



# **The right to strike in the public sector Armenia**

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## 1. Legal basis

### a) International level (relevant for the right to strike)

Armenia has ratified:

- UN instruments<sup>1</sup>: International Covenant on Economic, Social and Cultural Rights (ICESR, Article 8) on 13.09.1993 and International Covenant on Civil and Political Rights (ICCPR, Article 22) on 23.06.1993.
- ILO instruments<sup>2</sup>:
  - Convention No. 87 on Freedom of Association and Protection of the Right to Organise (2.01.2006);
  - Convention No. 98 on the Right to Organise and to Collective Bargaining (12.11.2003);
  - Convention No. 154 on Collective Bargaining (29.04.2005).

### b) European level

Armenia has ratified:

- Article 6§4 (right to collective action) of the Revised European Social Charter of 1996 with no reservations (ratification: 21.01.2004, entry into force: 1.03.2004);<sup>3</sup>
- Article 11 (right to organise) of the European Convention of Human Rights (ratification and entry into force on 26.04.2002).<sup>4</sup>

### c) National level

- Constitution<sup>5</sup> Article 58 guarantees the right to strike as follows:

*“1. Workers shall have the right to strike for the protection of their economic, social and labour interests. The procedure for holding a strike shall be prescribed by law. 2. The right to strike may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others.”*

- Applicable laws
  - In general: the Labour Code<sup>6</sup>, Article 73 (1) provides that *“strike is a temporary cessation of work, complete or partial, by the employees or a group of employees of one or several organisations, for the purpose of settling a collective labour dispute.”*
  - Specific laws for certain sectors: Article 75 of the Labour Code provides that: *“Calling strikes is prohibited in the police, armed forces (other equated services), security services, as well as centralised electricity supply services, heat, gas supply, emergency medical aid services.”*

## **2. Who has the right to call a strike?**

Under the Labour Code, the right to make a decision on calling a strike is vested in the trade union in the manner established by the Labour Code.<sup>7</sup>

The trade union shall have the right to call a strike only if: (1) the dispute related to the conclusion of a collective agreement was not settled through conciliation procedures; (2) the employer refrain from carrying out a conciliation procedure; (3) the employer fails to implement the decision of the Conciliation Commission that satisfies the employees or fails to fulfill his/her obligations assumed in accordance with the collective labour agreement concluded in advance.<sup>8</sup>

As for balloting mechanism, a decision to call a strike shall be approved by secret ballot by two-thirds of the total number of the employees of the organisation at the time of calling a strike.<sup>9</sup> (see section 5 below for detailed information)

In case of absence of a trade union within the organisation, the functions on calling a strike shall be transferred upon the decision of the staff meeting (assembly) of the employees of the organisation, to the respective sectoral or territorial trade union.<sup>10</sup>

### 3. Definition of a strike

The Labour Code establishes the following types of strikes:

- A strike is defined as a temporary cessation of work, complete or partial, by the employees or a group of employees of one or several organisations, for the purpose of settling a collective labour dispute.<sup>11</sup>
- A *warning strike* may be held before going on strike. A warning strike may not last longer than two hours and the employer must be given at least a three days' written notice of such strike.<sup>12</sup>

The Labour Code expressly provides for the above mentioned types of strike. There are no explicit legal provisions on other types of collective action such as solidarity strikes, sit-ins, go-slow actions, rotating strikes, work-to-rule, picketing, blockades, etc.

#### 4. Who can participate in a strike?

- According to the Constitution<sup>13</sup>, workers have the right to strike. Under the Labour Code, employees have the right to strike.<sup>14</sup> However, as noted above, trade unions have the right to call a strike.<sup>15</sup>
- According to the Labour Code, the participation in a strike is voluntary. No one may be compelled to participate in a strike or to refuse to take part therein. The persons compelling an employee to participate or not to participate in a strike shall be subject to liability under the law.<sup>16</sup>
- **Limitations of the right to strike**

According to the Constitution, Article 58 (2): *“The right to strike may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others.”*

Under Article 75 (1) of the Labour Code, it is prohibited to call a strike in the police, armed forces (other equated services), security services, as well as in the centralised electricity supply, heat supply, gas supply and emergency medical aid services.<sup>17</sup> The claims formulated by the employees of such services shall be discussed at the national level of social partnership, with the participation of the relevant trade union and the employer.<sup>18</sup>

Strikes shall also be prohibited in natural disaster areas, as well as in the areas where state of martial law or a state of emergency has been declared under the prescribed procedure, until the effects of natural disaster are remedied or the state of martial law or emergency situation (state of emergency) are lifted in the prescribed manner.<sup>19</sup>

- **Essential services/activities**

*Minimum services.* During a strike in the organisations specified in Article 74 (4) of the Labour Code (i.e. organisations engaged in activities covering railway and urban public transport, civil aviation, communication, healthcare, food production, water supply, sewerage and waste disposal, organisations with a continuous production cycle, as well as organisations the cessation of work may result in grave or hazardous consequences for life and health of the society or individual persons), *minimum conditions (services) required to meet the immediate (vital) needs of public must be ensured.*<sup>20</sup>

The minimum conditions (services) shall be established by the respective state or local self-governing bodies. Fulfillment of those conditions shall be ensured by the body leading the strike, the employer and the employees appointed thereby.<sup>21</sup>

In case of non-compliance with the above mentioned conditions (provided by Article 77 (2) of the Labour Code), the state and local self-governing bodies or the employer may involve other services to ensure them.<sup>22</sup>

*Notification.* When a decision is taken to call a strike in railway and urban public transport, civil aviation, communication, health care, food production, water supply, sewerage and waste disposal enterprises, enterprises with continuous production cycle, as well as other enterprises

the cessation of work may result in grave or hazardous consequences for public or life and health of individuals, *the employer must be warned in writing on calling the strike at least fourteen days in advance.*<sup>23</sup>

The “essential services” in the strict sense of the term have been defined by the International Labour Organisation as those services “the interruption of which would endanger the life, personal safety or health of the whole or part of the population.”<sup>24</sup>

*Intervention by courts.* Under Article 78 (4) of the Labour Code, if there is a direct threat emerging as a result of the failure to ensure the minimum conditions (services) required to meet the immediate (vital) needs of public, which may have or lead to grave or hazardous consequences for public or individual human life and health, *the court may postpone the proposed strike for a 30-day period and to suspend the strike already in progress for the same period.*

## 5. Procedural requirements

- The trade union shall have the right to organise a strike, *if*: 1) the dispute related to the conclusion of a collective agreement was not settled through conciliation procedures; 2) the employer refrain from carry out a conciliation procedure; 3) the employer fails to implement the decision of the Conciliation Commission [adopted pursuant to Article 70 (1) of the Labour Code] that satisfies the employees or fails to fulfill his/her obligations assumed in accordance with the collective labour agreement concluded in advance.<sup>25</sup>
- As for *balloting mechanisms*, a decision to call a strike shall be approved by secret ballot: (1) by two-thirds of the total number of the employees of the organisation at the time of calling a strike; or (2) by two-thirds of the employees of the detached (structural) subdivision of the organisation at the time of calling a strike in that subdivision. If calling a strike in a structural subdivision of the organisation hinders the smooth operation of activities of other subdivisions of the organisation, the decision to call a strike should be approved by two-thirds of the employees of the subdivision, which may not be less than half of the total number of employees of the organisation.<sup>26</sup>
- As for *notice period*, the trade union shall be obliged to inform the employer in writing on the intended strike *at least seven days before* the beginning of the strike. Concurrently with informing the employer, the decision calling the strike [in the manner prescribed by the Labour Code], shall be delivered to the employer, attaching the claims put forward. When calling a strike, *only the claims not met during the conciliation procedure are allowed to be lodged*.<sup>27</sup>
- The *decision to call a strike shall specify*: 1) the *requirements* serving as a ground for calling the strike; 2) the *year, month, date and hour* of the start of the strike, 3) *the body leading the strike*.<sup>28</sup>
- For *essential services* (see the full list in section 4 above), the employer must be notified in writing on holding the strike *at least fourteen days in advance*,<sup>29</sup> and minimum conditions (services) required to meet the immediate (vital) needs of public must be ensured (for more details see section 4 above).<sup>30</sup>
- A *warning strike* may not last longer than two hours and the employer must be given at least a *three days' written notice* of such warning strike.<sup>31</sup>
- During a strike, the body leading the strike and the employer shall be obliged to undertake all measures within their power, to ensure the protection of the public order, the safety of the employees' life and the property of the organisation.<sup>32</sup>
- Participation in a strike is voluntary. No one may be compelled to participate in a strike or to refuse to take part therein.<sup>33</sup>
- A strike shall be stopped *if*: 1) the submitted claims are met; 2) during the strike the parties reach an agreement to stop the strike under certain conditions; 3) the trade union which called the strike finds it inappropriate to further continue the strike.<sup>34</sup>

- After satisfaction of the claims, the trade union which called the strike shall take a decision to stop the strike. The written decision to stop the strike shall specify the terms for resuming work.<sup>35</sup>



## 6. Legal consequences of participating in lawful/unlawful strikes

- Participation in lawful strike:
  - Employees participating in a strike shall be released from the obligations to perform their work functions. The work place (position) of employees participating in the strike shall be retained during the strike.<sup>36</sup>
  - Termination of an employment contract by the employer is prohibited after a decision to call a strike is adopted and during the strike in case the employee participates in the strike in the manner established by the Labour Code.<sup>37</sup>
  - The employer may choose not to pay salaries to the employees participating in the strike.<sup>38</sup>
  - During the negotiations held by the parties in order to end the strike, the parties may reach an agreement to pay the striking employees full or part of their salary.<sup>39</sup>
  - The employees who are not participating in the strike, but due to the strike are no longer able to fulfill their work duties, shall be paid for the involuntary idle time caused through no fault of theirs, or may, at their own discretion, be transferred to another job.<sup>40</sup>
  - After a decision to call a strike is taken and during the strike, the employer shall have no right to: 1) obstruct all or individual employees to attend their work places; 2) refuse to provide employees with work; 3) impose disciplinary liability on employees for participation in the strike.<sup>41</sup> It was reported that these provisions shall apply to both members and non-members of a trade union.<sup>42</sup>
  - The heads and other officers of the organisation, its detached (structural) subdivision who have violated the above mentioned requirements [pursuant to Article 80 of the Labour Code], may be subjected to administrative or material liability in the manner established by law.<sup>43</sup>
  - Pursuant to Article 41.2 of the Code “On administrative offences”, preventing all or individual employees to attend their workplaces, refusing to provide work to employees, subjecting employees to disciplinary liability for participating in a strike after a decision on calling a strike is adopted and during the strike — shall entail imposition of a fine on the person having committed a violation in the amount of fifty-fold of the minimum salary defined. The same violation committed repeatedly within a year following the application of measures of administrative penalty — shall entail imposition of a fine on the person having committed a violation in the amount of one hundred-fold of the minimum salary defined.<sup>44</sup>
  - During a strike, the employer shall have no right to hire new employees instead of those participating in the strike, except for the cases provided for by Article 77 (3) of the Labour Code (when minimum conditions (services) required to meet the immediate (vital) needs of public must be ensured in essential services).<sup>45</sup>

- Participation in unlawful strike:
  - The employer or the party which received the claims, as soon as the strike is initiated, may apply to the court with a petition to recognise the strike as unlawful. The court shall hear the case and make a judgment thereon within *seven days upon accepting the claim*.<sup>46</sup>
  - The court shall recognise the strike unlawful if the objectives of the strike contradict the Constitution, other laws, or if the strike was called in breach of the requirements and procedure established by the Labour Code.<sup>47</sup>
  - The strike may not be begin after the entry into force of the court decision on declaring the strike illegal, and the strike already in progress must be immediately discontinued.<sup>48</sup>
  - According to the Labour Code, in case of recognising the strike illegal [in the manner prescribed above], the trade union who called the strike shall, on account of its property compensate the employer for the damages inflicted to the latter in the manner prescribed by the legislation.<sup>49</sup>
  - The damage caused to other persons due to the strike shall be compensated in the manner established by the legislation.<sup>50</sup>

## 7. Case law of international/European bodies

- **International Labour Organisation's Committee of Experts on the Application of Conventions and Recommendations (CEACR)<sup>51</sup>**

Direct Request CEACR – adopted 2016, published 106<sup>th</sup> ILC session (2017)<sup>52</sup>

The Committee recalled that it had previously requested the Government to amend:

- section 4 of the Law on Employers' Organizations and section 2 of the Law on Trade Unions so as to lower the minimum membership requirements set for the establishment of organisations at the national, sectoral and territorial levels; (...)
- section 74(1) of the Labour Code, which requires a vote by two-thirds of an organisation's (enterprise's) employees to declare a strike (or a vote by two thirds of employees of the subdivision if a strike is declared by a subdivision of an organization, as the case may be), so as to ensure that account is taken only of the votes cast, and that the required quorum and majority are fixed at a reasonable level;
- section 77(2) of the Code, according to which, minimum services are determined by the corresponding state and local self-governance entities, so as to ensure that social partners are able to participate in the definition of what constitutes a minimum service.

The Committee noted the Government's indication that tripartite consultations and discussions are still ongoing, and that no agreement has been reached by the social partners on the issues outlined above. The Government indicated that the Republican Union of Employers of Armenia (RUEA) suggested to establish a tripartite working group to discuss these issues, and requested technical assistance of the Office in this regard.

*Recalling that the suggestion to establish a working group was first noted by the Committee in 2013, the Committee trusted that such a tripartite working group will be established without further delay. Noting that technical assistance of the Office was requested to address this matter, the Committee expected that the Government's next report will contain information on the measures taken to bring its legislation into full conformity with the Convention.*

The Committee had previously requested the Government to take the necessary measures to amend the Constitution and the Law on Trade Unions so as to ensure that the following categories of workers could establish and join organizations of their own choosing: (i) employees of the Prosecutor's Office, judges and members of the Constitutional Court; (ii) civilians employed by the police and security service<sup>53</sup>; (iii) self-employed workers; (iv) those working in liberal professions; and (v) workers in the informal economy.

The Committee noted the Government's indication that the staff of the Constitutional Court had established a trade union affiliated to the Republican Sectoral Trade Union of State Institutions, Local Authorities and Public Services in Armenia<sup>54</sup>. With regard to members of the Constitutional Court, the Government explained that because the Law on the Constitutional Court guarantees financial and social independence to their members (by establishing in its section 12 that the state provides with adequate living and working conditions), there is no need for establishing a trade union representing members of the Court. Referring to *Article 9* of the Convention, the Government further reiterated that police and

security public servants cannot establish trade unions and that their rights are protected by relevant laws. With regard to the informal sector, the Government indicated that workers engaged in this sector cannot be members of trade unions as pursuant to section 102 of the Labour Code, working without a labour contract is illegal. Regarding the right to organise of self-employed persons, the Government indicated that no solution has been proposed by the social partners in this respect and that technical assistance of the ILO is thus necessary.

The Committee recalled that the right to organise should be guaranteed without distinction, to all workers, including to all public servants and officials, judges, self-employed, those working in liberal professions and workers in the informal economy, and that the only authorised exceptions from the scope of application of the Convention concern members of the police and the armed forces. With regard to the latter, the Committee considered that civilians employed in such services, should be granted the right to establish organisations.

*The Committee therefore once again requested the Government to amend its constitutional and legislative provisions so as to ensure that employees of the Prosecutor's Office, judges, members of the Constitutional Court, civilians employed by the police and security service, self-employed workers, those working in liberal professions, and workers in the informal economy can establish organisations for furthering and defending their interests. Noting that the Government had requested technical assistance of the Office to address this matter, the Committee expected that the Government's next report will contain information on the measures taken to bring the legislation into conformity with Article 2 of the Convention.*

## **European Social Charter**

- Conclusions on Article 6§4 of the European Committee of Social Rights (ECSR)<sup>55</sup>

With regard to the *entitlement to take collective action*, the Committee noted previously that pursuant to Article 74 (1) of the Labour Code in order to declare a strike, a vote by two-thirds of an organisation's (enterprise's) employees is required by secret ballot. If a strike is declared by a subdivision of an organisation, a vote by two-thirds of the employees of that subdivision is required. However, if such a strike hampers the activities of other subdivisions, the strike should be approved by two-thirds of the employees of the subdivision, which may not be less than half of the total number of employees of the organisation. Further to the amendment of this Article on 24 June 2010, "in case of absence of a trade union in the organisation, the responsibility for declaring a strike by the decision of the staff meeting (conference) is transferred to the relevant branch or regional trade union". The Committee considered that the situation was not in conformity with the Charter, on the ground that the required majority to call a strike is too high (Conclusions 2014). According to the report, the government intended to amend the situation but was awaiting information from the ILO. Therefore the Committee found that as the situation has not changed during the reference period the situation was still not in conformity with the Charter in this respect.

With regard to *restrictions on the right to strike*, the Committee previously found the situation not to be in conformity with the Charter on the grounds that strikes in the energy supply services are prohibited (Conclusions 2016). The Committee noted that there had been no change to this situation, therefore it reiterated its previous conclusion of non-conformity.

It further noted that strikes are permitted in other essential services subject to the provision of a minimum service.

According to the report, Article 77 of the Labour Code prescribes that during a strike in activities covering railway transport and urban public transport, civil aviation, communication, healthcare, food production, water supply, sewerage and waste disposal, organisations with a continuous production cycle, as well as in organisations the termination of work wherein may result in grave or hazardous consequences for life and health of the society or individual persons a minimum service provision is required. Minimum service requirements shall be set by the relevant state or local self-government bodies.

The Committee considered that the sectors in which the right to strike may be restricted are overly extensive and it had not been demonstrated that the restrictions satisfy the conditions laid down in Article G of the Charter. The Committee asked whether employee representatives are involved in the discussions on the minimum service to be provided on an equal footing with employers.

The Committee noted in addition that strikes are prohibited, inter alia, by members of the police and security services. Concerning police officers, an absolute prohibition on the right to strike can be considered in conformity with Article 6§4 only if there are compelling reasons justifying it. On the other hand the imposition of restrictions as to the mode and form of such strike action can be in conformity to the Charter. The Committee considered therefore that the situation was not in conformity in this respect.

The Committee concluded that the situation in Armenia was not in conformity with Article 6§4 of the Charter on the grounds that: (i) the percentage of workers required to call a strike is too high; (ii) strikes are prohibited in the energy supply services; (iii) all members of the police are prohibited from striking; (iv) restrictions on the right to strike in certain sectors are too extensive and go beyond the limits permitted by Article G.

## 8. Recent developments

It has been reported that workers have the legal right to form and join independent trade unions of their choice, except for those serving in the armed forces, law enforcement agencies and the majority of civil servants. In practice however, most workers are unable to exercise this right. The right to strike is provided for, except for civil servants, but in reality it is limited.<sup>56</sup> For example, members of the armed forces and law enforcement agencies do not have the right to strike. It has been noted that, however, strikes rarely take place due to lack of legal protection, enabling employers to carry out intimidation and making workers afraid of losing their job.<sup>57</sup>

Following his visit to Armenia in 2018, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, reported that the situation of trade unions is extremely weak in the country, there is a lack of meaningful discussions between the trade unions, civil society actors or political organizations and there is an absence of understanding of the real role of trade unions even by their own members. Voule noted that the Armenian labour market is insecure and poorly regulated allowing for dismissal of workers without sufficient safeguards. In his view, this legal framework can inhibit the freedom to form, organise and operate trade unions, as employers - private and public - have almost unfettered discretion, and can find easy excuses to fire workers who try to form and operate trade unions which they may not want.<sup>58</sup>

## 9. Bibliography

- The Constitution of the Republic of Armenia, available (in English) at: <https://www.president.am/en/constitution-2015/>
- The Labour Code available (in English) at: [https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/69749/132009/F1810800147/Labor%20Code Armenia Eng adopt.2004 final 2016.pdf](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/69749/132009/F1810800147/Labor%20Code%20Armenia%20Eng%20adopt.2004%20final%202016.pdf)
- ITUC Report 'Internationally Recognised Core Labour Standards in Armenia', April 2010, available at: <https://www.ituc-csi.org/serious-workers-rights-problems-in>
- ILO, National Labour Law Profile: Republic of Armenia: [https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS\\_158891/lang-en/index.htm](https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158891/lang-en/index.htm)
- ILO CEACR, Observations and Direct Requests concerning the implementation of ILO Convention No. 87, in respect of Armenia, available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>
- Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi VOULE, at the conclusion of his visit to the Republic of Armenia, Yerevan, 16 November 2018, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23882&LangID=E>
- ECSR, Conclusions 2018 on Article 6§4, Armenia available at: <http://hudoc.esc.coe.int/eng?i=2018/def/ARM/6/4/EN>
- The 12<sup>th</sup> National Report on the implementation of the European Social Charter submitted by Armenia, 28.02.2018, pp. 56-58, available at: <https://rm.coe.int/12th-national-report-from-armenia/168078ebb0>
- Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6<sup>th</sup> edition, 2018, Chapter 10, paras. 853-863, available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_632659.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_632659.pdf)
- ETUI Report « Better defending and promoting trade union rights in the public sector », No. 105, 2008, pp. 79-81, available at: <https://www.etui.org/Publications2/Reports/Better-defending-and-promoting-trade-union-rights-in-the-public-sector2>

## Notes

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- 1 Status of ratification by Armenia of UN Treaties available at: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en> , consulted on 24.10.2019
- 2 Status of ratification by Armenia of ILO Conventions available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:102540](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102540), consulted on 24.10.2019
- 3 Status of ratification by Armenia of the Revised European Social Charter available at : [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p\\_auth=jPYjkVEL](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=jPYjkVEL) and <https://www.coe.int/en/web/european-social-charter/signatures-ratifications>, consulted on 25.10.2019
- 4 Status of ECHR ratifications available at: [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p\\_auth=jPYjkVEL](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=jPYjkVEL), consulted on 25.10.2019
- 5 The Constitution of the Republic of Armenia was adopted on 5.07.1995 and amended subsequently in 2005 and 2015, available (in English) at: <https://www.president.am/en/constitution-2015/>
- 6 The Labour Code was adopted on 9.11.2004 and entered into force on 21.06.2005 available at (in English): [https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/69749/132009/F1810800147/Labor%20Code\\_Armenia\\_Eng\\_a\\_dopt.2004\\_final\\_2016.pdf](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/69749/132009/F1810800147/Labor%20Code_Armenia_Eng_a_dopt.2004_final_2016.pdf)
- 7 Article 74 (1) of the Labour Code
- 8 Article 73 (2) of the Labour Code
- 9 Article 74 (1) of the Labour Code; see also ECSR, Conclusions 2018 on Article 6§4, Armenia available at: <http://hudoc.esc.coe.int/eng?i=2018/def/ARM/6/4/EN>
- 10 Article 74 (1.1.) of the Labour Code
- 11 Article 73 (1) of the Labour Code; A ‘collective labour dispute’ is defined by Article 64 of the Labour Code as “a disagreement between the trade union and the employer or between the parties having the right to conclude a collective agreement on the claims filed and not satisfied that arise during the negotiations for the conclusion of collective agreement, as well as during the change of conditions prescribed by the legislation, other normative/regulatory legal acts or collective agreements or establishment of new working conditions, conclusion and performance of collective agreement”.
- 12 Article 74 (3) of the Labour Code
- 13 Article 58 (1) of the Constitution
- 14 Article 73 (1) of the Labour Code
- 15 Article 74 (1) of the Labour Code
- 16 Article 79 (1) of the Labour Code - there is no specific law that establishes liability for employers or other persons who force workers not to participate in strikes.
- 17 See the 12th National Report on the implementation of the European Social Charter submitted by Armenia, 28.02.2018, p. 57, available at: <https://rm.coe.int/12th-national-report-from-armenia/168078ebb0>
- 18 Article 75 (1) of the Labour Code
- 19 Article 75 (2) of the Labour Code
- 20 Article 77 (2) of the Labour Code; see the 12th National Report on the implementation of the European Social Charter submitted by Armenia, 28.02.2018, pp. 56-57, available at: <https://rm.coe.int/12th-national-report-from-armenia/168078ebb0>
- 21 Article 77 (2) of the Labour Code
- 22 Article 77 (3) of the Labour Code
- 23 Article 74 (4) of the Labour Code
- 24 Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as “*essential services in the strict sense of the term*” where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also ETUI Report 105, pp. 79-81
- 25 Article 73 (2) of the Labour Code



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26 Article 74 (1) of the Labour Code; see ECSR, Conclusions 2018 on Article 6§4, Armenia available at: <http://hudoc.esc.coe.int/eng?i=2018/def/ARM/6/4/EN> and the 12th National Report on the implementation of the European Social Charter submitted by Armenia, 28.02.2018, p. 56, available at: <https://rm.coe.int/12th-national-report-from-armenia/168078ebb0>

27 Article 74 (2) of the Labour Code

28 Article 74 (5) of the Labour Code

29 Article 74 (4) of the Labour Code

30 Article 77 (2) of the Labour Code

31 Article 74(3) of the Labour Code

32 Article 77 (1) of the Labour Code

33 Article 79 (1) of the Labour Code

34 Article 81(1) of the Labour Code

35 Article 81 (2) of the Labour Code

36 Article 79 (2) of the Labour Code

37 Article 114 (1) (3) of the Labour Code; see also the 12th National Report on the implementation of the European Social Charter submitted by Armenia, 28.02.2018, p. 57, available at: <https://rm.coe.int/12th-national-report-from-armenia/168078ebb0>

38 Article 79 (2) of the Labour Code

39 Article 79 (2) of the Labour Code

40 Article 79 (3) of the Labour Code

41 Article 80 (1) of the Labour Code

42 See the 12th National Report on the implementation of the European Social Charter submitted by Armenia, 28.02.2018, p. 58, available at: <https://rm.coe.int/12th-national-report-from-armenia/168078ebb0>

43 Article 82 (2) of the Labour Code

44 See the 12th National Report on the implementation of the European Social Charter submitted by Armenia, 28.02.2018, p. 58, available at: <https://rm.coe.int/12th-national-report-from-armenia/168078ebb0>

45 Article 80 (2) of the Labour Code

46 Article 78 (1) of the Labour Code

47 Article 78 (2) of the Labour Code

48 Article 78 (3) of the Labour Code

49 Article 82 (1) of the Labour Code

50 Article 82 (3) of the Labour Code

51 See Observations and Direct Requests of CEACR concerning the implementation of ILO Convention No. 87, in respect of Armenia, available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>,

52 Direct Request (CEACR) adopted 2016, published 106th ILC session (2017), available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3301071,102540,Armenia,2016](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3301071,102540,Armenia,2016)

53 In fact, the Union of State, Local Government and Public Service Employees of Armenia (USLGPSEA) reports that, despite this request from ILO, in practice workers employed by police and security service were unionized. Currently, civilians employed by police have a union which is part of the USLGPSEA. The USLGPSEA also had a union in the security services but reports this has now ceased activities because of intimidation of the employer.

54 The USLGPSEA reports that the trade union of the Staff of Constitutional Court was dissolved in 2018 and so currently staff in the Constitutional Court are no longer unionised.

55 ECSR, Conclusions 2018 on Article 6§4, Armenia available at: <http://hudoc.esc.coe.int/eng?i=2018/def/ARM/6/4/EN>

56 ITUC Report 2010, 'Internationally Recognised Core Labour Standards in Armenia' page 3, available at: <https://www.ituc-csi.org/serious-workers-rights-problems-in>

57 ITUC Report 'Internationally Recognised Core Labour Standards in Armenia' page 3, available at: <https://www.ituc-csi.org/serious-workers-rights-problems-in>

58 Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the Republic of Armenia, Yerevan, 16 November 2018, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23882&LangID=E>

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