**Information**

**On Article 27 of the UN Convention on the Rights of Persons   
with Disabilities (work and employment)**

For the purpose of ensuring favourable conditions for the exercise of rights and freedoms of persons with disabilities, their equal participation in public life and effective social inclusion, the draft Law of the Republic of Armenia "On rights of persons with disabilities" has been developed with a new edition and presented to the National Assembly of the Republic of Armenia, by which the State assumes a guarantee aimed at the creation of conditions and equal opportunities necessary for independent life and community inclusion of disabled persons equally with other persons, by bringing the policy and legislation aimed at inclusion of disabled persons in the society in compliance with the provisions of the UN Convention on Rights of Persons with Disabilities.

Discrimination on the basis of disability is prohibited by the draft Law. Discrimination on the basis of disability is defined as follows: “any distinction, exclusion, restriction or preference on the basis of actual or presumed disability, the purpose or result of which is displaying less favourable attitude in political, economic, social, cultural and/or any other field or prohibiting or denying the recognition and/or exercise, on equal basis with others, of any right prescribed by law. The discrimination on the basis of disability includes also refusing to ensure reasonable accommodations”.

With regard to non-discrimination against persons with disabilities in the field of work and employment, it should be noted that the principle of equality before the law is enshrined by the Constitution of the Republic of Armenia, the Labour Code of the Republic of Armenia, as well as the Law of the Republic of Armenia "On employment". In particular, Article 29 of the Constitution of the Republic of Armenia stipulates that discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited. At the same time, Article 83 of the Constitution of the Republic of Armenia enshrines that everyone shall, in accordance with law, have the right to social security in cases of maternity, having many children, sickness, disability, accidents at work, need of care, loss of bread-winner, old-age, unemployment, loss of employment, and in other cases.

At the same time, Article 3.1 of the Labour Code of the Republic of Armenia (hereinafter referred to as "the Code") enshrines that discrimination is prohibited by the labour law, and any direct or indirect distinction, exclusion or restriction on the basis of sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances, the purpose or result of which is displaying less favourable treatment in cases of emergence and/or change and/or termination of collective and/or individual employment relations or prohibiting or denying the recognition and/or exercise, on equal basis with others, of any right prescribed by labour law shall be deemed to be discrimination, except for cases when such distinction, exclusion or restriction is objectively justified by the legitimate aim pursued, and the means used for achieving that purpose are proportionate and necessary.

Pursuant to part 3 of the above-mentioned Article of the Code, in job announcements (competitions) and in the course of exercising employment relations, it shall be prohibited to introduce any other term deemed to be a ground for discrimination but professional skills and professional training and qualifications, except where it derives from job-specific requirements.

Pursuant to point 4 of part 1 of Article 141 of the Code, an incomplete working time shall be set for a person with disabilities, upon his or her request, based on a medical opinion. Pursuant to part 4 of Article 144 of the Code, persons with disabilities may be engaged in overtime work where the performance of such work is not forbidden by a medical conclusion. Pursuant to point 2 of part 1 of Article 176 of the Code, upon request of the employee with disabilities, an unpaid leave shall be granted in time limits defined by the medical conclusion, but not more than 30 days in a year.

Regulations concerning the working conditions of persons with disabilities are also given in Article 19 of the Law of the Republic of Armenia “On social protection of persons with disabilities”, in particular, it is prescribed that necessary working conditions shall be created for persons with disabilities employed at employers of all categories, in accordance with the individual rehabilitation programmes.

Conditions defined by collective agreements or individual employment contracts, including remuneration for work, schedule for work time and rest time, duration of annual and additional leave may not negatively affect the state of a person with disability and restrict his or her rights as compared to other employees.

The involvement of persons with disabilities in overtime, day-off or night work shall be permitted only upon the consent thereof and provided that such work is not prohibited under the medical opinion thereon.

A reduced amount of working hours not exceeding 36 hours a week shall be prescribed for persons with disabilities of 1st and 2nd groups.

Upon the request of persons with disabilities and in accordance with individual rehabilitation programmes, the employer shall be obliged to prescribe a part-time working day or a part-time working week for them. In such cases the remuneration of persons with disabilities shall be paid in accordance with the working hours actually covered or the amount of manufactured products.

No probation period shall be prescribed for persons with disabilities in course of employing them. In case of equal labour productivity and the same qualification, persons with disabilities shall benefit from the privilege of remaining in employment in case of reductions in the number of workers or staff cuts.

The issue of integration of persons with disabilities in the labour market still remains one of the key issues of the employment policy. It was highlighted in the 2013-2018 Employment Strategy adopted in 2012, then in the Law of the Republic of Armenia "On employment" that came into effect in 2014. As a result of legislative amendments, since 2014 persons with disabilities obtain a status of unemployed persons and avail themselves of all social guarantees provided to unemployed persons, as well as are involved in all state programmes envisaged for regulation of employment. Point 2 of part 3 of Article 21 of the Law of the Republic of Armenia "On employment" prescribes that in case of being placed in a job, the unemployed person with disabilities shall have the right to support for adjustment of the workplace as prescribed by the Government of the Republic of Armenia. In addition, as a criterion for determining the non-competitiveness of the person, point 1 of part 1 of Article 22 of the same Law specifies the circumstance that the person has a disability, which gives the person the right of priority to be included in the state employment programmes.

Services provided to persons with disabilities have also been reviewed and improved. The person with disabilities who is looking for a job is provided with a consultation at the employment centre, the work needs thereof are assessed and an individual employment programme is developed for the latter based on these needs, with the ultimate purpose of job placement of the person. When assessing the work needs, the education, profession, qualification, work record, wishes, degree and type of disability of the person shall be taken into account, as well as the Individual programme of rehabilitation issued to the person by the Medical and Social Examination Commission shall be taken into consideration, which states the contra-indications, restrictions, as well as indications (e.g. of the necessity to have an accompanying person), that are mandatorily taken into account in the process of job placement of the person.

The rights of non-competitive persons are exercised through programmes regulating the field of employment, the procedure for the implementation of which is prescribed by Decision of the Government of the Republic of Armenia No 534-N of 17 April 2014. Certain measures implemented in the field of employment are aimed specifically at providing jobs to persons with disabilities.

In particular:

1. Within the framework of the Programme “Partial compensation of salary to the employer and provision of monetary aid to the person with disabilities for the person accompanying him or her in case of job placement”, the employer receives — for a period of 1 year — aid in the amount of 50% of the salary paid thereby, but not more than the amount of the minimum monthly salary, and the person accompanying the person with disabilities is given aid in the amount of 50% of the minimum monthly salary during the entire period of the Programme. During 2020, 32 persons were involved in the Programme.

2. For the purpose of adjustment of the workplace at the employer's office, for each person involved in the Programme “Lump-sum compensation to the employer for adjustment of workplaces for persons with disabilities”, the necessary expenses shall be compensated, which must not exceed AMD 500 000 per person. During 2020, 4 persons were involved in the Programme.

3. For the purpose of promoting self-employment of a person and developing entrepreneurial skills thereof, the Programme “Provision of support to non-competitive persons in the labour market for their engagement in small entrepreneurial activities, as well as cattle-breeding” is being implemented, in which 51 persons, including 7 persons with disabilities were involved during 2020.

4. For the purpose of gaining work experience of a person, the Programme “Provision of support to unemployed persons for gaining professional work experience in the acquired profession” is being implemented, in which 395 persons, including 4 persons with disabilities were involved during 2020.

Generally, 13 state programmes for regulation of employment are being implemented, in which persons who are non-competitive in the labour market, including persons with disabilities may be involved on a priority basis.

It is worth mentioning that as a result of the reforms implemented in 2019, amendments have been made to Decision of the Government of the Republic of Armenia No 534-N of 17 April 2014 (by Decision of the Government of the Republic of Armenia No 1616-N of 14 November), according to which, the condition of reimbursement of the funds received by persons with disabilities within the framework of the implementation of state employment programmes has been removed, and in case of job placement of persons who are non-competitive in the labour market, a compensation of salary, within the framework of the Programme “Lump-sum compensation to the employer for adjustment of workplaces for unemployed persons with disabilities”, will be provided to the employer for one year instead of 6 months, and the monetary aid will be provided to the person with disabilities for having a person accompanying him or her for the entire period of the implementation of the Programme, instead of 6 months.

The statistics on the activities carried out in 2018-2020 by the State Employment Office of the Ministry of Labour and Social Affairs of the Republic of Armenia with persons with disabilities are presented below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Data on employment of persons with disabilities** | **2018** | **2019** | **2020** |
| Number of persons with disabilities record-registered in territorial employment centres, where | 2478 | 2460 | 2400 |
| persons involved in employment programmes | 126 | 426 | 353 |
| persons placed in a job | 234 | 275 | 188 |
| persons placed in seasonal and temporary jobs | 0 | 198 | 265 |