

## Mission Armenia's Submission on the Right to Work and Access to the Labour Market

11th Working Session of the Open-ended Working Group on Ageing, 2020

### National Legal and Policy Framework

#### 1. What are the legal provisions and policy frameworks in your country that recognize the right to work and access to the labour market by older persons?

According to the Constitution of the Republic of Armenia everyone shall have the right to free choice of employment and every worker shall have the right to protection against unjustified dismissal from work. The grounds for dismissal from work shall be prescribed by law (Article 57. Freedom to Choose Employment and Labour Rights<sup>1</sup>).

At the same time Principles of Labor Legislation stated in the Article 3 of the Labour Code of the Republic of Armenia indicate that parties of labor relations have legal equality irrespective of a number of features including the age<sup>2</sup>.

According to the Article 3.1 of the Labour Code of the Republic of Armenia discrimination is prohibited by labor law. Discrimination is considered to be any direct or indirect distinction, exclusion or limitation based on a number of personal or social features the purpose or effect of which is less favorable treatment when establishing and/or modifying and/or terminating of collective and/or individual labor relations or the prohibition or denial of recognizing and/or exercising any right established by labor law on an equal basis with others.

By the same Article it is also prohibited to establish any other ground of discrimination other than practical features and professional qualifications in employment applications (competitions) and in the course of employment, except where this is in accordance with requirements specific to the job.

Article 95 of the Labour Code of the Republic of Armenia indicates that fixed-term contracts can be concluded with persons who are entitled to an old age pension and are 63 years old and over, or who are not entitled to an old age pension and are sixty-five years old and over, on the basis of an assessment of a person's professional capacity for the position or job offered by the employer.

At the same time, the Article 113 of the Labour Code of the Republic of Armenia states that employer may terminate an employment contract signed for an indefinite term and one signed for a definite term prior to the expiry of the contract in case of reaching the age of sixty-three years of an employee entitled to an old-age pension, and reaching the age of sixty-five years of an employee who is not entitled to an old-age pension, if the relevant basis is provided by the employment contract.

At the same time according to the Article 114 of the Labour Code of the Republic of Armenia age is not considered as legitimate reason for the termination of the employment contract, except as otherwise provided by law.

---

<sup>1</sup> <https://www.president.am/en/constitution-2015/>, Constitution of the Republic of Armenia

<sup>2</sup> <http://www.irtek.am/views/act.aspx?aid=150003#>, Labour Code of the Republic of Armenia (in Armenian)