

## **LABOR CODE OF THE REPUBLIC OF ARMENIA**

### ***Article 172 Pregnancy and Maternity Leave***

1. Working women shall be provided with pregnancy and maternity leave with their full wage being paid:

- 1) 140 calendar days (70 calendar days of pregnancy, 70 calendar days of delivery);
- 2) 155 calendar days (70 calendar days of pregnancy, 85 calendar days of delivery) in the event of complicated delivery;
- 3) 180 calendar days (70 calendar days of pregnancy, 110 calendar days of delivery) in the event of giving birth to more than one child.

This leave shall be calculated at once and granted to the woman in full. In case of premature delivery the unused days of maternity leave are added to the leave for the delivery.

2. The employees, who have adopted a newborn or who have been appointed as guardians of a newborn shall be granted a leave for the period from the date of adoption or guardianship until the baby is 70 days old.

### ***Article 173 Parental Leave before the Child Has Reached the Age of Three***

1. Parental leave before the child is three years of age shall be granted at the choice of the mother (step-mother), father (the step-father), grandmother, grandfather of the family or any other relatives, who are actually raising the child as well as of the employee who has been the guardian of the child. The leave may taken as a single period or be used in parts. The employees entitled to this leave may take it out of turn.

2. During the period of this leave the employee shall retain his job/position, with the exception of cases envisaged by the clauses 1 and 2 of section 1 of the Article 113.

### ***Article 117 Guarantees to Pregnant Women and Employees Raising Children***

An employment contract may not be terminated:

1. With pregnant women from the day on which their employer receives a medical certificate confirming pregnancy, and for another month after maternity leave;

2. With employees taking care of a child till the age of one year except for the cases specified in the clauses 1, 2, 5- 7 of section 1 of the Article 113 and section 1 of Article 123 of this Code.

***Article 113 Termination of an Employment Contract on the initiative of an Employer***

1. An employer may terminate an employment contract signed for an indefinite term and one signed for a definite term prior to the expiry of the contract:

- 1) In case, when the organization is liquidated (the activity of the sole entrepreneur is terminated);
- 2) In case, when the employer is bankrupt;
- 5) Because of unsatisfactory result of the trial period;
- 6) For the employee's non-performance or incomplete performance of his duties

***Article 164 Procedure of Granting Annual Leave***

3. Before the expiry of six months of uninterrupted work, annual leave shall be granted at the request of an employee in the following cases:

- 1) To women before a maternity leave or after it;
4. After six months of uninterrupted work at an organization, the following persons shall be entitled to choose the time of annual leave:
- 2) Pregnant women and employees raising a child under the age of fourteen.
5. Men shall be granted their annual leave at their request during the pregnancy and the maternity leave of their wives.

***Article 12 Termination of an Employment Contract without Notice***

1. An employment contract must be terminated without notice in the following cases:

- 1) Upon an effective court decision, according to which an employee is imposed a sentence, preventing him from continuing his work.

***Article 148 Work at Night***

4. Pregnant women, women, taking care of a child less than three years of age may be assigned to night work only with their consent.

***Article 149 Duty***

4. Persons under 18 years of age may not be appointed to be on duty at the organization or at home. Pregnant women and employees raising a child under three years of age may be appointed to be on duty at the organization or at home only upon their consent.

***Article 144 Limitations of Overtime Work***

4. Pregnant women, women who are taking care of children less than one year of age, may be assigned to do overtime work only with their consent.

***Article 141 Part-time Work***

1. Part daily working time or part weekly working time shall be set:
- 3) On request of a pregnant woman and an employee raising a child until it reaches one year of age.

***Article 156 Holidays and Memory Days***

2. It shall be prohibited to involve employees to work on holidays, with the exception of work which cannot be interrupted on technical grounds needed for providing services to the population as well as work involving urgent repair loading and unloading.

***Article 155 Uninterrupted weekly rest***

6. It shall be prohibited to assign work on rest days, with the exception of work which cannot be interrupted on technical grounds, which is necessary for the provision of services to the population, as well as work involving urgent repair loading and unloading. Pregnant women, the employees raising a child under the age of one year and persons under eighteen may be assigned work on rest days only upon their consent.

***Article 209 Guarantees and Compensation in the Case of Business Trips***

3. Persons under eighteen years of age shall be prohibited to be sent on a business trip. Pregnant women and the employees raising a child under one may be sent on a business trip only with their consent.

***Article 258 Maternity Protection***

1. Pregnant women, women who take care of a child under one year of age shall not be engaged in a job with dangerous factors and harmful conditions, which may have a negative impact. The list of hazardous conditions and dangerous factors prohibited for pregnant women, women who have recently given birth shall be approved by the Government of the Republic of Armenia.

2. In compliance with the list of hazardous conditions of work, as well as working environment risk assessment results, the employer must establish the nature and duration of potential effect to safety and health of pregnant women and women who take care of a child under one year of age. Upon assessment of the potential impact, the employer must undertake temporary measures to ensure the elimination of the above risk of dangerous factors.

3. Where the elimination of dangerous factors is impossible, the employer shall take measures to improve the working conditions so that the exposure of pregnant women, women who have recently given birth to risks is avoided. If it becomes impossible to eliminate such affect in the result of the improvement of working conditions, the employer must transfer the woman (upon her consent) to another job in the organization.

**MATERNITY PROTECTION CONVENTION, NO. 183*****Article 4***

5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

***Article 10***

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.
2. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.