

THE LAW OF THE REPUBLIC OF ARMENIA
ON STATE LABOR INSPECTORATE

Adopted on March 24, 2005

CHAPTER 1.
GENERAL PROVISIONS

Article 1. Subject of the Regulation of the Law

This law regulates the organization and implementation of the state control and supervision over the adherence to normative provisions of labor legislation, other normative legal acts containing norms of labor right and collective contracts in the Republic of Armenia and defines the functions rights and liabilities of state labor inspectorate of the Republic of Armenia and functions of the state labor inspector.

Article 2. Sphere of the activities of the law

The activities of the law applies to the Armenia-based institutions, organizations, including foreign ones regardless of the organizational legal type (hereinafter organizations), local self government bodies, individual entrepreneurs and the natural persons who are in labor relations.

Article 3. Legislation of the Republic of Armenia on State Labor Inspectorate

The relations connected with the State Labor Inspectorate, are being regulated by the Constitution of the Republic of Armenia, RA Labor Code, RA Law on Organizing and Conducting Check-ups, RA Law on Civil Service, RA Law on Remuneration of Civil Servants, by this law, international agreements of the Republic of Armenia and by other legal acts.

Article 4. Main Concepts Used in this Law

The main concepts used in this law have the following meanings:

- a) secure operation of means of work in the place of work, when the impact of dangerous and harmful factors of production on the employee, as well as the possibility of hidden but predictable risk is excepted.

- b) healthy and safe working conditions – a set of standards and norms, legal, social-economic, organizational, technical, sanitary–hygienic, medical-preventive, psychological, rehabilitation and other measures envisaged by the legislation of protection of the life and health of the employee during the work process.

Article 5. Main principles of the activity of the State Labor Inspectorate

The main principles of the activities of the State Labor Inspectorate are:

- a) Social partnership in the sphere of labor protection,
- b) Independence of activity when meeting the requirements of the law.

Article 6. Cooperation of the State Labor Inspectorate with other bodies

During state control and supervision over application of legal acts which contain norms of labor legislation and labor right, the inspectorate cooperates with state management bodies, self government and other bodies and public organizations exchanging relevant information.

CHAPTER 2.

MANAGEMENT OF STATE CONTROL AND SUPERVISION OVER THE APPLICATION OF LABOR LEGISLATION AND OTHER NORMATIVE LEGAL ACTS CONTAINING NORMS OF LABOR LAW

Article 7. Authorization of the RA Government in the sphere of state control and supervision over the implementation of Labor Legislation and other normative legal acts containing norms on labor law

Authorizations of the RA Government in the sphere of state control and supervision over the implementation of Labor Legislation and other normative legal acts containing norms on labor law are the following:

- 1) ensuring implementation of united policy
- 2) ensuring cooperation with state government bodies, employers, representatives of their unions, trade unions and working staffs
- 3) definition of norms of safety and protection of work.
- 4) other authorities stipulated by this law and other legal acts.

Article 8. Authorizations of the state entity, authorized by RA Government, in the sphere of state control and supervision over the implementation of Labor Legislation and other normative legal acts containing norms on labor law are:

Authorizations of the state entity (hereinafter referred to as authorized body) authorized by the RA Government in the sphere of state control and supervision over the

implementation of Labor Legislation and other normative legal acts containing norms on labor law are the following:

1. Development of common policy for the implementation of labor legislation and other legal acts containing norms of labor law
2. Development of technical regulations targeted at ensuring the safety of work
3. Organization of the preparation, training, retraining, improvement of qualification of safety of work specialists of employers, trade unions
4. Cooperation with the representatives of government bodies and other bodies, employers, their unions, trade unions and collective of employees who implement state supervision
5. Ensuring state control and supervision
6. Generalization of the experience on implementing labor legislation and other legal acts containing norms of labor right
7. Approving work plans of State Labor Inspectorate, analysing reports of conducted activities and submitting corresponding recommendations to the Government of the Republic of Armenia
8. Organizing education and training of specialists of labor state Inspectorate
9. Inform the society through mass media about adhering to the requirements of labor legislation and other legal acts containing norms of labor law, organize seminars and workshops
10. Design and approve acts, protocol templates, forms, as well as defined sample of the inspector's certificate, design of the badge and stamp used during the supervision conducted by the State Labor Inspectorate ,
11. Other authorities envisaged by this law and legislation of the Republic of Armenia.

CHAPTER 3.

TASKS AND AUTHOROTIES OF STATE LABOR INSPECTORATE OF REPUBLIC OF ARMENIA

Article 9. Tasks of State Labor Inspectorate

The tasks of State Labor Inspectorate are:

- 1) Assistance to employers, trade unions and employees in receiving information on the application of more effective means and methods of enactment of the labor legislation and other legal acts containing labor right norms
- 2) Ensuring preservation and protection of working conditions, labor rights and freedom of employees

- 3) Prevention of the violation of labor legislation
- 4) Ensuring state control over the enactment of the labor legislation and other legal acts containing labor right norms.

Article 10. Authorities of State Labor Inspectorate

The State Labor Inspectorate:

- 1) organizes seminars dedicated to the enactment of the labor legislation and other legal acts containing labor right norms for representatives of employers, their unions, collectives of workers
- 2) organizes the provision of methodological assistance in the protection of safety of work to employers, trade unions for the enactment of the labor legislation and other legal acts containing labor right norms through provision of corresponding information and consultancy.
- 3) generalizes the experience in the enactment of the labor legislation and other legal acts containing labor right norms
- 4) analyzes the reasons of violations of the labor law and provides employers with recommendations on their elimination and recovery of violated rights of employees
- 5) studies and analyzes the reasons for accidents and occupational diseases at work and presents mediations on their prevention to the employer
- 6) studies the availability, maintenance and operation of means of collective or individual protection of the safety of work at the place of work
- 7) to ensure its operation receives information from employers on the number of employees, wages by professions, accidents and occupational diseases at work in the manner defined by the Government of the Republic of Armenia.
- 8) defines timelines for the elimination of violations due to asserted norms in case there is an act on recorded shortcomings or conclusion of experts on the violation of requirements of norms of healthy and safe work and, provided the shortcomings are not eliminated, suspends the operation of the organization or its production division until the elimination of violations.
- 9) Controls over adherence to the labor legislation and other legal acts containing labor right norms by employers.
- 10) Controls over employment, compliance with the procedure of administering work books and logbooks and payment of wages by the employer in the manner and within timelines defined by the law. Controls over the payment of wages and compensations for the harm caused to the health of employees in the manner defined by the law.
- 11) Controls over the process of fulfillment of obligations envisaged by collective contracts (agreements), undertakes required measures for the recovery of the violated rights of employees in the manner defined by the legislation.

- 12) Controls over adherence to mandatory requirements for safety and protection of work at the place of work defined by the law.
- 13) Controls over adherence to the procedure for registration and discussion of accidents at work defined by the Government of the Republic of Armenia and over the timely payment of amounts subject to compensation of the harm in the manner defined by the law.
- 14) Controls over ensuring guarantees defined by the labor legislation for persons under 18 and women.
- 15) Studies cases of employment preconditioned by gender discrimination and takes measures for the protection of violated rights of employees in cases defined by the legislation and claims to the court.
- 16) Controls over the provision of badges of employees at the place of work and adherence to the procedure of their use.
- 17) Requires the employers to undertake corresponding measures for elimination of the violations and shortcomings identified during the analysis and (or) check ups, which may threaten the life or health of the employee.
- 18) Presents materials on violations of the labor legislation of the Republic of Armenia and other legal acts containing labor right norms with criminal characteristics received as a result of check ups to authorized bodies.
- 19) In accordance with the procedure and in cases defined by the legislation applies to the court.
- 20) prepares reports on the results of the operation of the Inspectorate(including its regional bodies)
- 21) conducts reception of citizens, discusses complaints and recommendations on the violation of the labor right of citizens.

Article 11. Expert examination of working conditions

1. Where non-adherence to the approved health and safety norms of work are revealed at the working place of the employer the State labor Inspectorate, under its competencies, presents a petition to a relevant body which has the right for implementation of expert examination, for expert examination of healthy and safe conditions of work.
2. The expert examination is being implemented by the funds of the state budget and other resources, not prohibited by the law.

Article 12. Report on the activities of the State Labor Inspectorate

At the end of each year, within 3 months the State Labor Inspectorate submits a report to a state authorized body, about its annual activities, and the state body promulgates its in the mass media.

The annual report includes information about:

1. inspections, supervision and petitions presented to employers
2. violations made and administrative punishments applied
3. measures targeted at decreasing number of accidents at work and occupational diseases and preventing them.

CHAPTER 4.

STRUCTURE OF STATE LABOR INSPECTORATE, INSPECTORS' RIGHTS, DUTIES AND RESPONSIBILITIES

Article 13. Structure of the State Labor Inspectorate of the Republic of Armenia

1. State Labor Inspectorate of the Republic of Armenia is a separate subdivision of the authorized government body. The state labor inspectors are civil servants.
2. The structure of the State Labor Inspectorate of the Republic of Armenia consists of the chief labor inspector, which is the head of the State Labor Inspectorate, the deputies of the head of the State Labor Inspection, the structural subdivisions of the State Labor Inspectorate and regional bodies.

Article 14. Chief Labor Inspector of the Republic of Armenia

The chief state labor inspector of the Republic of Armenia

- 1) Organizes and administers activities of the State Labor Inspectorate and is liable for its operation
- 2) Acts on behalf of the State Labor Inspectorate and represents it;
- 3) Ensures and encourages effective collaboration between the State Labor Inspectorate and employers and employees or their organizations
- 4) presents mediation to the corresponding body implementing expertise on the conduct of expertise of healthy and safe conditions of work at the place of work at the employer
- 5) defines timelines for the elimination of violations due to asserted norms in case of revelation of violations representing a direct threat to the life and health of the employee at work when there is a corresponding expert conclusion or act on the check up; where shortcomings are not removed within the defined timelines the operation of the organization or its production branch is suspended until the elimination of violations .

- 6) Temporarily suspends the work of employees, who have not taken a training course envisaged by rules and instructions asserted by the defined procedure of safety of work until their training and instruction in the manner defined
- 7) Imposes administrative fines in case violations of the labor legislation and other legal acts containing norms of labor law are recorded in compliance with the Code on Administrative Offences of the Republic of Armenia.
- 8) The decisions on the temporary termination of the operation of the organization or its separate division are recognized as invalid in the manner defined by the legislation, by the decision of the chief state labor inspector or the court.
- 9) adopts decisions subject to mandatory fulfillment by the employer under the authorizations he/she has
- 10) Fulfills other authorizations defined by this law.

Article 15. Rights of state labor inspector

1. The state labor inspector has the right to:
 - 1) Enter the office, trade, production warehouse and other divisions of the employer unimpeded at the presence of the representative of the employer at any working hour of the day presenting the the defined certificate template and control instruction (except for emergency cases) with the purpose of controlling over the enactment of the labor legislation and other legal acts containing norms of labor law
 - 2) Request and receive required documents, explanations, certificates, other information from the employer or its representative, state and local self-governance bodies and take copies of documents and other required materials and draw up a corresponding act for the conduct of the check-up within his/her authorizations
 - 3) Ask questions on application of labor legislation and other normative legal acts containing norms on labor law to the employers or staff of the organization separately or at the presence of witnesses
 - 4) Involve representatives of trade unions, independent experts, specialists and translators in the activities related to the control and supervision if necessary
 - 5) Check the consistency of the healthy and safe conditions of work with the requirements of the asserted norms within his/her authorizations in the manner defined by the legislation of the Republic of Armenia
 - 6) Organize an expertise of healthy and safe conditions of work and inform employers on the results in the manner defined
 - 7) Present intermediaries subject to mandatory discussion to employers (their representatives) with the purpose of eliminating the violations of the labor

legislation of the Republic of Armenia and other legal acts containing norms of labor law and recovering the violated rights of employees

- 8) Participate in negotiations on the conclusion of collective contracts at the invitation of the representatives of the employer and the employees, as well as in the discussion of collective labor disputes
 - 9) Give written instructions subject to mandatory fulfillment and control over their fulfillment with the purpose of elimination of detected violations and shortcomings in the labor legislation and other legal acts containing norms of labor law
 - 10) Mediate to the chief state labor inspector for the temporary termination of the operation of certain organizations, divisions in an established procedure in case violations threatening the life and health of employees are detected, until their elimination.
 - 11) Mediate to the chief state labor inspector for the temporary suspension of the work of employees who have not taken training courses envisaged by the instructions and rules of safety of work until their participation in the corresponding training
 - 12) Mediate to the official having the right to impose administrative fines in case violations of the labor legislation and other normative legal acts containing norms of labor law are recorded in compliance with the Code on Administrative Offences of the Republic of Armenia.
 - 13) In the frames of his/her power adopt decisions and make a claim to the court in cases and in the procedure defined by the law.
2. The state labor inspector has a single model certificate, as well as a seal with the corresponding number and name of the corresponding regional body of State Labor Inspectorate.

Article 16. Duties of the state labor inspector

1. The state labor inspector is liable to do the following during the fulfillment of his/her liabilities:
 - 1) adhere to the requirements of the Constitution of the Republic of Armenia, laws and other legal acts of the Republic of Armenia
 - 2) protect the rights of the employer and employees defined by the law
 - 3) do not disclose information on those who have informed about the legislative violation regulating working relations and announce that the checkup was conducted based on the warning
 - 4) keep the state, official and trade secrets protected by the law, which have become known to him/her during the performance of his/her official duties during his/her work and within five years following his/her resignation

- 5) do not hinder the natural work of the organization, employees
 - 6) conduct impartial control and supervision over the adherence to the requirements of the labor legislation and other legal acts containing norms of labor law
 - 7) present materials on the violations of criminal nature of the labor legislation and other legal acts containing norms of labor law of the Republic of Armenia detected as a result of check-ups to the chief state labor inspector and law-enforcement bodies.
2. State labor inspectors of the Republic of Armenia have also other liabilities in cases and in the manner defined by the legislation of the Republic of Armenia.

Article 17. Independence of the state labor inspector

In the process of control and supervision the state labor inspector acts on behalf of the state, is under the protection of the state, is independent from state bodies, officials and is guided only by the Constitution of the Republic of Armenia, laws of the Republic of Armenia and other legal acts.

Article 18. Responsibility and appeal of the actions of the state labor inspector

1. The state labor inspector bears responsibility for his/her illegal activity or inactivity in compliance with the legislation of the Republic of Armenia.
2. The actions of the state labor inspector may be appealed to the chief state labor inspector, in the order of superiority and (or) to the court.
3. The decisions of the chief state labor inspector may be appealed judicially.

CHAPTER 5.

DUTIES OF EMPLOYER AND COMPENSATION FOR DAMAGE CAUSED

Article 19. Duties and responsibilities of employer

1. Employer is responsible for ensuring application of the labor legislation and other acts containing norms of labor right.
2. The employer submits a report to the state labor inspectorate on quarterly base according to procedure established by Article 10 point 7 of this law.

Article 20. Compensation for the damage caused by illegal action of state labor inspector

The damage, caused as a result of illegal action of a state labor inspector to an employer or employee, is liable to compensation in accordance with the order of the legislation of the Republic of Armenia.

CHAPTER 6.

ORDER OF STATE CONTROL AND SUPERVISION OVER APPLICATION OF LABOR LEGISLATION

Article 21. Types of state control and supervision over application of labor legislation and other legal acts containing norms of labor right

1. State control and supervision over the enactment of the labor legislation and other legal acts containing labor right norms is conducted through check-ups and studies under the Law of the Republic of Armenia on the Organization and Implementation of Check-ups in the Republic of Armenia and in the manner defined by this law.

Check-ups of the application of norms defining the healthy and safe conditions of work are implemented after the norms are asserted in the manner defined.

2. The check-ups may be thematic/program (hereinafter program check-up) and check-ups upon necessity.
3. State control over the enactment of the labor legislation and other legal acts containing labor right norms in organizations being newly established is conducted in six months after the organization starts its operation.
4. The authorization to conducting check-ups related to state and official secrets belongs only to state labor inspectors who have the corresponding permit from the head of the state authorized body.

Article 22. The bases of conducting program check-ups

The program check-ups are implemented on the basis of the labor program of the inspectorate according to the schedule of the check-ups set by the chief state inspector.

Article 23. The bases of conducting of check-ups upon necessity

Warning received by state bodies, local self-governance bodies, employers, trade unions, employees of organizations on obvious violation of the requirements envisaged by the legislation and other normative legal acts containing norms on labor law or performance of unlawful activities, as well creation of such conditions at the production that may have severe or dangerous consequences on the life and health of persons being in the territory of the production serve as a basis for inspection upon necessity.

Article 24. Order of implementation of control and supervision over labor legislation and other legal acts containing norms of labor right by means of studies

1. During the examination in the case of revealing violation of the requirements of the labor legislation and other legal act containing norms of labor right, the state inspector gives a written notification to the employer about the violation, mentioning the measures for elimination of the consequences of the violation and terms of holding measures.
2. After employer's receiving the notification not to remove the consequences in due time or not to inform the state inspector concerning that is a basis for carrying out a check-up of necessity.

Article 25. Order of termination of the activities of the employer who has violated the requirements of the labor legislation and other legal acts which contain norms of labor law

1. One copy of the decision of the chief state inspector on the termination of the operation of the employer or his/her separate division is delivered to the employer or his/her representative within a term of two days and a corresponding record on the receipt of the latter is made on the second copy of the decision. The decision is subject to immediate implementation.
2. Upon receiving the decision the employer or his/her representative informs the chief state labor inspector on the execution of the decision specifying measures undertaken for elimination of identified shortcomings in written form or applies to the court for the appellation of the decision.
3. The requirement of the decision on temporary termination is fulfilled with the participation of the head of the corresponding regional body of state labor Inspectorate.
4. The decision on the temporary termination of the activities of the employer is recognized as invalid by the decision of the chief state labor inspector or judicially.
5. In case of fulfillment of the requirements of the decision on the temporary termination of employer's activities by the state labor inspector through sealing, an act on sealing is also drawn up. The procedure of sealing is established by the Government of the Republic of Armenia.
6. The forms of the seal of state labor inspector, sealing act and check up act is asserted by the head of the state authorized body.

Article 26. Entry of This Law into Effect

1. This law enters into effect the tenth day following its official promulgation.

RA President

R.Kocharyan

April 19, 2005