

— Armenia and the European Social Charter —

Ratifications

Armenia ratified the revised European Social Charter on 21/01/2004 and has accepted 67 of the 98 paragraphs.

It has not signed the Additional Protocol Providing for a System of Collective Complaints.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3								Grey = Accepted provisions			

The Charter in domestic law

Automatic incorporation into domestic law.

Reports *

Between 2006 and 2015, Armenia submitted 9 reports on the application of the Revised Charter.

The [8th report](#), submitted by Armenia on 23 December 2013, covers the accepted provisions relating to the Thematic Group 3 "Labour rights" (Article 2, 4, 5, 6, 21, 22, 26, 28 and 29).

The conclusions in respect of these provisions were published in January 2015.

The [9th report](#), submitted on 16 March 2014, concerns the accepted provisions relating to Thematic Group 4 "Children, Family, Migrants", namely:

- The right of children and young persons to protection (Article 7),
- The right of employed women to protection (Article 8),
- The right of the family to social, legal and economic protection (Article 16),
- The right of mothers and children to social and economic protection (Article 17),
- The right of migrant workers and their families to protection and assistance (Article 19),
- The right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- The right to housing (Article 31).

In addition, the report should provide the information required by the European Committee of Social Rights in the framework of Conclusions 2013 relating to Thematic Group 4 "Health, Social Security and Social Protection" (Articles 3, 11, 12, 13, 14, 23 and 30), in the event of non-conformity for lack of information.

The conclusions in respect of these provisions will be published in January 2016.

* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Situation of Armenia with respect to the application of the Revised Charter

Cases of non-conformity

Thematic Group 1 “Employment, training and equal opportunities”

▶ *Article 151 – Right to work – Policy of full employment*

It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

([Conclusions 2012](#))

▶ *Article 152 – Right to work – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

- The duration of alternative labour service replacing military service amounts to an excessive restriction on the right to earn one’s living in an occupation freely entered upon.
- It has not been established that the exceptions to the prohibition on forced labour are in conformity with the Charter.

([Conclusions 2012](#))

▶ *Article 1552 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Employment of persons with disabilities*

It has not been established that persons with disabilities are guaranteed effective protection against discrimination in employment

([Conclusions 2012](#))

▶ *Article 1553 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Integration and participation of persons with disabilities in the life of the community*

It has not been established that there is legislation ensuring people with disabilities effective protection against discrimination in the fields of housing, transport, telecommunications, culture and leisure activities.

([Conclusions 2012](#))

▶ *Article 1852 – Right to engage in a gainful occupation in the territory of other States Parties – Simplifying existing formalities and reducing dues and taxes*

The level of fees for residence permits is excessive.

([Conclusions 2012](#))

▶ *Article 24 – Right to protection in case of dismissal*

- The termination of employment on the sole ground that the person has reached the pensionable age, which is permitted by law, is not justified.
- The maximum compensation for unlawful termination of employment is inadequate.

([Conclusions 2012](#))

Thematic Group 2 “Health, social security and social protection”

▶ *Article 351 – Right to safe and healthy working conditions – Safety and health regulations*

It has not been established that there is an adequate occupational health and safety policy

([Conclusions 2013](#))

- ▶ *Article 12§1 – Existence of a social security system*
 - Personal coverage of medical care is insufficient.
 - The minimum level of old age benefit is inadequate.

([Conclusions 2013](#))

- ▶ *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*
 - The level of social assistance paid to a single person without resources is manifestly inadequate and
 - It has not been established that elderly people without resources receive adequate social assistance.

([Conclusions 2013](#))

Thematic Group 3 “Labour rights”

- ▶ *Article 2§1 – Right to just conditions of work – Reasonable working time*

The daily working time of some categories of workers can be extended to 24 hours.

([Conclusions 2014](#))

- ▶ *Article 2§5 – Right to just conditions of work – Weekly period of rest*

It has not been established that the right to a weekly rest period may not be forfeited or replaced by financial compensation and that adequate safeguards exist to ensure that workers may not work for more than twelve consecutive days without a rest period.

([Conclusions 2014](#))

- ▶ *Article 2§6 – Right to just conditions of work – Information on the employment contract*

It has not been established that the right to information on the employment contract is guaranteed.

([Conclusions 2014](#))

- ▶ *Article 4§2 – Right to a fair remuneration – Increased remuneration for overtime work*

The legislation does not guarantee an increased time off in lieu of remuneration for overtime.

([Conclusions 2014](#))

- ▶ *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

- In most cases, no notice period and/or severance pay in lieu thereof is applicable to dismissal or termination of an employment contract.
- With regard to the particular situations in which provision has been made for notice and/or severance pay in lieu thereof, the period and/or amount is not reasonable as regards:
 - dismissal following the liquidation of the company or the change in circumstances, beyond five years of service;
 - dismissal on the ground of the employee’s unsuitability for the job, long-term incapacity for work or having reached retirement age;
 - termination of employment contracts following a substantial change in working conditions or when the employee is called up for military service;
 - termination of seasonal or temporary work contracts.

([Conclusions 2014](#))

- ▶ *Article 4§5 – Right to a fair remuneration – Limits to deduction from wages*

- Withdrawing wages entirely for reasons connected with the quality and quantity of production deprives workers and their dependants of any means of subsistence.
- After all authorised deductions, the wages of workers with the lowest pay do not allow them to provide for themselves and their dependants.

([Conclusions 2014](#))

- ▶ *Article 5 – Right to a organise*

- It has not been established whether there is adequate protection against discrimination for employees who are trade union members or participate in trade union activities.
- It has not been established that trade union representatives have access to workplaces to carry out their responsibilities.
- The minimum membership requirements set for forming trade unions and employers' organisations are too high.
- The following categories of workers cannot form or join trade unions of their own choosing: employees of the Prosecutor's Office, civilians employed by the police and security service, self-employed workers, those working in liberal professions and the informal sector workers.
- Police officers are prohibited from joining trade unions.

([Conclusions 2014](#))

► *Article 6§1 – Right to bargain collectively –*

Minimum membership requirements excessively limit the possibility of trade unions to participate effectively in consultations.

([Conclusions 2014](#))

► *Article 6§3 – Right to bargain collectively – Conciliation and arbitration*

It has not been established that mediation/conciliation procedures exist in the public sector.

([Conclusions 2014](#))

► *Article 6§4 – Right to bargain collectively – Joint consultation*

- The required majority of workers to call a strike is too high.
- It has not been established that the restrictions on the right to strike in the energy supply services comply with the conditions established by Article G.
- It has not been established that striking workers are protected from dismissal after the strike.

([Conclusions 2014](#))

► *Article 22 – Right of workers to take part in the determination and improvement of working conditions and working environment*

It has not been established that:

- The right of workers to take part in the determination and improvement of working conditions and the working environment is effective.
- The right of workers to take part in the determination and improvement of the protection of health and safety is effective.
- Workers' representatives have legal remedies when their right to take part in the determination and improvement of working conditions and the working environment is not respected.
- Sanctions exist for employers who fail to fulfill their obligations under this article.

([Conclusions 2014](#))

► *Article 28 – Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

- The protection granted to workers' representatives is not extended for a reasonable period after the end of period of their mandate.
- It has not been established that workers' representatives are granted adequate protection against prejudicial acts other than dismissal.
- It has not been established that facilities granted to workers' representatives are adequate.

([Conclusions 2014](#))

Thematic Group 4 "Children, families, migrants"

► *Article 7§1 – Right of children and young persons to protection – Prohibition of employment under the age of 15*

The daily and weekly working time for children under the age of 15 is excessive and cannot qualify as light work.

([Conclusions 2011](#))

► *Article 7§3 – Right of children and young persons to protection – Prohibition of employment of children subject to*

compulsory education

The daily and weekly working time for children subject to compulsory education is excessive.

([Conclusions 2011](#))

► *Article 7§7 – Right of children and young persons to protection – Paid annual holidays*

Young workers have the option of giving-up the annual holiday for financial compensation.

([Conclusions 2011](#))

► *Article 8§2 – Right of employed women to protection of maternity – Illegality of dismissal*

The exception to the prohibition of dismissal of pregnant women and women on maternity leave based on the employer's loss of trust in the employee is too vague.

([Conclusions 2011](#))

► *Article 8§4 – Right of employed women to protection of maternity – Regulation of night work*

It has not been established that regulations on night work afford sufficient protection for pregnant women, women having recently given birth and women breastfeeding their child.

([Conclusions 2011](#))

► *Article 17§1 – Right of children and young persons to social, legal and economic protection – Assistance, education and training*

- Corporal punishment of children within the family and alternative child care is not prohibited.
- Young offenders may be held in pre-trial detention for up to 12 months.

([Conclusions 2011](#))

► *Article 17§2 – Right of children and young persons to social, legal and economic protection – Free primary and secondary education; regular attendance at school*

- Measures taken to reduce drop-out from compulsory schooling are not adequate.
- It has not been established that measures taken to increase the enrolment rate in secondary schools are sufficient.

([Conclusions 2011](#))

► *Article 19§10 – Right of migrant workers and their families to protection and assistance – Equal treatment for the self-employed*

- There are no measures in place to enable migrant workers and their families to learn the Armenian language.
- There are no programmes for the teaching of the migrant worker's mother tongue to the children of migrant workers.

([Conclusions 2011](#))

► *Article 19§11 – Right of migrant workers and their families to protection and assistance – Teaching language of host state*

There are no measures in place to enable migrant workers and their families to learn the Armenian language.

([Conclusions 2011](#))

► *Article 19§12 – Right of migrant workers and their families to protection and assistance – Teaching mother tongue of migrant*

There are no programmes for the teaching of the migrant worker's mother tongue to the children of migrant workers.

([Conclusions 2011](#))

► *Article 27§3 – Right of workers with family responsibilities to equal opportunity and treatment – Illegality of dismissal on the ground of family responsibilities*

Legislation makes no provision for the reinstatement of workers unlawfully dismissed on account of their family responsibilities.

([Conclusions 2011](#))

The European Committee of Social Rights has been unable to assess compliance with the following provisions and has invited the Armenian Government to provide more information in the next report:

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ Article 1§3 Conclusions 2012
- ▶ Article 20 Conclusions 2012

Thematic Group 2 "Health, social security and social protection"

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Thematic Group 3 "Labour rights"

- ▶ Article 2§4 Conclusions 2014
- ▶ Article 4§3 Conclusions 2014
- ▶ Article 6§2 Conclusions 2014

Thematic Group 4 "Children, families, migrants"

- ▶ Article 7§2 Conclusions 2011
- ▶ Article 7§3 Conclusions 2011
- ▶ Article 7§5 Conclusions 2011
- ▶ Article 7§9 Conclusions 2011
- ▶ Article 7§10 Conclusions 2011
- ▶ Article 19§1 Conclusions 2011
- ▶ Article 19§2 Conclusions 2011
- ▶ Article 19§3 Conclusions 2011
- ▶ Article 19§4 Conclusions 2011
- ▶ Article 19§5 Conclusions 2011
- ▶ Article 19§6 Conclusions 2011
- ▶ Article 19§7 Conclusions 2011
- ▶ Article 19§8 Conclusions 2011
- ▶ Article 27§1 Conclusions 2011