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EUROPEAN UNION FOR ARMENIA

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DECENT
WORK
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Key amendments
made to the
Labor Codev





Under the law adopted by the RA National Assembly on 3 May 2023, a number of amendments and addenda were made to the RA Labor Code, after which certain amendments were made on 22 October 2023 and 22 May 2024.

Prohibition of violence and sexual harassment at work (at workplace) has been enshrined in the Labor Code. According to the formulation, sexual violence is a single or repeated act of violence or threat of violence at workplace or another place of performance of work duties (including business trips) against an employee or a third person, which results or can result in physical, mental, sexual or economic harm or establishment of a hostile or humiliating environment for that person. Sexual harassment at workplace or another place of performance of work duties (including business trips) is an unwanted act of sexual nature manifested in physical or verbal or non-verbal way (including suggestions of sexual nature, touching), which directly or indirectly affects a person's job-related decisions or creates a degrading or socially isolating work environment.

Initiation of labor relations and formulation of workplace has been specified. Employment relations are considered to have originated in the RA if the employment contract (or the individual legal act on employment) has been signed (adopted) in the RA. Workplace is any place where the employee performs work duties as specified in the employment contract (individual legal act on employment). For example, when performing a remote job, the employee's house can be considered his workplace.

Maximum duration of work hours for employees under 18 has been reduced.

- For children up to 7 years old: up to 2 hours a day, up to 4 hours a week,
- For children aged 7-12: up to 3 hours a day, up to 6 hours a week,
- For children aged 12-15: up to 4 hours a day, up to 12 hours a week,
- For children aged 15-16: up to 24 hours a week,
- For children aged 16-18: up to 36 hours a week.

Workers under 18 can only work outside the hours set for compulsory education.

Regulations concerning representatives of workers have been reviewed. Representatives of workers (trade unions) have been provided with an opportunity to appeal an employer's decisions and activities in court in case of violations of an employee's rights.

Regulations concerning decision-making about declaring a strike have been amended. To declare a strike, votes of the majority of workers, which shall not be less than half of the total number of employees, are required. In case of strikes of a specific department, votes of at least more than half of the department employees are required, while in case a specific department's strike can compromise work of other departments, votes of $\frac{1}{3}$ of the total number of employees are required. The right to declare a strike used to be reserved exclusively to trade unions. As a result of the amendment, in the absence of a relevant trade union, adoption of the decision to declare a strike and other functions related to declaration of a strike can be performed by representatives (body) elected by the workers' assembly.

Addenda have been made to regulations on contents of an employment contract. Alongside the amount of salary, hereinafter the employment contract shall also specify the amount of salary taxes, social and other compulsory payments, hourly, daily, piece or monthly rates, means of notification between the employer and employee. An employment contract can also be signed through postal or electronic communication means between the parties.

Regulations pertaining to concurrent jobs have been clarified. In case of concurrent employment, the main job is considered to be the one being performed based on the employment contract signed earlier than the other one. Annual leave of workers with concurrent employment is provided simultaneously with the annual leave provided at their main job (except for pedagogues and staff of professors/lecturers in educational institutions).

Regulations on termination of the employment contract at the initiative of an employee have been changed. An employment contract can be terminated, by mutual agreement, within the period specified in the dismissal application, instead of the 30-day notice period established under the Labor Code; while in case of non-compliance with agreements, a regulation on payment of damages to the employer has been established.

The preemptive right to stay employed in case of job cuts has been established. Under other equal conditions, the employer is obliged to take measures so that in the event of layoffs, the following employees remain employed: employees who are members of the family of a former serviceperson entitled to a disability pension, as well as a former serviceperson receiving a disability pension based on a high degree of functional

limitation, or a deceased or missing serviceperson or a serviceperson declared deceased.

Grounds for termination of an employment contract at the employer's initiative. The fact that an employee has reached retirement age is no longer a sufficient basis for terminating the contract. Henceforth, employers can also conclude indefinite contracts with persons of retirement age.

Addenda have been made to the grounds for terminating an employment contract based on loss of trust in an employee. The employer will be able to terminate an employment contract if the life and health of persons were put at risk as a result of an employee's violation of work safety rules, as well as if the employee illegally used the employer's computer equipment or information systems, through which he obtained and made illegal use of work or personal data.

Addenda have been made to grounds for allowing overtime work. The employer has an opportunity to engage an employee in overtime work only based on his written consent.

Regulations of paid annual leave have been reviewed. In case of not exercising their right to go on a leave for two and a half years on end, the employee goes on a leave without an application, at the employer's initiative. In case of not granting annual leave to the employee within terms set by the Labor Code, the employer must pay a penalty to the employee. As agreed upon by the parties, annual leave can also be granted before the employee has completed 6 months of uninterrupted employment.

Terms of study leave have been reviewed and allow going on a leave for up to two years while keeping the job position.

The practice of internship has been introduced, which will allow persons studying in educational institutions or recent graduates (within a year after graduation) to obtain work experience. The regulations aim to protect interns against possible exploitation and provide for a written contract to be signed.

The regulation on the additional break provided every 3 hours for nursing women has been reviewed. In addition to the break provided for rest and meals, an additional break of not less than half an hour is provided to a woman who has a child under two until the child reaches the age of two. At the request of the woman, these breaks can be combined and added to the break for rest and meals or provided at the beginning of the working day or moved to the end of the working day with a corresponding reduction in the duration of the working day.

An addendum has been made to the regulation on prohibition of employment of persons under 18. Persons under 18 are prohibited from engaging in production, use, advertisement, trade or any other way of distribution or realization of alcoholic beverages, narcotics, psychotropic (psychoactive) substances, tobacco, other tobacco products or their substitutes, printed publications, films, video clips, TV-radio programs containing erotica, pornography, horror, as well as work related to organizing or advertising gambling.

Under the amendment made in October 2023, **the term “remote work”** was defined as follows, “Remote work is performance of work duties by an employee without appearing at the workplace”. Cases of remote work have been determined and it was established that the procedure and conditions of remote work, as well as all questions related to

reimbursement for necessary equipment, materials or their purchase, are resolved in a written agreement between the employer and the employee.

In May 2024, amendments were made **in connection with adoption of the Law on Vocational Education and Training**. The Law on Vocational Education and Training establishes goals and objectives of the vocational education and training system, principles and social safeguards of the state policy in this field, organizational-legal basis for vocational educational programs and activity of organizations implementing those programs, with the purpose of implementation of the right to get education in line with one's preferences, abilities and labor market needs and development trends, recognition and mutual recognition of results. The Labor Code specifies that those undergoing practical training in the frame of professional education are also considered workers. The amendments regulate the contract form for those undergoing practical training, and exclusions, established under the Code, in connection with those performing that work.

If your labor rights have been violated or you need free consultation, call at 077342268 to get a consultation in the frame of Decent Work Now project.

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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

