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ON LABOR RIGHTS SITUATION IN ARMENIA

Submitted by the Group of Civil Society Organizations working on the labor rights.

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Introduction

1. This submission addresses critical concerns, challenges, and progress related to women's labor rights in Armenia, offering key recommendations for advancing decent work and equality in the workplace. Developed by a working group specializing in women's labor rights advocacy, this report draws on extensive experience in advocacy and service provision for diverse groups of women and human rights organizations. It explores pressing issues, such as the absence of effective mechanisms and oversight tools to combat sexual harassment in the workplace, the persistent gender pay gap, and the lack of state response to gender-based discrimination, shortcomings within the State Inspection System. Special attention is given to the challenges faced by marginalized groups of women in accessing the labor market, highlighting the urgent need for inclusive policies and systemic change.

I. GENDER DISCRIMINATION AND SEXUAL HARASSMENT IN THE CONTEXT OF LABOR RIGHTS PROTECTION

2. Armenia has ratified eight of the nine core UN human rights treaties, including International Covenant on Social, Economic and Cultural Rights (ICESCR) and Convention on Elimination of All Forms of Discrimination against Women (CEDAW) Armenia has also ratified 29 Conventions of the International Labour Organization (ILO), including C100 on Equal Remuneration and C111 on Discrimination.
3. During the 2020 Universal Periodic Review, Armenia accepted multiple recommendations related to gender-based discrimination, violence and harassment at work.
4. Despite the existence of international commitments and several positive developments on legislative level, women in Armenia are continuing significant barriers to labor market participation due to domestic violence, gender-based discrimination, and workplace harassment.
5. Armenia has not yet ratified Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and recent ILO Convention C190 on Violence and Harassment at Workplace.

Sexual harassment at workplace

6. *Recommendations Received Regarding the Issue*

153.174, 153.171, 153.185, 153.163.

Particularly, Luxembourg recommended Armenia to take measures to define, to prohibit and to penalize sexual harassment, which was supported by Armenia.

7. Sexual harassment at workplace was defined and banned in the Labour code in 2023. According to *the* new regulations, sexual harassment at workplace is defined as unwelcome actions of a sexual nature, which can take the form of physical, verbal or non-verbal behavior, encompassing gestures

and sexual advances and/or have direct or indirect impact on an individual, influencing their employment decisions or fostering an environment that is degrading or socially isolating¹.

8. Despite these positive and welcome developments there remain critical gaps at the legislative and policy levels which leave victims of sexual harassment in Armenia without effective protection mechanisms:
9. In 2022 Women's Resource Center conducted the investigatory study on sexual harassment at workplace² with 590 participants, 90% of the participants being young women. The study revealed that:
 - ✓ 42.7% of the respondents had experienced sexual harassment at work.
 - ✓ 42.2% said their colleagues were also harassed.
 - ✓ 32.2% of these cases occurred in the service sector, where many victims were working informally without contracts,
 - ✓ 56% of those harassed quit or were fired after the incidents,
 - ✓ 98.6% of employees did not report harassment to their employer or any official body.
 - ✓ 23.1% reported unwanted touching, sexual jokes, comments about their appearance, or obscene suggestions.
10. Despite these alarming findings, Armenia's laws lack proper regulations on sexual harassment in criminal, labor, or anti-discrimination frameworks.
11. Firstly, the existing legislation does not impose any **obligations** on employers to proactively prevent, address, or rectify instances of harassment. The sole requirement for employers is to include a prohibition of sexual harassment within their Internal Disciplinary Rules. These rules primarily outline working hours, shifts, annual leave specifics, and other administrative matters. However, the law does not mandate the formulation of dedicated policies aimed at preventing sexual harassment, designating sexual harassment officers, or establishing complaint procedures. Further, employers have the right (but not the obligation) to enforce disciplinary actions against harassers, following the general regulation of disciplinary proceedings. These procedural norms, by their very nature, do not align seamlessly with the complexities of sexual harassment cases. The nuances of sexual harassment proceedings, which require provisions to address issues of confidentiality, shifting the burden of proof, possibilities for informal resolution, and specialized remedies, which diverge significantly from the standard disciplinary framework.
12. Secondly, the legislation does not provide **confidential complaint mechanisms** for the victims of sexual harassment and there is no state body, which is responsible for addressing sexual harassment cases. The Health and Labor State Inspectorate (HLIB) is an inspection body which has limited powers and no skills to deal with harassment cases. Sexual harassment issues are not specifically mentioned in HLIB charter. HLIB inspectors don't have access to workplaces, except from the cases mentioned in annual inspection programs and with prior notice. Their inspection methodology is documentary, and they have no power (and skills) to interview and question

¹ Amendments to Armenian Labour Code from 29 May, 2023 <https://www.arlis.am/DocumentView.aspx?docid=178448>

² Women's Resource Center (2023), The Problem of Sexual Harassment in the Workplace in Armenia. Policy Paper <https://bit.ly/3J096cQ>

employees or to order employers cease any harassing conduct or provide reparations, which are essential for resolving harassment cases.

13. Thirdly, victims of sexual harassment at workplace have no legislative redress mechanisms and their **access to justice** is limited. The state doesn't provide them with free legal aid and they are not entitled to compensation or reparations. In case of initiating court proceedings, they bear the onus in proving their allegations, since the provisions on the shifting of the burden of proof are not in place.
14. And finally, managers and supervisors of the employees as well as HLIB inspectors need comprehensive **training and education** on gender equality and sexual harassment issues. The results of the Study above show, that victims of sexual harassment at workplace do not trust their managers or human resources officers, as well as state institutions. To gain the trust and effectively deal with these cases, the respective officers need education and practice.
15. Further, informal workers, predominantly engaged in domestic work and the service sector, are not even afforded those limited safeguards stipulated by the regulations enshrined in the Labour Code. They are entirely precluded from accessing even the recently introduced minimum protection measures within the Labour Code. Moreover, Armenia has yet to ratify the ILO Convention 189 on Domestic Workers and ILO Convention 190 on Violence and Harassment in the world of work. These conventions incorporate contemporary standards pertaining to harassment, encompassing situations within the informal economy.

Mobbing as a form of workplace harassment

16. Mobbing—a form of workplace harassment—gained attention in the late 1970s and early 1980s. It refers to systematic, long-term bullying or intimidation by an individual or group targeting a colleague. Mobbing often goes unpunished by law and is typically viewed as a moral violation rather than a legal one. This type of harassment can involve anyone in the workplace, whether employees, superiors, or subordinates, and occurs across various organizations.
17. In its commitment to safeguarding employer-employee legal relations and ensuring the protection of workers' rights, Armenia ratified the Revised European Social Charter on May 3, 1996. However, despite this important step, specific measures to address mobbing remain lacking in Armenia's legal framework.
18. Kanani NGO conducted an anonymous survey in Shirak Marz³, engaging 1,000 employers and employees from various sectors to assess workplace discrimination. The survey revealed that psychological violence, particularly mobbing, is widespread but seldom openly discussed. Notably, 96% of employees who witnessed mobbing also reported experiencing other forms of violence. Raising awareness is considered one of the most effective ways to combat mobbing, which remains largely underreported.
19. Although Armenian laws, such as the Constitution and Labor Code, prohibit discrimination, there is a lack of specific legislation defining mobbing and outlining clear consequences. Introducing

³ <https://drive.google.com/file/d/1IXnXLLfTmD02lytAqAjzHwkxeEspzCbd/view>

such measures could significantly deter this harmful behavior. Medical research underscores the serious impacts of mobbing, which can lead to severe psychological and physical health issues, including stress-related illnesses, heart conditions, and even suicide. To address and mitigate these long-term effects, immediate legal and psychological support is essential.

Recommendations

20. *Ratify ILO convention 190 and domesticate its provisions.*
21. *Adopt a legislative requirement for employers to adopt policies aimed at prevention and safeguarding against sexual harassment at the workplace. These policies should encompass dedicated protocols for handling cases of sexual harassment, the appointment of designated sexual harassment officers as well as indicate the possibility to apply to court or other state institution.*
22. *Introduce mandatory trainings for HLIB inspectors, trade unions and businesses,*
23. *Gather disaggregated data on sexual harassment at the workplace, analyse and develop the strategy for prevention and prohibition of discrimination.*
24. *Develop a confidential and safe state system for filing complaints on sexual harassment at the workplace and ensure that victims have effective access to such means of redress. Expand the mandate of the labour inspectorate to allow them to fully monitor harassment at the workplace.*
25. *Amend the Civil Procedural law to shift of the burden of proof in sexual harassment cases to the employer.*
26. *Extend protection as well as prevention mechanisms against sexual harassment to employees working in informal economy, including those working in the domestic work sector.*
27. *Criminalize the harsh forms of sexual harassment, particularly unwanted sexual touching.*
28. *Amend the Labor Code and include clear definition of mobbing and the requirement to address its consequences for the violators in internal policies or codes of conduct,*
29. *Make perpetrators of psychological violence subject to administrative penalties,*
30. *Enhance the role of the Health and Labor Inspectorate to monitor workplace violence, supervise workers' rights, and conduct regular training on employee and employer responsibilities at least twice a year.*
31. *Set up a regional hotline for registering workplace mobbing cases, with information shared with relevant oversight bodies.*
32. *Implement courses to improve emotional literacy among workers to help prevent workplace violence.*

Equal Pay for Work of Equal Value

33. According to the most recent study, conducted by UN Women and Armenian Statistical Committee⁴, the adjusted gender pay gap in Armenia is estimated at 28.4 per cent. It is larger than the unadjusted gender pay gap, suggesting that working women have better labour-market characteristics than men. Therefore, qualifications cannot explain the gender pay gap in Armenia; quite the contrary, they amplify it. The addition of sectors and occupations does not affect the resultant gap, suggesting that potential sectoral and/or occupational segregations likewise cannot explain the gap.

⁴ Analysis of the gender pay gap and gender inequality in the labour market in Armenia, 2020, UN Women Armstat, https://armstat.am/file/article/analysis_of_the_gender_pay_gap_armenia_en.pdf

34. Undoubtedly, the very remaining part of the unexplained gender pay gap could only be “explained” on the grounds of discrimination. Namely, employers – and the labour market in general – observe women with the same characteristics differently than men, for work of equal value, due to different perceptions, expectations, stereotypes and prejudices.
35. According to ILO Equal Remuneration Convention No. 100⁵ and ICESR General Comment No. 23 (2016) on the Right to just and favorable conditions of work⁶ workers should not only receive equal remuneration when they perform the same or similar jobs, but their remuneration should be equal even when their work is completely different but nonetheless of equal value when assessed by objective criteria. The extent to which equality is being achieved requires an on-going objective evaluation of whether the work is of equal value and whether the remuneration received is equal. It should cover a broad selection of functions. Since the focus should be on the ‘value’ of the work, evaluation factors should include **skills, responsibilities and effort required by the worker as well as working conditions**. It could be based on a comparison of rates of remuneration across organizations, enterprises and professions.
36. However, the Armenian Labour Code article 178 p. 2 falls short of fully incorporating this right into its Labor Law. Article 178 provides that men and women should receive equal pay for the same work or the work of equal value. P. 4 of the same article stipulates that the salary of the employee shall depend on the employee’s qualifications, as well as conditions of work, quality, amount and difficulty of work.
37. Indeed, while job evaluation is mentioned in the Labour code in several provisions, including job evaluations for pregnant and breastfeeding women, job evaluation methodology or mechanisms are not established in Armenia. Consequently, there is no method of job evaluation in place that addresses gender biases, methods of evaluation and comparison, remuneration evaluation and comparison for employers, state bodies or social partners.
38. Equal pay issues are also not included in the issues regulated by collective agreements within the collective bargaining procedures.
39. In these circumstances it is not possible to determine works of equal value, make comparisons and guarantee equal pay for work of equal value. Furthermore, there is no institution or state body responsible for supervising the enactment of the above-mentioned article.
40. This lacunae in the Labour Code, is exacerbated by the absence of comprehensive equality legislation, which is essential to implementing the equal pay principle. However, without proper definitions of direct and indirect discrimination, or an effectively working equality body and procedural safeguards, such as shift of the burden of proof, it is impossible to effectively implement and enforce an equal pay principle.

Recommendations:

⁵ Armenia ratified the Convention in 1994

⁶ <https://www.escr-net.org/resources/general-comment-no-23-2016-right-just-and-favorable-conditions-work>

41. *Adopt comprehensive anti-discrimination law with the specific regulations on pay equity and mechanisms to guarantee the enactment of the principle. The law should contain also regulations on shifting burden of proof to the employer in cases of pay discrimination.*
42. *Develop efficient methodology to measure the work of equal value and based on the methodology to enforce the principle of equal pay.*
43. *On a legislative level, adopt regulations on gender sensitive job evaluations and provide mechanisms of its realization.*
44. *Introduce mandatory training for the staff of HLIB, Ministry of Labour and Social Affairs and other state bodies, as well as social partners and employers specifically on the gender sensitive methods of job evaluation and comparison.*
45. *Explicitly include equal pay for the work of equal value as a policy aim in the Gender Equality strategy and initiate its implementation on intergovernmental group level.*

II. DISCRIMINATION AGAINST SPECIFIC GROUP OF WOMEN

Women domestic workers

46. Recommendations Received Regarding the Issue

153.173 Foresee a regulatory framework for the informal sector and ensure that women working in this sector have access to social protection, maternity protection and childcare subsidies (Algeria);

47. In Armenia domestic workers predominantly work in the informal sector, 2/3 of all domestic workers in Armenia are women. Domestic workers (cleaners, cooks, child-care workers, gardeners, home-based personal care workers and other employees involved in private households) are one of the most vulnerable workers worldwide with poor working conditions, low wages and out of social protection guarantees.
48. The key international standard for domestic workers- ILO Convention C189- requires special attention to the issues of formalization of domestic workers' employment and taking into consideration gender perspective of the issue.
49. Domestic workers in Armenia are not targeted by any state policy. "Domestic work" in the sense of ILO C189 is not defined under RA Labor Code, requirements of which are not friendly for registration of employment relations with domestic workers.
50. Inspection of domestic work is challenging due to its occurrence outside formal employment relationships and the absence of legislative regulations for domicile inspections, including tailored norms on Occupational Safety and Health (OSH). The lack of inspection results in a shortage of state data on OSH conditions within the domestic work sector and hinders efforts to formalize domestic work as a recognized employment relationship.

Recommendations:

51. *Define "domestic work" under RA Labor Code in accordance with the definition provided by ILO Convention C189 and provide specific regulations for domestic workers, including guidelines on*

rest and working hours, provision of food and accommodation, and requirements to inform domestic workers about terms of employment and working conditions.

52. *Amend the labor inspection related legislation to include domicile inspections and tools for inspecting domestic work.*
53. *Incorporate safety and health regulations tailored to domestic work within the RA Labour code or any other normative acts on OSH.*
54. *Ratify ILO Convention C189.*

Victims of domestic violence

55. Although the Law of the Republic of Armenia on “Prevention of Domestic Violence and Protection of Persons Subjected to Domestic Violence” provides protection for individuals subjected to domestic violence and aims to prevent violence, women’s involvement in the labor market remains low, particularly due to economic and other forms of domestic violence. This leads to financial dependence on the abuser, contributing to a loss of competitiveness in the labor market. Moreover, individuals trapped in domestic violence situations face the inability to leave the abusive environment, live independently, and properly care for their children due to a lack of employment. As a result, women often prefer to stay in abusive environments to remain close to their children.
56. Domestic violence also lowers women's self-confidence and self-esteem, hindering their ability to find employment and pursue professional growth. Women and girls subjected to domestic violence often suffer from stress, anxiety, and depression, making them incapable of engaging in work activities, which further deepens social vulnerability. Additionally, many women are not allowed by their husbands to study or work, subjecting them to economic violence.
57. Traditional gender roles also have a significant impact on women's employment and society's attitude toward domestic violence, often normalizing controlling and abusive behavior. There have also been cases, reported by the Women’s Rights House, where a beneficiary experienced sexual harassment from an employer but did not speak out due to fear of being stigmatized or losing financial income. In this case, the law prohibiting violence or sexual harassment in the workplace was also violated.
58. Apart from the points as mentioned earlier, the involvement of women in the labor market is also low due to stereotypes in society based on gender. This becomes a reason for rejecting women from work due to their age, pregnancy, appearance, and other factors.
59. The low participation of women in the labor market can also affect the country's economy by reducing its workforce and economic activity.
60. The Women’s Rights House has also had other cases where an employer attempted to illegally dismiss a woman upon learning that she was pregnant. The employer violated laws regarding the elimination of discrimination and ensuring equal rights and equal opportunities for women and men, as well as articles of the Labor Code of the Republic of Armenia.

Recommendations

61. *Expand the mechanisms for enforcing existing laws related to domestic violence and workplace discrimination to provide better protection for women.*
62. *Launch awareness campaigns to educate the public about domestic violence, its impact on women's employment, and available support resources.*
63. *Create programs that provide opportunities for women to reenter the labor market and receive professional retraining.*
64. *Undertake efforts for behavioral change in society, encouraging members to speak up about workplace harassment and discrimination.*
65. *Raise awareness about gender-based discrimination/violence, influencing policy changes, and thereby promoting systems of support for women in the labor market.*

Women with disabilities

Recommendations about the issue

66. During the previous session Armenia received number of recommendations regarding the involvement of women with disabilities in employments and ensuring their labour right without discrimination. Those recommendations were, particularly those:

153.232, 153.212, 153.218, 153.225, 153.226, 153.228

67. People with disabilities continue to be subjected to discrimination in the areas of employment⁷. Especially those in need of moderate to more intensive assistance, continue to face obstacles in the labor market due to legal regulations that impede access to jobs for people with disabilities, as well as due to low access to and availability of quality education, gaps in the quality of education, persistent stereotypes among employers⁸, inaccessibility of workplaces and lack of career orientation programs for persons with disabilities.
68. Since 2023, a regulation has been enacted on providing reasonable accommodation to workplaces employing people with disabilities, which is not implemented properly yet. According to the law, people with disabilities are banned from being employed in a number of positions (regulated by a governmental decree). More specifically, people with "blindness"⁹ are banned from being appointed as judges, which also implies that a blind person cannot receive education at the Justice Academy.

⁷ Employment Discrimination Based on Gender, Age and Disability: Study. <https://armavirdc.org/files/05-02-2020-15-53-50-Խտրականությունը%20գրավվածության%20ոլորտում%20գեղեցիկ.%20տարիքի%20և.%20հաշմանդամության%20գործոնների%20հիման%20վրա.pdf>

⁸ <https://coalition.am/ashxatanqi-hamar-dimeci-gorcatoun-as/>

⁹ Government Decree N 685-N of May 30, 2019 on Approving the List of Physical Impairments and Illnesses Impeding Appointment to the Post of a Judge, the Form Certifying the Lack of Physical Impairments and Illnesses Impeding Appointment to the Post of a Judge, the Procedure of Certifying the lack of Physical Impairments and Illnesses Impeding Appointment to the Post of a Judge. <https://www.arlis.am/DocumentView.aspx?docid=131330>

69. Women with disabilities in Armenia face numerous barriers to entering and sustaining employment. These challenges are rooted in social, structural, and legal obstacles that prevent their full integration into the workforce. While specific, disaggregated data on the employment of women with disabilities is limited, broader statistics indicate significant underemployment and unemployment among this group:
70. According to Armenia's **Statistical Committee** and other sources, **only 10% of people with disabilities are employed**. Among them, the rate of employment is even lower for women due to intersecting discrimination based on gender and disability.
71. Women with disabilities face a range of barriers in the Armenian labor market. **Gender and disability stereotypes** contribute to the exclusion of women with disabilities from the workforce. They are often perceived as unable to perform certain jobs, limiting their opportunities. Employers may assume that women with disabilities require extensive accommodations or that they cannot handle the responsibilities of a full-time job, which leads to reluctance in hiring them.
72. Many workplaces in Armenia are not physically accessible. For women with mobility impairments, this lack of infrastructure—such as ramps, elevators, and accessible bathrooms—prevents them from even considering certain job opportunities.
73. **Workplace environments** are often not adapted for women with sensory impairments (hearing or vision). For example, communication in the workplace might be challenging for women with hearing disabilities due to the lack of sign language interpreters or accessible communication tools.
74. Women with disabilities often have limited access to **quality education and vocational training**. As a result, they may lack the necessary skills or qualifications to compete in the labor market. Vocational programs available for people with disabilities often do not align with market demands, limiting the employability of women with disabilities.
75. Many women with disabilities are not aware of their **rights** or the support programs available to them. This lack of knowledge about how to access employment opportunities and training programs further exacerbates their exclusion.
76. Public transportation in Armenia is not fully accessible for people with disabilities, making it difficult for women with disabilities to commute to work. This is a significant challenge, particularly for women living in rural areas where public transportation is already limited.
77. While Armenia has launched initiatives to support the employment of people with disabilities, these efforts often lack gender-specific strategies or fail to address the unique needs of women with disabilities, who face both gender and disability-based discrimination in the labor market.
78. Armenia's Law on Employment includes provisions for the employment of people with disabilities, but these measures are often insufficient to address the specific barriers faced by women.

79. The **State Employment Agency** offered vocational training, job placement services, and wage subsidies to encourage employers to hire people with disabilities. However, many of these programs lacked a targeted focus on women or gender-specific accommodations. These programs are inactive now.
80. Armenia has introduced a **quota system** requiring employers to hire a certain percentage of people with disabilities. In accordance with Article 20 of the RA Law "On Employment", "For organizations, regardless of the form of ownership, a mandatory provision of jobs (quota) is established for the employment of a person with a disability and the right to an age pension, for the employment of a person who has not reached the age." The quotas are not so high: 3 percent for state and municipal organizations and 1 percent for private organizations. They are applicable only to establishments with 100 or more employees.
81. However, there is **limited enforcement**, and many employers either ignore the quota or hire men with disabilities over women due to gender biases.

Recommendations:

82. *Raise awareness to challenge stereotypes of women with disabilities and educate employers on inclusive workplaces.*
83. *Strengthen and enforce anti-discrimination laws to protect women with disabilities in hiring and workplace treatment.*
84. *Make workplaces physically accessible, providing accommodation for different disabilities.*
85. *Improve transport systems to ensure easy commuting for women with disabilities, especially in rural areas.*
86. *Develop vocational training programs tailored to women with disabilities, including digital skills for remote work.*
87. *Strengthen inclusive education to ensure equal access for women with disabilities from an early age.*
88. *Enforce disability employment quotas and introduce gender-specific quotas for women with disabilities.*
89. *Provide financial incentives for companies hiring women with disabilities, such as tax breaks or subsidies.*
90. *Support entrepreneurship for women with disabilities through access to microcredit, grants, and mentorship.*
91. *Collaborate with NGOs and international organizations to expand workforce programs for women with disabilities.*
92. *Focus on rural women with disabilities by offering mobile job placements, accessible transport, and local training.*
93. *Collect disaggregated data on employment of people with disabilities by gender, age, and type of disability.*
94. *Ensure implementation of the regulation on providing reasonable accommodation.*
95. *Remove the legal ban preventing blind persons from being appointed as judges in Armenia.*

LGBT+ people

96. Being excepted from domestic care, education, being refused to receive different services, facing discriminatory treatment at home and in different public relations, LGBT+ people are being excluded from the labor market as well, which is a pattern of discrimination on one hand and a consequence of discriminatory treatment on the other.
97. **Labor rights** of LGBT+ people are also being violated based on their sexual orientation or gender identity and there are no effective legal remedies in force. In the documented cases people are fired just because of their sexual orientation or gender identity, however, they do not wish to make claims to the court as they do not have proof about the reasons for their dismissal.¹⁰ At the same time, there is no legislation regulating examination of discrimination cases according to international principles and the burden of proof lays on the applicant.
98. We also consider the State's adoption of the 2024-2028 strategy for the implementation of gender policy in the Republic of Armenia and the action plan deriving from it as progress. At the same time, Pink Armenia submitted proposals to the Ministry of Justice to make additions to the action plan including on addressing the specific problems of LGBT+ people in labor relations but did not receive any response. This means that the needs and issues of LGBT+ people are not considered at the strategic level, living one of the most vulnerable groups behind. Even after the COVID-19 pandemic, when the Government elaborated and implemented several stages of programs to neutralize the social consequences of the virus¹¹, LGBT+ community's needs were not addressed by any of the measures.

Recommendations

99. *Adopt a comprehensive anti-discrimination law, which will provide for effective mechanisms to protect LGBT+ people from offenses on the grounds of sexual orientation and/or gender identity/expression.*
100. *Conduct a comprehensive research and need assessment analysis to reveal the specific needs of LGBT+ people to overcome barriers in the labor market related to discrimination or resulting from not equal opportunities or violence towards them.*

III. SHORTCOMINGS WITHIN THE STATE INSPECTION SYSTEM

101. The body responsible for ensuring working conditions and occupational safety is the RA Health and Labour Inspection Body. The powers of the Inspection Body are enshrined in the RA Law on Inspections and the Charter of the Inspection Body.

¹⁰ Pink Armenia annual report "Human Rights Situation of LGBT People in Armenia" 2022, p. 16, available at the following link: <https://pinkarmenia.org/wp-content/uploads/2023/05/lgbtreport2022en.pdf>

¹¹ Republic of Armenia Government, Programs to Neutralize the Social Consequences of Coronavirus, available in Armenian at: <https://www.gov.am/am/covid-19-cragrer/>

102. The scope of the functions of the Inspection Body covers the control, including the implementation of inspections as well as the implementation of awareness-raising activities, the development of guidelines, the maintenance of statistics and, if necessary, the submission of a petition to the body responsible to revoke the organization's license
103. The purpose of inspections is to verify whether the reports submitted by the business entity during the year are true and accurate. Therefore, the business entities to be inspected are selected by the Inspection Body in advance, in accordance with the annual inspection plan based on the risk assessment and within the framework of the checklist approved by the Government of the Republic of Armenia.
104. In 2019 and 2020, the methodology and criteria for determining the risk-based inspections of the Health and Labour Inspection Body and the risk-based inspection checklist were adopted. At the same time, a clear toolkit for the purpose of conducting inspections is not defined by any legal act, which is one of the most important criteria for the effectiveness of inspections. While the checklist contains references to both documentation and visual inspection methods, a mandate for the Inspection Body to use other tools (such as interrogations, alone or in the presence of witnesses, of the staff of the undertaking) is not provided .
105. The liability measures envisaged by the legislation for violations of legislative requirements on healthy and safe working conditions are quite mild. The administrative penalty for involving pregnant women and women caring for children under 1 year of age in harmful work is AMD 200,000 (US\$500). The law does not provide for any kind of liability for the failure to carry out assessments of occupational risks and hazards or for the failure to apply temporary measures to avoid such hazards. As there is no liability prescribed by law, the Inspection Body is not entitled to sanction the employer if there is a failure to comply.
106. Under the conditions of insufficiently severe sanctions and systemic problems with control mechanisms, the failure of employers to meet the requirements for occupational risk assessments and implementation of further adjustments remains almost without consequences.
107. While the number of staff of the Inspection Body increased in 2021, in general, the entity's human resources, compared to its broad mandate, are quite small and are divided according to the administrative-territorial units.

Recommendations:

108. *Amend the RA Law on Inspections, the Charter of the Inspection Body and the RA Code on Administrative Offences. In particular:*
109. *Establish the authority of the Inspection Body to hold employers accountable if they have not performed workplace risk assessments for pregnant and breastfeeding women and their children and to decide when to give a notice or advice and when to sanction the employer.*
110. *Specify the inspection methodology and toolkit utilized by the Inspection Body, including establishing the right of the Inspection Body to use such methods as employee interrogations, employee questionnaires and discussion with employees.*

111. *Establish the responsibility of the Inspection Body to guide and assist employers in conducting workplace risk assessments, namely the labor and health risk assessment of pregnant and breastfeeding women and their children.*
112. *Develop policies and a toolkit for the Inspection Body to aid in the collection and analysis of situational statistics on the occupational safety and health of pregnant and breastfeeding women.*
113. *Increase the human and technical capital of the Inspection Body.*