognise the person as disable, determine the person's disability group, the status of the disabled child, the causative relation, period and duration of disability, the extent of loss of professional working capacity, etc.*

*The authorised body in the medical-social expertise sphere determines three groups of disabilities (first, second, third) for a person recognised as disabled and a "disabled child" status for children under 18 years. The disability is determined for duration of one or two years or without a defined period of time. The powers of the authorised body in the medical-social expertise sphere are stated by the Law of the Republic of Armenia "On Social Protection in the Republic of Armenia".*

*The procedure for recognising a person disabled is stipulated by the Decree No. 276-N of 2 March 2006 of the Government of the Republic of Armenia on Approving the procedure for carrying out medical-social expertise. The classifiers used in medical-social expertise and the criteria for definition of disability groups are stipulated by the Decree No. 780-N of 13 June 2003 of the Government of the Republic of Armenia on Approving the classifiers used in medical-social expertise and the criteria for defining disability groups. After the adoption of these legal acts the approach to the concept of "disability" has been changed. If previously it was considered as a defect or inferiority, following the adoption of these instruments "disability" has been defined as a limitation of person's vital activity because of health damage when the person needs social protection. In other words, the disabled person is considered as a "social" model instead of a "medical" model. Another change that has been made is that the status of a "disabled child" is defined under 18 years (instead of 16 years as established before).*

*The working conditions of disabled persons are also stated in the Law of the Republic of Armenia on Social Protection of Disabled Persons in the Republic of Armenia. The employers undertake to establish necessary working conditions for disabled persons according to the individual rehabilitation programme. The working conditions of disabled persons are defined*

by the Law of the Republic of Armenia “On Social Protection of Disabled Persons in the Republic of Armenia” /Article 19/:

*Disabled persons employed by all types of employers shall be provided with necessary working conditions in accordance with the individual rehabilitation programme.*

*Conditions stipulated by collective or individual employment contracts, including wages, working and rest time regime, duration of annual and additional leaves, must not aggravate the condition or restrict the rights of disabled person in comparison with other employees.*

*The involvement of disabled persons in overtime, non-working days or night works is allowed only upon their consent and provided, that such works are not prohibited by medical opinion.*

*Shorter work time is set for the disabled persons of first and second group, which is not more than 36 hours per week.*

*The employer is obliged to set incomplete working week by the request of disabled persons and according to the individual rehabilitation programmes. In such cases the remuneration for work of disabled persons shall be proportionate to the actual time spent at work or the quantity of produced goods.*

*No trial period is defined for disabled persons.*

*In case of equal productivity and same qualification during reduction of the number of employees the disabled persons have advantage to stay at work”.*

*Article 20 of the Law of the Republic of Armenia “On Social Protection of Disabled Persons in the Republic of Armenia” addresses working activities of disabled persons. This Article states that the bodies of public administration and local self-government establish necessary conditions for disabled persons to conduct entrepreneurial activity, particularly, providing them with non-residential areas on privileged basis and provide assistance for obtaining raw materials and realisation of products.*

*Statistics on disability for the period of 2001-2006 are presented in the table below:*

<b>Reference period</b>	<b>Persons recognised as disabled person for the first time</b>		<b>Disability groups</b>			<b>Number of persons at the age capable to work</b>	<b>Persons recognized as disabled in the result of re-examination</b>
	<b>Total</b>	<b>Women</b>	<b>1st group</b>	<b>2nd group</b>	<b>3rd group</b>		
2001	13225	4777	1551	8158	3516	9197	42650
2002	12662	5065	1502	7380	3780	9141	44063
2003	14346	6021	1315	7554	4045	9903	47179
2004	13969	6242	1271	7635	3833	9648	44157
2005.	15898	7118	1396	8775	4481	10887	38769
2006.	17496	8225	1488	9009	5687	12103	40841

*As of 1 January 2005, 141382 disabled persons are registered in the Republic of Armenia, 7987 of which are disabled children under the age of 18 years. Women account for 40% of the*



*total number of disabled persons; 56% are disabled persons at the age capable to work /16-63 years old/.*

### Question B

Please indicate the number (or an approximate data) of persons with disabilities who, during the reference period, found paid employment (either in specialised or non-specialised sectors, or in private and public sector).

*Vocational education, working ability rehabilitation, trainings and job placement for disabled persons are arranged by the “Employment Service” Agency of the Republic of Armenia.*

#### Vocational Training of the Disabled, Vocational Rehabilitation

*During the reference period, regional (marz) and territorial employment centres organised trainings for the disabled covering the subject of civil service and the following vocations: cooks, shoemakers, seamstress-tailors, locksmiths, embroiders, furniture-makers, hairdressers, computer operators, manager assistant-secretaries, computer designers, computer device repairing specialists.*

<i>Year</i>	<i>Number of the disabled involved in vocational training activities</i>	<i>Number of the disabled placed for employment</i>	<i>Financial resources spent /million AMD /</i>
<i>2002</i>	<i>-</i>	<i>32</i>	<i>-</i>
<i>2003</i>	<i>56</i>	<i>34</i>	<i>3.51</i>
<i>2004</i>	<i>48</i>	<i>37</i>	<i>2,7</i>
<i>2005</i>	<i>66</i>	<i>32</i>	<i>4,5</i>
<i>2006</i>	<i>98</i>	<i>25</i>	<i>7,5</i>

#### Partial compensation provided to the employer in case of hiring persons from uncompetitive groups in the labour market

*The programme has been functioning since December 2006. By the end of the year 2007 within the framework of the programme 51 disabled persons have been provided with jobs, 11 of which in 2006 and 40 in 2007.*

#### The disabled are also provided with financial assistance for state registration of entrepreneurial activities.

*Besides the above-mentioned programmes, with a view to addressing the issue of temporary employment of the disabled the employment centres involve them in paid programmes of “organisation of public works for pay”, in the “Food for Training” programme which is organised within the framework of the UN World Food Programme.*

*Regarding the problems of the disabled the “State Employment Service” Agency of the Ministry of Labour and Social Issues of the Republic of Armenia has undertaken to establish an Employment Rehabilitation Centre for the Disabled in Gyumri in 2008 with financial*

assistance provided by the World Bank. The objective of this Centre is to provide vocational guidance and employment rehabilitation to disabled persons with the purpose of integrating them into the common labour market.

Employment statistical data of the disabled in the labour market are presented in the table below:

**NUMBER OF EMPLOYED DISABLED PERSONS BY ECONOMIC SPHERES<sup>15</sup>**

	Employed disabled (persons )			% in relation to the number of employees in the given sector		
	2004	2005	2006	2004	2005	2006
<b>Total</b>	1082	1039	1928	0.3	0.3	0.6
<b>Agriculture, hunting, forestry, fishery and fish breeding</b>	-	-	10	-	-	0.4
<b>Industry</b>	594	513	542	0.9	0.7	0.8
<b>Construction</b>	30	17	44	0.2	0.1	0.5
<b>Services</b>	458	509	1332	0.2	0.2	0.5
<i>including</i>						
<b>Transport and Communication</b>	29	49	137	0.1	0.2	0.5
<b>Financing</b>	-	-	21	-	-	0.3
<b>Education</b>	88	84	381	0.1	0.1	0.4
<b>Public health and social services</b>	141	180	476	0.4	0.4	1.2
<b>Other</b>	200	196	317	0.3	0.2	0.4

NGOs dealing with the issues of disabled persons also introduce programmes regarding the vocational education and vocational guidance issues. These programmes are implemented under the state policy based on the suggestions and comments of disabled persons.

**Question C**

Please provide information on sheltered employment (type, capacity, wage rates for persons with disabilities working there). Please indicate existing opportunities on the transfer from sheltered employment to open employment.

Specialised organisations with special work conditions operate within the structure of NGOs such as the Armenian Union of Blind People and the Armenian Union of Deaf People. Such organisations provide works of completion of different component parts, cardboard boxes, folders and wood clamps. Workplaces are adapted for disabled persons and safety conditions are fully ensured.

<sup>15</sup> According to the results of the sample survey of labour force in household economies

*Preparatory works are conducted with the disabled person admitted to employment during three months in the place of work. The calculation of the salary paid to persons working in specialised organisations is made by general principle in accordance with the requirements provided by labour legislation of the Republic of Armenia.*

### **ARTICLE 15 PARA. 3**

“With a view to ensuring persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.”

#### **Question A**

Please indicate how the national policy promotes the independence, full integration and participation in the life of the community of persons with disabilities. Please describe in particular how this applies to children with disabilities.

*Privileges for disabled persons are provided for by the Law of the Republic of Armenia “On Social Protection of Disabled Persons in the Republic of Armenia”. The 2005 amendments to the Law “On Social Protection of Disabled Persons in the Republic of Armenia”, as well as the legislation of the Republic of Armenia on education regulate issues of education of disabled persons and disabled children in the higher educational and secondary vocational institutions. The Law of the Republic of Armenia “On Social Protection of the Disabled in the Republic of Armenia” aims at regulating and clarifying the rehabilitation procedure of disabled persons and ensuring conditions for accessibility.*

*According to the Decree No. 1780-N of the Government of the Republic of Armenia of 24 December 2003 “On approving the rules for providing prosthetic and orthopaedic tools and rehabilitation or other technical means”, disabled persons are entitled to receive free prosthetic-orthopaedic tools and rehabilitation or other technical means in quantities and for the time period prescribed. The Decree No. 1780-N of the Government of the Republic of Armenia was repealed by the Decree No. 453-N of 14 April 2007 of the Government of RA, which establishes new rules for providing prosthetic-orthopaedic tools and rehabilitation or other technical means to disabled persons.*

*According to the Law of the Republic of Armenia “On Social Protection of the Disabled in the Republic of Armenia”, the Law of the Republic of Armenia “On Providing Medical Care and Service to the Population, the Decree No. 318 of 4 March 2004 of the Government of the Republic of Armenia “On Free Medical Care and Service Guaranteed by the State” and other legal acts provide disabled persons with the following privileges:*

- *persons of 1<sup>st</sup> and 2<sup>nd</sup> groups of disability have free access to electric transport,*
- *all disabled persons have right to free medical care,*

- persons included in the 1<sup>st</sup> and 2<sup>nd</sup> group of disability have the right to get medicine on free of charge basis; and persons from the 3<sup>rd</sup> group of disability have the right to get medicine for 50% discount.

Disabled veterans of Second World War and military servants having become disabled during the military service receive monthly pecuniary aid since 1 January, 2004 in order to get accessibility to some services (electric power, transport, gas, water supply and sewerage, heating) and to make payments.

According to Law of the Republic of Armenia “On State Pensions” /Articles 21 and 25/:

Disability pension is granted to a person who has been recognised as a disabled person by the authorised body carrying out social-medical expertise on the basis of the following:

- 1) the person has become disabled as a result of an occupational accident or occupational disease, irrespective of the social insurance history;
- 2) the person has become disabled as a result of a general disease, inborn illness, man-caused and other disasters, when at the moment of setting disability status the person had the following social insurance history:

Age group	Social Insurance History
Under 23	2 years
23 – 26	3 years
26 – 30	4 years
30 and over	5 years

The pension is awarded for the whole period of disability.

The amount of the basic disability pension equals to:

- 1) 140% of the basic pension for the first group;
- 2) 120% of the basic pension for the second group;
- 3) 100% of the basic pension for the third group.

According to the legislation of the Republic of Armenia, as of 1 January 2008, the amount of 6800 AMD is set as basic pension.

In addition, according to the Decree No. 2317 of 29 December 2005 of the Government of the Republic of Armenia “On approving the rules of evaluation of the poverty status of families and protection of personal data in the databases system of poverty status evaluation of the families and making changes thereto and the rules of exchange of personal data between the Ministry of Labour and Social Issues of the Republic of Armenia and the territorial social service agencies”, disability of a person is taken into account in evaluating the poverty status of the family and in approving the eligibility of the family to receive poverty benefit. In such case disability is viewed as a factor of social vulnerability.

The “Strategy for Social Protection of Disabled Persons for YY2006-2015” programme was approved by the Protocol No. 44 of 3 November 2005 of the Government of the Republic of Armenia. The main objective of the Strategy is to integrate the disabled persons into the

society, ensuring full participation of the disabled in all spheres of social life. The Strategy covers such spheres as public health, medical, social and mental rehabilitation, education, accessibility, transportation, communication, employment, human resources development, social protection and others. The Strategy provides for special approach in relation to groups requiring special consideration and attention (disabled children, disabled women, persons with multiple disabilities, etc.).

The main directions of the Strategy are:

- ensuring accessibility, equal rights and opportunities for the disabled in all aspects of social life;
- ensuring the education of disabled children and promoting the employment of disabled persons;
- ensuring the social partnership between governmental and non-governmental bodies in addressing the problems of disabled persons;
- providing public education and awareness on issues concerning the problems of disability and disabled persons.

The Decree No. 747-N of 10 October 2006 of the Prime Minister of the Republic of Armenia established a Council under the Prime Minister of the Republic of Armenia, dealing with the issues of disabled persons. Public administration bodies, NGOs dealing with disability issues and specialised establishments are represented in the membership composition of the Council.

The objectives of the Council are:

- to raise the effectiveness of the public policy implemented in the Republic of Armenia in relation to integrating the disabled persons in the society;
- to ensure equal (available) conditions for the disabled persons in all spheres of social life;
- to ensure exercise of rights and protection of interests of disabled persons;
- to take appropriate measures aimed at elimination and prevention of discrimination against disabled persons in the society;
- to improve the legislation aimed at social protection of disabled persons and to harmonise it with the provisions of international legal instruments in force;
- to develop programmes and elaborate other measures aimed at prevention of disability and rehabilitation of the disabled;
- to ensure the collaboration of government authorities and NGOs in the sphere of disability.

According to the Decree No. 98-N of 25 February 2008 of the Prime Minister of the Republic of Armenia, the above mentioned Council was reorganised into a National Commission on Persons with Disabilities.

The policy of the Government of the Republic of Armenia on social integration of disabled persons covers also the educational development of persons who need special conditions of education. This is aimed at implementing the right of disabled persons to receive education in conditions of social adaptation. With a view to organising the education of children needing special educational conditions, 54 special state institutions of general education are

functioning, 41 of them are designed for children with physical and mental development problems, 5 of them are designed for children remained without parental care and for poor families, 8 institutions for supporting the education of gifted children and those with exceptional capabilities. Boarding schools have 10585 students, 52% of which stay in the institution at night-time. During the past years these institutions were undergoing activities aimed at their unloading. One of such activities is the “Inclusive Education” programme. The programme is meant to organise constitutionally guaranteed education of a child with physical and/or mental development problems in a school of general education which is most adjacent to the place of residence of the child without separating him/her from the family. With a view to ensuring the access to and equal opportunities for education, a list of diseases was approved that entitles persons in need of special educational conditions to receiving education at home.

For the purpose of identifying and ensuring the satisfaction of material and emotional needs necessary for vital activity and natural development of children in a difficult life situation /including children requiring special educational conditions/ the Ministers of Education and Science, Labour and Social Issues, and Health of the Republic of Armenia approved, by their joint Decree of 4 December 2007, the Procedure for evaluating the social needs of children in difficult life conditions, children requiring special educational conditions, children in need of social conditions, which regulates:

- the scope of material and emotional needs necessary for vital activity and natural development of children in a difficult life situation;
- the procedure for identifying social, educational, psychological and health problems of a child with a view to providing an individual social-psychological programme for a child.

The Procedure defines that the evaluation of needs of children in a difficult life situation is carried out by the children rights protection divisions of marzpetarans /regional municipalities/ of the Republic of Armenia (Yerevan Municipality) and by a multi-disciplinary group (social worker, pedagogue, doctor, psychologist and lawyer) of institutions responsible for child-care and protection. The evaluation serves as a basis for drawing up an evaluation form of children’s social needs and an individual programme of socio-psychological measures.

The Decree No. 1345-N of 18 August 2005 of the Government of the Republic of Armenia has defined the procedure for organising physical training and individual sports classes for physically handicapped or disabled children with a view to ensuring special conditions necessary for their complex development, healthy life-style and physical training and engaging in sports.

According to Article 14 of the Law of the Republic of Armenia “On Social Protection of Disabled Persons”, disabled persons receive their secondary, secondary-vocational and **higher** education in educational institutions of general type and, if necessary, in educational institutions of special type. Disabled persons that get positive marks for entrance examinations in case of equal conditions enjoy the right of priority for entering state and accredited non-state higher educational institutions or secondary vocational educational institutions.

*Disabled persons of 1<sup>st</sup> and 2<sup>nd</sup> groups and persons with the status of a disabled child that get positive marks for entrance examinations are admitted to state institutions of higher education or secondary vocational educational institutions with a full scholarship in case of getting the lowest passing score necessary for studying without scholarship.*

*In case persons studying without scholarship in state institutions of higher and secondary-vocational education receive a status of a disabled child or a disabled person of 1<sup>st</sup> and 2<sup>nd</sup> group of disability, they shall be granted a full scholarship.*

*The expenses related to the education of persons having a status of a disabled child or a disabled person of 1<sup>st</sup> and 2<sup>nd</sup> group of disability, are covered by the State Budget. In case these persons pass their regular exams with positive marks, they receive a fellowship irrespective of the allowance or pension received.*

**Question B**

Please describe:

- a. the measures taken to overcome barriers of communication and mobility;

*In order to overcome the obstacles with communication and mobility prosthetic-orthopaedic tools and other technical means are provided to disabled persons.*

<i>Type of the service provided</i>	<i>2001 /piece/</i>	<i>2002 /piece/</i>	<i>2003 /piece/</i>	<i>2004 /piece/</i>	<i>2005 /piece/</i>	<i>2006 /piece/</i>
<i>Prosthetic-Orthopaedic tools</i>	7.136	3.882	9.400	14.000	-	-
<i>Wheelchair</i>	-	500	543	826	385	338
<i>Hearing aids</i>	500	451	400	1131	585	346

*Note. Prosthetic-orthopaedic tools and rehabilitation or other technical means are provided to the disabled persons in accordance with their personal rehabilitation programmes. The provision of prosthetics and orthopaedics and rehabilitation tools is carried out by two prosthetic-orthopaedic undertakings functioning in the system of the Ministry of Labour and Social Issues of the Republic of Armenia at the expense of resources allocated by the State Budget. Since 2004, persons in need of such tools receive them at the moment they apply for them.*

*Some television companies broadcast news programmes with gesture translation. Article 16 of the Law of the Republic of Armenia “On Social Protection of the Disabled in the Republic of Armenia” provides that persons with eyesight disorder are guaranteed to receive education by the Braille system, to have the accessibility to hearing aids and large-sized letters; persons who lost their eyesight in an old age are also guaranteed to get additional education by the Brail system. Television and radio companies established by state and local self-government*

*authorities provide broadcasting of children's and news programmes with gesture translation during the broadcast time prescribed by law.*

*The “Strategy of Social Protection of the Disabled for YY2006-2015” provides for gesture translation of news, children’s and training programmes by all television channels, as well as recording of “Talking books”, publication of books, writing-books, newspapers and magazines with the Braille letter type. Moreover, to ensure safe mobility of the blind it is envisaged to install alarms and relief signs in the central roads of the marzes of Armenia and the Yerevan city. It is also worth mentioning, that there are special units of social workers in the airports of Armenia helping the disabled and the aged to arrive and depart.*

b. measures taken to enable access to transport, housing, cultural activities and leisure for persons with disabilities.

*Measures ensuring the natural vital activity of the disabled and handicapped groups of population are necessarily taken into account in the process of developing, conforming and approving urban planning documents for building new multi-apartment blocks, as well as in the process of their construction in the territory of the Republic of Armenia /irrespective of the form of ownership/.*

*The mentioned activities are regulated by legal acts and normative-technical instruments in force in the territory of the Republic, in particular by:*

- 1. Decree No. 1473-N of 29 August 2002 of the Government of the Republic of Armenia “On approving the procedure for assigning an architectural design task” /Appendix No. 2 “Design Requirements” /.*
- 2. Decree No. 812 of 21 December 1998 of the Government of the Republic of Armenia “On defining the procedure for developing, expertise, conforming, approving and amending the design documentation of residential, public and production buildings and constructions” /Form No. 1 “Design Task” /.*
- 3. Decree No. 392-N of 16 February 2006 of the Government of the Republic of Armenia “On approving the procedure for providing accessibility of social, transport and civil engineering infrastructures for disabled and handicapped persons”.*
- 4. VSN 62-91 “Vital Activity Environment Design Meeting the Needs of Disabled and Handicapped Persons” departmental construction rules.*
- 5. IV-11.07.01-2006 “Accessibility of Buildings and Constructions to the Handicapped Persons” construction rules.*

*In particular, Decree No. 392-N of 16 February 2006 of the Government of the Republic of Armenia regulates the relationships between the developers ensuring investment activities within the framework of relevant urban planning projects and other urban planning entities, in terms of ensuring an accessible environment for vital activity, especially transportation means for the disabled and persons with limited mobility (handicapped), and the basic requirements for providing accessibility to social, transport and civil engineering*



*infrastructure establishments for the disabled in the Republic of Armenia. According to these requirements:*

*- requirements set by the legislative and normative-legal acts on urban planning aimed at ensuring an accessible environment for vital activity, especially transportation for disabled persons and those with limited mobility are taken into account in the process of building activities, design and construction of social infrastructural establishments in the residential areas of the Republic of Armenia;*

*- new requirements are established based on the given situation and to the most possible extent adjusted to the needs of disabled persons in case of impossibility to completely meet the requirements of ensuring vital activity and persons with limited mobility in the process of reconstruction of existing constructed areas, houses and structures as well as historical and cultural monuments;*

*- measures for protection of disabled persons and those with limited mobility provided by architectural design criteria of social, transport and civil engineering infrastructure establishments under construction or re-construction must comply with the requirements of normative-technical standards to ensure vital activity of the mentioned groups of persons;*

*- the expertise of the design documentation prepared for residential, social and production buildings and constructions is carried out with a consideration of implementing measures aimed at ensuring conditions that are necessary for vital activity of disabled persons and those with limited mobility, and established by architectural design task;*

*- the acceptance of finished construction is registered when measures are taken to provide necessary conditions for vital activity of disabled persons and those with limited mobility, provided that such a condition is envisaged by architectural-design task and by design documentation conformed and approved in accordance with defined procedure;*

*- roadways and pedestrian zones of the street, pedestrian over-ground and under-ground crossings, premises adjacent to buildings, recreation areas, sports grounds and playgrounds must be furnished with suitable ramps and special facilities and tools, as well as with sound and light alarms and other types of warning signals;*

*- the newly built multi-apartment buildings must be adapted to disabled and handicapped persons in accordance with the requirements set by the architectural-design task with a view to ensuring the implementation of appropriate measures necessary for the mentioned groups. In particular, the entrances of the buildings must be furnished with ramps, and, if necessary, with special facilities; doors of the elevators should have light, sound or other warning signals in all floors of the building.*

*The number of apartments adapted for the residence of disabled persons and those with limited mobility is determined by the architectural-design task. Multi-apartment building blocks must to a most possible extent:*

*- be adapted to the needs of disabled persons and those with limited mobility, ensuring the arrangements necessary for habitation;*

*- newly built public buildings and premises designed for scientific, educational, public health, social protection, sports, recreation and entertainment purposes, hotels, buildings and premises used for purposes of culture, religion, trade, public catering and consumer services, administrative, financial and banking activities, as well as buildings and constructions of transportation purposes, i.e. railway stations, airports, bus stations, parking lots, public transport stops must be furnished with necessary tools and facilities and be accessible for disabled persons and those with limited mobility, ensuring their free movement and access to*

*public and social services. Buildings and premises for public purposes under reconstruction must to the most possible extent be adapted to the needs of disabled persons and those with limited mobility ensuring necessary conditions for their free movement. In case the absolute adaptation of the buildings is impossible, it is necessary to centralise public and social services in those zones that are accessible for disabled persons and those with limited mobility;*

*- places for disabled persons and those with limited mobility in halls and auditoriums designed for sports, concerts or demonstrative-exhibitory purposes (museums, exhibition-halls, galleries, clubs, recreation centres, theatres, cinemas, sport and concert complexes, circuses, etc.) are arranged in zones suitable for ensuring the adequate comprehension of demonstrative-exhibitory, informational, educational and other programmes;*

*- specially arranged places for disabled persons and those with limited mobility are to be made available in educational institutions;*

*- a certain number of appropriate (multi-purpose) rooms in hotels, motels, camping sites, holiday homes and other similar facilities, which are under construction, are planned by the architectural-design task for single disabled persons on wheelchairs or for those with families taking into consideration the feasibilities of the given reconstruction activities;*

*- the workplaces and areas of general purpose designed for disabled persons and those with limited mobility in the buildings belonging to organisations that use the labour force of these groups of persons must provide adequate conditions for their activity taking into account the special needs of the employed disabled persons.*

*Besides, upon the initiative of the Ministry of Labour and Social Issues of the Republic of Armenia and NGOs dealing with issues of persons with disabilities, within the framework of the project of reconstruction of streets and sidewalks in Yerevan, arrangements are being made with a view to providing accessibility for disabled persons (ramps have been and are being built in the streets, crossroads and in the vicinity of social infrastructure establishments). “Strategy for Social Protection of the Disabled for YY2006 - 2015” plans to provide accessibility of transportation means for disabled persons on wheelchairs, the accessibility of entrances in the buildings already constructed and under construction, particularly by ramps, to implement monitoring of these activities and make other arrangements that will provide accessibility to disabled persons in all spheres of life.*

### Question C

Please indicate how the organisations representing or assisting persons with disabilities are consulted or involved in the formulation and implementation of the social integration policies for persons with disabilities.

*Activities aimed at social protection of disabled persons are organised on the principle of social partnership. These activities in relation to rehabilitation of disabled persons are implemented with collaborative efforts of NGOs dealing with problems of the disabled and local self-government bodies. While developing the projects their opinions are being taken into consideration and joint discussions are being organised. National authorities consider and resolve all the issues concerning the interests of disabled persons with participation or consent of relevant NGOs.*

*With a view to coordinating and increasing the effectiveness of the activities carried out in relation to disability issues, the Decree No. 747-N of 10 October 2006 of the Prime Minister of the Republic of Armenia established a Council under the Prime Minister of the Republic of Armenia dealing with issues of disabled persons. Public administration bodies, NGOs dealing with disability issues and specialised unions are included in the membership composition of the Council.*

*The objectives of the Council are:*

- to raise the effectiveness of the public policy implemented in the Republic of Armenia in relation to integrating disabled persons into the society;*
- to ensure equal (available) conditions for disabled persons in all spheres of social life;*
- to ensure the exercise of rights and protection of interests of disabled persons;*
- to take appropriate measures aimed at elimination and prevention of discrimination against disabled persons in the society;*
- to improve the legislation in force on social protection of disabled persons and to harmonise it with provisions of international instruments;*
- to develop programmes and implement other activities aimed at prevention of disability and rehabilitation of the disabled;*
- to ensure the collaboration of government authorities and NGOs in the sphere of disability.*

*By the Decree No. 98-N of 25 February 2008 of the Prime Minister of the Republic of Armenia, the above mentioned Council was reorganised into a National Commission on Persons with Disabilities.*

*Practical training and other enterprises, establishments and organisations, functioning within NGOs dealing with disability issues, where at least 50% of the total staff are disabled persons, are entitled to tax privileges in accordance with the procedure defined by the legislation of the Republic of Armenia (Law of the Republic of Armenia “On Social Protection of Disabled Persons in the Republic of Armenia”, Article 39).*

## **ARTICLE 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES**

***The European Committee of Social Rights in its document /Conclusions, 2007 (Armenia)/ has requested additional information which is presented below.***

### **Question 1.**

What types of residence status are stipulated by the legislation of the Republic of Armenia? What are the conditions for rendering and extending thereof? For what period are they granted? What are the rights reserved to the holder of a residence card?

*According to the Law of the Republic of Armenia “On Aliens” /Articles 14-19/ the following types of residence status permits are established for aliens in the Republic of Armenia:*

- a) temporary;
- b) permanent;
- c) special.

The temporary, permanent or special residence status in the Republic of Armenia is confirmed by temporary **residence card**, permanent **residence card** and special passport respectively.

In the Republic of Armenia state duty is levied for granting residence status to aliens in accordance with the Law of the Republic of Armenia "On State Duty".

N	Type of document	Amount of levied duty (AMD)
1	Granting a temporary <b>residence</b> status in the Republic of Armenia, a temporary <b>residence card</b> and registration	105000,0
2	Granting a permanent <b>residence</b> status in the Republic of Armenia, a permanent residence card and registration	140000,0
3	Granting a special <b>residence</b> status in the Republic of Armenia, a special passport and registration	150000,0
4	Extending a temporary <b>residence</b> status in the Republic of Armenia	105000,0
5	Changing the permanent <b>residence card</b>	20000,0
6	Restoring the <b>residence</b> cards of foreign nationals having permanent and temporary <b>residence</b> status in the Republic of Armenia	12000,0
7	Issuing a new special passport of the Republic of Armenia in place of a lost one	75000,0

**Temporary residence status is granted to** an alien if the latter proves the existence of circumstances justifying his/her residence for one or more years in the Republic of Armenia.

Such circumstances may be:

- a) education,
- b) work permit,
- c) marriage to a national of the Republic of Armenia or to an alien lawfully residing in the Republic of Armenia;
- d) being a close relative (parent, brother, sister, spouse, child, grandmother, grandfather, grandchild) of a national of the Republic of Armenia or with an alien having a permanent residence status in the Republic of Armenia;
- e) engagement in entrepreneurial activities.

Temporary residence status is granted for a period of one year with a possibility to extend it each time for one year. The application for extending the temporary residence status must be submitted at least 30 days prior to the expiry date of the status.

**Permanent residence status** is granted to an alien if the following three conditions are met:

1. the person proves the existence of a close relative (parent, brother, sister, spouse, child, grandmother, grandfather, grandchild) in the Republic of Armenia;

2. *the person is provided with housing and means of livelihood in the Republic of Armenia /conditions are considered satisfactory if the alien has enough resources necessary to cover his/her maintenance expenses and those of family members under his/her care, or has a family member or members who are able and have undertaken the commitment to provide resources for his/her sustenance;*

3. *prior to submitting an application for permanent residence status, the person has been for at least three years residing in the Republic of Armenia as prescribed by law.*

*A permanent residence status may also be granted to an alien running entrepreneurial activity in the Republic of Armenia.*

*A permanent residence status is granted for a period of five years with a possibility to be extended each time for the same period.*

*An application for extending the permanent residence card shall be submitted at least 30 days prior to the expiry date of the card.*

*The application for receiving a temporary or permanent residence status is submitted to the Police of the Republic of Armenia.*

*A decision on granting or rejecting a temporary or permanent residence status shall be taken within a period of 30 days.*

*In case an alien, who has a permanent residence status in the Republic of Armenia, intends to be absent from the Republic of Armenia for more than six months, he/she shall give a written notification thereon to the Police of the Republic of Armenia.*

**A Special residence status** *is granted to aliens of Armenian origin.*

*A special residence status may also be granted to other aliens carrying out economic or cultural activities in the Republic of Armenia.*

*A special residence status is granted for a period of ten years. It can be granted for more than once.*

*Granting a special residence status to an alien may be rejected if:*

*a) the alien has been deported from the territory of the Republic of Armenia or has been deprived of residence status formerly; and a period of three years have not yet passed since the decision on deportation or deprivation entered into force;*

*b) the alien has been convicted in the Republic of Armenia for committing a grave or a particularly grave crime; and the conviction has not been lifted or redeemed in a defined procedure;*

*c) there are justified reasons to believe that the alien may be engaged in an activity, or may participate, establish or act as a member of an organisation that intends to:*

- damage national security of the Republic of Armenia; overthrow the constitutional order, diminish the defensive capacity of the state;*
- carry out terrorist activities;*

- illegally (without appropriate permit) convey across the border arms, ammunition, explosives, radioactive substances, drugs, psychotropic agents; or
- deal with human trafficking and/or unlawful crossings of the border;
- d) he/she suffers from a contagious disease which threatens the health of the population, except for those cases when this person comes to the Republic of Armenia with the purpose of treatment of the disease;
- e) he/she poses a serious threat to the national security or public order of the Republic of Armenia;
- f) he/she has submitted false information about himself/herself or failed to submit necessary documents when applying for a residence status or there is evidence that the purposes of his/her stay in the Republic of Armenia is other than the stated,
- g) he/she was subjected to administrative liability for violating provisions of the Law of the Republic of Armenia "On Aliens" formerly and a year has not yet passed since.

*In case the residence status is rejected, the alien may again apply for a residence status in a year, which shall be noted in the decision on rejection.*

*Aliens in the Republic of Armenia, according to the Law of the Republic of Armenia on Aliens /Article 5/ have rights, freedoms and obligations equal to those of the nationals of the Republic of Armenia, unless otherwise envisaged by the Constitution, laws of the Republic of Armenia and international treaties.*

*In the territory of the Republic of Armenia aliens have liability equal to that of the nationals of the Republic of Armenia, unless otherwise stipulated by international treaties of the Republic of Armenia.*

### **ARTICLE 18 PARA. 1**

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to apply existing regulations in a spirit of liberality."

#### **Question A**

How is this paragraph observed in your country, with regard to both wage-earners and others?

*The Republic of Armenia adopted the Law of the Republic of Armenia "On Aliens" on 25 December 2006 which regulates relations connected with the entry of aliens into the Republic of Armenia, the stay and residence of aliens in the Republic of Armenia, the work activities of aliens in the Republic of Armenia, transit passage of aliens through the territory of the Republic of Armenia, the exit of aliens from the Republic of Armenia, as well as other relations related to aliens.*

*According to the legislation of the Republic of Armenia, the nationals of the Republic of Armenia, foreign nationals and stateless persons residing in the Republic of Armenia are entitled to freely decide on the issue of being employed or unemployed, except for cases provided by laws of the Republic of Armenia (Law of the Republic of Armenia “On employment of population and social protection in case of unemployment”).*

*Besides, the Labour Code of the Republic of Armenia /Article 2/ sets the following objectives and principles of the labour legislation:*

- *labour rights and freedoms of natural persons, i.e., nationals of the Republic of Armenia, foreign nationals, stateless persons (hereinafter referred to as “citizen”) guaranteed by the state;*
- *freedom of employment, including the right to employment, which is freely chosen or agreed upon by each person; the right to administer the labour capacities, choice of the profession and type of activity;*
- *equality of rights of parties of labour relations irrespective of gender, race, national origin, language, origin, nationality, social status, religion, marital and family status, age, ideology, membership to a political party, a trade union or a public organisation and other factors not related to the employee’s professional qualities;*
- *equality of rights and opportunities of the workers;*
- *provision of timely and complete remuneration at the rate not lower than the minimum salary stipulated by law.*

*According to the Labour Code of the Republic of Armenia foreign nationals and stateless persons have the same labour legal capacity in the Republic of Armenia as the nationals of the Republic of Armenia, unless otherwise stipulated by law.*

*The issue of the temporary employment of aliens in the Republic of Armenia is also covered by Chapter 4 of the Law of the Republic of Armenia “On Aliens” that provides equal rights for the parties of employment relationships irrespective of factors not related to the professional qualities of the worker.*

*Particularly, the Law states /Article 22/ that aliens shall have the right to freely dispose of their skills and abilities, choose a vocation and a type of activity, and engage in an economic activity not prohibited by the legislation of the Republic of Armenia observing the restrictions provided for by the legislation of the Republic of Armenia. The principle of equality between the parties of labour relationship envisaged by the Labour Code of the Republic of Armenia is guaranteed irrespective of gender, race, national origin, language, nationality and other factors not related to the professional qualities of the worker.*

*Employers of the Republic of Armenia have the right to enter into an employment contract (service contract) with a foreign national and employ the latter on the basis of a work permit of the alien issued by the authorised body. When issuing a work permit to an alien the authorised public administration body takes into account the demands and development of the labour market of the Republic of Armenia .*

*In terms of evaluating the labour market needs of the Republic of Armenia, the Government of the Republic of Armenia stipulates a certain time period for the employer to fill its vacant positions by nationals of the Republic of Armenia. In case the republican employment services fail to find a competent candidate meeting the requirements of the employer, the latter can find a competent alien and apply to the authorised body for obtaining a work permit for a specific period for a particular foreign employee by submitting necessary documents defined by the Decree of the Government of the Republic of Armenia.*

*The alien is entitled to engage in employment in the Republic of Armenia when the employer renders him/her the issued work permit.*

### Question B

Please indicate the number of permits granted compared with the number of applications made.

*Taking into consideration the incompleteness of regulations necessary for the arrangement of employment relationships of aliens in the Republic of Armenia, the relevant part of the law is not being implemented yet.*

*The information requested above will be provided after the full implementation of the law.*

### Question C

Please state whether your country applies restrictions to the right to engage in a gainful occupation by nationals of other states and if so, please mention the grounds.

*The state ensures implementation of labour rights according to the provisions of the Labour Code of the Republic of Armenia and provisions of other laws. Labour rights may be restricted only by law provided that such restrictions are necessary for the protection of national security and public safety, public order, health and morals, rights and freedoms, honour and good reputation of others.*

*According to the Labour Code of the Republic of Armenia /Article 178/ the wage of an employee shall depend on the amount and quality of work, the results of the activities of the organisation and the labour demand in the labour market.*

*Nevertheless, there are some restrictions that concern the cases when an alien may not hold a high-ranking public position, be engaged in employment in civil service occupations, local self-government and judicial bodies, hold elective positions and be engaged in other occupations for which nationality of the Republic of Armenia is required by the legislation of the Republic of Armenia.*

*According to the Law of the Republic of Armenia "On Aliens" /Article 24/ work permits are issued and the issuance thereof is rejected by the authorised body according to the procedure and within the period defined by the Government of the Republic of Armenia.*



*An alien is granted a work permit for not more than one year which can be extended with the same period only once. An alien may be granted a new work permit if he/she has been continuously residing outside the territory of the Republic of Armenia for not less than one year.*

*The work permit includes information on the job to be performed by the alien and on the employer admitting him/her to employment.*

*An alien may receive a temporary residence status or extend an existing one for a period indicated in the work permit.*

*A state duty for issuing a work permit, as well as for extending necessary permits, is paid by the employer according to the procedure and in the amount defined by the Law of the Republic of Armenia "On State Duty".*

*The issuance of a work permit is rejected if:*

- a) the situation in the labour market of the Republic of Armenia on the basis of a serious analysis of the latter does not allow for such occupation;*
- b) nationality of the Republic of Armenia is required for performing the given work;*
- c) the submitted information or documentation is false;*
- d) the employer, which admits the given alien to employment, has in the past violated the requirements of hiring aliens;*
- e) there are reasons threatening the national security of the Republic of Armenia;*
- f) the employer does not hold a license for engaging in activities that are subject to licensing.*

## **ARTICLE 18 PARA. 2**

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;"

### **Question A**

Please describe the formalities which must be observed by nationals of the other Contracting Parties and the members of their families or by their employers, with regard to their residence in the country and the exercise of an occupation, whether they are seeking paid employment or wish to engage as self-employed, distinguishing between wage-earners or salaried employees, self-employed traders or craftsmen, heads of agricultural or non-agricultural concerns, various professions.

*Due to the absence of relevant legal acts enabling the arrangement of the employment relations of aliens, the official statistical data does not reflect the information on the occupations filled by aliens. The Law of the Republic of Armenia on Aliens does not require issuance of a work permit for entrepreneurial activity. Registration of the entrepreneurial activity is carried out by the same general procedure as defined for the nationals of the Republic of Armenia. On this ground the foreigner receives a temporary residence status for a period of one year with a right to extend it each time for one year.*

*A permanent residence status in the Republic of Armenia /for a period of five years with the right to extend it each time by the same term/ may be granted also to an alien engaged in an entrepreneurial activity in the Republic of Armenia.*

*Special residence status /for a period of ten years that can be granted more than once/ may also be granted to other aliens carrying out economic or cultural activities in the Republic of Armenia. No analytical data are collected on the preferences of aliens in relation to gainful occupations and economic /entrepreneurial/ activities performed in the territory of the Republic of Armenia.*

Please state what derogations have been made to the rules normally applicable and with regard to which categories of persons.

*The issuance of a work permit is rejected if:*

- a) the situation in the labour market of the Republic of Armenia on the basis of a serious analysis does not allow for such occupation;*
- b) nationality of the Republic of Armenia is required for performing the given work;*
- c) the submitted information or documentation is false;*
- d) the employer, which admits the given alien, has in the past violated the requirements of hiring aliens;*
- e) there are reasons threatening the national security of the Republic of Armenia;*
- f) the employer does not hold a license for engaging in activities that are subject to licensing.*

### **ARTICLE 18 PARA. 3**

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake: to liberalise, individually or collectively, regulations governing the employment of foreign workers;"

#### **Question A**

Please specify whether, and if so under which conditions, a foreign worker may:

- a. change his/her place of occupation;
- b. change his/her occupation;

c. claim the renewal of the permit.

*An alien is granted a work permit for not more than one year which can be extended for the same period only once. A foreign national may be granted a new work permit if he/she has been continuously residing outside the territory of the Republic of Armenia for not less than one year.*

*The work permit includes information on the job to be performed by the alien and on the employer admitting him/her to employment.*

*The alien granted a work permit receives a temporary residence status and the latter is extended for the period indicated in the work permit.*

*In case of termination of the employer's activities the foreign worker has the right to enter into a new employment contract (service contract) with another employer for the period remaining till the expiry of his/her work permit, provided that at least three months remain till the expiry and the new employer has received the consent of the authorised body.*

#### Question B

Please describe the situation of the holder of a work permit if he loses or gives up his job while the permit is still valid.

*According to the Law of the Republic of Armenia "On Aliens" /Articles 28; 30/ a work permit is repealed if:*

- the alien has obtained the work permit by fraud;*
- the alien has not entered into an employment contract (service contract) within one month after receiving the work permit or has changed his/her employment without permit.*

*The work permit terminates in case of expiry of the employment contract (service contract) or rescission of the contract.*

*The work permit is repealed by the authorised body of the Government of the Republic of Armenia .*

*The Government of the Republic of Armenia shall within five days notify in writing the decision on repealing of work permit to the Police of the Republic of Armenia, the employer and the alien.*

*The alien must voluntarily leave the territory of the Republic of Armenia if:*

- his/her entry visa or residence status has expired;*
- his/her application to receive a residence status or to extend it has been rejected;*
- he/she has been deprived of the residence status.*

### **Question C**

Indicate other measures taken in relation to this provision of the Charter.

*As it was already mentioned, the Law of the Republic of Armenia "On Aliens" regulates employment activities of aliens in the territory of the Republic of Armenia. However, issuance of work permits to foreign nationals is not yet carried out due to the absence of regulations necessary for the implementation of the Law.*

*The regulatory procedures of the mentioned Law and of the employment activities of aliens, as well as the practical implementation will be presented by the Republic of Armenia in the next report of the Revised European Social Charter relating to the exercise of the right to engage in a gainful occupation in the territory of any other Party.*

### **ARTICLE 18 PARA. 4**

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake to recognise:

the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties."

Please indicate whether there are any restrictions or special conditions affecting the right of such persons to leave the country for this reason and, if so, what the regulations are.

*According to Article 25 of the Constitution of the Republic of Armenia everyone lawfully staying in the Republic of Armenia is entitled to freedom of movement and freedom to choose residence within the territory of the Republic of Armenia.*

*Everyone has the right to leave the Republic of Armenia.*

*Every citizen and everyone having a right to reside in the Republic of Armenia is entitled to return to the Republic of Armenia.*

*At present, the exercise of the right to freedom of movement of the nationals of Republic of Armenia is more or less governed by a number of laws and normative legal acts, in particular:*

- Law of the Republic of Armenia on State Border;*
- Law of the Republic of Armenia on Border Forces;*
- Law of the Republic of Armenia on Children's Rights;*
- Law of the Republic of Armenia on Military Duty;*
- Law of the Republic of Armenia on Conscription Preparation and Conscription;*
- Criminal Procedure Code of the Republic of Armenia;*
- Customs Code of the Republic of Armenia;*

- Decree No. 200 of 24 March 1998 of the Government of the Republic of Armenia “On approving the procedures for the performance of functions by the state authorised bodies in the check-points on the state border of the Republic of Armenia”.

- Decree No. 821 of 25 December 1998 of the Government of the Republic of Armenia “On approving the procedures on the passport system of the Republic of Armenia and the description of the passport of the nationals of the Republic of Armenia”.

*The Criminal Procedure Code of the Republic of Armenia lays down the preventive measures which are measures of coercion taken towards the suspect or the accused to prevent their inappropriate behaviour during the criminal proceedings and to ensure the execution of the sentence. Release on one's own recognisance is one of the preventive measures provided for by the Code.*

*Preventive measure shall be imposed by the court, prosecutor, investigator and inquest body only when the material obtained for the criminal case provides sufficient grounds to assume that the suspect or the accused may:*

- 1) abscond from the body carrying out the criminal proceedings;*
- 2) obstruct the pre-trial investigation or the trial in any way, particularly by means of illegal pressure on the persons involved in the proceedings, concealment or falsification of the materials relevant to the case, failure to appear without any reasonable explanation;*
- 3) commit an action forbidden by a criminal law;*
- 4) escape criminal liability and the serving of the imposed punishment;*
- 5) obstruct the execution of the court verdict.*

*While considering the issue of necessity and type of the preventive measure the following shall be taken into account:*

- 1) the nature and the gravity of the incriminated action;*
- 2) the personality of the suspect or the accused;*
- 3) the age and the health condition;*
- 4) gender;*
- 5) the occupation;*
- 6) marital status and existence of dependents;*
- 7) property situation;*
- 8) existence of a permanent residence;*
- 9) other relevant circumstances*

*The preventive measure is imposed by the decision of the prosecutor, investigator, inquest body or the court. The decision of the body carrying out the criminal proceedings must be substantiated; it must indicate the crime incriminated to the suspect or the accused and substantiate the necessity of imposing the corresponding preventive measure.*

*The suspect or the accused released on one's own recognisance cannot move to a new place or change his/her place of residence without permission of the inquest body, investigator, prosecutor and the court, and must appear when summoned and inform them of a change of his/her place of residence.*

*For the purpose of exercising the right to freedom of movement a citizen of the Republic of Armenia must have a passport of a national of the Republic of Armenia which is his/her main identity document in the Republic of Armenia and in foreign countries.*

*All citizens of the Republic of Armenia who have attained the age of 16 must have a passport of a national of the Republic of Armenia irrespective of their place of residence.*

*The citizens of the Republic of Armenia under the age of 16 may be given a passport of a national of the Republic of Armenia at their discretion and upon the application of their parents or legal representatives.*

*A passport of a national of the Republic of Armenia is issued for a period of 10 years.*

*The validity of passports may be extended for another five years by the Police in the Republic of Armenia, and by the diplomatic representations or consulates of the Republic of Armenia in foreign countries.*

*A passport of a national of the Republic of Armenia is valid in foreign countries for five years.*

*Citizens of the Republic of Armenia reside in foreign countries with a passport of a national of the Republic of Armenia.*

*A duty in the amount of 1000 AMD for issuing a passport is charged from the citizen.*

*It is prohibited to seize, hand over to others and pawn the passport of a citizen of the Republic of Armenia, except for cases related to the suspects and the accused when the preventive measure of release on one's own recognisance was imposed on them.*

*The inquest or investigation bodies or the court temporarily also take the passports of persons sentenced to imprisonment.*

*The passports of persons conscripted for temporary military service are temporarily taken by the military registration and recruitment offices.*

*The passports are returned to their legal holders, i.e.:*

- to persons having completed the military term, after demobilisation;*
- to the suspects and the accused after abolition of the preventive measure;*
- to convicted persons after having served the sentence.*

*In the specified cases persons are given other identity documents instead of passports.*

## **ARTICLE 20**

### **THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF GENDER**

*“With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of*

*gender, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:*

- a. access to employment, protection against dismissal and occupational re-integration;*
- b. vocational guidance, training, retraining and rehabilitation;*
- c. terms of employment and working conditions, including remuneration;*
- d. career development, including promotion”.*

#### Question A

*Please state how the rights contained in this provision have been protected in legislation. This information should be specified according to the areas listed in paragraph 1 of Article 20.*

*The Constitution of the Republic of Armenia states that:*

*- Discrimination on the ground of gender, race, skin colour, ethnic or social origin, genetic characteristics, language, religion, ideology, political or other convictions, belonging to national minority, property status, birth, disability, age or other factor of personal or social character is prohibited /Constitution of the Republic of Armenia, Article 14/;*

*- Everyone is entitled to freedom to choose employment. Everyone is entitled to a fair salary not lower than the minimum salary established by law and to working conditions which meet sanitary and safety requirements /Constitution of the Republic of Armenia, Article 32/.*

*The Labour Code of the Republic of Armenia /Article 15/ states that the capacity to have employment rights and bear obligations (employment legal capacity) is recognised equally for all citizens of the Republic of Armenia. Foreign nationals, stateless persons enjoy in the Republic of Armenia employment legal capacity equal to those of the nationals of the Republic of Armenia unless otherwise provided by law.*

*It should be noted that no form of discrimination and/or discriminatory treatment is provided for by laws and other legal acts of the Republic of Armenia.*

#### Question B

*Please indicate whether legislation provides a right for a worker to take legal action before a court or other competent authority in order to ensure the effective implementation and exercise of his rights under this provision. The information shall cover the four areas specified in the provision.*

*In all four areas specified in the provision the disputes between the employer and employee are considered labour disputes. According to paragraph 1 of Article 264 of the Labour Code of the Republic of Armenia, labour disputes are subject to examination through judicial procedure in accordance with the Civil Procedure Code of the Republic of Armenia.*

*According to Article 2 of the Civil Procedure Code of the Republic of Armenia an interested person may bring an action for the protection of his/her rights, freedoms and legitimate interests provided for by the Constitution, laws and other legal acts of the Republic of Armenia, as well as by contracts.*

*Persons who have such legal competence may bring an action for the protection of rights, freedoms and legitimate interests of other persons.*

### Question C

*Please state whether clauses in collective agreements and employment contracts that contravene the principles of non-discrimination may be declared null and void and according to which procedure.*

*The Labour Code of the Republic of Armenia /Article 3.1.3/ lays down the basic principles of the labour legislation of the Republic of Armenia, i.e. the equality of rights of parties of labour relations irrespective of their gender, race, nation, language, origin, nationality, social status, religion, marital and family status, age, ideology or views, membership to a political party, trade union or public organisation, other factors not related to the employee's professional qualities.*

*The Labour Code of the Republic of Armenia /Article 5/ states, that the employer may adopt internal and individual legal acts for establishing more favourable conditions for employees or their specific groups as compared with working, social and other conditions defined by the labour legislation and other normative legal acts. If internal or individual legal acts contain provisions that are less favourable than the conditions defined for employees by labour legislation and other normative legal acts containing norms of labour law then these acts or their corresponding parts have no legal effect.*

*If in the course of investigations and inspections carried out by the State Labour Inspectorate of the Republic of Armenia the latter discovers any employment contract between the employer and the employee that in any form or on any ground, including discrimination, imposes restrictions on the rights of the employee or establishes impaired conditions, the employment is considered as illegal according to Article 102, paragraph 1(2) of the Labour Code of the Republic of Armenia, which states that the work is illegal if it is performed on the basis of an employment contract concluded in violation of the Code, law and other legal acts.*

### Question D

*Please describe which safeguards legislation provides against gender discrimination and against retaliatory measures undertaken by the employer. Please state how it provides for the rectification of the situation (reinstatement in cases of dismissal, financial compensation, etc.). Please indicate also whether there are other sanctions against an employer who is guilty of such discrimination.*



*In the Republic of Armenia elimination of gender discrimination is stated in the following legislative acts:*

- *Constitution of the Republic of Armenia;*
- *Civil Code of the Republic of Armenia;*
- *Labour Code of the Republic of Armenia;*
- *Administrative Violations Code of the Republic of Armenia.*

*Labour disputes /reinstatement and financial compensation/ are subject to examination through judicial procedure in accordance with the regulations defined by the Civil Procedure Code of the Republic of Armenia.*

### Question E

*Please describe who has the burden of proof in cases of alleged gender discrimination in your country and whether this issue is regulated by legislation or case law. If the latter is the case, please enclose some decisions based on this case law.*

*In the Republic of Armenia elimination of gender discrimination is stated in the following legislative acts:*

- *Constitution of the Republic of Armenia;*
- *Civil Code of the Republic of Armenia;*
- *Labour Code of the Republic of Armenia;*
- *Administrative Violations Code of the Republic of Armenia.*

*The Republic of Armenia has also acceded to the following international treaties eliminating or containing provisions against gender discrimination:*

- *Convention on the Elimination of All Forms of Discrimination against Women /Ratified by the Republic of Armenia in 1993/;*
- *Convention against Discrimination in Education /Ratified by the Republic of Armenia in 1993/;*
- *Protocol to the Convention against Discrimination in Education /Ratified by the Republic of Armenia in 1993/;*
- *Convention against Discrimination in Employment and Occupations /Ratified by the Republic of Armenia in 1993/;*
- *Employment Policy Convention /Ratified by the Republic of Armenia in 1993/;*
- *Equal Remuneration Convention /Acceded to by the Republic of Armenia in 1995/;*
- *Convention for the Protection of Human Rights and Fundamental Freedoms /Ratified by the Republic of Armenia in 2002/;*
- *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women /Ratified by the Republic of Armenia in 2006/.*

*There is no special body dealing with the problems of gender discrimination in Armenia. However, the disputes on the grounds of gender discrimination can be heard within the framework of collective agreement in force in the given company or by the court.*

*In the Republic of Armenia protection of employees' rights is also within the competence of the State Labour Inspectorate of the Republic of Armenia functioning under the Ministry of Labour and Social Issues of the Republic of Armenia. By the procedure defined by law the State Labour Inspectorate controls and oversees the performance of obligations defined by collective contracts (agreements), takes necessary measures for the restoration of violated rights of employees.*

*Complaints against state and local self-government bodies and their officials for violations of human rights and fundamental freedoms, provided for in the Constitution of the Republic of Armenia, the laws of the Republic of Armenia, the international treaties of the Republic of Armenia and principles and rules of international law, may be submitted to the Office of the Human Rights Defender of the Republic of Armenia.*

### Question F

*Please describe the specific measures to prevent discrimination against women in matters of employment and occupation, particularly in cases of pregnancy, confinement and during the post-natal period.*

*The legislation of the Republic of Armenia lays down safeguards for pregnant and nursing employees. In particular, according to Article 117 of the Labour Code of the Republic of Armenia an employment contract may not be terminated with pregnant women from the day their employer receives a medical certificate confirming pregnancy, till one month after expiration of maternity leave, as well as with employees taking care of a child under one year of age.*

*The legal safeguards for maternity protection are stated in the Labour Code of the Republic of Armenia /Article 258/, according to which:*

*Pregnant women, women taking care of a child under one year of age shall not be engaged in a work with dangerous factors and harmful conditions, which may have a negative impact on the health of the mother and child.*

*Where the elimination of dangerous factors is impossible, the employer shall take measures to improve the working conditions so that pregnant women and those taking care of a child less than one year of age are prevented from exposure to such risks. If the exposure is impossible to eliminate by improving working conditions, the employer must transfer the woman (upon her consent) to another job in the organisation.*

*Where a pregnant woman, woman taking care of a child under one year of age has to undergo medical examinations, the employer must release her from work preserving her average wage, which is calculated on the basis of the amount of average hourly wage.*

*Apart from general break to rest and to eat, a nursing woman at least every three hours shall be given not less than 30 minute breaks for breast-feeding the newborn. Upon the woman's request, the breaks for breast-feeding may be joined or added to the general break (lunch time) or transferred to the end of the working day, shortening the working day accordingly.*

*Payment for these breaks to breast-feed shall be calculated according to the average wage of the employee on the basis of an hourly wage.*

*Negligence or violation of the mentioned privileges by the employer shall give rise to liability according to Article 41 of the Administrative Violations Code of the Republic of Armenia.*

### Question G

*Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one or other gender, specifying whether this is due to the nature of the activity or the conditions in which it is carried out.*

*With a view to ensuring the implementation of the public policy aimed at protection of women and maternity the legislation of the Republic of Armenia provides for a number of privileges for pregnant women and those raising a child under age in relation to their additional leave, rest hours, non complete workweek and other benefits.*

*According to Article 141, paragraph 1(3) of the Labour Code of the Republic of Armenia, half-time workday or half-time workweek shall be set for a pregnant woman and an employee raising a child under the age of one year upon their request. Besides the annual leave women also have the right to certain types of special purpose leaves, i.e. maternity leave for 140-180 days and a leave provided for raising a child less than three years of age.*

*The labour legislation provides for certain benefits for women in terms of their engagement in overtime or night work. In particular, “Pregnant women and the employee raising a child under the age of one year can be involved in overtime work only upon their consent.” /Labour Code of the Republic of Armenia, Article 144, paragraph 4/ or “Pregnant women and the employee raising a child under the age of three years can be involved in night work only upon their consent.” /Labour Code of the Republic of Armenia, Article 148, paragraph 4/.*

*Such a restriction is stipulated also in relation to business trips and working on duty. According to paragraph 4 of Article 149 of Labour Code of the Republic of Armenia: “Pregnant women and employees raising a child under three years may be appointed on duty at the organisation or at home only upon their consent”; and paragraph 3 of Article 209 states that: “Pregnant women, and the employees raising a child under the age of one year may be sent on business trips only upon their consent.”*

***The Labour Code of the Republic of Armenia states that equal rights are established for men and women in the Republic of Armenia.***

### Question H

*Please indicate whether measures of positive action in favour of one gender aimed at removing de facto inequalities are allowed under the legislation and, if so, whether such measures were taken during the reference period.*

*Equal rights are established for men and women in the Republic of Armenia.*

All those benefits that are provided by the legislation for women, specifically for pregnant women and employees raising under age children, /see answer to Question G/ are designed not for elimination of actually existing inequality or discrimination but for the purpose of establishing certain guarantees.

### Question I

Please provide information on the situation in practice covering the four areas specified in the provision, i.e. on:

a. the employment situation of both genders (i.e. the number of men and women who are in employment, unemployed, working part-time or on fixed-term contracts or other forms of temporary contracts);

#### **BREAKDOWN OF THE EMPLOYED PERSONS BY GENDER**

Annual average

	<b>Employed (thousand persons)</b>			<b>Rate of growth %</b>		
	Total	Men	Women	Total	Men	Women
2004	1081.7	584.2	497.5	97.7	100.4	94.6
2005	1097.8	597.1	500.7	101.5	102.2	100.6
2006	1092.4	593.0	499.4	99.5	99.3	99.7

#### **BREAKDOWN OF EMPLOYED PERSONS BY GENDER AND EMPLOYMENT STATUS<sup>16</sup>**

	Total	Paid worker	Unpaid worker	<i>Of which</i>			
				Employer	Self-employed	A family member working without pay	Other
<i>Total</i>				<i>%</i>			
<b>2004</b>	100	56.3	43.7	1.8	28.9	12.9	0.2
<b>2005</b>	100	63.7	36.3	0.6	29.9	5.5	0.3
<b>2006</b>	100	63.2	36.8	0.6	31.6	4.4	0.1
<i>Men</i>							
<b>2004</b>	100	52.5	47.5	3.0	37.2	7.2	0.1
<b>2005</b>	100	62.5	37.5	0.6	30.8	5.8	0.2
<b>2006</b>	100	61.2	38.8	1.0	34.3	3.4	0.1
<i>Women</i>							
<b>2004</b>	100	61.2	38.8	0.3	18.0	20.3	0.2
<b>2005</b>	100	65.5	34.5	0.6	28.4	5.1	0.3
<b>2006</b>	100	66.0	34.0	0.1	27.9	5.9	0.2

<sup>16</sup> Based on the results of sample survey of labour force in households.

**BREAKDOWN OF THE EMPLOYED PERSONS BY GENDER AND AGE<sup>17</sup>**

%

	Total			Of which (by gender)					
				Men			Women		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Employed</i>	100	100	100	100	100	100	100	100	100
15-19	1.8	1.7	1.7	1.9	2.1	1.5	1.5	1.0	1.9
20-24	7.4	9.0	8.3	8.7	9.0	9.3	5.5	9.0	7.0
25-29	11.0	10.0	11.4	12.2	11.4	13.2	9.4	8.0	8.9
30-34	10.0	10.8	10.5	10.3	11.6	11.1	9.7	9.6	9.6
35-39	11.6	11.7	10.5	11.7	10.7	10.4	11.4	13.1	10.6
40-44	15.8	15.8	14.4	14.8	14.4	13.2	17.1	17.9	16.0
45-49	14.5	17.7	15.8	14.2	16.7	14.2	15.1	19.2	18.1
50-54	10.9	11.2	13.9	9.4	11.6	13.5	13.0	10.6	14.4
55-59	7.1	6.0	7.5	6.7	6.4	7.4	7.8	5.4	7.5
60-64	3.8	2.4	2.6	3.7	2.1	2.7	3.9	2.9	2.4
65-69	4.1	2.4	3.3	4.2	2.8	3.3	4.1	1.9	3.3
70 >	1.9	1.2	0.2	2.2	1.1	0.2	1.5	1.3	0.2
<b>Average age</b>	42.1	40.7	41.3	41.4	41.4	40.8	43.0	41.0	42.1

**BREAKDOWN OF UNEMPLOYED PERSONS BY GENDER<sup>18</sup>**

Annual average

	Unemployed (thousand persons)			Rate of growth %		
	Total	Men	Women	Total	Men	Women
2004	114.8	35.0	79.8	92.0	87.3	94.2
2005	98.0	29.0	69.0	85.4	82.9	86.5
2006	88.9	25.5	63.4	90.7	87.9	91.9

**BREAKDOWN OF UNEMPLOYED PERSONS BY GENDER AND AGE<sup>19</sup>**

%

	Total			In which (as of gender)					
				Men			Women		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<i>Unemployed</i>	100	100	100	100	100	100	100	100	100
15-19	7.0	5.4	10.7	6.7	3.6	11.1	7.3	6.9	10.4
20-24	19.7	22.9	22.3	24.0	29.7	26.4	16.1	16.9	19.1

<sup>17</sup> Based on the results of sample survey of labour force in households.

<sup>18</sup> Based on the information of the "State Employment Service" Agency of the Ministry of Labour and Social Issues of the Republic of Armenia.

<sup>19</sup> Based on the results of sample survey of labour force in households.

25-29	11.7	13.6	12.3	13.3	15.2	13.9	10.4	12.2	11.1
30-34	10.4	7.6	10.3	10.0	6.1	9.0	10.7	9.0	11.2
35-39	8.9	9.3	7.2	7.8	7.3	6.8	10.0	11.1	7.5
40-44	11.3	13.0	9.7	7.8	11.5	7.2	14.3	14.3	11.7
45-49	11.9	13.3	11.1	9.5	9.1	8.4	13.9	16.9	13.1
50-54	9.0	9.0	7.9	8.6	7.9	6.4	9.4	10.1	9.1
55-59	5.5	4.0	5.0	6.4	6.7	5.5	4.8	1.6	4.6
60-64	1.6	0.8	1.7	2.2	1.2	2.5	1.0	0.5	1.1
65>	2.9	1.1	1.8	3.7	1.8	2.9	2.0	0.5	1.0
<b>Average age</b>	36.4	35.4	34.5	35.9	34.8	33.7	36.9	35.9	34.5

*b. access to and participation in vocational guidance, training, retraining and rehabilitation and the extent to which women train for jobs which have traditionally been occupied by men and vice versa;*

***Statistical data are presented in the answer to “Question J”.***

*c. differences in terms of employment and working conditions, including remuneration (with an indication of the differences between full-time workers on permanent contracts and part-time workers or workers on fixed-term contracts or other forms of temporary contracts);*

*Equal rights for men and women are established in the Republic of Armenia.*

*d. differences in career advancement between the genders in the various sectors of the economy.*

***Equal rights for men and women are established in the Republic of Armenia.***

#### Question J

*Please indicate what active policies carried out by your authorities to achieve equal opportunities and equal treatment in employment and what practical measures have been taken to implement these policies.*

***Equal rights for men and women are established in the Republic of Armenia.***

*Below is the information on actual financing of state employment programmes in the Republic of Armenia (with man/woman breakdown).*

*ACTUAL FINANCING OF STATE PROGRAMMES AIMED AT EMPLOYMENT OF POPULATION IN THE REPUBLIC OF ARMENIA, 2002-2007*

		NUMBER OF PERSONS INVOLVED IN THE ACTIVITY / EXPENSES (million AMD)					
N	SUBPROGRAMMES PROVIDED WITHIN THE FRAMEWOARK OF THE PROGRAMMES	2002	2003	2004	2005	2006	2007
1	Payment of unemployment benefit	Total 9497, of which women 2658 /268.19 (million AMD)	Total 9901, of which women 6430 /223.78 (million AMD)	Total 7179, of which women 4963 /204.4 (million AMD)	Total 5520, of which women 4029 /411.028 (million AMD)	Total 12500, of which women 9630 /835.2 (million AMD)	Total 15800, of which women 11376 /1859.5 (million AMD)
2	Monetary aid	Total 23930, of which women 15076 /178.16 (million AMD)	Total 29298 , of which women 19044 /169.66 (million AMD)	Total 24319, of which women 16537 /171.5 (million AMD)	0	0	0
3	Arrangement of vocational training of the unemployed	184 /8.027 (million AMD)	479 /26.3 (million AMD)	408 /27.7(million AMD)	1205 /77.462 (million AMD)	948 /80.09 (million AMD)	1179 /110.448 (million AMD)
4	Compensation of expenses in relation to relocation of unemployed persons to another work place (relocation allowance)	0	0	0	0	1 /0.065 (million AMD)	0
5	Establishment of specialised enterprises for the disabled and organization of vocational training for persons with disabilities	0	37 /3.51(million AMD)	48 /2.7(million AMD)	0	0	0
	Vocational training and rehabilitation of disabled persons	0	0	0	66 /4.5(million AMD)	98 /7.832 (million AMD)	66 /6.381173 (million AMD)

6	Occupational retraining of unemployed job seekers who receive long-term service benefits and privileged benefits					4 /0.041 (million AMD)	4 /0.3875 (million AMD)
7	Arrangement of labour market studies and forecasts	0	0	0	5.484 (million AMD)	2.484 (million AMD)	0
8	Partial compensation provided to the employer for paying salary to persons hired from labour market sensitive groups	0	0	0	0	52 /0.069 (million AMD)	161 /20.152424 (million AMD)
9	Financial assistance to the unemployed and disabled for the state registration of their own businesses	0	0	0	0	8 /0.024 (million AMD)	51 /0.4202 (million AMD)
10	Funeral benefit	0	0	0	0	35 /0.945(million AMD)	75 /2.682(million AMD)
11	“Benefit for Work” programme	Total 11700, of which women 5429 /404.4 (million AMD)	Total 8874, of which women 4437 /455.24 (million AMD)	Total 10718, of which women 4716 /486.41 (million AMD)			
	Organisation of paid public works	0	0	0	Total 7913 of which women 3007 /576.569 (million AMD)	Total 10254, of which women 3281 /656.716 (million AMD)	Total 9083, of which women 2997 /692.0 (million AMD)
12	UN “Food for Work” public works	527	1343	629	1330	1300	1600

\* During 2005, the sub-programme of “Optimisation of school staff and social assistance” provided financing to 861 persons (88.438.950 AMD) through “Additional Monetary Pay” component; and to 56 persons (10.773.785 AMD) through “Relocation Allowance” component.



## Question K

*Please indicate if social security matters as well as provisions concerning unemployment benefit, old age benefit and survivor's benefit are considered to be within the scope of this provision.*

*The Law of the Republic of Armenia on State Pensions /Article 21/ stipulates that the pension of disability resulting from work injury or occupational disease is granted irrespective of the existence of an insurance history.*

*Article 26 of the same law establishes the right to survivor's pension. In particular, the following members of the family are entitled to survivor's pension:*

- 1) a child under the age of 18, brother, sister and grandchild, whereas the brother, sister and grandchild does not have parents capable of working and is unemployed;*
- 2) spouse or other legally capable adult member of the family or the person, who by the procedure defined by law was recognised as guardian, irrespective of age and work capability if he/she takes care of the deceased breadwinner's child, brother, sister or grandchild under eight years old and is unemployed;*
- 3) children, parents, spouse having attained the age of 63 at the moment of the breadwinner's death or recognised as invalid irrespective of age, if unemployed.*

*A student enrolled in a full-time (daytime) education in an educational institution shall have the right to survivor's pension till the graduation from the educational institution, but until the age of 23.*

*These provisions apply also to the family of a person recognised as dead through judicial procedure. When granting a survivor's pension to the family of a person recognised as dead the day when the court judgment enters into legal force or the day which is indicated in court judgment having entered into legal force is considered as the day of death.*

*The whole Chapter 7 of the Law of the Republic of Armenia "On employment of population and social protection in case of unemployment" is completely focused on social guarantees in the sphere of employment. In particular, according to Article 28 of the Law the following guarantees are established for unemployed persons:*

- 1) payment of unemployment benefit in case of having an insurance history of at least one year;*
- 2) payment of scholarship while learning in vocational training courses.*

*Disabled persons are guaranteed to receive scholarship while learning in vocational education and rehabilitation courses.*

***Equal rights are established for men and women in the Republic of Armenia, thus the above mentioned provisions apply to men and women equally.***

## **ARTICLE 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT**

“With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b. the right of workers whose employment is terminated without valid reason to adequate compensation or other appropriate relief.

To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.”

### Question A

Please state the valid grounds for termination of employment provided by national legislation and whether national legislation prohibits certain cases of termination of employment.<sup>20</sup>

*The Labour Code of the Republic of Armenia /Articles 109, 110, 111, 112, 113 and 114/ defines that an employment contract shall be terminated upon the consent of the parties, in case the contract expires, or upon the initiative of the employee or the employer in the following cases:*

1. *upon the consent of the parties /when the mutual consent is reached upon termination of an Employment Contract/;*
2. *in case the contract expires /when a fixed-term employment contract expires and parties or one of them does not offer to extend it/;*
3. *upon the initiative of the employee /when employee gives a notice to the employer for termination of contract/;*
4. *upon the initiative of the employer /an employer may terminate an employment contract signed for an indefinite term, as well as a fixed-term contract prior to its expiration:*
  - A) when the undertaking is dissolved (the activity of the sole entrepreneur is terminated),*
  - B) when the employer is adjudged bankrupt,*
  - C) when the number of employees is reduced, which is preconditioned by changes in the volume of production, economic and technological conditions and conditions of organisation of work, as well as by production needs,*
  - D) when the employee is not suitable for the position held or job done,*
  - E) because of unsatisfactory result of the trial period,*
  - F) for the employee’s non-performance or incomplete performance of his/her duties,*
  - G) in case the confidence towards the employee is lost,*
  - H) in case of the long-term inability to work (in case the employee does not report for work for more than 120 consecutive days or for more than 140 days within the last 12 months because of a temporary inability to work if it is not defined by law and other*

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<sup>20</sup> See paragraphs 1 and 3 of the Appendix to Article 24.

*normative acts that the job and position are preserved for a longer term in case of certain diseases),*

*I) because the employee reaches the retirement age/;*

*5. in other cases envisaged by the Code.*

*The legislation prohibits the termination of an employment contract upon the initiative of employer:*

*A) during the period of temporary inability of the employee to work;*

*B) during the leave of the employee;*

*C) after a decision on a strike is adopted and during the strike in case the employee partakes in this strike in the manner defined by the Code;*

*D) during the implementation of duties imposed on the employee by state and local self-government bodies, except for conscription to temporary military service.*

*The following also shall not be considered as legitimate reasons for the termination of the employment contract:*

*A) membership in a trade union or involvement in the activities of a trade union beyond the working time or, with the consent of the employer, also during working time;*

*B) performance of the function of employees' representative at any time;*

*C) raising claims to the employer for violation of laws, other normative legal acts or the collective contract;*

*D) gender, race, nation, language, origin, nationality, social status, religion, marital and family status, convictions or views, affiliation in political parties and public organisations;*

*E) age, except for the cases when an employee has obtained the right to the full old age pension or is in receipt of it.*

*As to the additional information requested by the European Committee of Social Rights in relation to Article 24 of the national report of the Republic of Armenia on Revised Social Charter for the period of 2001-2004 we present the following information:*

*According to Article 120 of the Labour Code of the Republic of Armenia: "The employer has the right to rescind the employment contract for failure to meet the requirements set for the position held or job performed, in case the employee can not fulfil his/her duties because of incompetence or state of health.*

*Deterioration of the employee's health status can become a ground for the rescission of the employment contract if the deterioration has constant character and prevents from continuing the work or eliminates the possibility to continue it.*

*The adequacy of the employee's health state is determined by a medical opinion.*

*In relation to the question of the European Committee of Social Rights concerning the determination of the pension/retirement age we inform that the pension age in the Republic of Armenia is fixed by the Law of the Republic of Armenia on State Pensions. According to the Law*

*/Article 12/ old age pension is granted to a person having reached the age of 63. According to Article 31 of the same law an old age **social pension** is granted to a person at the age of 65 who does not have the right to the defined old age insurance pension.*

*The pension is granted on the basis of person's written application. The day when the application together with all the necessary documents is accepted by the pension granting subdivision is considered as the day of application to grant pension. If the application is submitted by mail with all the necessary documents enclosed then the day indicated on the stamp of the post office having delivered the application is considered as the day of application to grant pension.*

*According to the Labour Code of the Republic of Armenia, Article 113, sub-point 3, changes in the volume of production, in economic, technological and work organisation conditions due to production needs may serve as a legitimate ground for the reduction of the number of employees /consequently for the alteration and termination of individual employment contracts/.*

*Employer must give a two months notice to the employee about the intention of terminating the employment contract due to reduction of production volumes.*

*Moreover, employees are entitled to obtain information about the course of activities of the undertaking. Specifically, the employer shall provide the representatives of the employees with information about employment relations, including:*

- 1) information about the present and future activities of the employer;*
- 2) information about possible changes in employment;*
- 3) information about measures to be taken in case of possible reduction of the number of employees;*
- 4) other information about employment relations, unless that information is considered as a state, official or commercial secret.*

*Upon rescinding the employment contract on this ground the employer shall give the employee a dismissal pay in the amount of the average monthly wage of the employee.*

*In cases of failing to meet the requirements set for the position held or the job performed, reaching the pension age and leaving for temporary military service the employer pays a dismissal pay to the employee in the amount of the two weeks' wage.*

*A collective contract may set a dismissal pay in a larger amount.*

*Please specify whether these grounds appear in legislation or regulations or whether they are derived from court decisions or other sources.*

*The above-mentioned grounds are stipulated by the Labour Code of the Republic of Armenia /Chapter 15/.*

*Provide examples of case law on this point.*

*Such examples are not available.*

Please state whether termination of employment is notified in writing.

*Termination of employment is notified in writing.*

If so, whether the employer is required to state the reasons for dismissal in the notification.

*The Labour Code of the Republic of Armenia /Article 115/ defines that the ground and reason for dismissal as well as year, month, day of dismissal shall be mentioned in the notification on the termination of the employment contract:*

Please state what are the workers' rights in cases of unilateral amendments by the employer to the substantive conditions of the employment contract.

*The Labour Code of the Republic of Armenia /Article 38/ defines that the protection of labour rights, in accordance with the subject matter jurisdiction set by the Civil Procedure Code of the Republic of Armenia, shall be exercised by the court.*

*Labour rights are being protected by trade unions by the procedure set by the Code and laws regulating their activities.*

*The protection of labour rights is exercised in the following ways:*

- 1) through recognition of those rights;*
- 2) by restoring the situation existing before the violation of the right;*
- 3) by preventing or eliminating the actions, which violate the right or pose a threat to it (injunction);*
- 4) by nullifying the acts of state or local self-government bodies;*
- 5) by not applying the acts of state or local self-government bodies contradicting the law by the court;*
- 6) by self-protection of the right;*
- 7) by enforcing to perform obligations in-kind;*
- 8) by reimbursing the damage;*
- 9) by charging fines;*
- 10) by terminating or modifying the legal relationships;*
- 11) in other ways prescribed by law.*

*However, the employer may make unilateral amendments to an employment contract only in case of changes in the volume of production, in economic, technological and work organisation conditions, as well as in other cases conditioned by production needs. If the employee refuses to perform the work under changed conditions he/she may quit in accordance with the procedure established for the rescission of the contract.*

*In some cases provisions of the employment contract may be altered only in case of the written consent of the employee, particularly:*

- *change of the place for performing the work;*
- *change of position /which sets also the name of the occupation, indicating employee's functions or requirements necessary for qualification/;*
- *rights and obligations of the employee;*
- *other mandatory conditions defined by labour legislation or collective contract and subject to establishment in the employment contract.*

*It is prohibited to transfer an employee to another job which is contraindicated to his/her health.*

*The employer may change the conditions of remuneration for work without the written consent of the employee only in case of changes in the conditions of remuneration of work by law or collective contract.*

### Question B

Please state whether workers who consider that they have been dismissed without valid reason have a right of appeal to a tribunal or an impartial authority.

*The employment rights are protected in the court in accordance with the subject matter jurisdiction set by the Civil Procedure Code of the Republic of Armenia.*

*According to the Labour Code of the Republic of Armenia /Article 265/ an employee, who disagrees with the change of working conditions, rescission or termination of the employment contract on the employer's initiative, shall be entitled to bring an action before court within one month from the day of receipt of the corresponding order (document). If it is established that the working conditions were changed and the employment contract was rescinded without a legal ground or in violation of the procedure defined by law, the violated rights of the employee can be restored. In this case the employer pays to the employee the amount of the average monthly wage for the entire period the employee was standing idle, or in the amount of the difference of wage for the period when the employee was engaged in a less paid employment, with the exception of cases when due to economic, technological, organisational or other reasons or impossibility to restore employment relationships between the employer and the employee the court has taken a decision not to restore the employee on his/her former employment by obliging the employer to pay a compensation to the employee for the whole period of idleness in the amount of the average wage till the court decision enters into legal force.*

Please indicate the length of time period when the employee is entitled to appeal against the issue.

*An employee, who disagrees with the change of working conditions, rescission or termination of the employment contract on the employer's initiative, is entitled to bring an action before the court within one month from the day of receipt of the corresponding order (document) /shorter period of limitation of action/.*

*According to the Labour Code of the Republic of Armenia /Article 30/ the general period of limitation of action is three years. This means that within three years parties to employment relations shall have the right to bring an action before the court for restoring or protecting their violated rights.*

*Limitation of action does not apply to the claims on protection of employee's honour and dignity, reimbursement of salary and compensation of damages caused to the life or health of the employee. In the mentioned cases parties to employment legal relations may bring an action before the court without any time limits.*

Please state where the burden of proof lies.

*According to the Civil Procedure Code of the Republic of Armenia /Article 6/ civil proceedings are carried out based on principles of adversarial process and equality of rights, which means that both parties are obligated to present to the court facts and factual data substantiating their position.*

*The court assesses the evidence presented by the parties and renders a judgment based on them.*

### Question C

If the court or tribunal to which the appeal lies considers that the termination of employment is unjustified, please indicate whether the worker is entitled to adequate damages (and describe how the level of damages is determined) or to any other form of compensation (and indicate what such compensation consists of).

*The Labour Code of the Republic of Armenia /Article 241/ defines that the amount of the damage to be compensated shall comprise actual damage and the lost income.*

*The damage shall be computed taking into account those expenses of the claimant that he/she incurred or will incur to restore the rights violated, the damage or loss of his property (actual damage), as well as missed revenue which that person would gain under the normal conditions of civil turnover, if his/her rights would not have been violated (lost income).*

Inasmuch as the remedy for unfair or unlawful termination of employment is monetary, please indicate:

a. whether this applies to all enterprises, regardless of their size;

*The monetary compensation of damage is applicable to all undertakings regardless of their size.*

b. whether there is a minimum level of damages;

*No minimum level of damage compensation is defined. It is subject to full compensation.*

c. whether the choice of damages (instead of reinstatement) is left to the worker, the employer or the court.

*The choice of damage compensation can be made by mutual consent between employee and employer or by court.*

#### Question D

Please list the categories of workers excluded from this protection and indicate how they are in conformity with item 2 of the Appendix to Article 24.

*All categories of workers are entitled to protection by the procedure prescribed by law in cases of dismissal.*

If workers who are employed under a fixed-term contract are excluded (item 2 of the Appendix to Article 24) from this protection, please provide a definition of a fixed-term contract.

*All categories of workers are entitled to protection by the procedure prescribed by law in cases of dismissal regardless of the term of the contract.*

*The issue of termination of a fixed-term employment contract is regulated by Article 111 of the Labour Code of the Republic of Armenia. According to this Article the employer or the employee shall be entitled to rescind the employment contract on the ground of expiry of a fixed-term employment contract.*

*Because of the expiry of the contract the employer shall be entitled to rescind a definite term employment contract by giving the employee at least ten days written notice.*

*The periods specified do not apply to those employees who have been employed to replace another employee.*

*An employee is entitled to rescind a fixed-term employment contract by giving the employer a notice at least ten days prior to the expiry of the contract. If the employee has not notified the employer about rescission of the a fixed-term contract and does not report for work on the day following the last day of the employment contract, then the contract is considered to be rescinded and the employer shall give a dismissal pay to the employee within five days upon submission of such request.*

*The Code also states that if a fixed-term employment contract is not rescinded upon its expiry and the labour relationships continue, then the contract shall be considered as concluded between the parties for an indefinite term.*

If there is a trial period of employment for this protection, please indicate its length.

*During the trial period an employee has all rights and bears all obligations defined by the Labour Code, other laws and normative legal acts as well as collective and employment contracts.*