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EUROPEAN UNION FOR ARMENIA

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**Labor rights in the European
Union-Armenia Comprehensive and
Enhanced Partnership Agreement**





The Comprehensive and Enhanced Partnership Agreement (CEPA¹) was signed between the European Union and the Republic of Armenia in November 2017 and fully entered into force on 1 March 2021.

The Agreement addresses labor rights in the context of employment, education, equal opportunities, safe and decent working conditions.

Employment, social policy and equal opportunities

(Part V, Chapter 15, Articles 84 - 90)

The Agreement specifies that the Republic of Armenia and the European Union shall *strengthen their dialogue and cooperation* on promoting the International Labour Organisation ("ILO") Decent Work Agenda, employment policy, health and safety at work, social dialogue, social protection, social inclusion, gender equality and anti-discrimination, and *thereby contribute to the promotion of more and better jobs, poverty reduction, enhanced social cohesion, sustainable development and improved quality of life.*

Throughout this cooperation, the parties shall address the following issues:

- poverty reduction and the enhancement of social cohesion;
- employment policy, aiming at more and better jobs with decent working conditions, including with a view to reducing the informal economy and informal employment;

¹ Comprehensive and Enhanced Partnership Agreement, https://www.mfa.am/filemanager/eu/CEPA_ARM_1.pdf

- promoting active labor market measures and efficient employment services to modernize the labor markets and to adapt to labor market needs;
- fostering more inclusive labor markets and social safety systems that integrate disadvantaged people, including people with disabilities and people from minority groups;
- equal opportunities and anti discrimination, aiming at enhancing gender equality and ensuring equal opportunities between women and men, as well as combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
- social policy, aiming at enhancing the level of social protection and modernizing social protection systems, in terms of quality, accessibility and financial sustainability;
- enhancing the participation of social partners and promoting social dialogue, including through strengthening the capacity of all relevant stakeholders;
- promoting health and safety at work; and
- promoting corporate social responsibility.

The involvement of all relevant stakeholders, including civil-society organizations and, in particular, social partners (Republican Union of Employers of Armenia and Confederation of Trade Unions in Armenia) ***shall be encouraged***.

The Parties shall promote corporate social responsibility and accountability and encourage internationally recognized responsible business practices for multinational enterprises.

A regular dialogue and approximation of legislation shall be performed for implementation of these obligations.

Trade and sustainable development (Part VI, Chapter 9, Article 274)

In Article 274 of the Agreement, the Parties recognise *full and productive employment and decent work for all as key elements for managing globalization*, and reaffirm their commitment to promote the development of international trade in a way that is conducive to full and productive employment and decent work for all.

The Parties commit to respect, promote and realize in their laws and practices and in their whole territory the internationally recognised core labor standards, as embodied in the fundamental ILO conventions and the protocols to those conventions, and in particular:

- (a) the freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labor;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

The Parties reaffirm their commitment to effectively implement in their laws and practices the fundamental, priority and other ILO conventions, as well as the protocols to those conventions, that have been ratified by the Member States and the Republic of Armenia respectively. . . . and the Parties shall also consider the ratification of the remaining priority and other conventions.

Roadmap ensuring implementation of the Comprehensive and Enhanced Partnership Agreement²

With respect to labor rights, the RA Government envisages the following activities in the roadmap:

- By 2023
 - Enshrine legal regulations in line with the best EU practices in order to apply equal treatment to all persons regardless of their racial and ethnic origin,
 - In legal acts regulating labor and employment field, improve legal regulations enshrining the principle of equal treatment of men and women, and introduce effective anti-discrimination mechanisms in that field,
 - Implement measures aimed at gradual introduction of the principle of equal treatment of men and women in the social security field and other social protection components.
- By 2025
 - Introduce effective mechanisms for combating discrimination on grounds of sex in the field of goods supply and service delivery and availability,
 - Introduce and ensure implementation of means aimed at safety and improvement of health for pregnant employees and employees who have recently given birth or are nursing,
 - Improve legal regulations enshrining the principle of legal equality in the labor and

² Roadmap ensuring implementation of the Comprehensive and Enhanced Partnership Agreement https://www.e-gov.am/u_files/file/decrees/varch/2019/19_666_1.pdf

employment field and introduce effective anti-discrimination mechanisms in that field,

- Identify legal practical issues and make the relevant legislative changes in order to establish a unified legal field for fixed-term employment (including fixed-term employment contracts, part-time employment, temporary and seasonal employment) and eliminate discriminatory treatment,
- Complete regulations related to labor rights of workers and safeguards in case of changes in structures of organizations (reorganization),
- Improve mechanisms of providing information and consultations to employees and review the RA legislation with the view to strengthening social dialogue and promoting mutual trust inside organizations,
- Enshrine in the RA legislation the obligation of employers to inform employees about conditions applied to employment contracts or labor relations,
- Establish in the RA legislation conditions necessary to improve working environment of workers with fixed-term or temporary employment in order to safeguard a higher level of health and safety at work,
- Identify legal practical issues and make the relevant legislative changes in order to establish a unified legal field for part-time workers.
- By 2027
 - Establish additional procedures on employees' awareness, consultation and

participation in case of collective redundancies and/or insolvency of the organization in order to mitigate redundancy consequences for employees,

- Make legislative regulations related to work time, rest time, and nighttime work in line with the best EU practice.

The road map envisages analysis of the existing legislative framework on occupational safety and/or health in certain fields and its alignment with EU requirements. The timeframe of these activities is established by the RA-EU partnership committee. Among other things, the following activities are envisaged:

- Establish, in the RA legislation, health and safety requirements for employees at workplace in accordance with EU standards,
- Adopt minimum health and safety requirements for the use of work equipment by employees at workplace,
- Adopt the RA Decree on “Approving rules and norms of ensuring safety and preserving health of employees”,
- Establish in the RA legislation minimum requirements for ensuring health and safety of workers on temporary or mobile construction platforms in order to make them compliant with the EU requirements,
- Develop construction norms “Safety in technical construction”,
- Establish requirements in the RA legislation to protect employees against risks of exposure to carcinogenic or mutagenic substances at workplace,

- Establish minimum requirements in the RA legislation on placing safety and/or health signs at workplace,
- Establish health and safety normatives for employees in mining industry where drilling is applied,
- Establish health and safety normatives for employees in surface and underground mining industries,
- Establish minimum requirements on personal protective equipment, provision of such equipment by employers and their use by employees,
- Establish requirements with the view to protecting employees against the risk of exposure to chemical, physical and biological stimuli at workplace,
- Establish requirements of labor conditions for underage employees.

OPPORTUNITIES CREATED THROUGH RATIFICATION OF THE ADDITIONAL PROTOCOL TO THE EUROPEAN SOCIAL CHARTER

The Republic of Armenia signed the **Revised European Social Charter** on 18 October 2001 and it entered into force for Armenia on 1 March 2004. The Charter enshrines a number of labor rights and principles, such as the right to fair labor conditions, the right of employed women to protection of maternity, the right to equal opportunities and treatment in matters of employment and occupation without discrimination on the grounds of sex, the right to dignity at work, etc.

In terms of labor rights, Armenia has ratified the following articles:

- the right to work,
- the right of employed women to protection of maternity,
- The right to engage in a gainful occupation in the territories of the other Parties,
- the right of migrant workers and their families to protection and assistance,
- the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex,
- the right to take part in the determination and improvement of the working conditions and working environment,
- the right to protection in cases of termination of employment,
- The right of workers with family responsibilities to equal opportunities and equal treatment,
- The right of workers' representatives to protection in the undertaking and facilities to be accorded to them.

Armenia has also undertaken obligations to partially ensure a number of rights under the Charter, the following of which are related to labor rights:

- the right to just conditions of work,
- the right to safe and healthy working conditions,
- the right to a fair remuneration.

Noteworthy, Armenia has not ratified, for example, Article 25 of the Charter (workers' right to protection of their claims in the event of the insolvency of their employer), Article 26 (the right

to dignity at work), Article 29 (the right to be informed and consulted in collective redundancy procedures) and other labor rights-related articles.

Additional Protocol to the Revised European Social Charter, which has not yet been ratified by the Republic of Armenia, aims at improving effective implementation of social, including labor rights safeguarded by the Charter. In particular, the Additional Protocol enables other actors engaged in labor rights protection, such as trade unions, organizations representing interests of employees and employers and other beneficiaries, to participate in ensuring exercise of rights enshrined in the Charter and making them compliant with national legislation, as well as oversight of their use in legal practice, by making collective complaints on violations of rights enshrined in the Charter.

Noteworthy, Charter member states regularly submit national reports to the European Committee of Social Rights, where they present implementation of the state's obligations under the Charter in domestic legislation and in legal practice.

Without the procedural opportunity to submit collective complaints, the Committee gives conclusions on implementation of Charter provisions relying only on national reports submitted by the Government. Introduction of a system of collective complaints is aimed at increasing effectiveness of oversight mechanisms by not relying exclusively on reports submitted by the Government.

- I. Under the Additional Protocol, the following entities have **the right to submit complaints**:

- National and international trade unions and organizations engaged in protection of interests of employers and employees,
- International non-governmental organizations (if included, based on their application, in the special list published by the Committee),
- Public organizations, if the state recognizes their right to file a complaint.

II. *Statistics of collective complaint submission is as follows:* as of 16.12.2021, there are 35 ongoing and 167 completed cases. 16 of the cases reviewed by the Committee concerned labor rights and were submitted against the following countries: Italy, Ireland, Belgium, Greece, Finland, etc. The majority of complaints were granted by the Committee and it was recorded that there had been violations of Charter provisions in certain cases.

Thus, the Additional Protocol enables international and national trade unions and organizations representing interests of employers and employees to follow the situation of labor rights and their compliance with rights and principles of the Charter in domestic law and legal practice.

Ratification of the Additional Protocol will be an important tool for trade unions and organizations representing interests of employers and employees in Armenia by increasing their role in labor rights protection. This is particularly essential in the context of reforms of trade unions, which is a current issue for the RA Ministry of Labor and Social Affairs.



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Who to apply when your labor rights have been violated?

**Health and labor
Inspection body:**

Hotline: 81-07

Electronic application link:

www.employeeprotect.am/am/repor

**Helsinki Citizens'
Assembly-Vanadzor**

Free legal consultation: 077 342268

Electronic application link:

www.facebook.com/DecentWorkNow

www.arhmiutyun.am/contact

Human rights defender

Hotline: 116

Regional offices

www.ombuds.am/am/site/ApplyTeamAdress

**Ministry of Labor and
Social affairs**

Hotline: 114

Electronic application link

www.e-request.am/hy

