



Gender Discrimination Against Women in Labor Relations in Armenia

Research Outcomes



The research on the "Gender Discrimination against Women in Labor Relations in Armenia" was conducted by Women's Resource Center non-governmental organization (NGO) upon the initiative and with the support of Solidarity Center Armenia.

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INTRODUCTION



In recent years, the state's efforts to promote gender equality in the workplace have become more visible, as evidenced by the changes in the RA Labor Code in 2019 and 2023. Among other regulations, the RA Labor Code prohibits discrimination and sexual harassment in the workplace. Within the amendments in 2019, it was banned to set in employment announcements any other condition that serves as the basis for discrimination, except for occupational characteristics, professional training, and qualifications.

Despite these efforts, manifestations of gender discrimination in labor relations continue to be documented by human rights organizations and trade unions. In particular, 34 women were subjected to gender-based discrimination in work relations have sought legal advice from "Women's Resource Center" NGO (hereinafter WRC) in the last two years. The organization's experience substantiates that women employed in the service sector are particularly vulnerable. An analysis of individual complaints indicates that women persist unprotected in employment relationships.

The research was initiated by the Armenian branch of the Solidarity Center. WRC's extensive experience in the field played a crucial role in the selection of the research topic, implementation, and development of recommendations. Since 2015, WRC has been providing legal advice on issues of women's labor rights, coming up with recommendations regarding improvement of the situation in women's employment field, raising issues such as sexual harassment in the workplace, gender pay gap, women's participation in unpaid care work, etc. Through the efforts of the organization's advocacy work in 2023, the definition and prohibition of sexual harassment were also stipulated in the Labor Code of the Republic of Armenia.

Within the framework of this research, labor relations in the service sector were considered, which includes those types of economic activities that provide market (trade, catering, entertainment, etc.) or non-market (social services, education, healthcare) services to the public⁰¹. This is also due to the fact, that in Armenia, as throughout the world, employment in the service sector has grown dramatically over the past decade⁰². The engagement of women in the sector has also significantly increased⁰³. The most targeted selected sub-sectors are described in Appendix 1, which was drawn based on the classification provided by the Statistical Committee of the Republic of Armenia⁰⁴.

This research has facilitated the systematic identification of gender discrimination in the service sector, the examination of domestic legislation, and the monitoring of job advertisements for the presence of gender stereotypes.

Structurally, this research comprises four complementary parts. The initial section of the research pertains to studies conducted in recent years, focusing on gender discrimination. The second segment of the study presents the experiences of women employed in or seeking employment in the service sector, as gathered through focus group discussions. Subsequent to this section, there is a legal analysis that refers to domestic legislation and international best practices. The final section of the research presents the results of monitoring social platforms, highlighting the prevalence of gender stereotypes in job announcements within the service sector. The research concludes with recommendations in its four parts.

01. See International Standard Industrial Classification of All Economic Activities:

<https://ilostat ilo.org/resources/concepts-and-definitions/classification-economic-activities/>

02. See <https://data.worldbank.org/indicator/SL.SRVEMPL.ZS?end=2021&start=2012>

03. See <https://data.worldbank.org/indicator/SL.SRVEMPL.FE.ZS?end=2021&start=2012>

04. See <https://armstat.am/am/?nid=49>

PART 1:

REFERENCE TO LEGAL AND SOCIOLOGICAL STUDIES ON GENDER DISCRIMINATION IN THE FIELD OF EMPLOYMENT CONDUCTED IN ARMENIA IN RECENT YEARS



In the last 15 years, several studies related to gender discrimination in the field of employment have been conducted in the Republic of Armenia. Those studies can be categorized into three groups based on their content:

- ▲ Research studies examining issues related to the protection of labor rights in the Republic of Armenia.
- ▲ Research studies aimed at implementing the principle of non-discrimination in the Republic of Armenia.
- ▲ Research studies related to gender equality issues in the Republic of Armenia.

The research analysis⁰⁵ on the main issues in the labor legislation of the Republic of Armenia highlighted systemic challenges, including problems in establishing the existence of factual employment relations (informal unregistered employment), limitations on the rights of trade unions to apply to the court, substantive and procedural challenges in cases of discrimination in labor relations, issues of the Health and Labor Inspection Body's official toolkit, particularly concerning its control over the prohibition of discrimination, gaps in ensuring healthy and safe working conditions, etc...

Research studies focused on applying the principle of non-discrimination⁰⁶ in the Republic of Armenia have addressed the necessity of comprehensive anti-discrimination legislation, the definitions of various types of discrimination, the selection of the most suitable model for the equality body, and the challenges associated with the distribution of the burden of proof in cases of discrimination.

Researches on gender equality⁰⁷ issues in the Republic of Armenia have addressed various topics, spanning from gender-based violence to the principle of equal pay for equal work. The research has particularly highlighted the imperfections in legal regulations and the lack of mechanisms related to gender discrimination, significant indicators of the gender pay gap, and discriminatory practices in the workplace due to family responsibilities. Qualitative data on taboo issues, such as workplace sexual harassment⁰⁸, has also been elicited through research.

All of the above-mentioned studies indicate that legislative regulations in the Republic of Armenia adopted policies, and existing mechanisms have significant gaps and require improvements.

05. See the ABSTRACT on "The Characteristics and the Problems of the Functions of the Health and Labor Inspection Body in the Field of Labor Rights" [source link: <https://shorturl.at/cejH>].

06. See the legal research on "Is it expedient to adopt a separate 'non-discrimination law'?" [source link: <https://shorturl.at/hMPS9>].

Research on identifying the best model of equality body in Armenia [source link:

https://www.equalrightstrust.org/sites/default/files/images/Research_Effective-model-of-Equality-body-in-Armenia-Eng.pdf].

07. See the research on the Republic of Armenia Law on "Ensuring Equal Rights and Equal Opportunities for Women and Men" [source link:

https://issuu.com/csvwarmania/docs/report_digital].

Impact assessment of the legislative regulation of Convention No. 156 on "Workers with Family Responsibilities" [source link:

https://georgia.unwomen.org/sites/default/files/2023-04/AM-RIA_ILO-C156-Workers_with_Family_Responsibilities.pdf].

Policy briefs on Insuring Equal Labor Rights for Women and Men in Armenia [source link: https://oxygen.org.am/wp-content/uploads/2020/08/3_ENG-1.pdf].

Analysis of the gender pay gap and gender inequality in the labor market of Armenia [source link: <https://shorturl.at/bjuWX>].

08. See "Sexual Harassment in the Workplace as a Factor Hindering the Professional Advancement of Women: A Study of the Current Situation in Armenia", "The issues of sexual harassment in Armenia" [source link:

<http://old.yuu.am/files/Nvard%20Melkonyan%20and%20Yuliana%20Melkumyan-arm.pdf>, <https://shorturl.at/kpxV4>].

PART 2:

GENDER DISCRIMINATION*

IN THE SERVICE SECTOR:

RESULTS OF SOCIOLOGICAL

RESEARCH

*. In the framework of this research, gender discrimination was defined as the discriminatory treatment of an employee or a job applicant based on their gender identity, particularly as a woman.



METHODOLOGY

The primary objective of this section of the research was to bring to light to cases of gender discrimination in the labor market, specifically in the service sector. The issues raised as a result of the research will contribute to enhancing women's participation in the labor market by improving the provisions of RA legislation related to gender equality. Within the framework of the research, **ten focus group** discussions were conducted with women employed in or seeking work in the service sector.

The criteria for forming focus groups and determining the appropriate sample size
The criteria for organizing focus groups were as follows:

- ▲ Place of residence: Yerevan and regional cities; 2 cities with the largest population following Yerevan were selected,
- ▲ Employment status; employed and unemployed who were seeking employment.

Ten focus group discussions were conducted: six with employed individuals and four with individuals actively seeking employment. Five of the focus groups were conducted in Yerevan, while the remaining five took place in the regional centers of Shirak and Lori regions (see Table 1).

The selection of participants for the focus groups: A maximum of 12 and a minimum of 8 women participated in each focus group discussion, representing various age groups and engaged in different sub-sectors of the service industry, either as active workers or job seekers. In total, 100 women participated in the discussions. The classification of economic activities by the Statistical Committee of the Republic of Armenia served as the basis for the selection of jobs in the service sector (see Appendix 1).

Table 1: Number of focus groups conducted with women working and seeking work in the service sector

Residence	Employment status		Total
	Employed Individuals	Job Seekers	
Yerevan	3	2	5
c. Gyumri	1	1	2
c. Vanadzor	2	1	3
Total	6	4	10

The focus group discussion questions covered five main areas: the nature of job advertisements, the recruitment process, working conditions, professional advancement, and the dismissal process (see Appendix 2). The quotes presented in this analysis are from focus group discussions with women employed in the sector unless otherwise specified as job seekers.

QUALITATIVE DATA ANALYSIS

The service sector has expanded rapidly over the past ten years recording 10% growth.⁰⁹ According to 2022 data, it constitutes 55.27% of the GDP.¹⁰

The service industry is not immune to issues related to gender discrimination. Furthermore, given that the lowest-paid sectors of the industry involve the economically disadvantaged population, this sector is of particular concern due to its vulnerability. Additionally, the sector gives rise to issues related to the informal economy and the absence of mechanisms to safeguard workers' rights.

International experience indicates that workplace discrimination contributes to women occupying a lower socio-economic status¹¹. Low wages, social status, and limited work opportunities have physical and psychological consequences for women, impacting their job satisfaction and productivity.

International studies document that the implementation of state policies addressing gender discrimination issues is associated with an increase¹² in economic indicators. Additionally, some researchers assert that the rapid development of the service sector creates new job opportunities, particularly for women, thereby contributing to their financial independence and economic empowerment¹³.

In Armenia, however, the sector remains unfavorable from the perspective of protecting workers' rights.

2.2.1 DISCRIMINATION IN EMPLOYMENT ANNOUNCEMENTS¹⁴

Throughout all focus group discussions, participants raised concerns about problematic requirements in job announcements. In the encountered job advertisements, participants found requirements related to the age of the female employee, typically between 18-35 years old, height (tall), and appearance ("pretty"). These findings, recorded within the framework of a study¹⁵ on workplace sexual harassment conducted by the NGO "Women's Resource Center" last year, indicate the persistent nature of the problem, stemming from socio-cultural norms.

Excerpt from discussions:

"When I used to send my resume by email, there were cases where the administrative department said, 'Send free-style photos.' I don't include photos in my resumes as a matter of principle, and I didn't send the one they told me to send - a free-style photo. But there was also a question attached to their email: 'Were you ready to go on business trips with the director?' etc. And I seriously couldn't understand how it should be..." (Yerevan, 29 years old, wholesale trade sector).

Some of the participating women justify these demands based on their ideas and perceptions of gender roles. It is important to remember that women can also be the bearers of a dominant social

09. See O'Neill, Aaron. "Distribution of Gross Domestic Product (GDP) across Economic Sectors Armenia 2022." Statista. Accessed December 25, 2023 [source link: <https://www.statista.com/statistics/440577/armenia-gdp-distribution-across-economic-sectors>].

10. Ibid.

11. See Cailin S. Stamarski and Leanne S. Son Hing, "Gender Inequalities in the Workplace: The Effects of Organizational Structures, Processes, Practices, and Decision Makers' Sexism," *Frontiers in Psychology* 6 (September 16, 2015): 1400, Women's Resource Center (2022). "Sexual Harassment in the Workplace" re-search. <https://doi.org/10.3389/fpsyg.2015.01400>].

12. See Julia Lipowiecka and Tabitha Kiriti-Nganga, "The Gender Dimensions of Services" (International Centre for Trade and Sustainable Development (ICTSD), 2016), [source link: <https://www.tralac.org/images/docs/10585/the-gender-dimensions-of-services-ictsd-september-2016.pdf>].

13. See the same source.

14. To comprehensively study this issue, we conducted monitoring of job announcements posted on online platforms during the months of August, September, and October 2023.

15. Women's Resource Center (2022). "Sexual Harassment in the Workplace" research [source link: <https://bit.ly/3SCrVWT>].

discourse and reproduce a discourse that may be harmful¹⁶ to them in the first place and the quote below is an example of this.

"Of course, they need a well-mannered and good-looking lady, imagine starting a company (ed.; organization) and recruiting a lady, who is not good-looking, yet she presents your company..." (Yerevan, 40 years old, administrative activity field)

Participants also observed advertisements where women and men were paid different wages for the same job, with women being paid less. The reasons for this lie in societal perceptions of gender roles. The participants assert that both women and men are perceived as "maintainers of the family." However, while in the case of men, it is perceived from the standpoint of ensuring the financial security of the family, for women, it is perceived from the standpoint of caring for children, the elderly, and other household-related matters. Thus, women are also expected to engage in "unpaid" care work¹⁷, leading to the undervaluation of their role in paid employment. It appears that women's contributions in the labor market are underestimated and undervalued.

"There was an announcement...it was written, that they pay 120000 to women and 200000 to men for performing the same job. Yet they are supposed to do the same work; what's the sense? (Gyumri, 21 years old, student, seeking employment)

Nearly all participants state that they consider the sector to be unstable and unpredictable from an economic point of view; hence, some also look for work in the public sector, considering it a more stable source of income. However, as the results of the discussion demonstrate, relations with the state system are also not exempt from discriminatory treatment, and job seekers face the challenge of age restrictions.

Some participants secure employment through advertisements, while others rely on personal acquaintances. Most of them complain about what they refer to as the "acquaintance-friend system," which poses a barrier to employment and professional growth.

DISCRIMINATION IN THE HIRING PROCESS

"I've noticed that in recent years they don't mention appearance in the announcements any longer"

"They take it into account when already inviting to the interview" [The group agrees]

(An excerpt from a discussion with employees of the sector held in Vanadzor)

Non-conformity to gender norms may serve as grounds for an employer to reject an applicant during the admissions stage. The participants mention cases in which employers refused to hire them at the initial admission stage, solely based on their appearance.

"For instance, I have faced that (ed.; discrimination) because of my short haircut... I read an announcement; there was a need for a cashier in the shop, so I went there. They asked me what was the purpose of my visit, I said I had contacted them following the announcement. They said that they were waiting for a lady. I said, that it was me. They became surprised, apologized, and said they had no vacancies any longer. Then I reminded

16. See Joan Sangster, "Telling Our Stories: Feminist Debates and the Use of Oral History," *Women's History Review* 3, no. 1 (March 1, 1994): 5–28, [source link: <https://doi.org/10.1080/09612029400200046>].

17. See Philiposyan Nvard, "Unpaid Work of Women in Armenia," CIVILNET, March 10, 2023 [source link: <https://www.civilnet.am/news/694227/կանանց-չվճարվող-աշխատանքը-հայաստանում/>].

them that just a couple of seconds ago they were waiting for a lady /laughing/, I said "I am here, how is it that you don't have a vacancy...?" (Gyumri, 21 years old, seeking employment)

Interviews show that young participants are more likely to be aware of the problems of social justice and show resistance upon facing discriminatory treatment from employers. They have extremely negative attitudes towards discrimination based on appearance and age.

The majority of participants also assert that marital status and whether or not they have children can play a significant role in the hiring process. Employers prefer female candidates who are less likely to take time off work to care for children, and at worst, they simply do not want a female employee to be married or have a partner. Women confirm that their marital status can affect how they are perceived at work. They affirm that, for instance, being divorced is sufficient to label and discriminate against an employee.

"For instance, I don't like it, when directors mix personal life with work. I know a case; I won't say where particularly it has happened. There was an argument, and the director said; "Are you aware that I know you are divorced?" What does this have to do with work? (Vanadzor, 33 years of age, health sector)

The participants' interpretation of the term "discrimination" is intriguing; for instance, one participant mentions not experiencing discrimination during the hiring process but simultaneously acknowledges "not being taken seriously" during the interview. Participants frequently identify a phenomenon as "discriminatory" only through examples. In feminist theory, this is referred to as hermeneutic injustice, which occurs when a member of a marginalized group is unable to articulate a phenomenon that happens to them due to a lack of appropriate vocabulary. The concept of "hermeneutic injustice" originated from the study of women's experiences of sexual harassment in the workplace in the USA during the 1970s. At that time, such experiences were considered a social norm, and it was only in the mid-70s that they began to receive legal formulations in labor law¹⁸.

The majority of respondents indicated that, according to their data, only women are asked questions regarding marital status during interviews. Women with children state that it is challenging to balance the demands of attending school or kindergarten and managing their care responsibilities alongside work. The participants also report that employers interfere with their family planning, offering advice and, at times, exerting pressure to discourage them from becoming pregnant. According to them, this has a negative impact on women's career prospects and financial security.

"Our general manager told me that the director had forbidden her to get pregnant. He gave her an ultimatum, saying; "If you get pregnant and go on maternity, you will be fired. If you are a woman and want to pursue your career, you should have neither children nor family. Now you are to make a choice." That woman was a careerist and wanted to do both, but here is the discrimination, if she is a woman, she wants to pursue a career, then she should not have a family or children. If no, then she should change her priorities." (Yerevan, 27 years old, sphere of social service for the population)

The participants shared instances where employers made attempts of sexual harassment and offers of a sexual nature. Employees report that they have received, or are aware that their colleagues have received, sexual propositions. Especially among job seekers, this issue serves as a barrier to finding employment.

Sometimes the position and description mentioned in job announcements don't comply with the expectations

18. See Mason, Rebecca. "Hermeneutical Injustice." In *The Routledge Handbook of Social and Political Philosophy of Language*. Routledge, 2021 [source link: <https://doi.org/10.4324/9781003164869-19>].

that the employers express during the interview. Participants noted that employers, especially during interviews for secretary or female clerk positions, show interest in the applicant's personal life and try to understand her limits; whether she is willing to work until late, go on a business trip, and share the same hotel room with the employer.

Excerpt from one of the focus group discussions held in Yerevan;

"Every company I entered, my CV was certainly viewed by a man or the one conducting the interview was a man. With his eyes shining, he would immediately invite me for a coffee..." Maybe we will continue our talk in a restaurant with a cup of coffee or a glass of wine..." He was immediately offering something. (Yerevan, 40 years old, administrative field, seeking a job)

WORKING CONDITIONS: INCLUDING SALARY, BUSINESS TRIPS, AND TRAININGS

Some participants work exclusively or predominantly with women in workplaces stereotypically associated with women, such as beauty salons. In fields where men are also involved, according to the participants, the managerial staff is predominantly male. In some cases, participants justify this with the logic that "they are better managers." This stereotype mainly exhibits an age divide, with older women being more inclined to believe that men are better leaders because they are "stricter."

The presence of mostly men in leadership positions signifies a vertical separation, while the fact that women predominantly work in the least-paid fields represents a horizontal¹⁹ divide. It is crucial to acknowledge the dual inequality between male managers and female employees, encompassing both social and economic dimensions.

According to the participants, women's salaries are deemed insignificant in relation to the working hours and workload. According to the respondents, discrimination against women stems from the fact that they are the primary person providing care in the family, preventing them from devoting constant attention to work. Low pay in the service sector is also substantiated by the statistics²⁰ of the Statistical Committee. The data reveals that in 2022, based on the average monthly nominal salary, the lowest-paid services include accommodation and public catering, education, culture and art, and other service-related areas (such as beauty salons).

The participants assert that managers, who are predominantly men, often impose specific uniform requirements, such as a dress code, and may insist that employees wear makeup consistently while on duty.

"There was a period when I was working in a shop, they were constantly emphasizing, saying to one of the employees; "Sona, take care of your appearance. Sona, how do you look?" The director was always saying; "I don't want to see you without make-up, always be well-groomed". It seemed to him that providing a service was just about make-up. He was forcing her to go to work with make-up." (Yerevan, 34 years old, education sector)

Instances of sexual harassment towards employees are also documented at this stage. Meetings with the employer outside of work or going on business trips with the employer are recurring additional requirements in the workplace. Often, these requirements extend beyond the practical scope of work

19. See Julia Lipowiecka and Tabitha Kiriti-Nganga, "The Gender Dimensions of Services" (International Centre for Trade and Sustainable Development (ICTSD), 2016) [source link: <https://www.tralac.org/images/docs/10585/the-gender-dimensions-of-services-ictsd-september-2016.pdf>].

20. See the RA Statistical Committee's report on "Labor Pay and Number of Employees" for the year 2022 [source link: https://armstat.am/file/article/sv_09_22a_142.pdf].

and transform into sexual propositions. Due to their inherent inequality, such situations can create a humiliating and unfavorable working environment, sometimes even leading an employee to resign.

Another important issue that women raise is the fact that they are assigned tasks traditionally considered “feminine,” such as cleaning, in the workplace. They complain that often, male colleagues and/or superiors expect them to maintain cleanliness in the office without any compensation. Cleaning is left to the shoulders of female employees, resulting in women performing unpaid work both at home and in the workplace.

“When arranging lunch, he [ed.; employer] used to leave his plate on the table, he would never clean up after himself, expecting that we were supposed to do that. The same was true when all those men were working in different places; when we were ordering something to eat together, we were the ones to wash the dishes. We took turns to do that and of course, making coffee was something like a sacred duty. It was not mentioned, but we were expected to do that and it was even mandatory.”

Question: Have you ever tried to speak out against that?

“No, we haven’t tried. They hired a financier, who was also a woman, and we thought that there were already three of us, since we took turns washing the dishes. Once she raised that question, as she was older, to which our financial director responded that they were not going to hire a cleaning lady. We had a cleaning lady, who was doing cleaning there once a week, but as far as washing the dishes was concerned, it was on us. They were traditional men, I mentioned earlier that this was a team of men, no one was doing anything like that, no one would wash the dishes after himself”. (Yerevan, 39 years old, administrative sector)

Another frequently cited circumstance involves the expectation for employees, particularly women, to prepare coffee for their colleagues. “I once secured an internship as an assistant accountant, and my sole responsibility during the internship was making coffee.” (Yerevan, 28 years old, technical service sector). Although the participants in the discussion engage in overtime without compensation, employees also report that break times at work are unclear, sometimes undefined, and they eat under conditions of “fear” during a long workday.

The discussion above focused on the practice of inviting women to out-of-town meetings in the context of making sexual propositions. However, when external meetings are business-related, participants note a preference for male employees, considering their role to be more substantial. They explain this by the fact that it is easier for male employees to bond with male managers and to move the work to informal, non-working platforms where work decisions are made, of which female employees cannot be a part.

“There are a lot of expos and meetings held in our sector and these are mostly attended by men. Once it was to take place in Belarus, our director asked me whether I would like to go, to which I responded positively. But then this topic was covered up again. You know, it also depends on the industry, since it is believed that men will communicate and understand each other better when speaking about certain deals, some significant sales volumes, etc. Besides, they can even go to the sauna together, that’s why it’s considered that men should do the talking and even when we have guests, they are mostly received by men”. (Yerevan, 25 years old, technical service sector)

Participants also report that they can experience sexual harassment from customers at work, and the employer takes no action to prevent it or to remove the employee from such situations.

"When I was 15-17 years old, working as a gamer for children's events, birthdays, parties, let's note, that I was a minor then, it has happened many times, when drunk fellows (ed.; men) offered me to go to their house; "Let's go to our house to drink together, you will play with the kids". I have been told many times; "Let's go to our house, why don't you want?" There were times, they thought I was a guy, since they couldn't see who was inside the costume (ed.; uniform). When I told them that I didn't want to, they went like; "Oh, sorry, sis, I apologize for offering such a thing", afterwards asking again; "Is there still a chance you might come?". (Yerevan, 20 years old, technical service industry).

Other workers describe how certain work fields, such as service jobs performed by women in the military, are socially stigmatized, and female workers in them often experience sexual harassment.

Opinions vary regarding the differences between men and women in the workplace. Women also express sympathy towards men engaged in strenuous physical labor who are underpaid.

"This is the reason, let's say, why particularly men in Gyumri don't have a job, and perhaps that discrimination is the problem because men have been fired everywhere.../one of the participants says 'they got a complex'/'... today my husband told me that it's easier for women than for men, men can't work anything else but a taxi driver... "(Gyumri, 32 years old, sphere of social service for the population)

However, women continue to occupy low-paying positions because, according to the participants, men tend to avoid such jobs. It turns out that women face discrimination on two fronts: first, based on their class affiliation, and second, based on gender.

They also report instances of humiliating verbal abuse by the management. This type of treatment forms the basis for creating a hostile workplace environment, compelling already vulnerable workers to resign and incur financial losses.

PROFESSIONAL ADVANCEMENT IN THE WORKPLACE

Participants state that work in the field is overloaded, and even conscientious efforts may not result in promotion or salary increase. On the contrary, realizing that they will not receive a promotion, they choose to resign from their positions due to fatigue and excessive workload.

"When I was working in the bank, it was very stressful, we were working under constant pressure, I was able to do the work of almost half of the branch all alone. I had just graduated from the university, was young, and too excited to be admitted, I was still to learn banking- a completely different profession, so I was accepting any kind of assignment during my work and internship. I was even glad to complete more and more tasks because I thought I would learn banking better. I worked so hard and vigorously for two years, although, I would say: "You shouldn't leave so much on one person, you can't leave everything on me alone, since I was not the only employee in the department." To which they would reply: "That's it, there's one person in the department, that one person has to handle everything." And no promotion despite all my efforts." (Yerevan, 32 years old, financial and banking sector)

The participants assert that generally, preference is given to men for promotions. Among the participants, those who attempted to negotiate a promotion with their employer, mention the discriminatory reaction of the latter, which had a negative impact on them.

"I was told; It is enough for you. Isn't it enough to buy cosmetics, why do you want to grow, get promoted, and move to another place? You are 30 years old, why are you learning, why do you need that?" (Yerevan, 30 years old)

TERMINATION OF EMPLOYMENT

Respondents state that the sector is unpredictable, and workers can be fired at any time, especially when they are engaged in the informal labor market (unregistered). As mentioned earlier, low pay, overwork, and exhaustion, coupled with the lack of prospects for professional advancement, become the reasons for frequent job changes and the initiation of professional activities anew.

"...he didn't engage in sexual harassment, but psychologically..." remarked one of the participants, commenting on the experience of another participant. When the male boss, provided unjustifiable reasons for dismissal, she added, "And he had harassed many girls" (Gyumri, 49 years old, public catering sector).

They also resign from their jobs due to sexual harassment or other unfavorable conditions. They express concern that employers can easily fire workers, even when they are on parental leave. There have also been instances where women were unaware of their unregistered worker status, and the employer represented their salary as a "gift" in bank transfers.

In particular, health sector workers, especially those in low-level considered positions such as sanitary workers and nurses, report that they are not adequately compensated for their work, and the sector does not provide favorable conditions for them.

"My primary occupation is laboratory nurse... I have worked in this sector for eight years, afterwards, the hospital was closed down. That decision was made in a day, and, to put it harshly, they shoved us off, and since we were all women, there were older ones among us, there were no protests, objections, no struggles, and only three of us were left to fight. Strikes, appeals, going here and there, but three out of 70 people were not enough not be ignored. For them, we were regular "grumps" /ed.: laughs/, who had just decided to file a complaint and that's all. After that, I quit the system". (Yerevan, 46 years old, healthcare sector)

In some instances, workers have terminated their relationships with former employers in an unfriendly manner, involving humiliation and/or non-payment of wages during the dismissal phase.

In general, employers exploit the financial vulnerability of workers in the sector—firstly by inadequately compensating them for their work, then by imposing unnecessary unpaid work and extended working hours, creating an industry with a high turnover rate and where all bargaining power lies in the hands of employers.

CONCLUDING REMARKS

Therefore, the primary findings of this research are:

- Job announcements display discriminatory practices, especially regarding age and appearance.
- Employers are interviewing candidates about their personal lives during the hiring process, frequently have discriminatory attitude towards women who have children. Instances of sexual harassment by employers and demands beyond the scope of job responsibilities are also noted in the hiring process.
- Professional advancement in the field is highly differentiated. Achieving longevity and career progression in low-paying jobs is challenging. In terms of professional advancement, men are often favored under the assumption that they are the financial breadwinners of the family. Simultaneously, women may face rejection during the hiring stage due to their responsibilities of

providing care in the family.

- Working conditions vary among participants. They reported undertaking daily tasks beyond their designated duties, such as maintaining office cleanliness. Additionally, there are accounts of employers fostering unfavorable working conditions through psychological pressure, including instances of sexual harassment.
- The process of dismissal in this field again raises several violations. Employers can illegally fire employees and employees are not aware of their basic rights.

PART 3:

Comparative Analysis of RA Labor Legislation and Modern International Legal Standards Regarding Equal Opportunities and Equal Treatment of Women and Men in the Occupation and Employment⁰¹

01. The legal study does not exclusively focus on the service sector, as there are no specific provisions regulating this particular sector.



SCOPE OF LEGAL RESEARCH STUDY

The concept of equal opportunities and equal treatment for women and men in the field of work and employment has evolved over the last few decades. **According to modern legal standards, the application of the principle implies:**

- Existence of legislation prohibiting all types of gender discrimination (direct and indirect discrimination, gender-based violence and harassment, discrimination based on pregnancy or family responsibilities).
- An effective state system that responds to gender discrimination.
- The right to adequate compensation for discrimination and mechanisms for redress.
- Establishing special procedural rules in cases of discrimination.
- Trade unions and collective bargaining are raising issues of gender discrimination.

It is also noteworthy that employment and work, in terms of ensuring equal opportunities and equal treatment, include:

- Working conditions and job promotion,
- The dismissal process,
- Professional education and training,
- Social benefits and services provided to employees and self-employed persons (including during temporary disability),
- Equal pay for work of equal value.

Within the framework of this legal research, the following research questions have been studied:

- ▲ Does RA legislation prohibit all types of gender discrimination in the field of work and employment in accordance with international legal standards?
- ▲ Does RA have an effective state system that responds to gender discrimination in the field of work and employment?
- ▲ Does RA legislation provide effective evidence rules in cases of discrimination and the opportunity to receive compensation for discriminated persons in accordance with international legal standards?

The issues related to applying the principle of equal opportunities and equal treatment to social benefits and services provided to employees and self-employed individuals are beyond the scope of this research, as they could be the subject of a separate, comprehensive analysis.

INTERNATIONAL AND DOMESTIC LEGAL FRAMEWORKS

The Republic of Armenia has been a member of the United Nations (UN) and the International Labor Organization (ILO) since 1992, and it has been a member of the Council of Europe since 2001.

Over the past 30 years, Armenia has ratified several conventions, committing to establish the requisite legislative framework for the implementation of the principle of gender equality in the workplace and to enact appropriate policies.

In 2021, the RA-EU Comprehensive and Enhanced Partnership Agreement (CEPA)²¹ entered into force on March 1, whereby **the RA assumed direct obligations to implement the principle of gender equality in the workplace.**

INTERNATIONAL AND REGIONAL LEGAL FRAMEWORK

The principle of equality of opportunities and treatment in the field of work and employment was enshrined in ILO Convention²² No. 111 on Discrimination in Respect of Employment and Occupation in 1958. **The principle of equal opportunities and equal treatment** of women and men in the field of work and employment was reflected in ILO Convention²³ No. 100 on Equal Remuneration for Men and Women for Equivalent Work and received further legal development in ILO No. 156²⁴ on Workers with Family Responsibilities, ILO No. 183 on Maternity Protection, ILO Conventions No. 189 on Domestic workers, and ILO No. 190²⁵ on Violence and Harassment at Work, along with the relevant interpretations. With respect to legal development of the principle of gender equality at work, legal practice of the UN treaty bodies is also significant, in particular the comments of the UN Committee on the Elimination of All Forms of Discrimination against Women and the UN Committee on Economic, Social and Cultural Rights.

European regional legal standards have found a place in the legal documents of the Council of Europe (CoE) and the European Union (EU). The main guiding document of the Council of Europe (CoE) regarding gender equality at work is the Revised European Social Charter²⁶. The case law of the European Court of Human Rights (ECHR)²⁷ has significantly contributed to the development of legal standards.

EU documents, in addition to presenting regional best practices, serve as mandatory guidelines for the development of Armenian legislation and policies, as Armenia has committed within the framework of CEPA to align most of its legislation with EU standards. The cornerstone is Directive 2006/54/EC²⁸, the approximation of which to RA legislation should have been implemented by March 1, 2024.

LEGAL FRAMEWORK IN THE REPUBLIC OF ARMENIA

Articles 29 and 30 of the Constitution of the Republic of Armenia enshrine the prohibition of discrimination and the equality before law²⁹ of women and men. According to Article 86 of the Constitution, one of the primary objectives of RA policy in economic, social and cultural fields is the promotion of de facto equality between women and men. The constitutional level safeguards the prohibition of dismissal for reasons related to maternity, the entitlement of working women to

21. See the Comprehensive and Enhanced Partnership Agreement between the Republic of Armenia, the European Union, and the European Atomic Energy Community and their member states at [source link: https://www.mfa.am/filemanager/eu/CEPA_ENG_1.pdf].

22. See, ILO Convention No. 111 on Discrimination in Respect of Employment and Occupation, [source link: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/genericdocument/wcms_114189.pdf].

23. See, ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value [source link: https://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/genericdocument/wcms_114185.pdf].

24. See, ILO Convention No. 156 on Workers with Family Responsibilities [source link: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156].

25. See, ILO Convention No. 190 on Violence and Harassment at Work [source link: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190].

26. See Revised European Social Charter [source link: <https://rm.coe.int/168007cf93>].

27. See: A Selection of European Court of Human Rights (ECHR) case law on gender equality [source link: <https://rm.coe.int/compilation-echr-case-law-1-august-2019/168096d977>].

28. See Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters relating to work and employment (recast) [source link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0054>].

29. See Constitution of the Republic of Armenia (2015), as amended [source link: <https://www.president.am/en/constitution-2015>].

paid maternity leave, and the right of a working parent to leave for the birth or adoption of a child (Article 57).

At the legislative level, the primary legal instruments aimed at ensuring gender equality in labor relations are the RA Law³⁰ "On Ensuring Equal Rights and Equal Opportunities for Women and Men" and the RA Labor Code³¹. It is noteworthy that in 2021, Article 203 of the Republic of Armenia's new Criminal Code³² establishes criminal liability for discrimination, including discrimination based on gender. Article 226 of the Code imposes criminal responsibility for the refusal to hire or dismiss a pregnant woman due to pregnancy or a person with a child under the age of three.

While the Constitution and laws of the Republic of Armenia enshrine the principle of equality between women and men, as well as equality of rights and opportunities, it is notable that **the principle of equal treatment lacks a legal basis within the legal framework of the Republic of Armenia.**

DOES THE LEGISLATION OF THE REPUBLIC OF ARMENIA PROHIBIT ALL FORMS OF GENDER DISCRIMINATION IN THE REALM OF WORK AND EMPLOYMENT IN ACCORDANCE WITH INTERNATIONAL LEGAL STANDARDS?

TYPES OF GENDER DISCRIMINATION

Definitions of discrimination and its types can be found in a number of international legal documents. In the framework of this study, special attention was paid to the definitions of discrimination in the field of work and employment.

In accordance with the definition outlined in ILO Convention No. 111, **discrimination** encompasses any form of distinction, exclusion, or preference based on race, skin color, sex... or social affiliation, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

EU Directive 2006/54/EC outlines the various forms of direct and indirect discrimination.

Direct discrimination occurs when a person is treated less favorably on the basis of sex than another person in a similar situation. An example of direct discrimination could be the exclusion of female candidates from consideration for the position of department head.

Indirect discrimination occurs, when an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex. Indirect discrimination is challenging to detect as it appears neutral at first glance and is not always intentional. For instance, when an organization's internal policy prohibits the hiring of part-time employees, this provision may be viewed as indirect discrimination against individuals with caregiving responsibilities, particularly women. This is because, in the prevailing social culture in Armenia, women predominantly bear the responsibility of caring for children or the elderly. Harassment, including sexual harassment, incitement to discrimination, and victimization, constitutes various forms of gender discrimination and is frequently encountered in employment relations.

The EU directive mandates the prohibition of both direct and indirect gender discrimination concerning

30. See the Republic of Armenia law "On Equal Rights and Equal Opportunities for Women and Men" [source link: <https://www.arlis.am/DocumentView.aspx?DocID=138982>].

31. See RA Labor Code [source link: <https://www.arlis.am/DocumentView.aspx?DocID=185675>].

32. See RA Criminal Code [source link: <https://www.arlis.am/DocumentView.aspx?DocID=185735>].

all the conditions listed below:

- access to employment and self-employment,
- selection criteria for employment, and conditions of employment including professional promotion,
- professional training,
- working conditions, including dismissal and remuneration,
- membership of employees' or employers' or any other professional organization.

The concept and types of gender discrimination in the Republic of Armenia are addressed in three distinct legal documents:

- Law³³ "On Ensuring Equal Rights and Equal Opportunities for Women and Men" (hereinafter referred to as the Gender Equality Law),
- Labor Code of the Republic of Armenia, and
- Criminal Code of the Republic of Armenia.

Article 3 of the Gender Equality Law encompasses the definitions of gender discrimination, direct gender discrimination, and indirect gender discrimination. However, they do not align with the content of contemporary legal concepts of discrimination and its various forms. Hence, the Law on Gender Equality defines direct gender discrimination as discrimination explicitly referencing gender of the person, and indirect gender discrimination - as discrimination without a direct reference to gender. These definitions are rather simplistic and incomplete. For instance, direct discrimination may manifest without explicit reference to gender; for example, if all female applicants for a managerial position are denied employment, despite the absence of a direct mention of gender. The most crucial characteristic of indirect discrimination, which involves an apparently neutral rule or general practice, is not explicitly delineated in the definition. This omission distorts the essence of the term.

Furthermore, in Article 6 of the law closed lists³⁴ of direct and indirect discrimination are set out, which however do not reflect all forms of gender discrimination. The same law enumerates various situations that, according to the law, cannot be considered as instances of discrimination. For example, it includes the definition of requirements for professional qualifications based solely on the ability to perform duties for individuals of a specific sex.

This clause actually justifies restrictions on the engagement of women in certain professional jobs *due to the biological characteristics of different sexes*. Such an approach contradicts modern legal standards as well as the understanding of biological sex in modern science.

Modern legal standards allow for **specific job requirements** if they serve a legitimate purpose (for example, considering only female candidates for the job of cleaner in a women's locker room). However, the **professional qualifications themselves must be gender-neutral**, as both women and men can fulfill roles such as cleaner or laborer.

It should also be noted that the aforementioned law does not place a separate focus on employment and work. These issues are discussed in a more detailed manner in the RA Labor Code, where the concept of inherent job requirements is also applied.

Due to amendments introduced to the Republic of Armenia Labor Code in 2019, Article 3.1 was added to expressly prohibit discrimination. *In compliance with Part 2 of the Article; "Discrimination constitutes*

33. See the findings of the research conducted by the Coalition Against Violence against Women in 2017, which revealed that the law is not applied in judicial practice, and the required by-laws have not been adopted as stipulated by the law. Consequently, the law lacks an effective enforcement mechanism [source link: https://issuu.com/csvwarmania/docs/report_digital].

34. A closed list means that all possible cases are enlisted.

any kind of **direct or indirect** distinction, exclusion or restriction based on sex, race ..., the **aim or result of which** is ... **demonstration of less favorable treatment** upon arising, change and/or termination of an employment relationship or **prohibition or refusal to acknowledge and/or exercise** any right on an equal basis with others provided for by labor legislation ..."

The article also stipulates the prohibition of establishing any condition that serves as the basis for discrimination in job announcements and throughout the course of employment relations, with the exception of practical characteristics and professional training and qualifications. This prohibition applies unless specified otherwise by the legislation of the Republic of Armenia or when such conditions are inherent to the specific requirements of the work³⁵.

As of May 2023, the provisions establishing definitions and prohibiting sexual violence and sexual harassment at work have come into force³⁶. The law defines sexual harassment as an unwanted action of a sexual nature in the workplace or other place of performance of work duties (including business trips), which has physical or verbal or non-verbal manifestations (including sexual suggestions, touching), which directly or indirectly influences the decisions of the individual regarding work or creates a humiliating or socially isolating work environment.

Since July 2022, the definition of discrimination has been incorporated into the RA Criminal Code as a provision outlining a criminally punishable act. Criminal liability is established for differential treatment, including on the basis of gender, if it violates the rights or freedoms of a person or if a person is granted advantages without an objective basis or legal purpose.

Hence, the existing definitions in the RA Law on Gender Equality do not align with modern legal standards and are also in conflict with the discrimination regulations in the RA Labor Code. The definitions of discrimination and sexual harassment in the RA Labor Code in recent years are more aligned with modern legal standards, providing a legal basis for the development of the practice. At the same time, they are incomplete and fail to address several fundamental terms, such as indirect discrimination, incitement to discriminate, victimization, associated discrimination, and harassment or bullying.

While the labor legislation of the Republic of Armenia prohibits gender discrimination in the context of employment announcements and employment relations, equality of opportunity and treatment **still lacks a legal basis during employment interviews and training, concerning job promotion conditions, and in relations with self-employed persons.**

Meanwhile, the existence of separate and distinct definitions of discrimination in various legal acts does not establish the requisite foundation for the development of the right to equality in the legal culture of the RA. It is necessary to establish the foundations of discrimination, its types, forms of manifestation, and institutional mechanisms for combating it within the framework of a comprehensive anti-discrimination law, as has been done in other countries of the Eurasian region (such as Georgia, Moldova, Ukraine, and others)³⁷.

35. As revealed by the monitoring of job postings and focus group discussions, employers persist in specifying the candidate's gender, age, and at times, providing special notes about appearance as requirements, despite the legal mandate.

36. For more details on sexual harassment in the workplace, please refer to the research conducted by the "Women's Resource Center" NGO in 2022, titled "Sexual Harassment at the Workplace." [source link: <https://bit.ly/3SCrVWT>].

37. Although the RA draft law "On Ensuring Equality" has been in circulation since 2018, it has not yet been discussed at the government session and has not reached the RA National Assembly. According to the published draft from 2019, discrimination in the field of work and employment was regulated by a separate chapter and should include the most important definitions and mechanisms to ensure the right to equality.

EQUAL REMUNERATION FOR WORK OF EQUAL VALUE

In 1995, the Republic of Armenia ratified ILO Convention No. 100 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. According to the Convention, the principle of equal remuneration for work of equal value may be applied within the framework of national legislation, through a system for determining wage rates established by law and/or through collective agreements concluded between employers and employees.

According to Article 178 of the RA Labor Code, men and women shall be paid the same amount of salary for the same or equivalent work. Part 4 of the same article states that the employee's salary depends on the employee's qualifications, as well as the working conditions, quality, size, and complexity of work.

The ILO Committee of Experts has consistently highlighted the distinctions between the principle articulated in Article 178 of the RA Labor Code, emphasizing "paying the same amount of wages for the same or equivalent work," and the principle of "equal pay for equivalent work" outlined in the Convention. It has underscored the inconsistency of the RA legislation with the Convention's fundamental provision.

The Committee observed that the principle of "equal pay for equal work" does not only constitute parity in compensation for identical or similar work but also involves an examination of roles traditionally segregated for women and men, the elimination of distinctions among comparable positions (such as laborers and cleaners), and the implementation of measures to achieve equal compensation for these roles. The committee requested information from the state regarding the steps taken, which has not been provided to date. In such cases, international experience recommends the establishment of committees or similar state bodies vested with the authority to undertake job evaluation, comparison, and the formulation of subsequent steps to ensure equal pay. This body shall possess a wide range of functions. Since the "value" of work must be evaluated, evaluation factors shall include the skills and responsibilities required from the employee, as well as working conditions. Evaluation may also be completed by comparing wage rates across organizations, businesses, and professions. **With this regard, there is no such body possessing these authorities in the RA.**

Republic of Armenia lacks legally mandated job evaluation methodology and mechanisms. There is no job evaluation methodology for state bodies, employers, or employees that would address gender bias, the evaluation, and the comparison of value of work and remuneration.

Under these conditions, it is not possible to identify equivalent jobs, make comparisons, and guarantee equal pay for equivalent work. To state it otherwise, no state body is vested with the authority of enforcement of the provision of equal pay as provided for in Article 178 of the RA Labor Code.

According to the analysis of gender pay gap and gender inequality³⁸ in the Armenian labor market conducted by UN Women and the Statistics Committee of Armenia in 2020, the adjusted hourly gender pay gap in Armenia is estimated at 28.4%. Simultaneously, the research indicates that working women in Armenia possess superior labor market qualities (e.g. education) than men. Therefore, the disparity in qualifications of women and men does not account for the gender pay gap in Armenia. It may only be "explained" on the basis of discrimination. In particular, women are treated differently by employers and the labor market in general than males possessing the same qualities for equal work

38. Analysis of the gender pay gap and gender inequality in the Armenian labor market, 2020.
https://www.armstat.am/file/article/analysis_of_the_gender_pay_gap_armenia_am.pdf

due to different perceptions, expectations, stereotypes, and prejudices³⁹.

EU legal standards are undergoing new developments in this regard. In April 2023, the EU Council adopted⁴⁰ a new directive on salary transparency⁴¹ with the primary goal of reducing the gender pay gap. According to the new directive, employers are obligated to:

- Indicate a specific salary or remuneration range in the job application or at the commencement of the interview.
- Refrain from inquiring about the employee's previous salary history.
- For employers with more than 100 employees, publish a report on the gender pay gap to the state-authorized body. In cases where an unjustified gap exceeds 5%, conduct a joint assessment of pay in collaboration with employee representatives.

The EU directive provides the opportunity for employees to discover pay discrimination cases based on the acquired information, as well as to appeal to the authorized body or court and receive compensation. The directive enters into force from June 2023, and states shall align their legislation with the directive by June 2026. The directive is not binding for RA, but the provisions of the directive are based on international best practices in combating pay discrimination.

Therefore, to implement the principle of equal pay for equivalent work, it is necessary to adopt gender-sensitive labor evaluation regulations at the legislative level and ensure the mechanisms for their implementation. To mitigate the growth of the gender wage gap, it is imperative, following international best practices, to mandate employers with more than 100 employees to publish the average wages of their employees, classified by gender and equivalent jobs, and justify the existing gender gap.

DOES THE REPUBLIC OF ARMENIA HAVE AN EFFECTIVE STATE SYSTEM TO RESPOND GENDER DISCRIMINATION IN THE FIELD OF WORK AND EMPLOYMENT?

HEALTH AND LABOR INSPECTION BODY

The labor inspection system plays a central role in labor administration, ensuring the implementation of labor rights in the workplace. The primary requirements of an effective labor inspection system are outlined in ILO Convention No. 81⁴² "On Labor Inspection," and No. 129⁴³, "On Labor Inspection (Agriculture)." RA ratified Convention No. 81 in 2004 but has not yet ratified Convention No. 129.

Conventions No. 81 and No. 129 each outline the powers that must be vested in labor inspectors to effectively carry out their duties. These powers include, among others:

39. See the same source.

40. The directive is effective for EU countries from June 2023, and states must align their legislation with the directive by June 2026. While the directive is not binding for the Republic of Armenia, its provisions are grounded in international best practices for combating wage discrimination.

41. See the Directive 2023/970 of the EU Parliament and the Council dated 10 May 2023, which focuses on strengthening the principle of equal pay for equal work between men and women through pay transparency and enforcement mechanisms [source link: https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ%3A%3A2023%3A132%3ATOQ&uri=uriserv%3AOJL_2023.132.01.0021.01.ENG].

42. See ILO Convention No. 81 [source link: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C081].

43. See ILO Convention No. 129 [source link: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C129].

- the authority to enter freely and without prior notice at any time of the day or night any place of work subject to inspection,
- Access any premises during the day, which they may reasonably assume to be subject to inspection.
- Interrogate the employer or the staff of the undertaking alone or in the presence of witnesses on any matter relating to the application of legal provisions.

The powers of the RA Health and Labor Inspection Body (hereinafter: Inspection Body) are defined by the RA Law “On Inspection Bodies” and the Charter of the RA Health and Labor Inspection Body. The inspection body oversees labor issues. The activities of the latter encompass supervision, including inspections, as well as outreach initiatives, the development of guidelines, statistics management, and, if necessary, the submission of a petition to the responsible authority for the revocation of the entrepreneur’s license.

It should also be noted that the RA labor legislation does not establish any obligation for employers to prevent discrimination (adopting internal regulations, appointing responsible officers...) or responsibility for not taking steps against discrimination, which complicates the implementation of state control in cases of discrimination. In the checklist⁴⁴, the sole reference to discrimination in employment announcements (competitions) and during the implementation of employment relations is the prohibition on defining any other condition that serves as the basis of discrimination, except for practical characteristics and professional training and qualification, for breaching which the employer loses only 0,3 point.

Simultaneously, no legal act defines a clear toolkit for the implementation of inspections, which stands as one of the most crucial criteria for the effectiveness of the inspection process. While the checklist includes references to both documentary and visual inspection methods, the Inspectorate is not equipped with a toolkit for utilizing other tools (e.g., one-on-one staff interviews or discussions with witnesses). This is particularly crucial for identifying instances of discrimination. As of July 2023, the Inspection Body is expected to address issues related to sexual harassment in the workplace. However, in terms of human resources, skills, and powers, it is not currently prepared to assume that responsibility.

Therefore, it is essential to empower the RA Health and Labor Inspection Body to conduct private interviews and discussions with employees. Additionally, mandatory training should be introduced for the employees of the inspectorate, focusing on gender discrimination at work, gender-sensitive methods of job evaluation and comparison, the principle of equal pay for equal work, and responding to sexual harassment cases.

EQUALITY BODY

In addition to the body exercising state control over labor relations, the Equality Body also plays a crucial role in applying the principles of equal opportunities and equal treatment in international practice.

On 22nd of June, 2018, the European Commission adopted Recommendation⁴⁵ No. C(2018) 3850 on standards for Equality Bodies. The standards outlined in the Recommendation stipulate that the

44. See Appendix No. 5 of the RA Government Decision No. 718-Ն of April 30, 2020, Checklist of Risk-Based Inspections in the Field of Labor Law [source link: <https://www.arlis.am/DocumentView.aspx?DocID=163337>].

45. See the Recommendation on Standards for Equality Authorities issued by the European Commission [source link: https://commission.europa.eu/system/files/2018-06/2_en_act_part1_v4.pdf].

mandate of the Equality Body should encompass the provision of independent support, including the reception of individual or collective complaints, offering legal advice, overseeing complaint proceedings, representing complainants in courts, independently conducting surveys, publishing unbiased reports, and presenting them to relevant public institutions. Member states shall ensure that their public authorities consider the recommendations of equality bodies regarding legislation, policy, procedures, projects and practices to the extent possible. Member states shall give the equality bodies the opportunity to contribute to the prevention of discrimination, particularly by offering training, providing information, advice, guidelines, and support to relevant responsible entities.

Hence, equality bodies are generally endowed with powers to investigate complaints, including also ex officio, in relation to both public authorities and private organizations and individuals, legal mechanisms making compliance with their decisions binding, awareness-raising, monitoring and advisory functions.

In some countries, the functions of equality authorities are fulfilled by national human rights mechanisms (ombudsman, human rights defender).

Without comprehensive anti-discrimination legislation, Armenia also lacks an independent body with the powers of an equality authority. The Human Rights Defender of the Republic of Armenia carries out awareness activities within the framework of his/her powers and accepts investigation complaints against state and local self-government bodies. However, in legal relations with private individuals and employers, the Human Rights Defender does not have the authority to investigate cases⁴⁶.

The establishment of an independent equality body or the expansion of the powers of the Human Rights Defender of RA, endowed with the functions of an equality body, is a prerequisite for establishing institutional mechanisms for the principle of equal opportunities and equal treatment.

DOES THE LEGISLATION OF THE REPUBLIC OF ARMENIA PROVIDE EFFECTIVE RULES OF EVIDENCE IN CASES OF DISCRIMINATION AND THE OPPORTUNITY TO RECEIVE COMPENSATION FOR DISCRIMINATED PERSONS IN ACCORDANCE WITH INTERNATIONAL LEGAL STANDARDS?

ALLOCATION OF THE BURDEN OF PROOF

The effective allocation of the burden of proof is crucial for the efficient resolution of discrimination cases. This issue is addressed in both ILO documents and the Revised European Social Charter. In particular, when assessing the compliance of RA legislation with the obligations assumed by the Charter, the Committee also identified⁴⁷ the absence of rules on the burden of proof in RA labor legislation as a shortcoming.

RA still lacks comprehensive anti-discrimination legislation and specific regulations regarding the shifting of the burden of proof in cases of discrimination. Although Article 213 of the Civil Procedure Code of the Republic of Armenia places the onus on the defendant to prove the facts underlying the disputed act (for example, a dismissal order) in labor disputes, the burden of proving the fact of

46. See Research on Identifying the Best Model of Equality Body in Armenia [source link:

https://www.equalrightstrust.org/sites/default/files/images/Research_Effective-model-of-Equality-body-in-Armenia-Eng.pdf].

47. See Recommendations of the European Social Committee to Armenia in 2016 [source link: <https://hudoc.esc.coe.int/eng?i=2016/def/ARM/1/2/EN>].

discrimination under the current regulations, according to the general rule, must be borne by the employee. This does not conform to international standards. The analysis of cases⁴⁸ studied by the Datalex system also indicates that, while the courts generally grant employees' petitions to request evidence from the employer, in cases of unresolved doubts during assessment, they regard the fact of discrimination as unconfirmed.

In this light, it is worth mentioning criminal liability for discrimination, which went into effect in July of 2022. From the perspective of international legal standards, criminalizing discrimination is not considered to be the best solution in terms of protection of rights of persons being discriminated against, given that there are explicit rules of criminal procedure, and that presumption of innocence is one of the constitutional guarantees of every suspect and accused, which implies that in case there are unresolved doubts regarding the occurrence of discrimination, the latter will be assessed in favor of the accused.

Different countries address the burden of proof in discrimination cases through various legal frameworks. For instance, in Georgia, the transfer of the burden of proof is specifically outlined in the Labor Code, rendering it more pertinent. Rules governing evidence in discrimination cases ought not to be confined solely to procedural regulations but should also extend to administrative procedures. The shifting of the burden of proof to the employer should take place after the plaintiff has presented substantial evidence of the alleged discrimination.

From an evidentiary standpoint, it is crucial to add to the Civil and Administrative Procedure Codes of RA distinct regulations concerning the admissibility of various types of evidence (such as statistical data, test results, etc.) in discrimination cases, along with the free evaluation of evidence and presumption of the irrefutability of analogous facts. These provisions are essential for ensuring an effective discrimination trial.

COMPENSATION FOR NON-MATERIAL DAMAGE

The entitlement to compensation for non-material damage in cases of discrimination is one of the most important rights stipulated by the ILO conventions and EU directives. In accordance with Article 17 of the RA Civil Procedure Code, compensation for non-material damage is only applicable in cases provided for by law. In Article 162.1 of the same Code, the provision outlines the right to compensation for non-material damage only in the event of a violation of specific rights, among which the right to be free from discrimination is not mentioned. At the same time, the article also stipulates the possibility of receiving compensation only from state and local self-government bodies, excluding private organizations.

For the effective application of the principle of equal opportunities and equal treatment in the field of work and employment, it is crucial that individuals who have experienced discrimination have a legal opportunity to seek compensation for non-material damages. This is also one of the most critical guarantees for access to justice in cases of discrimination.

To ensure this, in the RA Civil Code, Article 162.1, it is necessary to supplement the article with a new provision, establishing the right of the discriminated person to receive compensation for non-material damage caused by discrimination from state, local self-government bodies, and legal and natural persons.

48. See Lusine Tsaturyan vs. Anna Balyan, Director of SNOC, 3rd Primary School named after Vazgen A, Charentsavan City [source link: http://www.datalex.am/?app=AppCaseSearch&case_id=16325548649391044];

Manya Gasparyan vs. Intelligent Digital Technologies LLC [source link: http://www.datalex.am/?app=AppCaseSearch&case_id=45880421203991353].

CONCLUDING REMARKS

Comparing the labor legislation of the Republic of Armenia with international legal standards, we can draw the following conclusions:

- RA ratified the ILO and CoE conventions, establishing the principles of equal rights and equal opportunities in work and employment. Moreover, it has assumed obligations to localize these principles within the framework of cooperation with the EU.
- RA legislation does not comprehensively prohibit all forms of gender discrimination in the sphere of work and employment, aligning with international legal standards.
- There is a lack of an effective state system that adequately responds to gender discrimination in the realm of work and employment in RA.

The legislation in the Republic of Armenia does not offer effective rules of proof in cases of discrimination and fails to provide opportunities for discriminated individuals to receive compensation in accordance with international legal standards.

PART 4:

Analysis of Gender Stereotypes in Job Announcements- Monitoring Results



METHODOLOGY

Job postings frequently employ language and descriptions that perpetuate detrimental gender norms and roles. This pattern is prevalent across various fields of work, with a particular focus on the service sector, which stands as one of the less regulated work fields in Armenia. This section of the research aims to scrutinize the prevalence of gender stereotypes in job postings within the service industry. By scrutinizing the language, presented words, and gender role descriptions in job postings, this study aims to identify and highlight the utilization of gender stereotypes and discrimination on three of the most prevalent online job posting platforms.

Below, we present the scope of monitoring questions:

- ▲ To what extent are gender stereotypes, particularly concerning the role of women, common in job advertisements of service sector?
- ▲ How do gender stereotypes manifest in various positions in the service sector and job role descriptions? Are certain fields more susceptible to developing descriptions based on gender stereotypes?
- ▲ Which words and terms are commonly associated with gender stereotypes in job postings?
- ▲ How may gender stereotypes in job advertisements impact perceptions and attitudes towards gender roles in the workplace?

Within the framework of the monitoring process, job announcements published on the online platform were considered. The method of content analysis of documents was employed to examine the characteristics of communication content regarding gender-based discrimination in job announcements on the main platforms. **Job announcements were collected from two sources:**

- ▲ Initially, job announcements in the service sector were examined on list.am and job.am websites during August, September, and October 2023.
- ▲ Subsequently, on an active Facebook page «ԱՇԽԱՏԱԼԻԶ»⁴⁹ with over 10 thousand followers, job announcements related to the service sector were reviewed during the same period in 2023—specifically, during August, September, and October.

The fields within the analyzed service sector are outlined in Annex 1.

A list of specific words and phrases was devised to monitor job postings related to gender stereotypes against women, incorporating a mix of gender-neutral and gender-biased or discriminatory words to ensure comprehensive data collection. Each category was examined individually in the following manner:

49. See the reference; <https://www.facebook.com/groups/256477051632796>

Job position

Manager
Director
Executive Director
Sales Specialist
Saleswoman/Salesman
Waiter/Waitress
Nurse/Female Nurse
Teacher/Female Teacher
Clerk/Female Clerk
Secretary/Female Secretary
Accountant
Analyst
Receptionist
Assistant Director
Administrative Assistant
Marketing Specialist
Human Resources Coordinator
IT Specialist

Job responsibilities

Leadership
Decision-making
Problem-solving
People management
Project management
Communication implementation
Programming
Budgeting/Financial Analysis
Caregiving,
Training
Customer service
Sales execution
Research implementation
Meetings outside regular work hours
Frequent business trips and overtime
Execution of director's tasks
Organization of hospitality
Reception and escort of guests

Words specifically used	Male applicant/female applicant,
	Married/Unmarried, Mr./Mrs.
	Effective communication skills
	Good looking,
	Polite,
	Diligent,
	Responsible
	A team player
	Possesses leadership qualities
	Well-groomed,
	Assertive,
	Independent/dependent,
	Family-oriented
	Possesses high moral values,
	Holds strong professional qualifications,
	adept communicator/thinker

RESULTS OF MONITORING

In the course of the analysis, 250 job announcements posted or active in August, September, and October 2023 were taken into consideration. Drawing upon observations, a data table was constructed to summarize all job announcements that unveiled instances of gender-biased language, stereotypes, and the use of the suffix “woman/female” in job positions, as well as direct references to “jobs for women”, the number of which is 71.

Source	Number of discriminatory announcements	Total number of announcements
List.am	40	140
Job.am	18	63
Facebook page	13	47
Total	71	250

So, the analysis of the data shows that non-gender-sensitive language is most common in the **wholesale and retail trade sector**, then in the **real estate sector**, and equally so in the **accommodation, catering, and education sectors**.

You can observe the distribution of other sectors in this table.

Service Sector	Quantity
2. Wholesale and Retail Trade Sector	26
5. Real Estate Sector	11
1. Accommodation and Catering Services	7
8. Education	7
6. Professional, Scientific, and Technical Activities	5
7. Administrative and Support Activities	4
10. Culture, Entertainment, and Leisure	4
11. Other Maintenance Services	3
3. Information and Communication	2
9. Health and Social Services for the Population	2
Total	71

Hence, it can be inferred that, throughout the monitoring, organizations in wholesale and retail trade, as well as those offering real estate services, expressed a need to recruit female candidates. In the trade sector, positions primarily focused on saleswomen, consultants, online workers, and female cleaners. Conversely, in announcements released by organizations providing real estate services, the predominant positions were female clerks and assistant directors.

Job position	Quantity
Female Clerk	13
Saleswoman	
Consultant	10
Assistant Director	8
Teacher/Female Teacher	7
Online Female Worker	6
Clerk	5
Director	5
Sales Specialist	5
Female Cleaner	5
Administrative Assistant	
	2
Marketing Specialist	1
Female Nurse	1
Manager	1
Secretary	1
Analyst	1
Total	71

Another pattern that emerged during the study is that advertisements published for both the female clerk and saleswoman positions exhibit gender stereotypes and emphasize appearance requirements, such as a good-looking appearance, an age range of mostly 18-32 years old, being well-groomed, smiling, etc. Simultaneously, candidates applying for the position are expected to be friendly and sociable, possess excellent communication skills, demonstrate responsibility and proactiveness; however, work experience is not mandatory. The portrayal suggests that the mentioned positions are

considered “jobs suitable for women and girls” because, in order to perform the job duties, candidates must be “liked and pleasant” for the employer and customers. This could be seen by looking at a few examples, which present a general picture of the main gender stereotypes and biases that can be considered the most harmful for women and girls.

Example 1 **Female clerk**

As mentioned earlier, the announcements for the given position were the most common during the study period and contained the language reproducing gender stereotypes the most. In most of the announcements mentioning that the position is intended for a woman, the main requirements for the candidate do not focus on professional skills, but emphasize the latter’s appearance and willingness to perform all the tasks assigned by the employer, which may also include the proper reception of guests, arranging refreshments as needed, going on business trips and accompanying the director. Although the expressions and wording used do not contain direct insults, they are still based on the stereotypical ideas that the position of a clerk or secretary also implies that a woman shall enter into a personal relationship with the employer. Following this logic, it can be concluded that the position also implies having sexual relations with the director. The following may be considered a typical announcement:

Female Secretary, Female Clerk, Executive Assistant,
office work, секретарь

Yerevan, Arabkir

Urgent!

Details of work

Type: Permanent

Schedule: Full time

Experience: No experience needed

Job description

The company seeks a good-looking female personal secretary, assistant with good figure 20-40 years of age.

Working days: Monday-Friday

Working hours: 14:00-18:00

Salary starting from 250,000 AMD+ bonuses, gifts.

Nature of work:

Basic office work.

Business trips, accompanying during business trips are possible which will be remunerated separately.

CVs with 2-3 photos to be sent to joboffice80@mail.ru email address or Viber/ WhatsApp. Please text, do not call.

Responsibilities

Accompanying during business trips.

Required qualifications

To be always well-groomed and good-looking, sociable.

Details of Employer

Artur Abrahamyan

Individual entrepreneur, Nor Nork

Sector of activity: Office work

Number of employees: 2-10

Good-looking, well-groomed



Yerevan, Arabkir

Details of work

Type: Permanent

Schedule: Part time

Experience: 1-3 years

Job description

- Knowledge of RA Law on Procurement
- Experience in participation in state and private tenders
- Good command of MS Word and Excel
- Good command of arithmetic and calculations
- Person filled with positive energy, punctual and with sense of responsibility

CVs to be sent to hr@voltamper.am

Students are also invited to apply.

Responsibilities

- Assist the Director with document circulation
- Prepare and complete tender applications

Required qualifications

- Knowledge of RA Law on Procurement
- Clerkship skills
- Good command of MS Word and Excel

Details of Employer

VOLT AMPER LLC

Organization, Arabkir

Sector of activity: Construction and architecture

Number of employees: 11-50

The company is engaged in installation, technical maintenance and repairing activities of electric power equipment and electric appliances

It is worthy that in order to apply for the position, in addition to the CV, candidates are also required to send several photos, the necessity of which is justified only by the fact that the candidates must be good-looking and well-groomed. Additionally, similar announcements also indicate gifts which are not an acceptable form of remuneration in labor relations. It should be noted that the situation is different when the job announcement for the clerk position does not indicate the gender of the candidate being sought. In this case, only the performance of professional activities and documentation functions are included in the job responsibilities.

The announcement below clearly states the key skills required to apply for the position and does not refer to an individual's personal characteristics or appearance and focuses on knowledge of the software that will be required to perform the job.

The given examples allow concluding that the job announcements clearly differentiate the requirements for the same position and even the list of responsibilities that the latter is expected to perform during the work and despite the fact that the clerkship implies a set of specific abilities and skills, when the position is envisaged for female candidates, priority is given to appearance and pleasing the employer.



Example 2

Saleswoman

Consultant-saleswoman required

Yerevan Center

Information about job

Type; Permanent

Schedule; Full-time

Experience; not required

Job description

Consultant-saleswoman required gifts shop 18-30 ye old

Working hours 11:00-21:00

Salary; 4500AMD daily

1 day rest in a week

Shop address 27 Mashtots Ave.

Send your resume to a.a.giftland@gmail.com

Responsibilities

- Excellent service
- Keeping the salon clean
- Replenishment of goods
- Punctuality

Required qualifications

Work experience desired

Ability to do packaging and balloon decoration desired

Employer's Information

Gift land

Organization, Center

Area of activity; sales

Organization size; 2-10 employees

Gifts and balloon shop

The second most common position during the study period was the position of a saleswoman. Similar as in the previous example, in the case of these announcements, the appearance of the candidates and especially their age was often emphasized, which was indicated in almost all the announcements.

For the position of a saleswoman, emphasis was placed on the latter's communication skills and customer service which were the most frequently found expressions documented from the data collected from August to November.

The given example allows concluding that the job announcements focus on the age and effective communication skills of female candidates, and even though the position is quite widespread and the job of a salesperson is in demand, the signal to the readers of the announcement is that the basic skills to perform the job are limited to women's and girls' age, appearance and likability. Such signals reinforce the widespread stereotypes about women, which mostly refer to the fact that women's contribution to work is largely related to their appearance and being pleasant and likable in communication. Thus, it is revealed that the characteristics describing the position of a saleswoman entail certain images of women and girls whose main function seems to be to please customers and "sell the product through

their appearance and personal qualities.” Such an approach contributes to the strengthening and spreading of the above-mentioned gender stereotypes.

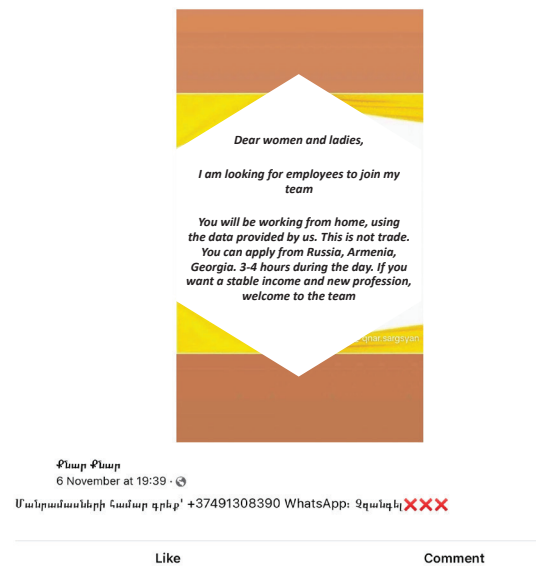
Example 3 Online work

During the study, another pattern was also revealed which is especially common on the Facebook social network. The data analysis shows that during the study period, various announcements advertising online jobs were widely circulated on the Facebook platform, which did not contain details about job responsibilities or requirements for candidates, but were advertised as intended for women.

The main reason is stated to be the online nature of work and that it is suitable for working from home, as well as that the work will be 3-4 hours per day. It can be concluded that such job advertisements emphasize that it is the stereotypical role of women to do most of the chores and therefore it would be convenient for the target audience to work in such conditions since women would be able to “not be distracted from their core duties” with such a schedule. In addition, given that that they will not have to leave the house to perform work, they will be able to earn money while remaining in the role assigned to women where they prioritize the performance of unpaid domestic work.

These announcements also indirectly contribute to the enforcement of gender stereotypes about the role of women and spread the ideas attaching secondary role to women’s employment activities. It is noteworthy that similar announcements do not target men and only encourage women to apply for jobs. Such a conclusion can be drawn by looking at the main target of the announcements: “Dear women and girls” and so on. It should be noted that during the data collection and analysis, no similar announcements were found indicating that the job offer pertains to men.

facebook

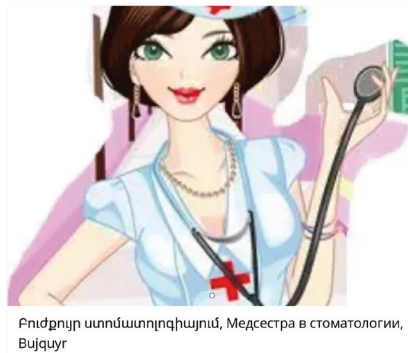


Example 4

Nurse

There are also examples where gender-biased or discriminatory manifestations are expressed not in the language used, but rather in the visual materials. For instance, in the announcement given as an example, the field of medicine, i.e. dentistry, is clearly indicated, where professional work is required, and despite the fact that it includes many details about the work the candidate must perform and the responsibilities of the latter, still, the picture attached to the job announcement shows the woman the image that is believed to represent the candidate desired by the employer. The image emphasizes the sexualized appearance of the woman which is highlighted by her make-up, clothes, depicted smile, body position, etc. It is noteworthy that the picture depicts an attractive woman wearing nurse's clothing

and certain accessories associated with the profession, rather than a female professional. In this announcement, the sexual attractiveness of a woman is also implied which is one of the stereotypes of the nursing profession, and such a manifestation can affect the formation and spread of these harmful ideas.



Nurse in dentist clinic Female nurse

Yerevan Armenia

Information about job

Type: Permanent

Schedule: Part-time

Experience: less than 1 year

Job description

For the dentist clinic in the center female nurse us required.

Age: younger than 35

Example 5

Director or Manager

During the analysis, job announcements for the position of director or manager were also found. Although the text of the announcement does not explicitly indicate that the position is intended for men, or that the employer will give preference to a male candidate, we can still see men depicted in the pictures attached to the texts. Observing the text of the given example, it is visible that the job announcement describes in detail what duties the candidate will perform, what skills and experience the employer requires, and it is not emphasized what gender the candidate may be. However, considering that a significant portion of the visual part of the announcement is the image accompanying the text, it is of great importance who is depicted. In this case, the collective image of the director or manager is a young man, which gives the signal to the those reading the announcement and applying for the position that the person occupying the managerial position must be a man.

This example pronouncedly shows that the management function is attributed to men and although this pattern is not manifested in the text, it is visible in the pictures used with the texts. In any case, this approach deepens the stereotypical idea that in order to perform a management function, it is preferable that the applicants for the position be men, which in turn enforces the idea that women cannot occupy a managerial position.



Such biased approaches in job announcements may contribute to less frequent application for managerial positions by women despite the fact that women predominate among highly- and medium-qualified professionals, as well as office workers.

In conclusion, it can be noted that the presence of gender stereotypes in job announcements unfolds not only in the language used, but also in the images that accompany the announcements, and the study of visual images is also essential.

Restaurant director/manager

Aragatsotn, Ashtarak

Information about job

Type; Permanent

Schedule; Full-time

Experience; 1-3 years

Job description

The newly opened restaurant is looking for a director. Work experience is mandatory. We are located in Ashtarak, 25 min. from Yerevan. If conditions are acceptable for you and you meet job requirements, please send your CV to the Email address.

Salary; 200000 fixed +2-3% of whole turnover. Whether you receive 200000 or 1000000, depends on you.

We opened a month ago. There is already a flow of customers. The restaurant isn't for celebrations, it's for having supper, dinner, and breakfast. It has a salon with 10 tables, 5 bungalows, separate rooms for 2-10 people.

Responsibilities

- Correctly manage the staff
- Provide customer flow
- Correctly organize the service
- Find, and recruit good employees with good conditions
- Organize events to engage customers

Required qualifications

We need a vigorous, hardworking, charismatic director

Work experience is obligatory

CONCLUDING REMARKS

The monitoring results show:

- Indirect bias is present in job advertisements. Analysis of the data reveals that non-gender-sensitive language is most prevalent in the wholesale and retail trade sector, followed by the real estate sector. It is equally observed in the accommodation and catering sector, as well as in the education sector.
- When job announcements explicitly state that an employer is seeking a female candidate for a position, stereotypes regarding the role of women are overtly or subtly emphasized. In one scenario, this may constrain a woman's aspirations to apply for higher-paid, professionally-skilled managerial positions. In extreme cases, it can contribute to sexual harassment in the labor market, exemplified vividly by job announcements targeting female clerks/secretaries. It is important to note that the analysis suggests that positions categorized as "jobs suitable for women and girls" require candidates to be "likable and pleasant" to both the employer and clients. These represent the primary gender stereotypes and biases that can be deemed particularly harmful to women and girls.
- These stereotypes, embedded in language or expressed through imagery, persist in shaping perceptions of gender roles in professional contexts. The choice of words in job postings significantly influences how potential candidates perceive their suitability for certain roles. For instance, the analysis discovered very few or no positions for women, particularly in managerial roles and male-dominated professions.

PART 5:

RECOMMENDATIONS



To align legislation with international legal standards, it is imperative to implement the following legislative changes:

- Adopt a comprehensive law prohibiting discrimination. This law should encompass definitions of discrimination and its various types. It should also incorporate a distinct chapter addressing discrimination in work and employment and establish an equality body endowed with relevant powers.
- Incorporate the principle of equal opportunities and equal treatment of women and men into Article 3 of the RA Labor Code.
- Introduce a dedicated chapter on the prohibition of discrimination in the RA Labor Code. This chapter should encompass:
 - 》 Types of discrimination in employment relations, including direct and indirect discrimination, harassment (including sexual harassment), and victimization.
Inherent job requirements and constructive (special) actions.
 - 》 The scope of the prohibition of discrimination, covering pre-contractual relations, training, working conditions, and membership of employees or employers in professional organizations.
 - 》 Transfer the burden of proof in procedural and other rules related to cases of labor discrimination to the employer when the employee presents facts of apparent discrimination.
 - 》 Establish in the RA Labor Code the obligation for employers with more than 100 employees to disclose the average salary of their workforce, categorized by gender and equivalent positions, and substantiate any existing gender wage gaps.
- Approve gender-sensitive labor evaluation regulations through a government decision and authorize the RA Health and Labor Inspection Body to oversee their implementation.
- Enact in the RA Labor Code a mandate for employers to adopt internal policies for preventing discrimination and harassment. Develop internal procedures for investigating cases and require employers to report instances of discrimination and harassment to the RA Health and Labor Inspection Body. Establish liability for failure to fulfill these obligations.
- Expand the toolkit of the RA Health and Labor Inspection Body by granting the authority to conduct private interviews and discussions with employees.
- Introduce separate regulations in the RA Civil and Administrative Procedure Codes regarding the allocation of the burden of proof in discrimination investigations and the admissibility of alternative forms of evidence (e.g., statistical data, test results).
- Amend Article 162.1 of the RA Civil Code to include a new provision granting individuals subjected to discrimination the right to receive compensation for non-material damage caused by discrimination from state, local self-government bodies, and legal and natural persons.

When formulating the state policy in the field of labor and employment, we propose:

- Enhance state control over the enforcement of labor law requirements, specifically focusing on the prohibition of discriminatory claims in job announcements.
- Implement mandatory training for inspectors on gender discrimination in the workplace, gender-sensitive methods of job evaluation and comparison, the principle of equal pay for equivalent work, and procedures for addressing sexual harassment.
- Create concise guidelines for platform managers on job announcement platforms, summarizing key “do’s and don’ts” that should be considered before publishing announcements.

- Initiate gender bias awareness campaigns. These campaigns may encompass information on implicit bias, the influence of language on perceptions, and the significance of inclusive messaging, ultimately contributing to the mitigation of stereotype reinforcement.

To social partnership members, we propose:

- Incorporate the principle of equal opportunities and treatment in the realm of work and employment, along with mechanisms for protection against discrimination, within collective agreements.

To the Employers' Union, we propose:

- Supporting their members to ensure that job qualifications and responsibilities are implemented inclusively, avoiding the reinforcement of traditional gender stereotypes.

To the Trade Unions, we propose:

- Regularly informing their members about the mechanisms for the prevention and protection against discrimination in employment relations.

APPENDIX 1

Services in the Service Industry

- ▲ Organization of accommodation and public catering (restaurants, bars, pubs, nightclubs, hotels, etc.)
- ▲ Wholesale and retail trade
- ▲ Information and communication (publishing houses, mobile telephony, and Internet access services, etc.)
- ▲ Financial and insurance activities (banks, credit organizations, activities of insurance agents and intermediaries)
- ▲ Activities related to real estate (real estate sale, lease)
- ▲ Professional, scientific, and technical activities (legal activities, advertising agencies, public opinion research, design activities, photography, photocopying, preparation of documents, and other specialized activities, etc.)
- ▲ Administrative and auxiliary activities (employment agencies, travel agencies, air ticket sales agencies, rental of cars, and other items)
- ▲ Education (educational activities in the field of dance, music, culture, sports, etc.)
- ▲ Healthcare and social services for the population (primary healthcare, hospitals, specialized healthcare, social services for different groups of the population)
- ▲ Culture, entertainment, and recreation (activities of cultural objects: theater, concert hall, library, etc., casinos, real estate companies, sports clubs, activities related to the organization of entertainment and recreation)
- ▲ Other service-related services (hairdressing and beauty salon services, body care services, bath-related activities, saunas, and spas).

APPENDIX 2

FOCUS GROUP INTERVIEW QUESTIONNAIRES

Questionnaire for interviewing employed women

Introductory questions

- ▲ Please briefly introduce yourself: how old are you, marital status, what is your education and profession?
- ▲ In what sector do you work, as what? How long have you been working in the service industry?

Job announcements

- ▲ How did you get hired (through announcements, acquaintances/friends, you personally applied to the employer, otherwise)?
- ▲ Have you ever encountered discrimination in the job announcements in the service industry? For example, announcements that state that only female or only male employees are being sought or any requirements that make it obvious that they are seeking employees of a certain gender. Please provide examples.

Hiring process

- ▲ What requirements were posed to you when being hired? E.g., appearance, clothing, age, marital status, absence of children/pregnancy planning, offers of a sexual nature, hints, etc.
- ▲ Who interviewed you for hiring? Please describe that process. Do you think you have been discriminated against because you are a woman?
- ▲ In addition to job responsibilities, what is expected of you (make coffee, receive guests, ensure cleanliness, etc.)? How do you deal with such requirements?

Professional advancement

- ▲ What kind of professional advancement, position, salary change did you have at your workplace? How long and what was required for it?

Working conditions including (remuneration, business trips, trainings)

- ▲ Have you noticed a differentiation between women and men in terms of salary, professional advancement (promotion), business trips, and professional training in your workplace? If yes, please elaborate.
- ▲ What do you think accounts for such unequal conditions?

Dismissal

- ▲ If there is a need for layoff at your workplace, how is it regulated, are women or men dismissed? Please elaborate.

Conclusion

- ▲ What additions do you have regarding the discussed topic and questions?

QUESTIONNAIRE FOR INTERVIEWING WOMEN JOBSEEKERS

Introductory questions

- ▲ Please briefly introduce yourself: how old are you, marital status, what is your education and profession?
- ▲ In which sector are you seeking a job, and as what? How long have you been seeking a job?

Job announcements

- ▲ How do you search for a job (through advertisements, friends/acquaintances, personally applying to employers, otherwise)?
- ▲ Have you ever encountered discriminatory announcements in the service industry jobs and your job requirements? For example, announcements that state that only female or only male employees are being sought or any requirements that make it obvious that they are seeking employees of a certain gender. Please provide examples.
- ▲ Have there been occasions when you called for those announcements/participated in interviews? If yes, please elaborate. If not, why?

Hiring process

- What requirements were posed to you to be hired?
- appearance,
- clothing,
- age,
- marital status,
- absence of children,
- offers, hints, etc. of a sexual nature.
- ▲ Who interviewed you for the job? Please describe that process. Have you experienced discrimination because you are a woman?
- ▲ In addition to job responsibilities, what is expected of you (make coffee, receive guests, ensure cleanliness, etc.)? How do you deal with such requirements?

Working conditions (remuneration, business trips, trainings, promotion)

- In your opinion, is there inequality between women and men in the service sector?
- in terms of remuneration,
- in terms of professional advancement (promotion),
- in terms of going on business trips,
- in terms of professional training.
- ▲ What do you think accounts for such unequal conditions?

Conclusion

- ▲ What additions do you have regarding the discussed topic and questions?

