



# GENDER ANALYSIS OF THE LABOUR MARKET REGULATIONS IN ARMENIA AND GEORGIA



Schweizerische Eidgenossenschaft  
Confédération suisse  
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Swiss Agency for Development  
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United Nations Entity for Gender Equality  
and the Empowerment of Women

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Confédération suisse  
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# TABLE OF CONTENTS

<b>Abbreviations and acronyms</b>	<b>5</b>
<b>1. Background</b>	<b>6</b>
<b>2. International instruments related to ensuring gender equality in the labour market</b>	<b>8</b>
2.1. ILO instruments ensuring gender equality in the labour sphere	8
2.2. Provisions of the CEDAW	10
<b>3. Key findings of the gender analysis in Armenia</b>	<b>12</b>
3.1. Political and socioeconomic profile	12
3.2. General policy and institutional environment for achieving gender equality	14
3.3. Gender sensitiveness of the labour market regulations in Armenia	16
3.4. Gender aspects of the labour legislation	19
3.5. Maternity protection measures	22
3.6. Enforcement of the principle of equal pay for work of equal value	24
3.7. Lack of effective enforcement of the labour legislation	25
3.8. Women in vulnerable employment	26
3.9. Unemployment of women	27
3.10. Labour market information system: Gender statistics	29
3.11. Conclusions and recommendations	32
<b>4. Key findings of the gender analysis in Georgia</b>	<b>35</b>
4.1. Socioeconomic profile	35
4.2. Labour market regulations in Georgia	36
4.3. Gender aspects of the labour legislation	38
4.4. Maternity protection measures	40
4.5. Equal pay for work of equal value	41
4.6. Labour market information system	42
4.7. Conclusions and recommendations	42
<b>Annexes</b>	<b>45</b>
Annex 1. List of key informant interviews in Armenia	45
Annex 2. List of key informant interviews in Georgia	46
Annex 3. List of ILO Conventions ratified by Armenia	47
Annex 4. List of ILO Conventions ratified by Georgia	48
<b>Bibliography</b>	<b>49</b>

# ABBREVIATIONS AND ACRONYMS

<b>AA</b>	Association Agreement
<b>ADS</b>	Armenia Development Strategy for 2014-2025
<b>AMD</b>	Armenian Dram
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>DCFTA</b>	Deep and Comprehensive Free Trade Area
<b>DWI</b>	Decent Work Indicators
<b>EaP</b>	Eastern Partnership
<b>EC</b>	European Commission
<b>EEU</b>	Eurasian Economic Union
<b>ENP</b>	Eastern Neighbourhood Policy
<b>ETF</b>	European Training Foundation
<b>EU</b>	European Union
<b>FAO</b>	Food and Agriculture Organization
<b>GDP</b>	Gross Domestic Product
<b>GEL</b>	Georgian Lari
<b>GII</b>	Gender Inequality Index
<b>GSP+</b>	Generalised System of Preferences plus
<b>HDI</b>	Human Development Index
<b>ILO</b>	International Labour Organization
<b>LFS</b>	Labour Force Survey
<b>LMIS</b>	Labour Market Information System
<b>LMP</b>	Labour Market Policies
<b>OSH</b>	Occupational Safety and Health
<b>PDO</b>	Public Defender's Office
<b>RA</b>	The Republic of Armenia
<b>RIA</b>	Regulatory Impact Assessment
<b>SDC</b>	Swiss Agency for Development and Cooperation
<b>SME</b>	Small and Medium Enterprise
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>USD</b>	United States Dollar



# 1. BACKGROUND

A gender analysis of the labour market regulations (policies and institutions) was commissioned by the UN Women Country Office in Georgia in the framework of the upcoming project “Women’s Economic Empowerment in the South Caucasus”, which is funded by the Swiss Agency for Development and Cooperation (SDC). The project will be implemented in three countries: Georgia, Armenia and Azerbaijan. The gender analysis was conducted only in Georgia and Armenia. The main objectives of the gender analysis were (1) to assess the role and relevance of the labour market regulations or lack of such regulations for women’s economic empowerment and attainment of greater gender equality; and (2) to assess which labour market regulations (policies and institutions) may impact the labour supply side to move women from the informal to the formal economy. Based upon the gender analysis, recommendations were made on how these regulations can be enhanced and better targeted to increase the employability of women, especially marginalized and vulnerable women, and their access to gainful jobs.

The following steps were taken to conduct the gender analysis of the labour market regulations: (1) identification of the gender inequalities in the labour market in Armenia and Georgia; (2) mapping of relevant labour market regulations in Armenia and Georgia; (3) a review of the relevant labour market regulations of Armenia and Georgia from a gender perspective; (4) a review of the relevant labour market regulations from the perspective of their compliance with international labour standards (ILO Conventions and CEDAW); and (5) making conclusions on the response of the labour market regulations to the identified gender inequalities in Armenia and Georgia. Provisions of the relevant ILO Conventions and the CEDAW were used as criteria against which conclusions were made about the degree of gender sensitivity of the labour market regulations.

Two methods were used to conduct the gender analysis of the labour market regulations: a desk

## What are labour market regulations?

Labour market regulations actually include labour market institutions as well as being part of labour market policies: they cover wage setting institutions, mandatory social benefits, and the unemployment insurance system, as well as different aspects of labour legislation (e.g. the law on minimum wage, employment protection legislation, and the enforcement of the legislation). Labour market policies (LMP), on the other hand, comprise all kinds of regulative policies that influence the interaction between labour supply and demand. They consist of policies that provide income replacement (usually called passive labour market policies) as well as labour market integration measures available to the unemployed or those threatened by unemployment.

Source: ILO, Labour market policies and institutions  
<http://www.ilo.org/empelm/areas/labourmarket-policies-and-institutions/lang--en/index.htm>

review and interviews with key informants. The desk review encompassed a review of relevant policies, laws and by-laws covering the areas outlined above; existing research and studies on labour market issues, the situation with women’s rights and women’s enjoyment of their labour rights in Armenia and Georgia; and statistical data on the labour market and gender equality in Armenia and Georgia. Interviews with key informants in Armenia were conducted from 26 February to 7 March 2018. Key informant interviews in Georgia took place from 9 to 20 March 2018. The list of key interviews conducted in both countries is attached to this report as Annexes 1 and 2. The report was finalized in July 2018.

During the period between conducting the fieldwork and finalizing the report, Armenia’s parliament elected a new prime minister as a result of the “velvet” revolution in Armenia. The new prime

minister proposed a new Government Programme (only for 2018), which was adopted by the Parliament of Armenia on 7 June 2018. Thus, while the current report does not include an assessment of said programme, its sections relevant to this study have been reviewed. In comparison with the previous programme, they are more generic, with no specific targets and indicators.

Findings of the gender analysis of the labour market regulations are summarized in the present report. The report opens with an introduction specifying the background to the gender analysis and methodology

used. Chapter 2 of the report reviews international instruments related to ensuring gender equality in the labour market. Chapters 3 and 4 describe key findings of the gender analysis in Armenia and Georgia, respectively. These chapters also include key conclusions of the gender analysis and recommendations for possible actions required to enhance labour market regulations in Armenia and Georgia from a gender perspective. The annexes to this report include the list of interviews conducted in Armenia and Georgia as well as the list of ratified international labour instruments.

## 2. INTERNATIONAL INSTRUMENTS RELATED TO ENSURING GENDER EQUALITY IN THE LABOUR MARKET

Both Armenia and Georgia have ratified several international treaties ensuring gender equality in the labour market. Armenia and Georgia ratified two of the eight fundamental Conventions of the International Labour Organization (ILO) that focus on gender equality, namely, the Equal Remuneration Convention, 1951 (No. 100); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In addition, both countries ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979. In this respect, this chapter will summarize the key obligations under each of the ratified international treaties. Other relevant ILO Conventions include the Maternity Protection Convention, 2000 (No. 183); and the Workers with Family Responsibilities Convention, 1981 (No. 156). These Conventions were not ratified by Armenia and Georgia, but in accordance with article 19, paragraph 5(e) of the ILO Constitution, members of the ILO should report on the non-ratified instruments to disclose any efforts made to introduce provisions of the Conventions through legislation, administrative actions or collective agreements. The members also should indicate any difficulties that prevent or delay ratification of non-ratified instruments.<sup>1</sup> In this respect, a short overview of these conventions is also provided. The list of ILO Conventions ratified by Armenia and Georgia is attached to this report as Annexes 3 and 4.

### **2.1. ILO instruments ensuring gender equality in the labour sphere**

ILO Convention No. 100 (1951) and its accompanying Recommendation No. 91 were the first binding instruments adopted to promote equality and eliminate discrimination. The focus was limited to equality between men and women in remuneration. Later, it was recognized that equality in payment could not be achieved without the elimination of discrimination in all areas of employment and that other grounds of discrimination should also be prohibited. In this respect, ILO Convention No. 111 on Discrimination (Employment and Occupation) and its Recommendation No. 111 were adopted to prohibit discrimination against all workers on the seven grounds of discrimination (race, colour, sex, religion, national extraction, political opinion and social origin). In 1975, the ILO introduced a new approach to equality to ensure that the protection of women at work forms an integral part of the efforts aimed at the continuous promotion and improvement of the living and working conditions of all employees. This new approach called for ensuring the protection of women on the same basis and with the same standards of protection as for men. Measures should be taken to protect against processes which might have a harmful effect on women and men from the standpoint of their social function of reproduction.

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1 ILO, Membership in the International Labour Organization Information Guide (Geneva, International Labour Office, 2014), p. 3.



This new approach to equality resulted in the adoption of ILO Convention No. 156 on Workers with Family Responsibilities (1981) and its accompanying Recommendation No. 165, which focused on equality of opportunity and treatment for workers of both sexes having family responsibilities.<sup>2</sup>

As part of the ILO efforts to establish standards of social security, ILO Convention No. 102 on Social Security (Minimum Standards) was adopted in 1952. It introduced the principle of a general social security system including medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit. This Convention calls for the progressive implementation of universal social security given the economic development of a country. In 2012, a new instrument, the Social Protection Floors Recommendation (No. 202) was adopted to help States to gradually progress to the broad-based national social protection policy.<sup>3</sup> The latest binding instrument on social security standards was ILO Convention No. 183 on Maternity Protection, adopted in 2000. It establishes specific measures of maternity protection and more extensive benefits compared to the minimum standards established by ILO Convention No. 102. Below is a short summary of each of the ILO standards mentioned here.

**ILO Convention No. 100** established the principle of equal pay for work of equal value. States usually refer to the legally established principle of equal remuneration for work of equal value, where work of equal value is usually understood as the "same" or "similar" or "identical" work. The principle referred by the Convention covers situations in which women and men perform different work that has, nevertheless, equal value. Enforcement of this principle requires adoption of a method to measure and compare

the relative value of work taking into account such factors as skill, effort, responsibilities and working conditions. The method should be defined by the State to ensure that it helps to evaluate whether or not two jobs are of equal value.<sup>4</sup>

**ILO Convention No. 111** defines discrimination as any distinction, exclusion or preference made on the basis of, namely, race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. This Convention covers discrimination in relation to access to education and vocational training and access to employment and to particular occupations, as well as terms and conditions of employment. The important feature of this Convention is the prohibition of direct and indirect discrimination, where indirect discrimination refers to apparently neutral situations, regulations or practices which in fact result in unequal treatment of persons with certain characteristics. One of the examples is occupational segregation based on sex. Other examples of discrimination based on sex covered by this Convention are discrimination based on marital and civil status family situations, pregnancy and confinement, sexual harassment and unsolicited sexual attention. To prohibit discrimination in employment and occupations, the State should adopt a national equality policy, which should include comprehensive measures to repeal and modify all discriminatory laws and administrative practices, address stereotyped behaviours and prejudicial attitudes, promote a climate of tolerance and monitor such measures. In addition, given the situation of select groups, special measures should be established to eliminate discrimination against them in order to achieve substantive equality for all groups of workers.<sup>5</sup>

2 Humbert, M, Zarka-Martes, M et al., *International Labour Standards: A Global Approach: 75th Anniversary of the Committee of Experts on the Application of Conventions and Recommendations*, 1st ed. (International Labour Office, 2001), pp. 77-79.

3 ILO, *Rules of the Game: A Brief Introduction to International Labour Standards*, revised ed. (International Labour Office, 2014), p. 72.

4 Ibid, p. 41.

5 *International Labour Standards: A Global Approach*, p. 82. *Rules of the Game: A Brief Introduction to International Labour Standards*, p. 42.

**ILO Convention No. 156** covers all workers, whether part-time or full-time, temporary or other type of employment, and regardless of whether they are waged or non-waged. It also covers all forms of occupational activity, both in the public and private sectors and regardless of whether the activity is for profit. It defines that workers with family responsibilities are women and men with responsibilities in relation to their dependent children and other members of their immediate family who clearly need their care or support where such responsibilities restrict their opportunities of preparing for, entering, participating in or advancing economic activity.

**ILO Convention No. 102** identifies risks from which persons should be protected (contingencies covered), including the nature of the benefit and its cost-sharing and the qualifying conditions. As to family benefits, the Convention covers the responsibility for the maintenance of children. National laws or regulations should determine the number of children for whom benefit is payable, but the Convention covers a child under school-leaving age or under 15 years of age. The Convention calls for the protection of not less than 50 per cent of all qualified employees; not less than 20 per cent of all qualified economically active members of the population; and all residents whose means during the contingency do not exceed the prescribed limits. The benefit can be provided in cash or in kind (food, clothing, housing, holidays or domestic help) or as a combination of both. Entitlement to the family benefit may be subject to the completion of a qualifying period, which may be three months of contribution or employment or one year of residence.

**ILO Convention No. 183** is applied to all employed women, including those in atypical forms of dependent work. It includes the provision of maternity leave accompanied with cash benefits; medical benefits (prenatal, childbirth and postnatal care and hospitalization if required); nursing breaks; health protection of pregnant and breastfeeding

women; and prohibition of discrimination in employment and in access to employment on the basis of maternity. It also establishes the prohibition of terminating the employment of a woman during pregnancy or absence on leave or during the period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. In the latter case, the burden of proving the absence of such correlation rests on the employer.<sup>6</sup>

There are also other ILO instruments that include clauses of non-discrimination and promotion of equality. They focus on specific domains of labour spheres or focus on particular groups of workers. For instance, ILO Convention No. 117 on Social Policy (Basic Aims and Standards), 1962, provides that the aim of any social policy shall be to eliminate all discrimination among workers on the grounds of race, colour, sex, belief, tribal association or trade union affiliation.

## 2.2. Provisions of the CEDAW

CEDAW calls on Member States to ensure equality of women and men in the following rights: the right to work; the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service, and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; and the right to the protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

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6 International Labour Standards Department, Guide to International Labour Standards, 2nd revised ed. (Italy, International Training Center of the ILO, 2006), pp. 167-171.

CEDAW also calls for the prohibition of dismissals of women on the grounds of pregnancy and maternity leave, as well as of discrimination in dismissals on the ground of marital status. States should also ensure taking measures on the introduction of paid maternity leave or comparable social benefits without loss of former employment, seniority or social allowances. States are also under obligation to establish support services for parents, particularly childcare facilities, to ensure work-life balance. Measures also ensure special protections for women during pregnancy if the work they perform may be harmful for them. In addition, CEDAW requires States to periodically review, repeal or extend protective legislation in light of scientific and technological knowledge.

To bring the attention of all Member States to the obligations under Article 11, the Committee on the Elimination of All Forms of Discrimination against Women (hereinafter, the Committee) adopted three general recommendations. General

Recommendation No. 13 (1989) interprets the obligation on the implementation of the principle of equal remuneration for work of equal value in line with ILO Convention No. 100 on Equal Remuneration.<sup>7</sup> The Committee was also concerned with the situation of women working in family enterprises and performing unpaid domestic activities. In this respect, two general recommendations were adopted in 1991 to encourage Member States to collect statistical data on women working in family enterprises without payment, social security and social benefits and on the time spent by women and men on activities both in the household and labour market. Specifically, General Recommendation No. 16 (1991) recommends taking measures to guarantee payment, social security and social benefits to women who work without such benefits in enterprises owned by a family member,<sup>8</sup> while General Recommendation No. 17 (1991) recommends quantifying and including the unremunerated domestic activities of women in the gross national product.<sup>9</sup>

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7 General Recommendation No. 13: Equal Remuneration for Work of Equal Value, adopted by the Committee on the Elimination of Discrimination against Women, eighth session (1989). Available at [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_5832\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5832_E.pdf).

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8 General Recommendation No. 16: Unpaid Women Workers in Rural and Urban Family Enterprises, adopted by the Committee on the Elimination of Discrimination against Women, tenth session (1991). Available at [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_5832\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5832_E.pdf).

9 General Recommendation No. 17: Measurement and Quantification of the Unremunerated Domestic Activities of Women and Their Recognition in the Gross National Product, adopted by the Committee on the Elimination of Discrimination against Women, tenth session (1991). Available at [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_5832\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5832_E.pdf).

# 3. KEY FINDINGS OF THE GENDER ANALYSIS IN ARMENIA

## 3.1. Political and socioeconomic profile

The Republic of Armenia (RA) is a small landlocked country located in the South Caucasus bordering Azerbaijan, Georgia, Iran and Turkey. Two of the four international borders of Armenia are closed due to ethno-territorial conflict between Armenia and Azerbaijan over Nagorno-Karabakh and tense relations with Turkey. The population of Armenia decreased from 3.1 million in 2007 to 2.98 million in 2017. High outmigration, especially of the male population, has led to the population decline. Since 1991, between 700,000 and 1,000,000 people have emigrated. About 20 per cent of Armenian households have household members who have migrated.<sup>10</sup> Armenia is a country with an aging population, where elderly aged 75 and higher are making up an increased share of the total population. Women made up 52.5 per cent of the total population in 2017, while the rural population accounted for 38.7 per cent of Armenia's total population.<sup>11</sup>

Armenia is included in the group of the lower middle-income countries, with an estimated per-capita Gross Domestic Product (GDP) of USD 3,525.<sup>12</sup> As for the Human Development Index (HDI), Armenia is classified as a country with high human development, positioning it at 84 out of 188 countries.<sup>13</sup> In 2016, its HDI of 0.743 was below the average of 0.746 for countries included in the same group and below the average of 0.756 for countries in Europe and Central

Asia. In 2016, Armenia ranked 61 out of 159 countries in the Gender Inequality Index (GII). Armenia's GII was higher than the average GII value of the countries of Europe and Central Asia (0.293 in Armenia, 0.279 in Europe and Central Asia) and the average GII for the group of countries with high human development. However, compared to Georgia and Azerbaijan, Armenia's GII in 2016 was much lower due to lower participation of women in the Parliament (10.7 per cent in Armenian, compared to 11.4 per cent in Georgia and 16.9 per cent in Azerbaijan) and lower participation of women in the labour force.<sup>14</sup> Armenia ranked 102 out of 144 countries in the 2016 Global Gender Gap Index. It is featured among the lowest ranked countries of Eastern Europe and Central Asia.

Armenia has been severely hit by the global economic crisis in 2008 when the country experienced a 5.9 per cent economic recession and a 6.9 per cent annual GDP growth, compared to the 13.7 per cent of GDP in 2007. In the years that followed, economic recovery resulted in steady GDP growth, but it never reached the same level as in 2007. Remittances of migrants play a significant role in Armenia's economy. The decline in remittance inflows from 20 per cent of GDP to 11.4 per cent in 2015 contributed to the economic slowdown. Remittances from the Russian Federation account for 62 per cent.<sup>15</sup> The economic crisis has changed GDP structure. The trade and service sector has the highest share in GDP structure (51.2 per cent),

10 FAO, Gender, Agriculture and Rural Development in Armenia (2017), p. 3.

11 National Statistical Service of the Republic of Armenia, Women and Men in Armenia, Statistical Booklet (2017), p. 13.

12 World Bank, "Armenia". Available at <http://www.world-bank.org/en/country/armenia/overview>.

13 An internationally agreed index of measurement of labour market regulations of countries is not yet developed. The Organisation for Economic Cooperation and Development (OECD) measures employment protection legislation of the OECD and selected non-OECD countries. Research on the measurement side of the labour market regulations

and institutions is further required at the global level. The current measurement of the labour market regulations of the World Bank's Doing Business index is focused on the level of flexibility of the labour market regulations encouraging reduction of protection of workers. Thus, it raises controversial discussions about the relevance of this index in the context of fair labour market regulations.

14 UNDP, Briefing Note for Countries on the 2016 Human Development Report Armenia (2016), pp. 2-6.

15 Compass Center, Armenia, The Economic Situation in Armenia: Opportunities and Challenges in 2017 (Friedrich Ebert Stiftung, 2017), p. 10.

followed by industry (16.7 per cent) and agriculture (15.9 per cent). The construction sector's share in GDP reduced after the economic crisis and reached 8 per cent in 2015, compared to 25.9 per cent in 2008.<sup>16</sup>

Armenia has made significant progress in poverty reduction since 2004 and prior to the economic crisis. In 2004, 53.5 per cent of the population were poor. In 2007, the share of the poor population reduced to 26.4 per cent. Since 2008, however, there has been a steady growth in poverty in Armenia. In 2010, the highest poverty rate was registered at the level of 35.8 per cent. In the following years, it declined and reached 29.4 per cent in 2016. The level of extreme poverty declined by 2.4 times since 2004 and constituted 1.8 per cent of all poor in 2016. Poverty is slightly higher in rural areas than in urban areas. The difference in poverty levels is significant between provinces of Armenia. The highest poverty levels were registered in Shirak (45.5 per cent), Lori (35.8 per cent) and Kotayk (35.4 per cent) provinces. In Yerevan, 24.9 per cent of the total population were poor. The lowest levels of poverty were recorded in Aragatsotn (15.7 per cent) and Vayots Dzor (18.8 per cent).<sup>17</sup>

In Armenia, women and female-headed households are more vulnerable to poverty and extreme poverty compared to men and male-headed households. Since 2008, women have progressively outnumbered men among the poor. In 2008, the share of male and female poor was almost the same (27.3 per cent of women compared to 27.8 per cent of men). In 2016, the number of poor men increased by just 0.7 per cent (28.5 per cent of males were poor), whereas the number of females among the poor increased by almost 3 per cent, reaching 30.2 per cent. The same trend has been observed at the levels of extreme poverty of women and men. The share of extremely poor men in 2008 and in 2016 was the same (1.6 per cent). In 2016, 2 per cent of women were extremely

poor compared to 1.7 per cent in 2008. At the level of male and female poverty, the gap is at the level of 1.5 per cent. However, the gap in poverty between male- and female-headed households is much wider as it was more than three times higher (5.4 per cent). In both 2008 and 2016, the number of poor female-headed households was higher than that of poor male-headed households. In 2016, however, there was a greater increase in poverty of female-headed households than of male-headed households. In 2008, 26.6 per cent of male-headed households and 30.4 per cent of female-headed households were poor. In 2016, 28 per cent of male-headed households and 33.4 per cent of female-headed households were poor. As for the extreme poverty rate, there has been a decrease in extremely poor male-headed households since 2008. In 2008, 1.5 per cent of male-headed households and 2 per cent of female-headed households were extremely poor. In 2016, male headed households made up only 1.2 per cent of all poor households, while 3.4 per cent of female-headed household lived in extreme poverty.<sup>18</sup>

Particularly concerning is that poverty is significant among the economically active population and has increased over the period from 2008 to 2016. In 2008, there were 23.9 per cent of economically active poor with 1 per cent living in extreme poverty. In 2016, 26.5 per cent of poor were economically active with 1.7 per cent living in extreme poverty. The highest levels of poverty within the economically active population were among the unemployed. 41.1 per cent of unemployed population were poor.<sup>19</sup>

In 2013, Armenia negotiated the Association Agreement with the European Union (EU) including a Deep and Comprehensive Free Trade Area (DCFTA). Armenia later decided to join the Eurasian Economic Union (EEU). In 2004, Armenia was included in the EU's European Neighbourhood Policy (ENP) and, in 2009, in its enhanced eastern dimension,

16 National Statistical Service of the Republic of Armenia, Armenia Social Snapshot and Poverty, Statistical Analytical Report based on the Results of the 2016 Integrated Living Conditions Survey of Households (2017), pp. 31-32.

17 Ibid, pp. 42-43.

18 Ibid, pp. 49-51.

19 Ibid, p. 53-54.



the Eastern Partnership (EaP). Currently, relations with the EU are based on the Comprehensive and Enhanced Partnership Agreement between the EU and the Republic of Armenia signed in 2017. One of the priority areas of cooperation with the EU is employment, social policy and equal opportunities. The cooperation may cover a selected number of areas of cooperation to be identified among the following areas: (a) poverty reduction and the enhancement of social cohesion; (b) employment policy, aiming at more and better jobs with decent working conditions, including with a view to reducing the informal economy and informal employment; (c) promoting active labour market measures and efficient employment services to modernize the labour markets and to adapt to labour market needs; (d) fostering more inclusive labour markets and social safety systems that integrate disadvantaged people, including people with disabilities and people from minority groups; (e) equal opportunities and anti-discrimination, aiming at enhancing gender equality and ensuring equal opportunities between women and men, as well as combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation; (f) social policy, aiming at enhancing the level of social protection and modernizing social protection systems in terms of quality, accessibility and financial sustainability; (g) enhancing the participation of social partners and promoting social dialogue, including through strengthening the capacity of all relevant stakeholders; (h) promoting health and safety at work; and (i) promoting corporate social responsibility.<sup>20</sup>

Armenia also pursues a goal of closer trade and economic integration with the EU. In this respect, Armenia benefits from the EU Generalised System of Preferences plus (GSP+), which provides preferential access to the EU market in the form of zero duties and reduced tariffs for selected products. GSP+

is applicable to countries that implement core human rights, labour rights and other sustainable development and good government connections. Under the GSP+, the European Commission (EC) monitors Armenia's compliance with its international commitments with a focus on their effective implementation. Among these commitments are CEDAW, ILO Convention No. 100 and ILO Convention No. 111.<sup>21</sup>

### 3.2. General policy and institutional environment for achieving gender equality

The policy and institutional environment in Armenia is not fully enabling for the promotion and advancement of gender equality. Formally, the State ratified CEDAW, ILO Convention No. 100 and ILO Convention No. 111. Article 29 of the Constitution of the RA prohibits discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, worldview, political or any other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances.<sup>22</sup> Article 30 of the Constitution establishes that men and women have equal rights. It also established the national gender machinery (i.e. the policy and legal framework on gender equality), but neither the functioning of the machinery nor the enforcement of the legislation is fully effective.

The Gender Policy Concept Paper was adopted by the Government of the Republic of Armenia on 11 February 2010. The focus of this Concept is to create favourable conditions in legal, social, economic and cultural spheres of life aimed at the enjoyment of equal rights and equal opportunities for both men and women. The Concept outlined the goals, objectives, means of implementation, implementation strategy and mechanism. It further outlined the directions of the gender policy including in the area of the socioeconomic sector to address gender inequality

20 Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part, Official Journal of the European Union, L 23/5, 2018, Article 85.

21 Delegation of the European Union to Armenia, "Armenia and the EU". Available at [https://eeas.europa.eu/delegations/armenia\\_ar/896/Armenia%20and%20the%20EU](https://eeas.europa.eu/delegations/armenia_ar/896/Armenia%20and%20the%20EU).

22 The Constitution of the RA was adopted in 1995 and amended in 2015.



in the labour market and employment sector. The overall implementation strategy included drafting an action plan of implementation of the Concept Paper for the period up to 2015; drafting legislation on state guarantees of equal rights and opportunities for women and men; establishing the institutional mechanism at the national and regional levels; and disseminating ideas of gender equality and provisions of the Concept Paper through the implementation of awareness-raising and educational projects. The Concept also envisaged gender expertise of legislation and socioeconomic programmes that had to be conducted by the national gender equality machinery.

In 2011, the Government adopted the 2011-2015 Gender Policy Strategic Action Plan, which is an operational tool for the implementation of the Concept. This plan covered the same areas as the Concept Paper. Although it did not establish the requirement of a comprehensive gender mainstreaming approach, it did require the integration of a gender component into the country strategic programmes of political and economic development, as well as mechanisms for gender expertise of socioeconomic programmes and projects. The Plan also stated the application of gender budgeting at the various stages of the budgetary cycle. This Plan did not envisage a full-fledged implementation mechanism supported by responsible actors, budgets and indicators of progress.

A new action plan was intended to be adopted in 2016. However, the drafting and approval process of this plan was delayed. Currently, the Government has drafted the 2018-2022 Strategy on the Exercise of Equal Rights and Equal Opportunities of Women and Men in the RA, which it intends to adopt in 2018.

The Law of the RA on Equal Rights and Equal Opportunities for Men and Women was adopted in 2013. This Law established several forms of gender-based discrimination including discrimination on

the basis of family status, pregnancy and family responsibilities; different remuneration for the same or equivalent work, any change of remuneration or deterioration of working conditions based on gender; and sexual harassment. Measures like the establishment of different regulations for women and men for the reasons of pregnancy and childbirth, childcare and breastfeeding are not considered as discrimination.<sup>23</sup> The Law has very limited scope and speaks about gender equality only in the sphere of public administration and public services, thus bypassing social, economic and cultural spheres. It establishes that victims of gender-based discrimination may apply for recovery of their rights to the competent authorities, local self-governance bodies, judiciary and Human Rights Defender. However, exact complaint mechanisms and sanctions are not envisaged by this Law.

The Law also requires gender expertise of the draft laws. Gender expertise is part of the regulatory impact assessment (RIA), which should be aimed at eliminating any violations of gender equality in the draft laws; bringing national law in compliance with international treaties on gender equality; ensuring respect of the principle of equality of rights and opportunities between women and men in economic, cultural and other spheres of life; and protecting women and men from discrimination on the basis of sex.<sup>24</sup> However, this requirement is not supported by the by-laws detailing the methodology, criteria, outcome and follow-up of gender expertise. In this respect, gender expertise of the draft laws, policies and strategies is not effectively implemented. In addition to a lack of clear methodological guidelines on how to undertake it, the capacity to conduct gender expertise is also inadequate. Gender budgeting is also not used as a tool in budget planning at the national and local levels. The only reference to gender mainstreaming was found in the 2017-2022 Programme of the Government of the RA.<sup>25</sup> It is envisaged by the end of 2022 to mainstream the gender equality component in the socioeconomic

23 The Law of the RA on Equal Rights and Equal Opportunities for Women and Men (2013), Article 6.

24 Ibid, Article 18.

25 This Programme was repealed when the new Government Programme was adopted in June 2018.

development programmes of the RA with a view to enhancing the promotion of equal rights and opportunities for men and women, by introducing situation assessments and monitoring tools.

The national gender machinery consists of the Council on Women's Affairs under the Office of the Prime Minister; the Department of Family, Women and Children's Issues under the Ministry of Labour and Social Affairs; and standing committees on gender issues at the provincial levels, Yerevan city and all administrative centres of the RA. There are several limitations of this mechanism. The focus of these bodies is on addressing women's issues. The Department of Family, Women and Children's Issues under the Ministry of Labour and Social Affairs has a limited mandate and capacity and is not able to act effectively on the coordination and monitoring of gender equality policy implementation due to the lack of a network of gender focal points across line ministries, holding proper gender reviews of draft policies to ensure gender mainstreaming.<sup>26</sup>

Thus, the lack of fully functional and effective institutional, legal and policy frameworks on gender equality also impacts the legal and institutional response to gender inequality in the labour market of Armenia. Awareness about gender equality, formal and substantive equality, and manifestations of direct and indirect discrimination in the labour market was low. The general perception was that the legal framework on gender equality and labour legislation are sufficient for ensuring equality in the labour market. Such manifestations of gender discrimination as occupational segregation in the labour market, low economic activity of women, and a gender wage gap were not explicitly acknowledged as indirect discrimination against women.

Currently, Armenia is planning to adopt a new anti-discrimination law, and it is hoped that many manifestations of inequality in the labour market will be resolved upon its adoption and implementation.

There are several concerns about the proposed draft law, however. The law will be called the Law on Equality and will not extend comprehensive protections on the basis of sexual orientation and gender identity. Whether or not the law is going to establish a comprehensive and clear definition of both direct and indirect discrimination, remains an open question. Reportedly, the responsibility for its implementation will be vested in the office of the Human Rights Defender.

### 3.3. Gender sensitiveness of the labour market regulations in Armenia

General directions of the labour market regulations (policies and institutions) are outlined in the 2014-2025 Armenian Development Strategy (ADS). The main objective of the ADS is to increase employment through creation of quality and well-paid jobs. The ADS sets a number of targets to be achieved by 2025 including changing the structure of employment, increasing minimum wage, reducing informal employment in non-agricultural sectors and so on. Targets are neither gender nor age specific. The ADS has several priority directions, specifically, economic development; proportionate regional development; poverty and inequality; social protection; human capital protection; environmental protection; establishing and strengthening a modern system of public administration; and a budget framework.

The ADS does not make any reference to ensuring equal or inclusive growth of employment. The ADS itself does not include any section/priority on the reduction of gender inequality. One of the priority areas of the ADS is the reduction of poverty and respective inequality. However, the analysis of poverty levels is not disaggregated by gender and age or across vulnerable groups of the population. The analysis in the sections on the labour market situation, education sector, health and agriculture does not address gender dimensions of the sectors. There are just two references to the special needs of women throughout the whole text of the ADS.

26 Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined fifth and sixth periodic reports of Armenia (2016), p. 12.

### Objectives and Priorities of the Armenian Development Strategy

Objective: increase in employment through creation of quality and well-paid jobs

- Priority 1. Growth of employment
- Priority 2. Development of human capital
- Priority 3. Improvement of social protection system
- Priority 4. Institutional modernization of the public administration system and governance

Targets for the period 2014-2025:

- 0.8 per cent of economic growth through productivity and 0.2 per cent of economic growth through employment growth in the non-agricultural sector
- 0.75 per cent of economic growth through productivity and 0.25 per cent of economic growth through increase in employment in industry
- Employment growth of around 60,000 by 2017 versus 2012
- Employment growth of around 135,000 by 2021 versus 2012
- Employment growth of around 220,000 by 2025 versus 2012
- Growth in formality of non-agricultural employment at the rate of 78 per cent in 2017, 80 per cent in 2021, 83 per cent in 2025
- 40 per cent net minimum to average salary ratio growth in 2014 and retaining this level until 2025
- Net minimum salary will make up around 160 per cent of the upper poverty line, reaching 240 per cent in 2025
- 22.4 per cent share of industry and 12 per cent share of construction in employment structure by 2025

In the sectoral chapter on small and medium enterprise (SME) development, it is envisaged that one of the policy interventions to support SME will be the development of start-ups including capacity-building, skills development, business planning and their access to financing. It is envisaged that specific

programmes will be targeting the promotion of business among women and young people. Under the health-care priority, it is expected that special attention will be paid to the quality of maternity services including the detection of pathologies among pregnant women.

As for labour market regulations, this priority is included to the sector of economic development. The analysis of the labour market specifies a number of problems in Armenia including a low labour force participation rate and high unemployment rate; the impact of labour migration and remittances of migrant workers on labour force participation; the inequality between supply and demand of the labour force due to qualification requirements and lack of a qualified labour force to advance innovations in the companies; and youth unemployment resulting from lack of an effective school-to-work transition strategy and poor relations between the general education system and labour market. Specific targets are set by the ADS in this sector to achieve increased employment, decreased unemployment and labour force participation dependent upon real GDP growth. Of all the targets, the ADS specifies only one age-specific target, i.e. employment rate of the population aged 16 and older. Other targets like the employment rate, unemployment rate and labour force participation are not disaggregated by sex or poverty levels.

Regarding the labour market regulations, the ADS envisages the following key strategies of reform: (1) introduce new policies to promote employment (job creation) which are implemented efficiently and take into account the regional development situation; (2) increase the minimum wage and revise the taxation of income received from employment; (3) liberalize labour relations to lessen regulations on entering and exiting the labour market and introduce more flexibility in relations between employers and employees; (4) improve labour market information and the labour market monitoring system to guide employment policies and programmes; and (5) improve the effectiveness of the active labour market policies through strengthening the link between state employment services and employers' community and improving job-worker matching.

### Gendered Features of the Labour Market in Armenia

- Men participate in the labour force at a higher rate than women (71.2 per cent of men, 52.5 per cent of women).
- 47.1 per cent of women compared to 28 per cent of men were economically inactive. Economic inactivity of women was high due to family circumstances, with homemakers accounting for 47 per cent of women outside the labour force.
- The employment rate among women is lower than that of men. Women make up 47.5 per cent of the total employed, compared to 52.5 per cent of men.
- Unemployment among women is slightly lower than that of men, but women are found in long-term unemployment more often than men, with 62 per cent of unemployed women in long-term unemployment.
- Horizontal and vertical segregation of women in the labour market. The horizontal segregation is a result of women selecting traditionally female professions. Women in secondary and tertiary education are highly concentrated in such areas of study as health care, social work, philology and education, while men are heavily concentrated in such areas of study as engineering, construction, transport and communications. In agriculture, which provides employment for 34 per cent of all employed including 52 per cent of women, men have a professional education; as a result, they earn higher salaries. At the level of secondary vocational education, 80 per cent of all studying agriculture were men. At the level of higher education, 100 per cent of students studying agricultural science were men.
- Women's average monthly nominal salary made up 66.4 per cent of men's earnings. The gender pay gap in remuneration is at the level of 33.6 per cent. Reasons include gender segregation in the labour market; the higher number of women in part-time employment; the lower number of women than men in waged employment; and the high number of women among contributing family workers.

Source: Women and Men in Armenia, 2017.

Another more recent policy document which provides directions for the labour market regulations is the 2017-2022 Programme of the Government of the RA. This Programme is a five-year vision of reforms in the RA by the current Government.<sup>27</sup> The goals of this Programme are (1) to ensure faster economic growth as compared to developed countries by achieving approximately an average of 5 per cent GDP growth; (2) to achieve a significant growth in exports with the exports of goods and services reaching a 40 to 45 per cent share of GDP; (3) to achieve poverty reduction by lowering the poverty rate by 12 percentage points; and (4) to achieve a 25 per cent increase in nominal minimum salaries by optimally combining employment growth and compensation for dignified jobs and, taking into account structural unemployment and risks of reduction in the country's competitiveness, the proportion of the mitigating minimum wage and median wage.

In relation to the labour market regulations, the bulk of reforms is listed under the strategic direction "labour and social policy". In addition, the strategic direction on investments also includes actions on employment as a means of improving the investment policy. To this end, the programme intends to discuss and submit proposals on possible privileges to promote job creation in selected target areas (including textile, apparel and footwear production) and by place of operation by the end of 2017. Under the social policy component, it is planned to prioritize unemployed persons from socially vulnerable families in the state employment programmes during the period from 2017 to 2022. As for the labour market policy, the emphasis of the Government reform is on the establishment of an environment for the exercise of the right to decent work, with a focus on reducing poverty among the working population. To this end, the following strategies are listed:

27 During the period between conducting the fieldwork and finalizing the report, a new prime minister was elected by Parliament upon the "velvet" revolution in Armenia. The new prime minister proposed a new Government Programme (only for 2018) which was adopted by the Parliament of Armenia on 7 June 2018. Thus, the current report does not include an assessment of said programme; however, its sections relevant to this study have been reviewed. In comparison with the previous programme, they are more generic, with no specific targets and indicators.

- 1) Radical changes to the Labour Code of the RA in line with contemporary European trends, including the elimination of the stringent regulations on salary increments and employee compensation benefits in parallel to the development of social partnerships and collective bargaining at all levels and the development of a legal basis for the establishment and development of voluntary work (to be achieved by the end of 2018)
- 2) Continue increasing the minimum monthly salary in line with the goals set out in the RA Government Programme (during the period from 2017 to 2022)
- 3) Improve the unified system for remuneration of officials holding state positions with the aim of ensuring proportionate growth of salaries (during the period from 2017 to 2022)
- 4) Enhance the integrity of state policy on sustainable employment, through the introduction of new programmes aimed at improving the sociodemographic situation of the RA; preventing emigration; raising the level of competitiveness of young people and persons with disabilities in the labour market; involving young and competent professionals in the field of public administration and effectively replenishing employers' vacancies (to be achieved by 2020); creating an effective and comprehensive e-governance system in order to increase the transparency and efficiency of the current and prospective labour market regulation; and enhancing the quality and accessibility of state employment services and programmes (to be achieved by the end of 2019).

Like the ADS, this Government Programme also suffers from a lack of gender sensitivity. Challenges women face in the labour market are not recognized by this Programme. As a result, no specific actions are envisaged to reduce gender inequalities in the labour market, including occupational segregation, a

gender wage gap and higher poverty levels among women and female-headed households.

To sum up, policy documents outlining the Government's intentions on establishing and reforming the labour market regulations are gender-blind. Discrimination of women in the labour market and its root causes are neither analysed nor explicitly acknowledged by the two key policy documents defining the national development strategy of the RA. They fail to integrate any measures to reduce gender inequalities and ensure that women along with men participate in the labour market without any restrictions caused by the legislation or by society.

### 3.4. Gender aspects of the labour legislation

The Labour Code of Armenia establishes a set of principles of the labour legislation and regulates relations between employer and employee, types of employment contracts, social partnership mechanisms, provisions of occupational safety and health, and working and rest time of employees. In broad terms, Armenia records a satisfactory level of compliance with the ILO fundamental Conventions with no major violations reported.<sup>28</sup> However, there are several shortcomings perpetuating discrimination against women in the labour market and employment that have to be addressed, specifically non-discrimination provisions, effective enforcement of labour legislation, and informal employment, which is a serious obstacle for the overall progress in labour and social standards.<sup>29</sup> In this respect, this section will review provisions on non-discrimination. It will also look at how labour and other legislation protects workers from informal employment. In following sections, specific areas of concern such as maternity protection, implementation of the principle of equal pay for work of equal value and enforcement of labour legislation will be described.

28 Joint Staff Working document, the EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Armenia covering the period 2016-2017 Accompanying the document Report from the Commission to the European Parliament and the Council Report on the Generalised Scheme of Preferences during the period 2016-2017, p. 10.

29 Ibid.



The Labour Code establishes the principle of legal equality of parties to employment relations, irrespective of their sex, race, national origin, language, origin, nationality, social status, religion, marital status and family status, age, beliefs or views, political party affiliation, trade union or non-governmental organization membership, or other circumstances not associated with the professional skills of an employee; and guarantees the equality of rights and opportunities of employees (Article 3). The Labour Code prohibits an employer from terminating an employment contract on the basis of gender, race, national origin, nationality, social status, belief, marital status and family status, convictions or views, or affiliations to political parties or non-governmental organizations.<sup>30</sup> In the view of the ILO Committee of Experts, the definition of non-discrimination is not clear and comprehensive enough. It does not prohibit direct and indirect discrimination covering all aspects of employment and occupation, including recruitment. Not all of the grounds for possible discrimination are enumerated by the provisions of the Labour Code.<sup>31</sup>

To ensure the general protection of all workers, the Labour Code establishes minimum requirements for employment contracts which have to be respected by both employer and employee. In the event that lower standards are established either by the employment contract or by the collective agreement, the employment contract or collective agreement should be brought in line with the Labour Code and provide more favourable conditions.

Protection of workers from discrimination at the stage of recruitment and access to employment are not fully effective. The Labour Code stipulates the right of an employer to hold competitive recruitments to fill a vacancy either directly or with support of specialized services. The employer is free to define the procedure of competition and conclusion of the

process with a successful candidate.<sup>32</sup> The Labour Code does not include a mandatory requirement that such procedures should ensure an equal-opportunity approach. It does not prohibit the publication of vacancies that state gender-biased requirements and inquire about marital status, children and the intention to have children during the selection process.<sup>33</sup>

The Government of Armenia took several legal measures to prevent informal employment, mainly through the prohibition of illegal or undeclared work. The Labour Code of the RA was amended in 2014 and 2015 to introduce measures to prevent employment without an employment contract as an instrument to prevent informal employment. The Labour Code establishes that work performed without a written employment contract in accordance with the Labour Code or without individual legal acts on accepting such work shall be deemed illegal. The employees engaged under such terms are entitled to apply to court. Employers or their representatives who permitted and/or were induced to perform illegal work should be brought to account and shall reimburse the employees damages incurred during the performance of said work. It is considered that employment relations commenced on the day when the employee was actually hired, if the court acknowledges the actual employment relations between the employer and employee. The employee is entitled to file a complaint to the court within the time period of actual employment relations and within one year upon termination of employment relations.<sup>34</sup> This measure may have a potential impact on reducing the number of undeclared workers and facilitating their integration into the formal economy.<sup>35</sup>

The Labour Code does not include explicit prohibition of sexual harassment in the workplace. There were no cases of sexual harassment registered or

30 Labour Code of the RA (2004), Article 114.

31 Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Armenia (Ratification: 1994).

32 Labour Code of the RA (2004), Article 86.

33 Pro-Media Gender NGO, Participatory Policy Assessment Women Labour Rights in Armenia (2018), p. 19.

34 Labour Code of the RA (2004), Article 102.

35 Observation (CEACR) - adopted 2015, published 105th ILC session (2016) Employment Policy Convention, 1964 (No. 122) - Armenia (Ratification: 1994).



reported during the gender analysis. The general perception is that sexual harassment in the workplace is not common in Armenia. However, in view of the absence of language in the Labour Code prohibiting sexual harassment in the workplace and the hidden nature of this phenomenon, it is difficult to make firm conclusions about the prevalence of sexual harassment in Armenia.

The Labour Code does not include explicit measures to accommodate workers with family responsibilities. The Labour Code establishes a number of measures on the provision of night work, rest days, overtime work, reduced working hours, flexibility in taking annual leave, and parental (childcare) leave for women and men. However, these guarantees are provided to pregnant women as well as employees taking care of a child under the age of 1 (and under the age of 3 if required to work at night and upon submission of a medical certificate). For instance, Article 258 of the Labour Code stipulates that it is prohibited to engage pregnant women and employees taking care of a child under the age of 1 in heavy, harmful, especially heavy and especially harmful work. The employer is obliged to assess if such work poses a threat and to take temporary measures to eliminate risks or, if not possible, to transfer the woman to another workplace or to provide her with paid leave prior to maternity leave.

ILO standards in the area require a clear division between the two groups – (1) pregnant women and breastfeeding women and (2) workers with family responsibilities (women and men) – and the respective adoption of different special measures to protect these two groups of workers from discrimination in recruitment and employment. The maternity protection shall end after the woman makes the decision to go back to work. Any protective measures provided to a woman after her return to work should be linked to (1) protection from dismissal for a certain period of time after returning to work to help her to adapt; and (2) provision of working conditions suitable for the continuation of breastfeeding, i.e. provision

of breaks during working hours for breastfeeding and protection from hazardous and dangerous jobs during the period of breastfeeding. In this respect, measures prescribed by Article 258 should be revised to restrict prohibitions only to protect maternity and breastfeeding so as not to constitute obstacles to the recruitment and employment of women who are the main caregivers of children. This list of dangerous and harmful jobs should be reviewed to restrict prohibitions to maternity protection. In addition, a clear risk assessment methodology should be introduced to assess risks in the workplace.

Measures aimed at the protection of workers with family responsibilities from discrimination shall be focused on providing working conditions that help them to reconcile work and family duties. Any protective measures aimed at their involvement in hazardous or dangerous work should be lifted to prevent discrimination. Any measures aimed at establishing flexible working conditions should be provided only with the consent of workers with family responsibilities. The Labour Code can also include provisions authorizing distance work. Other support measures go beyond labour legislation and include the availability of affordable support services related to domestic work and caring after children and the elderly. Other non-legal measures include awareness-raising campaigns among men to share the burden of care and domestic work between working women and men. The Labour Code of Armenia needs to be revised to clearly delineate these two groups of workers and the respective measures of protection from discrimination in employment and recruitment.

The Labour Code in Armenia includes progressive definition of childcare leave where both women and men or any other person actually caring after a child are entitled to take childcare leave after the end of maternity leave of a woman. This childcare leave can last up to three years and can be taken partially or in full.<sup>36</sup> During this leave, a parent is entitled to receive a childcare allowance until the child reaches the age of 2. The amount of child allowance is AMD

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36 Labour Code of the RA (2004), Article 173.

18,000 (approximately USD 40). It is granted only to a parent who has an employment contract except for family members involved in a family business.<sup>37</sup> This allowance is very small and does not cover even the minimum costs related to childcare.

The Government plans to implement the so-called “Nanny Project”, which was under development during the gender analysis. The essence of this project is to help a woman return to work immediately after the end of maternity leave by providing her with a 50 per cent contribution to remuneration of a babysitter, but not more than AMD 50,000 (approximately USD 100). This amount is subject to payment of income tax. The Government posted the draft decree on the e-draft website for comments. Reportedly, in the first phase of its implementation, it was supposed to cover only 200 women. The introduction of such a measure was highly contested in Armenia as it was considered a way for the State to evade its responsibility of providing a preschool education, to which every child should be entitled. The other argument was that such an allowance will not target women who receive a low salary and who are not able to afford a payment of 50 per cent of their salary for a babysitter. Besides that, this allowance was not a benefit but a salary from which tax should be deducted. Another area of concern linked to this project was the lack of definition of domestic worker in the Labour Code of Armenia and regulations of their labour. In this respect, it was not clear how the Government was going to ensure that the labour rights of these babysitters were not violated.

The Labour Code envisages the possibility for workers to work part-time (incomplete working time) upon their request to care after sick family members based on a medicate certificate for a period less than six months and not more than half of the working time for one day.<sup>38</sup> During this leave, a worker as well as a self-employed person is entitled to receive the benefit depending on the nature of care required for the family member. This benefit can be paid once during the calendar year.

The temporary disability benefit for a person caring after a sick family member or a child is established by the Law of the RA “On Temporary Disability Benefits”. In separate provisions, it also covers the right of both hired and self-employed workers to receive such benefits. For hired workers, the calculation of benefit is based on the average monthly salary of the workers under the following conditions:

- 1) In cases of caring after a sick adult member of the family at home, the benefit is paid for working days not exceeding seven calendar days starting from the second working day.
- 2) In cases of caring after a sick child at home, the benefit is paid for not more than 24 calendar days and for working days not more than 28 calendar days in case of infectious disease starting from the second working day.
- 3) In cases of caring after a sick child in the hospital, the benefit is paid during the entire stay in the hospital starting from the second working day.
- 4) If the worker is 18 years of age and has to care after a child below 18 years of age in need of personal care or after a disabled child, the same terms as to caring after a sick child shall be applied.<sup>39</sup>

Calculation of this benefit is based on the average monthly income of a hired worker and is calculated based on the procedure established by the legislation. A self-employed person is entitled to this benefit only under conditions 3 and 4 mentioned above and under the same terms as a hired worker.<sup>40</sup>

### 3.5. Maternity protection measures

The Labour Code (2004), the Law of the RA on State Benefits (2014) and the Law of the RA on Temporary Disability (2010) establish maternity protection measures in compliance with ILO Convention No. 183. The maternity benefit is payable to all women regardless of their field of occupation. Special protection measures are established to ensure that the health and safety of a pregnant woman is not affected by the working conditions. Detailed provisions are specified below.

37 The Law of the RA on State Benefits (2014).

38 Labour Code of the RA (2004), Article 141.

39 The Law of the RA on Temporary Disability Benefit (2010), Article 12.

40 Ibid, Articles 21 and 22.

The Labour Code established guarantees that prohibit the termination of an employment contract by the employer for a pregnant woman during maternity leave and for one month following maternity leave.<sup>41</sup> The Labour Code protects women from exposure to unsafe and unhealthy work during pregnancy. A pregnant woman shall not be engaged in heavy, harmful, especially heavy and especially harmful work. The employer shall have to determine the nature and duration of hazardous effects on the health and safety of the pregnant woman and undertake temporary measures to ensure the elimination of hazardous factors. If such factors cannot be eliminated, the employer shall transfer the pregnant woman to another workplace. If that is not possible, the woman should be granted paid leave, which then will be followed by maternity leave. The pregnant woman is also entitled to go for medical examinations during work hours. Her average salary shall be maintained during this period.<sup>42</sup> Engagement of a pregnant woman in work on rest days,<sup>43</sup> holidays,<sup>44</sup> night work (upon confirmation of the lack of risks by medical certificate)<sup>45</sup> or overtime work<sup>46</sup> shall be permitted only upon the consent of the pregnant woman. She is also entitled to request incomplete working days or incomplete working weeks. Pregnant women are entitled to take annual leave at any time.<sup>47</sup>

Women are entitled to maternity leave 140 days in duration. In cases of complicated deliveries, this leave may be extended for up to 155 days. In cases of giving birth to more than one child, this leave shall last for 180 days. This leave is calculated in total and is provided to a woman in full, regardless of her due date.<sup>48</sup> The Labour Code also envisages the right to maternity leave to workers who adopted a child and employees who had a child through a

surrogate. The duration of such leave is 70 days. This can be extended to 110 days if the adopted child is a newborn or if more than one child were delivered through a surrogate.<sup>49</sup>

The Law on State Benefits and the Law on Temporary Benefits establish that the maternity benefit shall be paid to all women, including those who work in atypical occupations like self-employed and individual entrepreneurs. Women who are not hired or self-employed, performing work under a civil law contract, or are a family member employed by a family business are also entitled to the maternity benefit.<sup>50</sup> The maternity benefit for an employed woman is calculated from her average monthly salary. For other women, the calculation of the maternity benefit is based on dividing 50 per cent of the minimum wage by 30.4 (the average number of days per month) and multiplying by 140 (the number of calendar days for maternity leave).<sup>51</sup> This amount is equivalent to AMD 126,644 (USD 264). Parents are also entitled to a one-time childbirth grant. The amount of this lump sum is established by the Government of Armenia.

Upon the end of maternity leave when a woman returns to work, she shall be entitled to additional breaks during her work hours for breastfeeding. Breaks of at least 30 minutes should be provided every three hours until the child reaches one and a half years of age. Her average salary shall also be paid for such breaks based on average hourly salary.<sup>52</sup>

ILO Convention No. 183 encourages granting a short leave to a man in relation to the birth of a child. The Labour Code of the RA grants husbands the opportunity to take unpaid leave during pregnancy and maternity leave. It should not exceed a two-month period.<sup>53</sup>

41 Labour Code of the RA (2004), Article 114.

42 Ibid, Article 258(1)(2)(3)(4).

43 Ibid, Article 155.

44 Ibid, Article 156.

45 Ibid, Article 184.

46 Ibid, Article 144(4).

47 Ibid, Article 164.

48 Ibid, Article 172(1).

49 Ibid, Article 172(2).

50 The Law on State Benefits (2014), Article 23.1.

51 Ibid, Article 23.2.

52 Labour Code of the RA (2004), Article 258(5).

53 Ibid, Article 176(1).

### 3.6. Enforcement of the principle of equal pay for work of equal value

The Labour Code of the RA establishes that salary is the remuneration for work performed by an employee under the law, other legal acts and employment contracts. Men and women shall receive equal pay for equal or equivalent work. Salary shall include a basic salary and any additional salary paid by the employer to the employee for work performed by him or her. The Labour Code stipulates that apart from basic salary, an employee shall be entitled to payment of bonuses, additional payments, premiums and awards. For instance, bonuses shall be paid for performance of heavy, harmful, especially heavy and especially harmful work; overtime work; night work; and/or work performed on rest days and days off (including holidays). Additional payments shall be paid based on an employee's qualifications (diplomatic rank, scientific degree, title, etc).<sup>54</sup>

The ILO Committee of Experts raised concerns regarding the narrow definition of the principle of equal remuneration for men and women for work of equal value established by the Labour Code of Armenia. It noted that the concept of "work for equal value" permits a broad scope of comparison, including equal remuneration for "equal", the "same" or "similar work", as well as encompasses work that is of an entirely different nature which is nevertheless of equal value. The Committee called for the establishment of a methodology for job evaluation and a basis for assigning remuneration.<sup>55</sup>

In 2015, the Government in its report to the ILO under ILO Convention No. 100 specified that increasing the minimum wage is one of the strategies for reducing the gender pay gap in Armenia. The minimum monthly and hourly salary is defined by the Law of the RA on Minimum Wage, adopted in 2003. The minimum wage was last revised in 2014. The minimum monthly wage in Armenia is equivalent to AMD 55,000

(approximately USD 110). Minimum hourly rates for employees paid on an hourly basis are the following: in cases of normal working hours (40 hours per work week), AMD 330 shall be paid; in cases of shorter working hours (36 hours per work week), AMD 376 shall be paid; and in cases of even shorter working hours (24 hours per work week), AMD 550 shall be paid.<sup>56</sup> The ILO Committee of Experts noted that the methodology for calculating the minimum wage was not linked to poverty levels, costs of living, economic development and so on. In 2015, the Government planned to draft a law establishing the methodology to determine the minimum wage and raising the awareness of tripartite partners on the concept of "equivalent work".<sup>57</sup>

In Armenia, the gender pay gap is explained by the occupational segregation of women in the labour market that is generated by women's selection of traditionally female fields of study (health, education, social work, philology). This factor, indeed, contributes to the gender pay gap. However, there are several other causes contributing to the gender pay gap:

- A methodology for job evaluation and subsequent assignment of remuneration does not exist in Armenia. There is also low awareness about the need to develop such methodology among tripartite partners.
- The Labour Code establishes restrictions for the engagement of women with small children in dangerous, hazardous jobs. The engagement of women with small children in night work, days off and overtime work shall be permitted upon their consent. As mentioned above, the Labour Code entitles employers to pay bonuses to employees engaging in such jobs. However, women are not able to benefit from these bonuses as there are legal restrictions on their engagement in such jobs.
- The burden of unpaid care and household work is mainly carried by women. The number of

54 Ibid, Article 178.

55 Observation (CEACR) - adopted 2016, published 106th ILC session (2017), Equal Remuneration Convention, 1951 (No. 100), Armenia (Ratification: 1994).

56 The Law of the RA on Minimum Wage (2003), Articles 1 and 2.

57 Observation (CEACR) - adopted 2016, published 106th ILC session (2017), Equal Remuneration Convention, 1951 (No. 100), Armenia (Ratification: 1994).

preschool, elderly care and support services is insufficient. Women are not able to take full-time employment and work longer hours. The Labour Force Survey (see section 3.10) demonstrates that more women than men are found in part-time work. The share of women working part-time increased from 33 per cent in 2011 to 39 per cent in 2016. Men, on the other hand, only saw a 1 per cent increase during the similar period (from 21 per cent in 2013 to 22 per cent in 2016).

- Women are more likely than men to experience vulnerable employment. Among employers, there are four times more men than women (84 per cent of men and 16 per cent of women). There are also more men among own-account workers<sup>58</sup> (57 per cent of men and 43 per cent of women). Among contributing family workers, the share of women is two times higher than men (31 per cent of men and 69 per cent of women). This difference in employment status impacts rates of remuneration and also contributes to the existence of the gender pay gap.

The increase to the minimum wage alone will not be able to effectively address the gender pay gap. Other measures such as the introduction of an objective, gender-neutral methodology for job evaluation and subsequent assignment of remuneration, the development of various support services for women to lift their burden of unpaid care work, and the introduction of measures to reduce the number of women in vulnerable employment will be also required.

### 3.7. Lack of effective enforcement of the labour legislation

Armenia abolished labour inspection in 2013. The State Health and Anti-Epidemic Inspectorate of the Ministry of Health and the State Labour Inspectorate under the Ministry of Labour and Social Affairs were merged in one State Health Inspectorate under the

Ministry of Health of the RA. The decision to abolish a separate labour inspectorate was justified by the high level of corruption, abuse of inspections of businesses and discretionary rules applied by the inspectors in view of the absence of legally established standards of assessment. In 2015 and 2017, the Government reformed the State Health Inspectorate and reduced the authority of the labour inspections to narrow areas of health and safety standards in the workplace. Inspection of compliance with the legislation (legal inspection) was not introduced. The Government established the Inspection Reform group (secretariat) under the Prime Minister of the RA. It is tasked with drafting regulations on the establishment of the labour inspectorate, with plans to propose the draft regulations in September 2018. The general vision is that labour inspection should be established as a separate body under the Ministry of Labour and Social Affairs. Yet, there is no clear vision on the powers of the labour inspectorate, i.e. whether or not the focus will be mainly on employee safety or also on the functions of legal inspection.

The Law of the RA on Trade Unions, adopted in 2000 and amended in 2006 and 2011, grants to the trade unions the right to visit workplaces where members of trade unions work to examine labour conditions. If any situations posing a threat to the life or health of employees are identified, the trade unions have the right to file solicitation and request the employer to undertake measures to eliminate the identified threats.<sup>59</sup> However, during the gender analysis, it was not possible to determine whether or not trade unions have used this right effectively and what were the results of their solicitations. The Law of the RA on Employers' Unions (2007) does not envisage any mechanism of non-state control with respect to the labour legislation.

The only practical remedy available in cases of violations of labour rights is application to the court. Based on the court statistics received from the

58 The ILO defines own-account workers as those "who hold self-employment jobs and do not engage 'employees' on a continuous basis". Available at <https://www.ilo.org/global/statistics-and-databases/statistics-overview-and-topics/status-in-employment/current-guidelines/lang-en/index.htm>.

59 The Law on Trade Unions (2000), Article 16.



Ministry of Justice of the RA in last five years (from 2013 to 2017), the number of labour disputes among the total number of civil cases was insignificant (2,673 labour disputes of 521,460 civil cases). While the number of civil cases filed to court increased from year to year, the number of labour disputes remained the same (on average 500 cases per year). In 2013, labour disputes made up 1.2 per cent of all civil cases. In 2017, the share of labour disputes of all civil cases was only 0.4 per cent. The court statistics are disaggregated only by year and by category of labour disputes, but not by sex. In this respect, it is not possible to assess whether or not women apply to court for protection more often than men and whether or not there is a difference in violations of labour rights of women and men. In general, the most frequent violation of labour rights reviewed by the courts between 2013 and 2017 related to unpaid salaries and other payments (about 50.4 per cent of all labour disputes). The next most common violation was the illegal dismissal and respective reinstatement in employment (26.5 per cent of all labour disputes). Of all labour disputes, 34.7 per cent (972 cases) were resolved by court either in favour of the defendant or the reconciliation of parties, while 53.2 per cent of all resolved labour disputes were ruled in favour of the complainant.

In Armenia, extrajudicial resolution of the labour disputes does not exist. Provisions of the Labour Code on control and oversight regarding labour legislation (chapter 36) are no longer in force. A review of court statistics demonstrates that this remedy is not very effective for the protection of labour rights. The reasons may vary, for instance, the low awareness of workers about their rights, the lack of access to free legal aid, an unwillingness to take a labour dispute to court to avoid harassment by an employer in the future and so on. In this regard, it is

challenging to assess whether or not the guarantees established by the Labour Code to women in relation to maternity and employees on childcare leave are in fact enforced by employers.

### 3.8. Women in vulnerable employment

As mentioned in the previous section, women are found in vulnerable employment in Armenia more often than men. They are an integral part of the labour market; however, requirements of the labour legislation are not always extended to women, who are also more often found in the informal sector of the economy. In Armenia, the Government introduced measures to legalize their contribution through taxation.

In January 2017, the new regime of taxing the self-employed was introduced by the Law of the RA on Tax Privileges to Self-Employed Persons. This Law established that a privileged tax regime will be enjoyed by self-employed persons falling under the following criteria:

- 1) Have earned profits from the sales of goods, services and work performed for all types of activities during the previous calendar year not exceeding AMD 9 million (about USD 20,000)
- 2) Do not involve other individuals in their work
- 3) Are not parties of a joint production contract (with the exception of agricultural production)

Furthermore, the Law establishes that self-employment should be limited to a restrictive list of activities established by the same Law and that operations of self-employed persons should be conducted in one place of employment. Activities covered by the Law include various forms of production and manufacturing, hotel services, repair of various goods, language courses and so on.<sup>60</sup>

60 Manufacture of footwear, leather goods and their repair; manufacture of clothes and their repair; manufacture of hats and their repair; manufacture of carpets and their repair; production of furniture, non-precious jewellery and their repair; repair of computer equipment and household appliances; production of ceramics, porcelain products; repair of watches, musical instruments; language courses; preparatory courses for entering into higher and other educational institutions; dancing, singing training; performing arts; creative activities; funeral activity; trainings in gymnastics and sport; private household services for the consumption of the household; hotel services through tourist houses.



Profit tax exemptions were also introduced for family businesses whose annual profit is lower than AMD 18 million (about USD 40,000). The family business should function without participation of third parties, including legal entities and individuals acting as founders or as employees receiving salary. This means that family members should be the founders of the family business and that they may involve only their other family members such as spouses, parents and unmarried adult children living together in one household. Family businesses shall pay a fixed monthly income tax of AMD 5,000 (approximately USD 10) for each family member involved.

These changes in taxation present a positive development for women in vulnerable employment. Their status as either self-employed or as a contributing family member is legally acknowledged. However, there is a concern about their right to social security and social protection. The taxation regime introduced does not require them to contribute to social security. In the future, their coverage by social security and social protection and their rate of benefits may potentially depend upon the State and the capacity of the national budget to allocate funds for their coverage.

### 3.9. Unemployment of women

Based on LFS data (see section 3.10), unemployment among women is slightly lower when compared to men. However, women are more often found in long-term unemployment than men, with 62 per cent of unemployed women in long-term unemployment. According to the World Bank, this pattern can be explained by a skills mismatch and by women's preferences for certain types of jobs that enable them to reconcile work and family duties.<sup>61</sup>

In 2014, Armenia abolished the unemployment benefit and reallocated state funds used for this benefit to the active labour market policies outlined in the 2013-2018 Employment Strategy of Armenia and in the Law on Employment adopted in 2013. The

#### Activities of the State Employment Agency

The State Employment Agency implements the country's employment policy through its 51 regional centres (364 employees). The annual state employment regulation programme aims to create the necessary conditions for the sustainable and effective employment of the population, promoting stable jobs and self-employment opportunities for people with fewer employment possibilities, filling vacancies and implementing active employment programmes.

The Agency's employment programmes encompass a wide range of initiatives, such as jobs fairs, vocational training and wage subsidies for certain categories of job seekers, as well as providing support for small entrepreneurial activities, employment mobility and productive methods in agriculture. The State Employment Agency also carries out annual skills surveys among employers.

*Source:* ETF (2017), Armenia Education, Training and Employment Development 2016, p.9

Trade Unions and Republican Union of Employers supported this step because, in their view, the unemployment benefit was low and was not an effective mechanism to reduce unemployment. Payment of the unemployment benefit discouraged recipients to look for jobs because they preferred to receive the benefit and work informally. Thus, such a support mechanism of unemployed contributed to the prevalence of informal employment instead of reducing unemployment.

The policy on employment in Armenia is outlined in the 2013-2018 Employment Strategy. The Strategy analyses the situation in the labour market of Armenia. However, this analysis does not include any sex-disaggregated data. Therefore, it does not

<sup>61</sup> World Bank, Armenia Country Gender Assessment: The State of Gender Equality in Armenia (2016), p. 3.

analyse the situation of women in the labour market, including their needs and priorities. The Employment Strategy defines the following key actions:

- Ensure the relevance of the labour market and economy
- Ensure the link between the labour market and the educational system
- Promote demographic and regional balanced development
- Introduce a new model of state regulation of the labour market
- Reform the state regulations of labour, wages and other conditions
- Finalize the provision of the legal basis for supervising the implementation of labour legislation (within the ongoing reform of inspection)
- Develop social partnerships
- Develop legal reforms of the employment sphere
- Introduce and improve the management information system (MIS) for state regulation of employment

This programme establishes a number of targets; however, none of them includes sex-disaggregated targets. Other intersections of inequality, such as age and poverty, are also not included.

The new Law on Employment, adopted in 2013, gives a strong impetus to the transition from a passive to an active employment policy. It establishes the following three categories of persons who can benefit from this Law:

- *Job seeker* is a person who has reached 16 years of age and who, regardless of employment status, applied to the State Employment Agency to register, receive information about vacancies and new jobs, request assistance in finding a suitable job and job placement, and receive career guidance (articles 4, 21).
- *Unemployed person* is a person below the pensionable minimum age who is searching for a

job and is not a hired worker or service provider under civil contract; individual entrepreneur or notary; patent holder; conscript; or student (articles 4, 5).

- *Persons at-risk of losing the job* is an employee who, within three months following the end of the three-year childcare leave, is registered as a job seeker; a former conscript who, within three months of completing military service, is registered as a job seeker; or an employee who received written notification from an employer about the termination of his/her employment contract and who, within 10 days after notification, is registered as a job seeker (article 4).

The Law on Employment envisages different support to job seekers and the unemployed by the State Employment Strategy. Job seekers can be provided with following services: (1) career consultation on employment and state employment programmes; (2) provision of information about vacancies and newly created jobs registered in the database; (3) assistance in the selection of a suitable job and job placement; and (4) career guidance. Unemployed persons shall benefit from the same services that are provided to job seekers as well as the following additional services established by the Law: (1) vocational education and scholarship (in an amount established by the Government of Armenia); (2) assistance to persons entering the labour market for the first time with internships based on study specialization; (3) assistance in job placement in other fields to fill vacancies still not filled after a one-month period; and (4) participation in paid public works. Disabled unemployed persons may benefit from all above-mentioned services as well as job placement based on quotas and assistance in the adaption of workplaces during job placement. Persons at-risk of losing jobs have the right to be included in the programmes of vocational education organized annually. All of the above-mentioned services are provided free of charge.<sup>62</sup>

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62 The Law of the RA on Employment (2013), Article 21.

This Law also introduced the category of non-competitive unemployed persons. Several criteria are used to determine competitiveness of worker such as social status of a person included to system of assessment of social vulnerability a family; period of unemployment; childcare for three years. Non-competitive unemployed persons are entitled to receive the same services as job seekers and the unemployed. Additionally, they are provided with services on (1) priority inclusion to state employment programmes; (2) partial compensation of salary during job placement; (3) one-time compensation to obtain required skills training during job placement; (4) assistance in starting business; (5) assistance in the use of services provided by non-state organizations; (6) compensation of travel costs required to visit an employer recommended as a suitable job placement by the State Employment Service; and (7) seasonal agricultural work.<sup>63</sup>

Data provided by the State Employment Service demonstrates that the majority of users of their services are women. There are more women than men among job seekers. Since 2014 (when the Law entered into force), the number of registered jobs seekers has been increasing. In 2014, 71,606 job seekers were registered. In 2016, there were 95,758 job seekers. Among them, in 2016, 80,492 were unemployed, 34 per cent of whom were women. The share of women among job seekers was higher than that of men. Women made up 65 per cent of all job seekers in 2016. Women also outnumbered men among youth aged 16-29 (66.4 per cent) and first-time job seekers (63.1 per cent). The statistical data only capture the number of persons who benefited from consultation services of the State Employment Service. The majority of consultations (about 60 per cent) were provided on labour legislation and employment programmes. Effectiveness of the services is low, however. The labour demand is much higher than the labour supply. In 2016, there were 75 job seekers for every vacancy. In 2016, around 10 per cent of persons were placed in jobs. Two thirds of these placements were filled by women. The majority

of persons were placed in service sector jobs (74.4 per cent). Others were placed in industry, agriculture and construction.<sup>64</sup>

Although the Employment Strategy is gender-blind, the Law on Employment takes into account the special needs of persons who exercised their three-year childcare leave and provides them with support services on a priority basis. Women also outnumbered men among beneficiaries of the services and eventual job placement.

### 3.10. Labour market information system: Gender statistics

Armenia does not have a separate labour market information system (LMIS). The ADS outlines some elements of the LMIS. It makes specific reference to the need of evaluating the effectiveness of policies and specific measures for promotion of employment implemented by the State bodies, including assessment of the effectiveness of training courses and other measures implemented by the State to support the unemployed; assessing individual characteristics of the unemployed to analyse the duration of unemployment and the probability of the unemployed finding jobs; assessing the effectiveness of the State Employment Agency by collecting information on vacancies and reaching out to employers; and assessing job placement rates of the unemployed. For this purpose, the ADS introduced such measures as improvement of labour market information and the labour market monitoring system to guide employment policies and programmes.

The National Statistical Service of the RA is the main body responsible for the collection of labour market statistics. The legal basis for the collection is the Law on the State Statistics adopted in 2000 and amended in 2012 and 2013. The Law stipulates that state statistics should be collected on the basis of the State Statistical Work Programme, which is adopted every three years. The State Statistical Work Programme should collect statistics on the

63 Ibid, Articles 22 and 23.

64 National Statistical Service, Labour Market Situation in the RA (2017), p. 169.

## Elements of the Labour Market Information System

Labour market information systems provide an essential basis for employment and labour policies, informing the design, implementation, monitoring and evaluation of policies that are better focused and targeted. LMIS also contributes to a reduction in the transaction costs of labour markets as they help overcome incomplete information of labour market agents. Labour market information systems consist of four main components:

- Collection and compilation of data and information
- Repository of information
- Analytical capacity and tools
- Institutional arrangements and networks

The ILO recommends collecting Decent Work Indicators (DWI) which are used widely. DWI cover the four dimensions of the Decent Work Agenda and are indicators of the economic and social context of the decent work. The ILO recommends collecting the DWI in the following ten areas: (1) employment opportunities; (2) adequate earnings and productive work; (3) decent work hours; (4) combining work, family and personal life; (5) work that should be abolished; (6) stability and security of work; (7) equal opportunity and treatment in employment; (8) safe work environment; (9) social security; and (10) social dialogue and employers' and workers' representation.

### Source:

ILO, Decent Work Indicators Guidelines for Producers and Users of Statistics and Legal Framework Indicators (ILO Manual, 2013), p. 12.

Available at: <http://www.ilo.org/global/topics/dw4sd/themes/lm-info-systems/lang--en/index.htm>.

economic, demographic, social and environmental situation in the country ensuring that country indicators are comparable with the international statistical standards. To implement this three-year Programme, an annual plan should be adopted.<sup>65</sup> The state statistics can be collected through primary reporting documentation by the providers of the statistical data or through direct surveys that are based on designed methodology and forms.<sup>66</sup> The Law authorizes the establishment of several registers of statistical data including business (entrepreneurial registers); administrative registers of the public bodies and local self-government; and the Central Bank. These administrative registers help to collect administrative statistics on departmental, sectoral and local (municipal) levels. The Law also sets requirements for components of the administrative registers. Indicators of registers are collected according to the State Statistical Work Programme. Registers also include classification of municipalities – a set of regularly collected indicators in every municipality which reflects number of population disaggregated by sex-, age-, social status; availability of cultural, educational and sports facilities located in the municipality; health facilities, housing and communal services, production infrastructure; the budget of the community; and other required information.<sup>67</sup>

The current three-year State Statistical Work Programme covered the period from 2016 to 2018.<sup>68</sup> Among others, this Programme envisages that expansion of the set of statistical indicators by gender is one of the fundamental tasks to bring state statistics in compliance with international standards. Chapter 4 of the Programme is focused on labour market statistics. The following set of activities should be implemented:

- 1) Continuous improvement of information collection and summarizing methods and toolkit on employment and salary (especially under the

65 The Law of the RA on the State Statistics (2000), Article 11.

66 Ibid, Article 12.

67 Ibid, Article 13.

68 Adopted by the Law of the RA "On Adoption of the Three-Year State Statistical Work Programme of the RA for 2016-2018" on 15 December 2015.

tool for the Labour Force Survey) and ensuring its comparability with international norms and standards

- 2) Enlargement of the frame of the data application of administrative registers, including the use of a personalized database of hired employees of the Ministry of Finance of the RA for statistical purposes
- 3) Possible harmonization (approximation) of labour statistics methodology and composition of output indicators of the RA; and unification with the methodology (definitions, concepts), classifications and necessary indicators proposed by the ILO and the EU, taking into account also the compliance with the provisions of the System of National Accounts

In particular, the following activities are anticipated:

- 1) Review of the data collection strategy on the labour market; transition from former standards to the provisions of the Resolution on “Statistics of work, employment, labour underutilization” adopted at the 19th International Conference of Labour Statisticians in 2013 and “System of National Accounts - 2008”; and revision and extension of the composition and framework of labour market indicators according to the existing international criteria and standards.
- 2) Improvement of statistics on salary, earnings, labour cost and work hours within the framework of the EU Twinning project; and introduction of the calculation of labour cost index.
- 3) Improvement of statistics on vacancies, newly created jobs, labour migration, vocational training of workers and working conditions.
- 4) Provision of the necessary statistical key indicators for the evaluation of “decent work” proposed by the ILO, which implies the import of new variables and, on their basis, the calculation of indicators in accordance with international standards.
- 5) Improvement of labour force sample surveys in households and small trade organizations aimed at deepening the details of the indicators.

Neither the Law on the State Statistics nor the State Statistical Work Programme does establish a requirement to collect gender statistics, but there are references to the need to provide sex-, age- and social status-disaggregated population statistics and to collect a wider range of gender indicators. There is no special programme aimed at improving the collection of gender statistics. In practice, the National Statistical Service collects gender statistics and publishes the compilation “Women and Men of the RA” on an annual basis (available at [www.armstat.am](http://www.armstat.am)). The data is usually focused on the collection and publication of data in social sector. Data on women’s entrepreneurship is not available. In addition, the statistics do not capture the situation of vulnerable groups of women as was recommended by the CEDAW. Specifically, data is not available on the access of rural women, single mothers, women with disabilities, refugees and women belonging to ethnic and religious minorities to employment, health care, education and social benefits.<sup>69</sup>

The Labour Statistics Department collects labour statistics using the Labour Force Survey (LFS) and administrative statistics. The LFS is a study of 8,000 households selected through a representative sample which corresponds to 1 per cent of the total population of the RA. It is the biggest sample size study conducted in Armenia. Nevertheless, this sample size is rather small for ensuring reliability of collected data. Up until 2014, the LFS included more indicators, but it was revealed that due to the sample size, the findings were not fully reliable. As a result, the decision was made to collect fewer indicators and provide required indicators upon the request of users of the statistics. Metadata of the LFS is available in open access on the website of the National Statistics Service and can be used for further analysis. Administrative statistics are usually focused on employment status, earnings and the effectiveness of use of employment services by various groups of the population, including the unemployed. It is published in the framework of the socioeconomic situation in the RA.

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69 ADB, Armenia Country Gender Assessment (ADB, 2015), pp. 10-11.



It was not possible to find in the officially available publications the data on the level of enjoyment of maternity benefits, maternity leave by women and childcare leave taken disaggregated by sex and the level and duration of benefits provided in this regard. This data should be collected through administrative statistics, but it was never requested by users and, thus, was not generated.

Data on informal employment is collected by the LFS. There are some problems with the collection of such statistics in the agriculture sector. The current methodology captures data on farms that are registered officially. Yet, there is an absence of policy response to the status of such farms, and it is difficult to relate such farms to formal or informal sectors.

At this stage, the following set of data that is recommended by the CEDAW for collection is not available in Armenia: (1) data on unremunerated domestic activities of women; (2) data on women working in family enterprises without payment, social security and social benefits; and (3) data on time spent by women and men on activities in household versus labour market. The pilot time-use survey which may help to collect such data was conducted in 2008. Due to a shortage of funding, it was not included in the periodic collection of data. At the moment of this study, the new LFS was ongoing in Armenia. The methodology was based on new ILO standards introduced in 2013 which will capture work for the production of households' goods and services for their own consumption disaggregated by sex, status of employment and economic activity; and work on the management of households and unpaid care work disaggregated by sex, status of employment and economic activity. Data on the LFS will be available next year. The National Statistics Service also plans to hold an earnings survey in 2018. This survey will help to collect data on the average hourly earnings of women and men.

Presently, the National Statistics Service collects a wide set of indicators on the labour market which is disaggregated by sex, age, residence and poverty status. Further data can be generated independently by the users through the metadata database. The data sets collected are not complete in terms of

the provision of more detailed information on the level of enjoyment of guarantees established by the legislation, particularly with regard to maternity protection, work and family balance, involvement of women in domestic work and unpaid care activities, and production of household goods and services for one's own consumption. However, this work is underway. Relevant data on the labour market is dispersed in several publications under different sectoral sets of statistics. Improvements to the organization of data on labour market regulations will contribute to improved use of such statistics for the purpose of analysis. In this respect, closer cooperation between the National Statistics Service and users of statistics can be one of the approaches to help the National Statistics Service to organize data presentation based on needs. A review of the ADS and Government Reform Strategy revealed that statistics is used for policy development and forecasting of changes in the labour market of Armenia. However, as it was stressed already, the gender analysis of the labour market situation is neither applied nor reflected in the policy response measures in the national development strategy.

### 3.11. Conclusions and recommendations

1. Armenia has developed an institutional, legal and policy framework on gender equality. However, it is not yet fully functional and effective. This limitation impacts legal and institutional response to gender inequality in the labour market of Armenia. Awareness about gender equality, formal and substantive equality, and manifestations of direct and indirect discrimination in the labour market was low. The general perception was that the legal framework on gender equality and labour legislation are sufficient for ensuring equality in the labour market. Such manifestations of gender discrimination as occupational segregation in the labour market, low economic activity of women, and a gender wage gap were not explicitly acknowledged as indirect discrimination against women. Gender expertise of legislation is not conducted. It is recommended to:

- Assist the Ministry of Justice, the Ministry of Labour and Social Affairs (Department of Family, Women and Children's Issues) on the development of the methodology, instruction



and regulation on gender expertise of policies and legislation and propose it for adoption

- Support the introduction of a capacity-building course for responsible public servants in the mentioned line ministries on holding gender expertise of policies and legislation
- Support the Ministry of Justice in the implementation of the gender expertise of the relevant policies and legislation (e.g. employment strategy, national development strategy)
- Support the Ministry of Justice in holding gender expertise of the proposed amendments to the Labour Code of the Republic of Armenia

2. Non-discrimination provisions of the Labour Code of Armenia are not in full compliance with ILO Convention No. 111. It is recommended to:

- Advocate for the adoption of the specific definition of discrimination and direct and indirect discrimination at all stages of employment and occupations including recruitment and selection stages as recommended by the ILO
- Advocate for the adoption of the specific definition of sexual harassment in the workplace and build the capacity of stakeholders on the procedures of investigating sexual harassment and applying appropriate legal remedies
- Advocate for an explicit prohibition of the publication of vacancies stating gender-biased requirements and inquiry about marital status, children and intention to have children

3. The Labour Code does not include explicit measures to accommodate workers with family responsibilities. ILO standards in the area require a clear division between two groups – pregnant and breastfeeding women and workers with family responsibilities (women and men) – and the respective adoption of different special measures to protect these two groups of workers from discrimination in recruitment and employment. It is recommended to:

- Conduct an assessment for prospective ratification of ILO Convention No. 183 (Maternity Protection), ILO Convention No. 156 (Workers with Family Responsibilities) and ILO Convention No. 189 (Domestic Workers) and advocate for their ratification
- Advocate for amendments to the Labour Code to

clearly delineate measures aimed at maternity protection and protection of workers with family responsibilities from discrimination in the labour market

- Open a policy dialogue about maternity protection and work and family balance measures as an intersection of social, labour market and demographic policies
- Promote the ratification of ILO Convention No. 156 and ILO Convention No. 183

4. The ILO Committee of Experts raised concerns regarding the narrow definition of the principle of equal remuneration for men and women for work of equal value established by the Labour Code of the RA. The concept of “work for equal value” permits a broad scope of comparison, including, equal remuneration for “equal”, the “same” or “similar work”, as well as encompasses work that is of an entirely different nature which is nevertheless of equal value. It is recommended to:

- Raise awareness among social partners on the principle of equal pay for work of equal value and its enforcement
- Develop a methodology for assessing the value of the work and assigning remuneration on this basis
- Develop training curricula on assessing the value of the work and assigning remuneration on this basis; and introduce it in the curricula for the improvement of qualification in the National Institute of Labour and Social Research of the Republic of Armenia
- Support trainings based on the new training curricula
- Undertake a pilot assessment of the value of the work in selected sectors (e.g. education, health, agriculture)

5. There are several social allowances, monetary support and various support measures provided to jobseekers and the unemployed in Armenia. However, services provided are not yet fully effective. Armenia made some progress in formalizing vulnerable employment through exemption or reduction of taxes. There is a concern about social security and the social protection of women in vulnerable employment as they are not required to contribute

to social security and may become dependent upon the State in the future. It is recommended to initiate a dialogue in Armenia on social protection floors through the following steps:

- Develop an assessment matrix or conduct mapping of existing social protection floors related to health care, children, working age and the elderly based on ILO standards and identify priority recommendations
- Establish a platform for a national dialogue with experts in the social sector on social protection floors; and hold bilateral and multilateral consultations on the assessment matrix and way forward to increase social protection floors
- Develop in an inclusive manner a report on the current situation regarding social protection floors and recommendations on the forecast of expenditures on social protection floors, reform of the current system of social protection, implementation of new programmes of social protection, and an Action Plan on the progressive implementation of the recommendations proposed

6. Armenia has relatively good gender statistics on the labour market. However, there is no LMIS. Data collected on the labour market situation and economic development is not systematically presented. Some of the relevant statistics are collected but are not generated by the National Statistics Service because there is no demand. The data sets collected are not complete in terms of the provision of more detailed information on the level of enjoyment of guarantees established by the legislation, particularly with regard to maternity protection, work and family balance, involvement of women in domestic work and unpaid care activities, and production of household goods and services for one's own consumption. It is recommended to:

- Support the National Statistics Service in the systematization of data on labour market information and the generation of additional required data that can be used for the implementation of the above-mentioned recommendations

## 4. KEY FINDINGS OF THE GENDER ANALYSIS IN GEORGIA

### 4.1. Socioeconomic profile

Georgia is a parliamentary republic which has undertaken a series of market liberalization reforms since 2004. The Government of Georgia has taken steps to deregulate the economy, streamline the bureaucracy and combat corruption. Fiscal and privatization reforms have further contributed to an environment favourable to economic development.<sup>70</sup>

With its HDI ranking of 70 out of 188 countries, Georgia is included in the group of countries with high human development. In 2016, Georgia's HDI of 0.763 is above the average for countries in the same human development group and above the average for the countries in Europe and Central Asia. Among the South Caucasus countries, Georgia's ranking is higher than that of Azerbaijan and Armenia. Georgia ranks 68 on the GII, which is lower than Armenia but higher than Azerbaijan. In 2016, Georgia's GII value of 0.361 is lower than the average value for Europe and Central Asia (0.279) and lower than the average value for countries belonging to the same group of human development (0.291). The low ranking is linked to lower political participation rates, higher maternal mortality and higher adolescents birth rate when compared to reference countries. In terms of labour force participation, Georgia has higher labour force participation rates when compared to the average rates of Europe and Central Asia and countries included in the same group of human development.<sup>71</sup> Based on this ranking, major gender problems in Georgia relate to women's health, the reproductive behaviour of young girls and the political participation of women. Currently, the Parliament of Georgia is discussing the introduction of a quota to

the candidates lists of political parties. It is anticipated that a 50 per cent quota will be introduced.

In 2016, the population of Georgia was 3.7 million, with more than half the population (57.2 per cent) residing in urban areas. Women made up 52 per cent of the total population. The poverty level remains high. In 2016, 21.6 per cent of the population were poor, with 8.3 per cent living in extreme poverty.<sup>72</sup> The reduction of poverty between 2010 and 2014 was a result of increased labour market opportunities, social assistance and agricultural income. In the years that followed, however, these measures were not effective. Employment creation slowed down. Employment in urban areas decreased in 2016, and in rural areas, the level of employment had not changed since 2014. Income from agricultural sales remained stagnant between 2015 and 2016. Social assistance continued to play a substantial role, but in the absence of an economic upswing, it has not played a role in lifting families out of poverty. The combination of these factors resulted in an increase in poverty in 2016.<sup>73</sup> Poverty data disaggregated by sex was not available; therefore, it is not possible to assess the gender dimension of poverty.

Georgia has experienced a slowdown in economic development since 2007. The GDP growth rate fell from 12.6 per cent in 2007 to 4.6 per cent in 2014. It further decreased by an additional 2 per cent over the next two years. Growth accelerated to 5.1 per cent in the first quarter of 2017. It is estimated that in 2018, GDP growth will reach 4.5 per cent. In 2016, trade services (17 per cent) and industry (16.4 per cent) made up the largest share of GDP. The share of agriculture in GDP was registered at the level of 9

70 ADB, ADB Member Factsheet Georgia (2016), p. 1. Available at <https://www.adb.org/sites/default/files/publication/27765/geo-2016.pdf>.

71 UNDP, Briefing Note for Countries on the 2016 Human Development Report Georgia (2017), pp. 2-6.

72 World Bank, Country Poverty Brief, Europe and Central Asia, Georgia (October 2017), p. 1.

73 Ibid.

per cent. Despite the provision of broader support to the reform of the agricultural sector in 2012, it still remains mainly focused on subsistence agriculture.<sup>74</sup> Agriculture is the largest source of employment, with a share of 50.9 per cent in 2014 (down from 53 per cent in 2011). It is followed by services, with a 39.1 per cent share (up from 37.1 per cent in 2011). Lastly, 10 per cent of the population works in industry. The share of self-employment in the Georgian labour market was 57.2 per cent of the workforce in 2015 (down from 61.6 per cent in 2011) in low-value-added and low-paid jobs, primarily in subsistence agriculture and accounting for a significant proportion of the underemployment in the country.<sup>75</sup>

The informal economy and informal employment are frequently discussed in Georgia. However, there is no estimation of the informal sector in the country at the

national level. In 2013, a World Bank study asserted that in 2008, 30.1 per cent of GDP was produced in the informal sector with very little or no competition. In 2015, the World Economic Forum Global Competitiveness Report ranked Georgia in 69th place. The main contributors to this improvement were the macroeconomic environment (although marked by significant volatility), financial market development and goods market efficiency. The areas that mostly worsened were health and primary education. An inadequately educated workforce (20.2 per cent) and lack of access to financing (18.8 per cent) represent the major obstacles to doing business, followed by an inadequate supply of infrastructure (10.4 per cent), poor work ethic in the national labour force (9.0 per cent) and insufficient capacity to innovate (8.3 per cent).<sup>76</sup>

Legislation	Number of directives	Implementation period
Labour law	8	4 to 6 years
Anti-discrimination and gender equality	6	3 to 4 years
Occupational safety and health	5 to 9	5 to 9 years

In 2014, Georgia signed the EU-Georgia Association Agreement (AA), granting it a visa liberalization regime. Annex XXX of the Association Agreement focuses on the approximation of the Georgian legislation with the EC directives as discussed below.

The Government of Georgia has developed an Action Plan to ensure implementation of the approximation. Currently, the Department of Labour and Employment Policy of the Ministry of Labour, Health and Social Affairs is coordinating the work on reforming the labour legislation with support from various actors including the EU and ILO.

## 4.2. Labour market regulations in Georgia

Market liberalization undertaken in Georgia has resulted in the liberalization of the labour legislation and the labour market regulations. Some of the labour market policies like minimum wage, employment protection and unemployment benefits were fully abolished. Labour inspection, as one of the key institutions of the labour administration system, was also abolished. Georgian labour legislation was one of the most deregulated, even in comparison with liberal countries like Canada, the United Kingdom and the United States.<sup>77</sup>

74 National Statistics Office of Georgia, Gross Domestic Product of Georgia, 2016 (2016), p. 3.

75 ETF, Georgia Education, Training and Employment Development 2016 (2017), p. 7.

76 Bertelsmann Stiftung, BTI 2016 — Georgia Country Report (Gütersloh, Bertelsmann Stiftung, 2016), p. 16.

77 Muller, A, Employment Protection Legislation (EPL) of Georgia: A Review based on ILO Standards, OECD Indicators and Comparative Labour Law (2012), p. 3.

The main vision of the social and economic development of Georgia is outlined in the Social-Economic Development Strategy of Georgia – “Georgia 2020”. This Strategy acknowledges that past economic achievements aimed at attracting investments and increasing economic growth rates did not result in increased competitiveness of the Georgian economy and ensuring stable economic growth. It further acknowledged that these measures

did not impact the reduction of unemployment and poverty. In this regard, “Georgia 2020” put forward the objective to achieve increased prosperity through reducing unemployment, improving labour and living conditions, forming a basic social protection system and developing human capital. The Government also took on the commitment to provide social assistance to the poorest layers of society.

Private sector competitiveness	Human capital development	Access to financing
<ul style="list-style-type: none"> <li>✓ Improving the investment and business environment</li> <li>✓ Innovation and technologies</li> <li>✓ Facilitating the growth of exports</li> <li>✓ Developing infrastructure and fully realizing the country's transit potential</li> </ul>	<ul style="list-style-type: none"> <li>✓ Developing the country's workforce to meet labour market requirements</li> <li>✓ Tightening the social security net</li> <li>✓ Ensuring accessible and quality health care</li> </ul>	<ul style="list-style-type: none"> <li>✓ Mobilization of investments</li> <li>✓ Development of financial intermediation</li> </ul>

The key directions are envisaged by the Strategy are summarised below.

Under the chapter on human capital development, the Strategy mainly analyses patterns of unemployment and skills mismatch in the labour market of Georgia. The unemployment data presented in the analysis is not disaggregated by gender. The focus of discussion is on the situation of young people and excluded groups (with reference to disabled people). The main strategy to improve human capital is through the improvement of education at all levels and ensuring that the labour force is educated and possesses skills in accordance with the demands of the labour market. The introduction of active labour market policies, including access to information about jobs, is also a focus of the measures.

The Strategy also recognizes the importance of protecting the rights of workers and establishes as one of its measures the improvement and harmonization of the labour and employment legislation with European standards. It is expected that a monitoring mechanism to respect labour rights and protect workers' right to work in a safe and adequate environment will be established. The target for the area of employment and labour

legislation is a decreased unemployment rate. It was expected that an unemployment rate of 17 per cent would be achieved in 2017. In 2020, a 12 per cent unemployment rate is anticipated. Other indicators include enrolment in educational institutions. All of the targets are presented in an aggregated manner.

According to the report of the European Training Foundation (ETF), the Government adopted two labour market strategies during the period from 2013 to 2018. The first 2013-2014 Labour Market Strategy included the following five priority actions:

- 1) Establishment/improvement of the legal base
- 2) Formation/development of labour market institutions to enhance the range and quality of services available to job seekers
- 3) Improved labour market information system
- 4) Greater synergy between the needs of the labour market and VET provision
- 5) Support for legal, temporary migration

The second 2015-2018 Labour Market Strategy was adopted in 2014. The Government also adopted several resolutions on the development of the lifelong vocational counselling and career planning service and action plan for the period from 2015 to 2017 (Resolution No. 721, December 2014); the



development of the labour market information system and action plan for the period from 2015 to 2018 (Resolution No. 733, December 2014); and the State Strategy on active labour market policies and Action Plan for the period from 2016 to 2018 (adopted on 21 March 2016).<sup>78</sup>

Institutional reforms in the Ministry of Labour, Health and Social Affairs resulted in the establishment of a new Department of Labour and Employment Policy that comprises a Labour Migration Unit, Social Partnership Unit and Labour Market Information and Employment Promotion Unit.<sup>79</sup> The latter was transferred to the Ministry of Economy and Sustainable Development in 2018. In 2015, the Labour Conditions Inspection Department was established under the Ministry of Labour, Health and Social Affairs. In 2018, after a series of debates, the Law on Occupational Safety and Health (OSH) was adopted. The Law is establishing very minimum standards of OSH focusing on hazardous, hard and harmful occupations. Authorities of the Labour Conditions Inspection Department to hold inspections of working places are very restricted. Legal inspection was not foreseen. However, in 2019 it is anticipated that an Organic Law on OSH will be established as part of the AA agenda. It is expected that this Organic Law will include all the elements of labour inspection in compliance with relevant EC directives and ILO standards.

In Georgia, the system of labour market regulations (policies and institutions) is evolving. Current regulations of the labour market, such as Strategy 2020 and other documents mentioned in this section, are gender-blind. The Parliament of Georgia has an explicit duty according to the Law on Gender Equality (2010) to implement this Law and monitor its implementation inter alia through the establishment of the Gender Equality Council. This Council has to perform an analysis of the legislation of Georgia and develop proposals to eliminate existing gender inequality in the legislation; and ensure expert examination of draft legislative acts submitted as

legal initiatives, in terms of gender equality (Article 12). In practice, gender expertise of draft legal acts and policies is not conducted on a systematic basis.

Several civil society organizations and international organizations are working on promoting the introduction of gender concerns to the labour legislation. However, it is quite a complex process as there is strong resistance to tighter regulations of the labour market (including protection of women's labour rights) in the Parliament of Georgia, businesses and business associations. The AA agenda provides entry points to opening a strong policy dialogue with these actors around gender mainstreaming within labour market regulations. Georgia adopted two laws, the Law on Gender Equality (2010) and the Law on the Elimination of All Forms of Discrimination (2014). They provide a good basis for opening discussions on amendments to the Labour Code and practical enforcement of the principles of equality and non-discrimination in the labour market of Georgia, as established by these two Laws.

An analysis of the impact of deregulation of the labour market demonstrated that labour law deregulation in Georgia did not result in positive developments in the labour market. The study that analysed the situation in the labour market during the period from 2005 to 2011 noted the absence of any changes in the unemployment rate. There was no correlation between the increase of foreign direct investments and labour law reform.<sup>80</sup> The same conclusions were made by the Government of Georgia in the Strategy "Georgia 2020". The high persistent unemployment rate in Georgia and decrease in women's economic activity and employment demonstrated that women abandoned the labour market.<sup>81</sup>

### 4.3. Gender aspects of the labour legislation

In Georgia, two regimes regulating labour relations are established. One regime is established by the Labour Code (2010) for all employees, while a second

78 ETF, Georgia Education, Training and Employment Development 2016 (2017), pp. 8-9.

79 Ibid.

80 Muller, A, Employment Protection Legislation (EPL) of Georgia (2012), pp. 9-11.

81 Ibid.

regime is established by the Law on Public Service (2015) covering only public servants. The level of protection of public servants, especially women, established by the Law of Public Service is higher compared to the Labour Code.

Article 2(3) of the Labour Code establishes that any type of discrimination on the grounds of race, skin colour, language, ethnicity or social status, nationality, origin, material status or position, place of residence, age, sex, sexual orientation, marital status, disability, religious, public, political or other affiliation including affiliation to trade unions, or political and other opinions shall be prohibited. Article 2(4) stipulates that discrimination shall be defined as direct or indirect harassment of a person aimed at or resulting in creating an intimidating, hostile, humiliating, degrading or abusive environment for that person or creating the circumstances for a person that directly or indirectly cause their condition to deteriorate as compared to other persons in similar circumstances. The ILO Committee of Experts raised concerns about this definition of discrimination, prohibited grounds of discrimination and direct and indirect discrimination as they do not fully comply with the definition of discrimination and direct and indirect discrimination established by ILO Convention No. 111. The difference between direct and indirect discrimination established by the Labour Code implies active and intentional actions which may result in discrimination. The ILO Committee of Experts urged Georgia to include the specific definition of discrimination and direct and indirect discrimination at all stages of employment and occupations, including recruitment and selection stages.<sup>82</sup>

Article 5 of the Labour Code regulates pre-contractual relations. An employer may obtain

information about a candidate that is necessary for making a decision to employ him/her. A candidate shall be obliged to inform the employer about any circumstances that may impede his/her performance of work or endanger the interests of the employer or a third person. Employers may verify the accuracy of information submitted by candidates.<sup>83</sup> These provisions are rather ambiguous and discretionary. There should be explicit provisions prohibiting requests for pregnancy test results and inquires about the marital status of an employee and future plans related to family establishment. The reports of civil society organizations registered evidence of employers asking questions during job interviews about marital status and plans to have children.

The Labour Code of Georgia does not establish any measures for workers with family responsibilities. The definition of discrimination does not include such grounds as “family duties”.

During key informant interviews with civil society organizations, the Georgian Trade Unions Confederation and the Public Defender’s Office (PDO), the issue of sexual harassment in the workplace was highlighted. It was difficult to assess the prevalence of sexual harassment in the workplace due to the lack of reliable data and hidden nature of this phenomenon. One research study on labour market discrimination conducted in 2014 by the Center of Social Science concluded that 3 per cent of all respondents experienced sexual harassment in the workplace<sup>84</sup> and that sexual harassment behaviour at work was not welcomed by women or men. In addition, 28 per cent of respondents were aware that protection from sexual harassment should be provided by the internal regulations of the organizations. However, 44 per cent of respondents noted that in their company or organization, such rules did not exist.<sup>85</sup> Civil society

82 Direct Request (CEACR) – adopted 2013, published 103rd ILC Session (2014) Discrimination (Employment and Occupation) Convention, 1959 (No. 111) – Georgia (Ratification: 1993).

83 Organic Law of Georgia Labour Code of Georgia, article 5(1), 5(2), 5(3).

84 Researchers stressed that due to the sensitiveness of the question of sexual harassment, respondents were provided with the questionnaire about sexual harassment in a sealed envelope and were requested to respond to it in confidence. The turnout of filled questionnaires on sexual harassment was low. Thus, the figure on the prevalence of harassment should be treated with caution. The sample size was 1,364 interviews.

85 Bendelani N et al., Report Paper of the Study “Gender Discrimination in the Georgian Labour Market” (Tbilisi, Center for Social Science, 2014), p. 49.

organizations, trade unions and the PDO received complaints on sexual harassment in the workplace from women. It was noted that levels of awareness about sexual harassment among decision makers and the judiciary are low. Due to the widespread stereotype that sexual harassment is caused by the provocative behaviour of a woman, these cases are rarely reported.<sup>86</sup>

The Labour Code of Georgia does not explicitly prohibit such forms of discrimination as sexual harassment in the workplace. The Law of Georgia on Gender Equality (2010) prohibits harassment and/or coercion of a person with the purpose or effect of creating an intimidating, hostile, humiliating, degrading or offensive environment; and prohibits any unwanted verbal, non-verbal or physical behaviour of a sexual nature with the purpose or effect of violating the dignity of a person or creating an intimidating, hostile or offensive environment (article 6). However, the legislation has weak protection mechanisms in the event of sexual harassment at work. Neither the Administrative Code nor the Criminal Code establish sanctions for sexual harassment at work. Article 208 of the Administrative Code may potentially be applied if such acts as sexual harassment are committed in the administrative bodies of the State and self-governing bodies.<sup>87</sup> Article 332 of the Criminal Code can be applied if such acts as sexual harassment are committed in relation to civil servants or persons of equal status. Persons subjected to sexual harassment in the private sector are not protected. The legislation does not impose an obligation on the employer regardless of sector (public or private) to set up policies prohibiting sexual harassment or to establish complaint and redress mechanisms.

#### 4.4. Maternity protection measures

The Labour Code of Georgia includes very limited maternity protection measures. Some provisions are in contradiction with the ILO Standards. As mentioned above, the Law on Public Service provides

#### Article 27. Maternity and childcare leave

1. At employees' request, they shall be granted a maternity leave of absence in the amount of 730 calendar days.
2. One hundred eighty-three calendar days of a maternity leave of absence shall be paid. Two hundred calendar days shall be paid in the event of pregnancy complications or multiple births.
3. Employers may distribute leaves of absence at their discretion for the pre- and post-natal periods.

#### Article 28. Leaves of absence for adopting a newborn

At the request of employees having adopted an infant under 12 months of age, they shall be granted a newborn adoption leave of 550 calendar days from the day of birth of the child. Ninety calendar days shall be paid.

#### Article 29. Compensation of maternity, childcare and newborn adoption leaves

Maternity and newborn adoption leaves of absence shall be paid from the state budget of Georgia as determined by the legislation of Georgia. Cash allowance for the period of paid maternity or childcare leave as well as newborn adoption leave shall be a maximum of GEL 1,000. Employers and employees may agree on extra pay.

Source:  
Organic Law of Georgia Labour Code of Georgia.

a higher level of maternity protection to women public servants. ILO Convention No. 183 specifies that maternity protection shall cover all women including those in atypical occupations and provide an equal level of protection. The Labour Code also does not delineate clearly between maternity and childcare leave. It includes in one group several types

86 Public Defender (Ombudsman) of Georgia, *Special Report on the Fight Against Discrimination, Its Prevention, and the Situation of Equality* (2017), p. 10-11.

87 Mann, L et al., *Gender Equality in Georgia: Barriers and Recommendations*, Vol. 2 (UNDP, 2018), p. 26.

of workers (pregnant women, women having recently given birth, persons with disabilities, and even minors) whose protection should not be equated with maternity protection.

It is particularly concerning that a pregnant woman must request maternity leave in order for it to be granted. Another area of concern is that an employer may use his/her discretion to distribute the number of days of maternity leave during the pre- and post-natal periods. Concerns such as the health of a woman or the recommendation of doctors should be a condition for granting a woman with maternity leave. The Labour Code does not establish strong guarantees prohibiting the dismissal of a pregnant woman and retaining her position during pregnancy and for a limited period after maternity leave. Articles 17 and 18 establish that the engagement of pregnant women, women having recently given birth and nursing mothers in overtime and night work shall be prohibited without their prior consent. Provisions on nursing breaks for women are also provided to a woman upon her request.

#### 4.5. Equal pay for work of equal value

Guarantees of equal pay for work of equal value are not regulated in Georgia. The Labour Code of Georgia does not establish the principle of equal pay for work of equal value. For public servants, the Law of Georgia on Public Service establishes that the remuneration system shall be based on principles of transparency and fairness, which implies equal pay for execution of equal work (article 57(1)). The ILO Committee on Application of Standards discussed Georgia as an individual case on the implementation of ILO Convention No. 100. It was concerned that the application of the principle of equal pay for work of equal value is neither ensured nor enforced by Georgian legislation.<sup>88</sup>

A unified approach to defining the minimum wage does not exist in Georgia. For the private sector, the

only provision on the minimum wage can be found in an old decree adopted in 1999 which sets the minimum wage at GEL 20 (approximately USD 9). For the public sector, there are two relevant legal acts, the Decree of the President introducing a minimum wage of GEL 135 (approximately USD 55) applicable to the staff working in the bodies of the executive branch of the Government (2005); and the Order of the Ministry of Education and Science establishing a minimum wage of GEL 384.75 (approximately USD 157) for teachers with full-time jobs (2015).

In the labour market of Georgia, inequality is manifested in the remuneration received by women and men. Despite a steady increase in the average monthly salary in Georgia between 2014 and 2016 (at a pace of 6 per cent on average per year), the gender gap for the same period is reducing slowly (at a pace of 1 per cent). The gender gap between the average nominal salary of women and men reduced slightly from 36.9 per cent in 2014 to 34.5 per cent in 2016. The gender pay gap exists in almost all economic sectors. The lowest gender pay gap is registered in the public administration sector. When comparing the gender pay gap in the sectors of education and health and social work, where women make up 78 and 79 per cent of all employed by these sectors, the gender pay gaps demonstrate interesting dynamics. In the education sector, the gender pay gap has narrowed since 2014. In 2016, the gender pay gap was 15.7 per cent, compared to 21.8 per cent in 2014. The gap between 2015 and 2016 reduced by 7.4 per cent. This can be explained by the introduction of a minimum wage in the education sector for teachers in 2015. In the health sector, the gender wage gap demonstrates a steady increase. In 2014, the gender pay gap was at the level of 33.2 per cent, while in 2016 it reached 37 per cent. In the public administration sector, the gender wage gap is quite narrow. In 2015, the gender wage gap in this sector was 0.7 per cent, and in 2016 it increased considerably to 5.9 per cent.<sup>89</sup>

88 International Labour Conference, Committee on Application of Standards, 16th session, Discussion of individual cases, Work of the Committee (2018), pp. 16-17.

89 Data on the average monthly salary was taken from the website [http://geostat.ge/index.php?action=page&p\\_id=149&lang=eng](http://geostat.ge/index.php?action=page&p_id=149&lang=eng), and calculations were performed by the author.

The introduction of a minimum wage alone will not fully eliminate the gender wage gap. Comprehensive policy measures are required to reduce gender wage gaps including enforcement of the principle of equal pay for work of equal value and others.<sup>90</sup> Nevertheless, an analysis of gender wage gap dynamics in public administration, health and the education sector in Georgia (where the fixed minimum wage is established) demonstrates a strong correlation between the reduction of the gender wage gap and a fixed minimum wage.

#### 4.6. Labour market information system

With the support of the EU, Georgia established the LMIS. It is an integrated public web portal that provides updated information on labour market trends, career guidance and occupational profiles for different stakeholders. The LMIS provides education choices through the provision of information on career prospects associated to different qualifications and programmes; reduces job searches through the improvement of information flows; formulates policies through continuous and accurate labour market information; and helps to monitor and evaluate labour market policies. The Ministry of Economy and Sustainable Development is responsible for the development and administration of the LMIS.<sup>91</sup> Previously, the LMIS was managed by the Ministry of Labour, Health and Social Affairs. The transfer to the Ministry of Economy was justified by the focus of the national development on human capital development and the use of LMIS for forecasting economic development and adjusting labour market policies. The data on the labour market, macroeconomics, education, population, investments and international comparisons is provided. The LMIS is using secondary data published by the National Statistics Office of Georgia and other providers of data, such as line ministries. The uploaded data is disaggregated by sex, age and urban/rural location.

The LMIS provides static information at this stage. It is not possible to do cross-tabulations and compare, for instance, employment by sex and age. The EU will support the development of the LMIS in the next technical assistance project to ensure that it is fully functional and used for policy development.

Reportedly, the National Statistics Office of Georgia is applying ILO methodology in holding the Labour Force Survey (LFS); however, most of the data that is usually produced by the LFS conducted in accordance with ILO methodology is not available in Georgia. Labour statistics provided is very basic. It provides data on employed and unemployed persons disaggregated by sex, age, rural/urban location and sectors of employment. It also provides data on salaries. However, such data as vulnerable employment, informal employment, unpaid work and activities of the economically inactive population is not available. The previous LFS was conducted in 2008. The new LFS was conducted in 2017 and covered 6,000 households. The data will be available in 2018. The National Statistics Office is using paper-based data collection, which may affect the duration and accuracy of data collection. A pilot time-use survey was conducted in 2005 in two districts of Georgia. Due to a lack of funding, the time-use survey was not conducted nationwide.

#### 4.7. Conclusions and recommendations

1. The current gender statistics on the labour market is not fully available. Collected statistics on poverty and self-employment, for instance, is not provided in a sex-disaggregated manner. Statistics on the number of women benefiting from maternity leave and receiving the maternity benefit was also not found. Statistics on the engagement of women in informal, unpaid domestic work and/or work on the production of goods and services for their own consumption are not available. In this respect, it is recommended to:

90 ILO, "Effects on gender pay-gaps". Available at [http://www.ilo.org/global/topics/wages/minimum-wages/monitoring/WCMS\\_473657/lang--en/index.htm](http://www.ilo.org/global/topics/wages/minimum-wages/monitoring/WCMS_473657/lang--en/index.htm).

91 Available at <http://www.lmis.gov.ge/Lmis/Lmis.Portal.Web/Default.aspx>.



- Support the National Statistical Office in collecting a wider scope of sex-disaggregated data on missing components of the labour market. As the metadata is open access, support can be provided to generate sex-disaggregated data from the current database and to publish it for the purpose of research. The National Statistics Office requested particular assistance in holding a nationwide time-use survey in Georgia. The data collection is paper-based. It is recommended to consider supporting the National Statistics Office with tablets, which will ensure reduction of human mistakes, help to effectively verify the reliability of data collected and improve data processing.

2. Labour market regulations in Georgia are still evolving. The documents that provide components of labour market policies and institutions are gender-blind. The gender equality legislation of Georgia is well developed and requires holding of gender expertise of policies and legislation. However, this provision of legislation is not properly enforced. The general perception in Parliament was that draft legislation should be accompanied by better impact assessments, which would also include a cost-benefit analysis and broaden sectors where such impact assessments should be conducted (not only the RIA for business). It is recommended to:

- Support Parliament in the development of a methodology of gender impact assessment including a cost-benefit analysis using a gender-budgeting approach
- Hold at least one pilot gender impact assessment, for instance, of the amendments to the Labour Code and/or Law on Employment

3. The reform of labour market regulations is in focus with many stakeholders in Georgia including the Georgian Trade Unions Confederation, Georgian Employers' Association, ILO, EU and civil society organizations. In this respect, it is recommended that UN Women Georgia focus on areas where gaps in labour market regulations are critical for ensuring women's economic empowerment.

#### *Focus areas for reforms and capacity-building:*

- Four focus areas are proposed by the project:

improvement of non-discrimination provisions; introduction and enforcement of the principle of equal pay for work of equal value; minimum wage; and improvement of maternity protection and establishment of measures to support workers with family responsibilities to help them to reconcile work and family duties

- If the funding permits, UN Women may also consider working on a fifth area: social protection floors

#### *Non-discrimination provisions of the Labour Code:*

- Advocate for the adoption of the specific definition of discrimination and direct and indirect discrimination at all stages of employment and occupations including recruitment and selection stages as recommended by the ILO
- Advocate for the adoption of the specific definition of sexual harassment in the workplace and build the capacity of stakeholders on the procedures of investigating sexual harassment and applying appropriate legal remedies

#### *Equal pay for work of equal value:*

- Advocate for the explicit provision of the principle of equal pay for work of equal value in accordance with ILO Convention No. 100
- Raise awareness among social partners on the principle of equal pay for work of equal value and its enforcement
- Develop a methodology for assessing the value of the work and assigning remuneration on this basis
- Develop training curricula on assessing the value of the work, assigning remuneration and building the capacity of relevant staff in the line ministries on its application
- Undertake a pilot assessment of the value of the work in selected sectors (e.g. health, agriculture)

#### *Minimum wage:*

- Collect more evidence on the impact of the minimum wage on reducing the gender wage gap
- Open and facilitate a policy dialogue in cooperation with social partners on the establishment of a fixed minimum wage based on subsistence level

*Maternity protection and work and family balance:*

- Conduct an assessment for prospective ratification of ILO Convention No. 183 (Maternity Protection), ILO Convention No. 156 (Workers with Family Responsibilities) and ILO Convention No. 189 (Domestic Workers) and advocate for their ratification
- Advocate for amendments on maternity protection provisions to the Labour Code to include more women in the protection and bring provisions of the Labour Code in compliance with ILO Convention No. 183
- Open a policy dialogue about maternity protection and work and family balance measures as an intersection of social, labour market and demographic policies
- Promote the ratification of ILO Convention No. 156 and ILO Convention No. 183

*Social protection floors:*

- Develop an assessment matrix or conduct mapping of existing social protection floors related to health care, children, working age and the elderly based on ILO standards and identify priority recommendations
- Establish a platform for a national dialogue with experts in the social sector on social protection floors; and hold bilateral and multilateral consultations on the assessment matrix and way forward to increase social protection floors
- Develop the basis of consultations of a report on the current situation regarding social protection floors and recommendations on the forecast of expenditures on social protection floors, reform of the current system of social protection, implementation of new programmes of social protection, and an Action Plan on the progressive implementation of the recommendations proposed

# ANNEXES

## Annex 1. List of key informant interviews in Armenia

1. Anahit Petrosyan, UN Women national consultant
2. Vardan Khechyan, Executive Director, International Association of Lawyers, Branch in Armenia
3. Alla Bakunts, Governance Portfolio Analyst, UNDP CO in Armenia
4. Natalya Harutyunyan, Project Manager, Women in Local Government, UNDP CO in Armenia
5. Marat Atovmryan, Board Member, Armenian Lawyers' Association
6. Gagik Makaryan, Chairman of the Republican Union of Employers of Armenia
7. Nare Sargsyan, Coordinator of projects and international relations, Republican Union of Employers of Armenia
8. Aram Poghosyan, Partner, Grant Thornton
9. Zara Allahverdyan, Head of International Cooperation, Swiss Cooperation Office
10. Nora Alanakyan, Deputy Head of Office, Austrian Embassy, Technical Cooperation, Yerevan
11. Lusine Sargsyan, Head of the Human Rights Research and Education Center, Human Rights Defender of the Republic of Armenia
12. Kristine Hovhannisyan, Project Coordinator, Oxygen Foundation
13. Zhora Sargsyan, Head of Employment Department, Ministry of Labour and Social Affairs of the Republic of Armenia
14. Armenuhi Tanashyan, Head of Unit for Women's Issues, Ministry of Labour and Social Affairs of the Republic of Armenia
15. Astghik Minasyan, Head of the Social Support Department, Ministry of Labour and Social Affairs of the Republic of Armenia
16. Sona Telunts, Project Manager of the Markets for Meghri Project, Center for Agribusiness and Rural Development (CARD)
17. Anna Malkhasyan, Monitoring and Evaluation Expert, Markets for Meghri Project, Center for Agribusiness and Rural Development (CARD)
18. Nune Hovhanissyan, National Coordinator, ILO
19. Lusine Kalantaryan, Labour Statistics Department, National Statistics Office of the Republic of Armenia
20. Alan C. Neal, Professor, Director of the Employment Law Research Unit, School of Law, University of Warwick, UK Consultant to the Ministry of Justice on Labour Code Reform
21. Kristine Grigoryan, Head of International Legal Cooperation, Ministry of Justice of the Republic of Armenia
22. Boris Kharatyan, Deputy Chairman of the Confederation of Trade Unions of Armenia
23. Karine Madoyan, Chief of the Department on Social, Economic Issues and Labour Safety, Confederation of Trade Unions of Armenia
24. Diana Airapetyan, Main Specialist of the Legal Department, Confederation of Trade Unions of Armenia
25. Tamara Hovnatanyan, Chairperson, ProMedia-Gender NGO
26. Jina Sargsyan, Expert, NGO ProMedia Gender
27. Arman Sargsyan, Director of the National Institute of Labour and Social Research

## Annex 2. List of key informant interviews in Georgia

1. Ia Dadunashvili, Monitoring and Evaluation Officer, ILO
2. Eteri Matureli, Vice-Chairman, Georgian Trade Unions Confederation
3. Tamar Surmava, Lawyers, Georgian Trade Unions Confederation
4. Anna Iluridze, Head of the Gender Equality Department, Public Defender's Office of Georgia
5. George Gamkrelidze, Acting Head of Labour Market Analysis Division, Economic Policy Department, Ministry of Economy and Sustainable Development
6. Mariam Bezarashvili, Head of Employment Programme, Social Service Agency
7. Bejan Lordkipanidze, Deputy Head of Employment Programme, Social Service Agency
8. Giorgi Chviniashvili, Head of the Monitoring and Analysis Divisions, Legal Aid Service
9. Nino Shioshvili, President, Georgian Women's Employment Supporting Association "Amagdari"
10. Ani Tvaradze, Project Manager, Gender Equality in the Workplace, Article 42 of the Constitution
11. Elza Jgerenaia, Head of Labour and Employment Policy Department, Acting head of labour conditions inspection department, Ministry of Labour, Health and Social Affairs of Georgia
12. Wulf Schmieder, Team Leader of the EU-TA to VET and Employment
13. Mikheil Kordzakhia, Vice-President, Georgian Employers' Association
14. Natia Gvirjishvili, Senior Specialist of the Policy Divisions, Vocational Education Development Department, Ministry of Education and Science
15. Lina Gvinianidza, Director of the Social Policy Programme, Human Rights Education and Monitoring Center
16. Lia Charekishvili, Head of Social Infrastructure Sub-Division of Social Statistics Division, National Statistics Office of Georgia - GEOSTAT
17. Dimitri Tskitishvili, Vice-Chair of the Foreign Relations Committee, Parliament of Georgia
18. Nino (Nika) Kochishvili, Programme Officer (Education, Science, Employment, Health, Institution Building), EU Delegation Georgia

### Annex 3. List of ILO Conventions ratified by Armenia

Convention	Date of ratification	Status
1. Holidays with Pay Convention (Revised), 1970 (No. 132)	27-Jan-06	In Force
2. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	27-Jan-06	In Force
3. Migration for Employment Convention (Revised), 1949 (No. 97)	27-Jan-06	In Force
4. Minimum Age Convention, 1973 (No. 138)	27-Jan-06	In Force
5. Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)	27-Jan-06	In Force
6. Weekly Rest (Industry) Convention, 1921 (No. 14)	27-Jan-06	In Force
7. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	2-Jan-06	In Force
8. Worst Forms of Child Labour Convention, 1999 (No. 182)	2-Jan-06	In Force
9. Labour Administration Convention, 1978 (No. 150)	18-May-05	In Force
10. Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	18-May-05	In Force
11. Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)	18-May-05	In Force
12. Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)	18-May-05	In Force
13. Collective Bargaining Convention, 1981 (No. 154)	29-Apr-05	In Force
14. Labour Statistics Convention, 1985 (No. 160)	29-Apr-05	In Force
15. Minimum Wage Fixing Convention, 1970 (No. 131)	29-Apr-05	In Force
16. Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	29-Apr-05	In Force
17. Abolition of Forced Labour Convention, 1957 (No. 105)	17-Dec-04	In Force
18. Forced Labour Convention, 1930 (No. 29)	17-Dec-04	In Force
19. Labour Inspection Convention, 1947 (No. 81)	17-Dec-04	In Force
20. Protection of Wages Convention, 1949 (No. 95)	17-Dec-04	In Force
21. Workmen's Compensation (Accidents) Convention, 1925 (No. 17)	17-Dec-04	In Force
22. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	12-Nov-03	In Force
23. Safety and Health in Mines Convention, 1995 (No. 176)	27-Apr-99	In Force
24. Prevention of Major Industrial Accidents Convention, 1993 (No. 174)	3-Jan-96	In Force
25. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	29-Jul-94	In Force
26. Employment Policy Convention, 1964 (No. 122)	29-Jul-94	In Force
27. Equal Remuneration Convention, 1951 (No. 100)	29-Jul-94	In Force
28. Labour Relations (Public Service) Convention, 1978 (No. 151)	29-Jul-94	In Force
29. Workers' Representatives Convention, 1971 (No. 135)	29-Jul-94	In Force



## Annex 4. List of ILO Conventions ratified by Georgia

Convention	Date of ratification	Status
1. Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)	3-Feb-15	In Force
2. Seafarers' Welfare Convention, 1987 (No. 163)	22-Jun-04	In Force
3. Labour Relations (Public Service) Convention, 1978 (No. 151)	10-Oct-03	In Force
4. Employment Service Convention, 1948 (No. 88)	11-Sep-02	In Force
5. Private Employment Agencies Convention, 1997 (No. 181)	27-Aug-02	In Force
6. Worst Forms of Child Labour Convention, 1999 (No. 182)	24-Jul-02	In Force
7. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	3-Aug-99	In Force
8. Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)	21-Oct-97	In Force
9. Abolition of Forced Labour Convention, 1957 (No. 105)	23-Sep-96	In Force
10. Minimum Age Convention, 1973 (No. 138)	23-Sep-96	In Force
11. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	22-Jun-93	In Force
12. Employment Policy Convention, 1964 (No. 122)	22-Jun-93	In Force
13. Equal Remuneration Convention, 1951 (No. 100)	22-Jun-93	In Force
14. Forced Labour Convention, 1930 (No. 29)	22-Jun-93	In Force
15. Holidays with Pay Convention, 1936 (No. 52)	22-Jun-93	In Force
16. Human Resources Development Convention, 1975 (No. 142)	22-Jun-93	In Force
17. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	22-Jun-93	In Force
18. C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	22-Nov-17	In Force

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UN Women Georgia Country Office  
#3 Kavsadze street,  
office suite #11, 0179  
Tbilisi, Georgia  
Tel: (995 32) 222 06 04;  
(995 32) 222 08 70

[www.unwomen.org](http://www.unwomen.org)  
[www.georgia.unwomen.org](http://www.georgia.unwomen.org)



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Agency for Development  
and Cooperation SDC



United Nations Entity for Gender Equality  
and the Empowerment of Women