Republic of Armenia Labour Inspection Audit

Project on 'Enhancing Labour Inspection Effectiveness' (RER/09/50/NOR)

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Contents

Foreword

This audit of the labour inspection system in the Republic of Armenia was carried out in July 2009. The purpose of the audit is to establish a joint action plan, alongside government social partners, for improving, reinvigorating and modernizing the labour inspection system in the country within the framework of the already-ratified ILO labour inspection Conventions.

The audit was undertaken using the ILO's participatory labour administration-related methodology, which includes interviews with the main governmental bodies concerned with labour inspection and the social partners. Visits to regional inspection services were also carried out and initial feedback was provided to the Government.

The audit report contains a number of important recommendations for consideration by the Government and, where appropriate, the social partners. These recommendations relate to such areas as: the structure and organization of labour inspection services; human resources and career development; the organization of visits; registries and occupational accident reports; sanctions and administrative procedures; and cooperation with other partners. Other suggestions and recommendations may be considered in the context of the participatory approach adopted by the ILO.

The audit was carried out in the context of the interregional technical cooperation project on 'Enhancing Labour Inspection Effectiveness', financed by the Government of Norway. The valuable support provided by this project will allow the action plan to be implemented.

I would like to take this opportunity to thank the Armenian Government and social partners for their very positive engagement in this endeavour. I would also like to thank my colleagues: Ms Carmen Bueno (Labour Inspection Expert, SRO Budapest), Ms Irena Dimitrova (Head of International Relations Unit, Bulgarian Labour Inspectorate) and Mr Roman Litvyakov (Specialist in Occupational Safety and Health, SRO Moscow) for their technical contribution; and Ms Nune Hovhannisyan (National Coordinator for Armenia) for her guidance and support.

Martina Lubyova
Director
ILO Subregional Office for Eastern Europe and
Central Asia
Moscow

I. Main economic, social and political elements

The Republic of Armenia is located in south-western Asia, bordering Turkey in the west, Iran in the south, Georgia in the north, and Azerbaijan in the east and south-west. Its total area is 29,743 km^2. The capital city is Yerevan.

Armenia became independent from the Soviet Union in 1991. The Constitution approved by nationwide referendum and modified once in 2005 provides the foundation for a democratic republic.

Armenia has been a member of the United Nations since 1992. It is also a partner country in the North Atlantic Treaty Organization (NATO), a member of the Commonwealth of Independent States (CIS), a member of the Organization for Security and Co-operation in Europe (OSCE), and a member the Council of Europe. Relations between the European Union (EU) and Armenia are governed by the EU–Armenia Partnership and Cooperation Agreement, adopted in 1996. The country became a part of the European Neighborhood Policy in 2004.

The population of Armenia is 3.24 million (January 2009). Life expectancy is 69.09 years for males and 76.81 years for females. The population of Armenia is generally homogenous (according to the 2001 Census): 97.9 per cent of the people are Armenian; 1.3 per cent are Kurdish; 0.5 per cent are Russian; and 0.3 per cent are of other ethnic groups. The official language is Armenian and the predominant religion is Armenian Apostolic.[1]

Almost two-thirds of the population live in urban areas, mostly in Yerevan, which has a population of 1.1 million inhabitants. Emigration is high: an estimated 800,000 people have left Armenia since the fall of the Soviet Union. A total of 1.5 million Armenians live in other former member states of the Soviet Union, and an additional 2.5 million live in the United States, France and the Middle East. Remittances sent into the country therefore account for a significant part of its economy.

Growth in gross domestic product (GDP) was 6.8 per cent in 2008 and is estimated to be 6 per cent in 2009.[2] The composition of the GDP by sector is as follows: services account for an estimated 46.4 per cent of GDP; industry accounts for about 36.4 per cent; and agriculture accounts for approximately for 17.2 per cent.

Consumer price inflation, which reached a record high of 9 per cent in 2008, is expected to decrease to 4.1 per cent in 2009, due to money supply growth and a decline in domestic demand.

Armenia's trade deficit eased in the first quarter of 2009, due to weakening demand for imported consumer goods and services. According to the National Statistical Service of the Republic of Armenia, it is now US$535 million, which is equivalent to 37 per cent of

[1] Data on population, religion and geography were taken from the Central Intelligence Agency (CIA) World Factbook, Armenia, available online at http://www.cia.gov

[2] Data on the economy were taken from Economist Intelligence Unit (EIU) country and profile reports, available online at http://www.eiu.com

the GDP. Commodities – mainly metal, mineral products, foodstuff and energy – are the basis of Armenian exports.

Armenia's labour force numbers 1.2 million. Of the total number of workers, 46.2 per cent are employed in agriculture, 15.6 per cent in industry and 38.2 per cent in services. Unemployment, which was 7.1 per cent in 2007, is expected to rise due to the decline in demand. Some measures have been taken to support employment in small and medium-sized enterprises (SMEs).

According to the Law on Administrative Territorial Division of 4 December 1995, the Republic is divided into 11 *marzes* (regions), including Yerevan with a marze status.

II. Legislative framework for the State Labour Inspectorate

Article 32 of the Constitution of the Republic of Armenia of 5 July 1995 recognizes the rights of citizens to: choose their occupation; a minimum wage; working conditions that meet sanitary and safety requirements; and strike for the protection of their economic, social and employment interests. It also prohibits forced employment and the full-time employment of children under the age of 16. Furthermore, the Constitution underlines: the freedom to join associations, including trade unions (Article 28); the right to rest (Article 33); and the rights to social security during old age, to pensions in the cases of disability or the death of the breadwinner and to unemployment benefits (Article 37).

The core labour legislation is included in the Labour Code of 21 December 2004 (last amended in 2008). It regulates such matters as: the employment relationship; employers' and workers' organizations; collective contracts; strikes; the employment contract; occupational safety and health (OSH); working time and overtime; rests periods, public holidays and annual leave; maternity leave; wages; and disciplinary measures. Furthermore, Article 34 provides that state control and supervision of compliance with labour legislation, and with other normative and collective contracts, shall be exercised by the State Labour Inspectorate (SLI) and other institutions in cases established by law. Article 35 also provides for the non-state supervision of labour legislation and collective contracts by trade unions and employers' organizations.

In Armenia, there is no separate legislation relating to OSH; the only existing legislation is included within the Labour Code, as Articles 208 and 242–262. The law establishes the employer's obligations relating to: safe working conditions; collective and personal preventative measures; the protection of workers from exposure to dangerous chemical substances; compulsory medical examinations; training on OSH issues; sanitation facilities; employee participation in the implementation of preventive measures; first aid; workers under the age of 18; maternity protection; disabled workers; and the notification of accidents at work and occupational diseases. No by-laws or rulebooks develop these articles further, however, and they were not to enter into force for three years after their enactment. The Ministry of Labour and Social Affairs (MOLSA) reports that recently drafted amendments to the Labour Code have covered labour relations issues such as establishing an institution for oral agreement on labour contracts, and the specification of OSH norms and rules. The draft is to be presented for final adoption by the Government in the near future.

In addition, the Law on the Regulation of Technical Safety of 24 October 2005 relates to all hazardous industrial installations, with the exception of those relating to the military, nuclear plants, and aviation, auto and railway transports. The law requires the operator of such an installation to write an annual report about its technical safety conditions; it is, however, the National Technical Safety Centre that carries out any inspections, not the SLI.

The Law on the State Labour Inspectorate of 24 March 2005 defines the main rights and powers of the SLI. The law regulates the tasks and authorities of labour inspectors, the structure of the SLI, and the rights and duties of inspectors.

The Law on Organizing and Conducting Inspections of 17 May 2000 establishes a unified procedure for the organization and conduct of inspections at commercial and non-commercial organizations, institutions (including those established by foreign legal entities), branch offices or representative offices of legal entities and local municipal entities, as well as those conducted with individual entrepreneurs, registered in Armenia or in foreign states and carrying out activities in all the territory. The law authorizes 16 supervisory bodies to conduct inspections within their areas of competence in the RA territory.

III. The labour inspection system in the Ministry of Labour and Social Affairs (MOLSA)

The Armenian Government comprises 18 Ministries.[3]

The Ministry of Labour and Social Affairs (MOLSA) is the main national authority for labour and social matters. The structure of the Ministry consists of 13 internal units and three external units – two agencies (namely, the State Employment Service Agency and the Medical-Social Expertise Agency) and one inspectorate (the SLI) – through which the Ministry performs its tasks.[4] These units have different territorial structures.

The State Employment Service Agency is an internal unit in the MOLSA in charge of the development and elaboration of employment policy. It is also responsible for the drafting of the legislation necessary for the implementation of labour law and it provides methodological guidance for the SLI.

The Medical-Social Expertise Agency has as its main duties: delivering services in the medical-social field; medical-social examinations; and investigating and analysing the loss of ability to work, and defining the percentage of disability, in cases of accident or disease of any origin.

The mission of the SLI is to carry out state supervision, control and enforcement in relation to the application of labour legislation, collective agreements and other labour-related legislation among employers.

The Head of the Inspectorate leads the SLI, supported by three Deputy Heads.

[3] See online at http://www.gov.am/en/structure/
[4] See Annex I for an organizational chart.

The SLI is organized at both central and territorial levels. There are four divisions at central level – the Legal Control Division; the Working Conditions Division; the Statistical and Analytical Division; and the Economics Division – each of which is led by a Head of Division.

No clear definition of the different functions of these divisions was reported. The Statistical and Analytical Division's responsibilities include: analyses and studies; preparing the annual report of the SLI; dealing with Judiciary Body and State Revenue Committee information; checking the annual reports submitted by the employers; and creating a database resulting from those reports. The Economics Division, meanwhile, is in charge of financial issues, including the salaries and annual leave of SLI staff, as well as SLI property.

The SLI's organizational structure is regulated by the mentioned Law on the State Labour Inspectorate and the Government Decision No. 1146 of 29 July 2004.

There is no separate budget for the SLI, but for 2009, the MOLSA's budget for labour inspection as a whole is 298 million Armenian drams (AMD), which is around US$800,000.

There are, in total, 134 labour inspectors: 32 at central level and the rest in the 11 territorial offices, each of which is led by a Deputy Head and which reflect Armenia's *marzes*.

There are other bodies that undertake specific or labour-related inspection tasks. The State Hygiene and Anti-Epidemic Inspectorate (SHAEI) under the Ministry of Health is in charge of registration and case study of occupational diseases; scientific research for the Ministry of Health; the creation of hygienic workplaces profiles based on measurements relating to the working environment; and the implementation of all the legislation on occupational health. The SHAEI has 17 territorial offices in in all the 10 regions and in Yerevan city and has six "Expertise Centres", each of which acts separately under the supervision of the Director at central level. The SHAEI conducts hygienic control over all industrial facilities regardless of the form of ownership, including laboratory tests and measurements made according to an order from the Inspection. Last year 545 inspection visits and 584 laboratory analyses were made, and 362 administrative sanctions were imposed. The Law on Ensuring Sanitary-Epidemiological Safety of the Population of 16 November 1992 and the Law on Organizing and Conducting Inspections regulate the SHAEI activity.

Further, the National Technical Safety Centre under the Ministry of Emergency Situations is responsible for monitoring dangerous industrial installations and equipment, not covering however any issue in the field of labour protection and workplace safety as industrial safety and technical security are separated in Armenia from the occupational safety.

Other supervisory bodies responsible for monitoring and supervision in specific sectors include: the State Rescue Service under the Ministry of Territorial Administration in charge of the prevention and liquidation of emergencies, civil defense, fire safety, safety in industry and mining; the State Energy Inspection under the Ministry of Energy, in

charge of state monitoring and supervision in the energy sphere; the State Food and Veterinary Inspection under the Ministry of Agriculture in charge of state monitoring and supervision of food safety; the State Agricultural Machinery Inspection under the Ministry of Agriculture in charge of the state monitoring and supervision of the safe operation of agricultural machinery and technologies; the State Environment Inspection under the Ministry of Nature's protection in charge of nature conservation; the State Transport Inspection under the Ministry of Transport and Communications, responsible for state monitoring and supervision of transport safety; the State Nuclear and Radiation Safety Inspection under the Ministry of Energy in charge of supervision of facilities with nuclear and radiation hazards; and the State Taxation Authority, in charge of the supervision of taxes and social contributions.

IV. ILO Conventions ratified by Armenia

Armenia has ratified 29 ILO Conventions, which are listed in full in Annex I. They include the Labour Inspection Convention, 1947 (No. 81), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Labour Administration Convention, 1978 (No. 150).

It has not yet, however, ratified the Labour Inspection (Agriculture) Convention, 1969 (No. 129) or the Occupational Safety and Health Convention, 1981 (No. 155).

V. Industrial relations and tripartite structures

According to the Constitution (article 28) and the Labour Code (article 21), Armenians have the right to freedom of association with others, including the right to form and to join trade unions.

The Labour Code makes provisions for social partnership in industrial relations and defines "social partnership" in Armenia as a tripartite structure, as "the system of relationships between the employees (their representatives), the employers (their representatives) and, in cases established by this Code, the Government". The law requires that social partnership is carried out at national, branch, territorial and organizational levels, and that it is executed through consultation and collective negotiation.

At national level, the three parties involved in social partnership are the Armenian Government, the Confederation of Trade Unions of Armenia (CTUA) and the Republican Union of Employers of Armenia (RUEA).

The CTUA, established in 1992, is the only workers' union represented at national level. It has 270,000 members and 24 branch units. It is a member of the General Confederation of Trade Unions (GCTU), the members of which are gathered from the Commonwealth of Independent States (CIS). The CTUA has also applied for membership of the International Trade Union Confederation (ITUC). The Law on Trade Unions of 5 November 2000 regulates the CTUA's activities.

The RUEA – formerly the Republican Union of Manufacturers and Businessmen (Employers) of Armenia (UMB[E]A) – represents employers at national level and is governed by the Law on Employers' Unions of 27 February 2007. It is a non-profit-

making, non-governmental organization that operates independently from public and local self-governance bodies, trade unions, political parties and other organizations; it does, however, cooperate with the President and his administration, the National Assembly and its committees, and the Government. At the time of writing, the RUEA unites six territorial and nine branch unions, and has about 1,000 members. It is a member of the International Congress of Industrialists and Entrepreneurs (ICIE), and the Union of Black Sea and Caspian Confederation of Enterprises (UBCCE).

Collective agreements are legally binding to all members of the RUEA. If an employer decides to quit the organization, it still has to comply with any collective agreement that it may previously have signed.

On 27 April 2009, the Prime Minister, the President of the RUEA and the Chairman of the CTUA signed a Republic Collective Agreement. This tripartite agreement, which will be valid until 30 July 2012, defined additional guarantees in social and industrial relations, covering: OSH; jobs, salaries and living standards among the population; the labour market and employment; and social insurance and social protection. The agreement also required that a committee be formed for the purpose of conducting collective negotiations; it is to comprise five members from each signatory party and is in the process of being established.

It is envisaged that branch collective agreements will be signed at a later date.

At territorial level, however, there is no social partnership: Armenia has no territorial associations of trade unions.

A Social and Economic Reforms Commission was established under the leadership of the Prime Minister, including the Minister of Economy, the Head of the State Revenue Committee, the Minister of Labour and Social Affairs, the Minister of Justice, the Minister of Agriculture, the Minister of Finance, and representatives from the RUEA and the CTUA. The Commission will focus on developing social and economic reform.

VI. Labour inspection: Main features and developments

General description

While Armenia's SLI was established in 2004, it did not commence operations until 2005.

The SLI covers all institutions and organizations (including foreign bodies and regardless of the legal type), local self-government bodies, individual entrepreneurs and natural persons who are involved in industrial relations.

According to Article 9 of the Law on the State Labour Inspectorate, its tasks are to: inform employers, trade unions and employees on best practice in applying labour and other relevant legislation; preserve and protect the working conditions, labour rights and freedom of employees; prevent any violations of labour legislation; and ensure state control over the enactment of labour and other relevant legislation.

The SLI is therefore responsible for enforcing compliance with labour legislation, including employment, social insurance, safety and protection at work, and collective agreements. It is authorized to: organize seminars and offer other methodological guidance to social partners; issue recommendations on compliance and reinstate any violated rights of employees; investigate accidents at work and occupational diseases, and present best prevention practice to the employer; check methods of collective and individual protection; and define deadlines for the elimination of violations – especially those threatening the life or health of employees – and suspend operations in cases in which they are not eliminated. The SLI will, in the last instance, inform the employer in writing about any violations with criminal characteristics and will make applications to the court where necessary.

It is also responsible for controlling: the conditions of workers under the age of 18 and women; employment preconditioned by gender discrimination, including acting to protect the violated rights; and the provision of badges to the employees and their use. The SLI must also report on the results of its activities and respond to public complaints. It also receives the annual reports that employers are legally compelled to submit.

These annual reports form the basis of the SLI's Annual Plan, which is drafted by the Head of the Inspectorate and approved by the MOLSA. While it is decided at central level, heads of the territorial offices can make suggestions for amendment to the Plan. It is not, however, discussed with the social partners and it is not disseminated among them.

The 2009 Annual Plan outlines a list of general objectives under the following headings: "Drafting a policy and legislative activities"; "Events and programme to implement the policy"; "Training and qualifications"; "Educational activities and international training"; and "Awareness of society". The Plan contains no measurable objectives or figures, nor is any budget needed for its implementation.

At the end of each year, the SLI prepares an annual report, which includes: information about and results of inspections; details of administrative violations uncovered; total amounts of financial sanctions imposed and collected; details of international or governmental agreements signed; and any amendments to relevant legislation. A full version of the annual report is published on the SLI's website. A short version of the report is published in the national press.

Inspectors are additionally bound to report monthly to the head of their territorial office and every six months to the Head of the Inspectorate. The monthly report contains details of all of the inspections undertaken, including: the number and date of each assigned order; the name of the visited organization; its tax code and registration number; the kind of visit (that is, planned or unplanned); the result of the visit (that is, a sanction or a recommendation); the type of violation; any legal reference; the date of the administrative decision; and the amount of the fines imposed and those paid, and the date of payment.

Human resources and career development

In line with the Law on Civil Service of 4 December 2001, labour inspectors are civil servants. Applicants' eligibility is determined according to four criteria: they must be Armenian citizens; they must be fluent in the Armenian language; they must be over the

age of 18; and they must meet the requirements of the position. These criteria are considered independently from an applicant's ethnic origin, gender, political and religious beliefs, property held and other status. Those who cannot work in the civil service include: those whom the courts have deemed incapable or of limited capacity; those who suffer from an illness that may impede the performance of service; those who have an unspent criminal conviction; those who have avoided mandatory military service; and those who have otherwise been legally deprived of the right to occupy a civil servant position.

A vacant civil service position can filled either through a recruitment and selection procedure, or (under article 12 of the Law on Civil Service) directly, within seven days of the position arising, should an internal candidate meet the requirements of the profile for the position.

Advertisements for senior positions are published on the website of the Civil Service Council (CSC) and in its newspaper, *Civil Service Weekly*; management and junior positions are advertised on the website of the MOLSA and in *Civil Service Weekly* at least one month in advance. The recruitment and selection procedure should be followed even if there is only one applicant. The abilities of the candidates are evaluated, firstly, by examination (either computer-based or written) and then through interview.

Examinations check the candidate's knowledge of the Constitution, and legislation relating to both civil service and the recruiting body. The list of questions is published permanently on the website of the MOLSA and, on applying for the post, the applicants also receive a hard copy of the questions. Examinations comprise multiple-choice questions and problems. Only candidates who achieve a score of at least 90 per cent progress to interview.

Interviews are conducted by a commission, whose members are randomly selected from a list by computer no earlier than 24 hours before the interview date. Commission members for the executive positions include representatives of the Government and the CSC; for senior positions, the commission comprises heads of department and Deputy Ministers; management positions are interviewed by a commission comprising executives from the recruiting body. Once the results of the recruitment and selection procedure are declared, candidates may appeal.

All appointments to civil service positions are made for an initial probation period of up to six months.

Each year, at least one third of the staff of a civil service body will be subjected to mandatory re-accreditation. Each civil servant will be accredited once every three years; the procedure can also be requested under extraordinary circumstances, on a reasonable basis. The civil servant who is to be subject to accreditation will be informed of the upcoming examination no later than one month in advance. Before the examination, the employee's line manager will forward the job description to the civil servant, along with an assessment of their competence and service activity results.

Re-accreditations comprise, firstly, a documentary examination in front of an Accreditation Commission. If successfully completed, the Commission may decide to confirm the civil servant in the position directly – or it may decide to test the civil servant

further, by written examination and interview. As a result of this second stage, the Commission may decide either : to confirm the civil servant in the position; to confirm the civil servant in the position conditionally, subject to further training; or not to confirm the civil servant in the position. During the last four or five years, only four or five labour inspectors have failed to pass this accreditation process, as a result of which, they lost their labour inspector status.

In relation to labour inspectors, an additional evaluation is undertaken twice-yearly by the inspector's line manager. Extraordinary evaluation is also made in special cases.

Under specific circumstances – such as during periods of maternity leave, mandatory military service or recruitment – an inspector can be appointed on a temporary basis from among the temporary personnel reserve. As long as that candidate meets the requirements of the job description, including the necessary professional qualifications, they will have full authority as an inspector. In practice, a temporary Head of the Inspectorate is always appointed during recruitment to this post and this appointment may exceed one year.

Under Article 33 of the Law on Civil Service, a civil servant's employment may be severed on any of the following grounds: resignation; failure to submit a declaration of income; incurring two disciplinary penalties (severe reprimand and salary reduction) within a single year; being absent from compulsory re-accreditation on three occasions; failing re-accreditation; redundancy, in the cases of structural reorganization or liquidation of the civil service body; accruing absences totalling more than six months in one year (not including maternity leave); conflict of interest caused by election or appointment to political, discretionary or civil positions; any violation of the recruitment procedure; acting outside the remit of the position; a termination of Armenian citizenship; criminal conviction; retirement; poor performance during the probation period; being judged incapable or of limited capacity to work; being legally deprived of the right to occupy a civil service position; developing an illness that may impede performance; and as a disciplinary penalty, with agreement from the CSC. The duties of the civil servant are, of course, considered terminated in the event of the individual's death.

Civil servants will not be allowed to resign if any of the other grounds for dismissal exist. In the case of a resignation, the civil servant will be released from post within three working days, if no other term is specified. It is not necessary to give notice to civil servants in cases of redundancy, whether caused by downsizing, structural reorganization or the liquidation of the civil service body.

The Law on Civil Servants also regulates disciplinary matters and procedures. The disciplinary measures that can be applied to civil servants include: preliminary warning; reprimand; severe reprimand; salary reduction; and dismissal, which is subject to the agreement of the CSC (Article 32). Disciplinary penalties must be imposed no later than three months after the discovery of their cause and cannot concern issues older than six months. A civil servant should be informed about the disciplinary penalty no later than three days after its imposition. No cases of disciplinary measures have been reported in relation to the SLI.

The four levels of civil service position, including inspectors, are as follows: executive positions; chief positions; leading positions; and junior positions (Article 7). The highest group comprises two subgroups, while the other positions comprise three. Within each subgroup, there are different classes. The senior positions require a science degree and up to three years of professional experience in the field, or a higher education and two–five years of professional experience in the field. Leading positions require higher education and up to three years of professional experience. Junior positions require only a secondary education and no professional experience. The functions of the different positions are defined in the job description. It seems that the tasks of the senior, leading and junior inspectors' positions are almost the same, but that higher positions have stricter responsibilities. Additionally, junior positions cannot make inspection visits alone. The majority of inspectors have a degree in law or economics.

The law does not mention promotion, which could be a key factor in maintaining the professional commitment of civil servants.

Inspectors' salaries are regulated in the Law on Payment of the Civil Servants. Salaries consist of two parts: one fixed and one variable. The variable part can equate to up to 40 per cent of the fixed part; it can be varied by the Head of the Inspectorate or by the heads of the territorial offices as a bonus in cases of good performance. The average monthly salary for inspectors is US$160. They receive 13 payments annually.

The law makes provision that inspectors cannot perform any kind of external activities besides those that are educational or creative.

No code of conduct regulates inspectors' ethical behaviour, other than the restrictions imposed by Article 24 of the Law on Civil Service, which binds all civil servants. In different interviews undertaken during the audit, however, integrity problems were raised by social partners (see below).

There are, in total, 134 labour inspectors: 32 at central level and the rest in the 11 territorial offices. There are some vacancies for labour inspectors, but due to the current economic situation, there is no prospect of filling them.

Only 28 inspectors are women.[5]

Each territorial office has one administrative official, although inspectors usually carry out their own administrative tasks.

The Armenian School of Public Administration provides no inspector training; rather, it is the National Institute of Labour and Social Research that provides the annual training that is compulsory under order of the CSC. Labour inspectors undertake a one-week training programme, twice a year, on issues relating to civil service and labour legislation, as well as international experience.

In terms of transport, there is only one SLI car available for every 24 inspectors in Yerevan and one for every eight inspectors in Ararat. Therefore, inspectors usually carry

[5] .[5] Source: Human Resources Division in the Ministry of Labour.

out visits using their own cars, but they only receive expenses of about AMD3,000 (US$10) per month if visits are further than 30 km away. The number of computers available to inspectors is four in Yerevan and one in Ararat. There is no Internet connection at any regional office, but a local network is available. There is no technical equipment for carrying out measurements and no personal protection equipment for visits.

Visits

Inspectors can visit either on schedule, according to the SLI Annual Plan, or extraordinarily, following a complaint. Complaints are submitted in a written form, not anonymously, and during 2008, around 5 per cent of visits were initiated by complaint: 2,820 planned visits and 230 visits upon request (including complaints and accident investigation) were reported.

Before starting the visit process, inspectors are obliged to obtain an inspection order from the Minister of Labour and Social Affairs (for planned inspections) or from the Head of the Inspectorate (for inspections initiated by complaint). Among planned inspections, those enterprises that have not been visited before are presently a priority.

The orders for the planned inspections are received by the territorial offices of the SLI once a month in a written form. Each order must include: the full name of the inspected organization; the position, name and surname of the official(s) carrying out the inspection; the questions that are to be asked during the inspection; the time period of the inspection; and the aim, terms and legal basis for conducting the inspection.

In the case of a fatal accident, the necessary inspection order is issued in an operative way. Officials not mentioned in the order are not entitled to take part in the inspection and no visit without an order is possible on an inspector's own initiative, even in urgent cases. It is noted, however, that this requirement may be contradictory with the ILO Conventions No. 81, Article 12.1(a), and No. 129, Article 16.1, which state that "labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection".

Two copies of the inspection order are given to the employer three working days before the visit is to commence, except in special cases, such as: verifying compliance with the mandatory requirements for organizing lotteries, winning games, gambling houses and pawn shops; controlling business activities being carried out without state registration; and ensuring compliance with the legal provisions for the recruitment of employees. Under Article 3 of the Law on Organizing and Conducting Inspections, inspectors first visit the inspected entity only to notify the employer that a second visit will follow some days later. The law provides that the head of the economic entity or a substitute official shall sign one copy of the inspection order, confirming notice of the inspection, and shall then give that copy to the inspector. It is noted, again, that this requirement for notice may be contradictory with the ILO Convention Articles cited above, particularly given that other supervisory bodies (such as the Tax Service) are not obliged to offer such notice.

Only by showing the employer the defined order can inspectors enter freely the employer's office, commercial, industrial, storage or any other installation at any working hour of the day; even then, they can do so only in the presence of the employer. This means

that the employer has access to the data comprising the complaint, including the name of the person who presented it. It is noted, therefore, that this provision may be contradictory with the ILO Conventions No. 81, Article 15(c), and No. 129, Article 20(c), which state that "labour inspectors shall give no intimation to the employer or his/her representative that a visit of inspection was made in consequence of the receipt of such a complaint".

If the inspector wants to widen the scope of the inspection mentioned in the order, they must justify doing so in writing; an amended inspection order will then be issued, of which the employer will be notified in writing.

The Law on the State Labour Inspectorate mentions only the authority of the inspector to make visits at any working hour of the day; there is no mention of night visits, as provided for by the ILO Conventions.

The SLI may not inspect the same economic entity more than once a year, except in the extraordinary cases mentioned above, for which the law stipulates no obligatory advance notification of the employer. In those special cases, the SLI shall be entitled to conduct two audits within a year. When the justification for a second audit fails to be proved or appears to be groundless, the inspector responsible shall be held liable. This is yet another provision that may be contradictory with the ILO Conventions No. 81, Article 16, and No. 129, Article 21, which state that "workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions".

Inspectors can invite workers' representatives to participate in the inspection, but such cases are a rare exception, because few companies have yet set up a workers' council. As reported by the MOLSA, an amendment to Article 22 of the Law on Trade Unions, expected to enter into force in the near future, will uphold the role of the workers' councils at enterprise level, empowering them to protect the rights of employees and leaving workers' protection to the trade unions only in case of a strike.

A single inspection cannot exceed 15 uninterrupted working days, which is a very narrow time frame within which to complete a thorough inspection. In some exceptional cases, the Head of the Inspectorate can consequently suspend the inspection for up to ten uninterrupted working days and/or extend its duration by up to 30 uninterrupted working days.

Inspectors can demand documents, data, explanations and certificates that have direct relevance to the inspection and which are within the scope of their competence, and can remove documents temporarily (for not more than three years). Inspectors can ask of employers or staff questions relating to the application of labour legislation; these questions can be asked either privately or with witnesses. It seems that inspectors do not measure factors relating to the working environment, although they can present a petition to a relevant body.

Visits tend to be poorly prepared, mainly because of the lack of registers, data and time.

Inspectors do not use any procedural manuals, checklists or templates in their visits.

If labour inspectors do identify an irregularity during a consultation visit – that is, a visit during which they plan only to provide advice or information – they rarely react, because they are legally bound to present an inspection order before they can do so.

In 2008, the SLI concluded 3,050 inspections. On the basis of the reported number of inspectors (134), this means that each inspector conducted an annual average of 22 inspections. This seems to represent a poor level of productivity.

Authorization and registration

Some public institutions have computerized systems related to their needs. There is a State Register of Enterprises under the Ministry of Justice, but the SLI has access to it only at central level. Further, it cannot provide new information to the Register even if new data emerges as a result of the activities of the territorial offices.

The National Statistical Service has a computerized database that collects information from the annual reports of the legal entities, enterprises and private entrepreneurs relating to occupational injuries, and information from the reports of the Medical-Social Expertise Agency on occupational diseases. This register is not, however, accessible to the inspectors.

The SLI has no access to the information collected by the State Hygiene and Anti-Epidemic Inspectorate, such as lists of employees exposed to hazardous working conditions (which must be presented annually by employers), results from investigations and proven diagnoses of occupational diseases.

The situation is similar in relation to the databases of other authorities, such as the MOLSA's State Disability Database, which collects information from the Medical-Social Expertise Agency about degrees of employment disability.

At present, the Tax Service and the SLI each collect information from the registers kept by the employers independently, but a government decision, last amended in 2005, established a mechanism for the exchange of information on undeclared employment.

The SLI has no access to the information of the CTUA on the number of cases investigated by the branch trade unions.

The Statistical and Analytical Division of the SLI maintains, at central level, a database that collects information about employers, based on their legal obligation to submit annual reports on issues such as number of employees, average salary, and accidents at work and occupational diseases. The database is used for planning inspections. At territorial level, however, the annual reports are kept in hard copy.

Information from the inspection visits and about their results is kept in paper-based archives in the regional offices. Therefore, if inspectors need to check previous inspection activities in an enterprise before conducting a visit, they have to search manually. The regional offices send monthly inspection lists to the SLI at central level, but these mention only the names of the inspected companies. Twice a year, the territorial inspectorates send a more detailed report electronically by to the SLI at central level.

No computerized registry of occupational accidents or diseases exists at the SLI. Only 27 occupational accidents were reported to the SLI during 2008.

Notification of accidents at work and occupational diseases

According to Article 260 of the Labour Code, any employee who suffers an accident at work or develops an acute occupational disease, along with any witnesses, should immediately notify the head of their division, the employer and the department in charge of OSH. Only if an employee dies at work and in cases of acute occupational diseases should the employer immediately inform the Prosecutor's Office and the SLI.

Occupational diseases and accidents are subject to mandatory registration by the employer. The Government defined the procedure for the registration and official investigation of accidents at work and occupational diseases in the first two appendices (Guidelines) to Decree No. 458-N of 23 March 2006. A third appendix establishes a list of diseases defined as "occupational".

Those accidents that are subject to registration and internal investigation are those involving workers during the performance of their duties both on and outside of the employer's premises, including: during business trips; during breaks; before and after the beginning of the work shift, during the time required to prepare equipment, tools and protective measures; while travelling in company transport; and while using city transport to complete duties.

To conduct an internal investigation of the accident, the employer must establish a commission comprising at least three members. The commission may include representatives of the employer, the workers and the Prosecutor's Office. Because the composition of the commission it is left to the discretion of the employer, in practice, internal investigations rarely involve the trade unions or the SLI. For that reason, the commissions often declare the victims themselves to be responsible for the accidents; this, of course, usually prompts the victims to lodge complaints, because the extent of compensatory damages available depends on the degree of the victim's liability.

If five or more workers die, the Government establishes an investigatory commission. In the case of collective, serious or fatal accidents, such a commission will comprise representatives of the employer, the victim and the Ministry of Health (an Occupational Health Service).

Generally, for accidents at work, the commission conducts an investigation within three days. The employer enters the accident in the register.

For collective, serious or fatal accidents, the Commission should conduct the investigation within 15 days and, once it begins, it has 24 hours in which to make a statement. Within three days of the completion of the internal investigation, the records are sent to the SLI, the local Prosecutor's Office and the State Social Insurance Agency.

The Law on the State Labour Inspectorate establishes, in Article 10.5, that the SLI has the authority to study and analyse the reasons for accidents at work and occupational diseases, and to present recommendations for their prevention to the employer. According

to its annual report, during 2008, only 27 accidents at work were reported to the SLI and were investigated, which does not seem a very realistic figure – particularly given that the CTUA reports that its branch units were involved in 42 investigations of accidents at work in 2008. The figures relating to accidents at work reported by the trade unions, the SLI and the National Statistical Service were similarly found to differ: in 2006, branch trade unions reported 21 fatal accidents, while the data provided to the National Statistical Service put the number at 17; in 2007, 30 cases were investigated by the trade unions, while the National Statistical Service reported only 22 cases. The under-reporting of accidents at work is clearly a major problem. The lack of a social fund and a law relating to financial compensation offer very little incentive for the reporting. It is also suggested that accidents should be investigated independently by the SLI rather than internally by the employer.

The main causes of occupational injuries continue to be unsatisfactory work organization, poor training in labour safety, the violation of safety rules in operating vehicles or machine tools, and a lack of protective gear.[6]

Under Decree No. 458-N (see above), the medical institution involved must report every case of an acute occupational disease by telephone to the territorial centre of the State Hygiene and Anti-Epidemic Inspectorate (SHAEI) within six hours. Likewise, chronic occupational diseases must be reported in writing within three days upon diagnosis, based on a description of the workplace environment and the approved list of occupational diseases. Under-reporting is, however, also apparent in relation to occupational diseases.

Each occupational disease is subject to investigation. The investigation is performed by a panel established by the Ministry of Healthcare, including representatives of the SHAEI, the SLI, the employer, the employer and, if necessary, a representative of other organizations concerned. Investigation of a chronic occupational disease is carried out within 24 hours of notice of its outbreak and has to be carried out within ten days after notice. One copy of the resulting statement has to be sent to each member of the commission, the victim and, if necessary, to the social insurance bodies.

If an acute occupational disease occurs simultaneously with an accident, the accident is investigated in accordance with the procedure for investigating accidents at work.

The victim may participate in the official investigation of the accident at work or occupational disease and has the right to view the materials available to the investigating officials. The victim is obliged to participate in any official investigation, but, under Article 261 of the Labour Code, may appeal its result to the Head of the Inspectorate or to the courts.

The main causes of occupational diseases include: unsatisfactory working conditions; high noise levels, because of poor technological equipment used, in mines; and a lack, or inadequate supply, of work clothes, special footwear and other protective gear.[7]

[6] See Occupational Safety and Health in the Republic of Armenia, National Profile, Yerevan, Nov. 2007.
[7] Ibid.

Collaboration with other authorities

Article 6 of the Law on the State Labour Inspectorate establishes that, during its control and supervision of compliance with labour legislation and labour rights, the SLI must cooperate with state management bodies, self-government and other bodies, and public organizations, including the exchange of relevant information.

Institutional relations tend to be good, but informal. There are no institutional agreements for cooperation between the different supervisory bodies with labour-related duties.

The State Hygiene and Anti-Epidemiological Inspectorate (SHAEI) usually does not visit jointly with labour inspectors, except in rare cases of occupational diseases resulting from an accident at work. If, during the performance of their visit, the finds any irregularity that is under the jurisdiction of the SLI, it will send this information to the SLI, but these occasions seem to be rare.

No joint visits between the SLI and the Rescue Service, the State Energy Inspectorate, the State Inspectorate of Agricultural Machinery, the Transport Inspectorate or the Tax Service were reported. Considering that this last has duties that relate to social contributions, and therefore undeclared work, it was expected that joint visits would be necessary.

There is no exchange of information between the SLI and other authorities, such as the State Employment Service Agency or the Medical-Social Expertise Agency.

Sanctions and administrative procedures

According to Article 19 of the Law on the State Labour Inspectorate, the employer is responsible for guaranteeing compliance with labour legislation. The Administrative Infraction Code of 12 June 1985 defines the nature and scale of this responsibility, and the Law on Administrative Procedures establishes its different steps and rights of appeal.

According to Article 24 of the Law on the State Labour Inspectorate, during an inspection, should a labour legislation violation be revealed, the inspector must give the employer written notice of the violation, including measures with which the employer can eliminate its consequences and the deadline for doing so. If the employer fails to do so by the deadline or does not inform the inspector that it has done so, a follow-up inspection may be conducted (although these occasions are rare).

The employer can object to the written notice before a Deputy Head of the SLI. After hearing evidence presented by both the inspector and the employer, the Deputy Head will make a final decision. Any resulting fine is imposed three days (and never later than two months) after the hearing. The employer has the right to appeal against a decision to the Head of the Inspectorate, to the manager of an inspector or to the courts.

The time frame within which the employer must pay the fine is 15 days. If the employer fails to pay, the case is sent to the courts.

The Administrative Violations Code defines different types of violation that can result in administrative fines, as follows.

1. Violations of labour and other related legislation (with the exception of those that stipulate a fine without warning. The first offence is sanctioned with a warning. In the case of a repeat offence in the same year, the amount of the fine shall increase up to fifty times the national minimum wage.[8]

2. Employment under an illegal contract or with no contract. For the first offence, the amount of the fine will be equal to fifty times the national minimum wage for each case.

3. Failure to make available or maintain a registration book, or the failure to make available information on the calculation of working hours. For the first offence, the amount of the fine will be equal to twenty times the national minimum wage. In the case of a repeat offence in the same year, the amount shall increase up to forty times the national minimum wage.

4. Non-payment of salary, incorrect calculation of salary or payment of less than the national minimum wage. For the first offence, the amount of the fine will be equal to one quarter of the unpaid salary. In the case of a repeat offence in the same year, the amount shall increase up to one half of the unpaid salary.

In most cases, inspectors do not have discretionary powers to choose between issuing a warning, along with a deadline for correction, and imposing the fine. Therefore, the inspection system cannot be considered a preventive system; it is suggested that powers to offer advice and information should be strengthened.

The law does not lay down objective criteria for any gradation of the sanctions imposed.

Inspectors cannot fine on the spot. They can register the administrative violation and suggest the fine, but only heads of the territorial offices, Deputy Heads and the Head of the Inspectorate can start the administrative procedure, depending on the amount of the fine.

If a labour inspector is prevented from completing the inspection, the citizen responsible is fined the amount of fifty times the national minimum wage; if a public authority is responsible, the fine amounts to one hundred times the national minimum wage.

If a labour inspector discovers a violation that threatens the life and health of workers, they can apply to the Head of the Inspectorate for temporary termination of operations until the violations are eliminated. The decision of the Head of the Inspectorate shall be delivered to the employer within two days – sometimes after a second visit to the workplace, which usually takes several days. The decision must be implemented immediately. Upon receiving the decision, the employer must inform the Head of the

[8] The national minimum wage is AMD30,000–35,000 (US$81–94).

Inspectorate, in writing, of its execution of the decision, specifying the measures that have been undertaken to eliminate the violation; alternatively, the employer may appeal the decision to the courts. Inspectors cannot, therefore, directly suspend dangerous operations.

If inspectors find workers who have not passed mandatory safety training courses, they can also apply to the Head of the Inspectorate for the temporary suspension of any such workers' activities.

During 2008, the SLI found a total of 6,500 violations of labour legislation, as a consequence of which, 5,848 administrative fines were extended in 2,812 cases, which amounted to a total of AMD278,556,947 (US$754,263).

Relations with social partners

Social partners are very aware of the importance of SLI activities, and express a desire for a more effective and active inspection, more involvement in social dialogue and improvement in working conditions.

The RUEA is aware of the importance of the SLI's activities, and is keen for a more effective inspection procedure and more involvement in social dialogue. In addition, employers identified the absence of supplementary guidelines under the Labour Code as a serious problem for the work of labour inspectors. The RUEA feels that there is an urgent need to develop a special mechanism for adopting amendments to the Labour Code and for further development of the legislative provisions relating to working conditions. It complains that there has been low implementation of the legal provisions related to safety passports in the workplace, and calls for a culture of prevention and advice, as required by ILO Convention.

In the RUEA's view, the dissemination of professional information among, and the practical training of, labour inspectors are urgent measures that will offer them deeper technical knowledge; this will undoubtedly enhance labour inspection efficiency. A better inspection plan is also needed that uses objective criteria to avoid biased inspections. The RUEA expresses concern about unethical behaviours and conflicts of interest among some inspectors, as a result of outside activities. Lack of transparency in SLI operations was also reported.

The RUEA believes that social dialogue should be promoted and established in practice, and asks for ILO help in this respect.

The CTUA reports both close collaboration with the MOLSA, including drafts of legislative standards, and some collaboration with the RUEA and the SLI. SLI representatives are invited to CTUA branch unit seminars on legal standards under the RA Labour Code, at which OSH issues are rarely discussed.

The CTUA complains of limited opportunities, a lack of experience, a lack of knowledge and a lack of ambition among inspectors. It asks that working conditions be a priority during inspection and that employers focus on long-term objectives in that respect. According to the CTUA, the present three types of investigation of accidents at work (that is, the general procedure, the procedure for the energy suppliers and the procedure for state

security in explosive situations) should be united. The emphasis of the SLI's should be consultation rather than administrative sanction, and its collaboration (with the CTUA, the RUEA, the SHAEI and the State Rescue Service) should be enlarged, continued and deepened. Improvement in the legal field is also necessary (concrete norms are needed). Workers must also be made more aware of their rights.

Findings

General comments, and labour inspection structure and organization

1. Armenia has a fairly well-organized and rationally structured labour inspectorate, but because it is a recently established inspectorate, there is room for improvement, which can be accomplished by rationalizing and consolidating some procedures and structures.

2. There are too many supervisory bodies, some of which act in very closely related fields, and although the SLI coordinates with some them on a limited basis, an institutional approach should be developed to facilitate a real integrated labour inspection system, as recommended by the ILO.

3. Armenian labour legislation needs revision, specifically on OSH, according to the European Directives. Also a new Law on Labour Inspection would help to support a better integrated labour inspection system and a more preventive approach.

Human resources and career development

4. Although inspectors have the status of civil servants, there is no career plan for their development and incentives for promotion between the different grades have not been established. Salaries are not attractive, which can lead to staff losing and integrity problems. In general, the SLI is understaffed. Additional funding is needed to increase the number of inspectors and to improve gender balance among them.

5. Inspectors do not have sufficient secretarial support. This situation can increase the number of tasks for which the inspectors are responsible. Other deficiencies include transport services (inspectors may consequently use their own cars and it seems that expenses are not well reimbursed). Computer access, registers and software for recording inspection visits and results might also be improved.

6. Although there are some training activities, there is no national training programme for inspectors. There is no specific training for new recruits and no refresher, on-the-job or specialist training.

Visits

7. The provision of notice to the employer can be considered to limit the free access of inspectors to workplaces and therefore may be contradictory with the ILO Conventions No. 81, Article 12.1(a), and No. 129, Article 16.1, which state that "labour inspectors provided with proper credentials shall be empowered to enter

freely and without previous notice at any hour of the day or night any workplace liable to inspection".

8. Inspectors cannot visit under their own initiative, to follow up on a planned visit or in response to complaints, even in cases in which the life and/or health of employees are threatened or during the investigation of accidents at work.

9. The legal limit placed on the number of the annual planned visits may be contradictory with the ILO Conventions No. 81, Article 16, and No. 129, Article 21, which state that "workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions". This legal limit should therefore be abolished.

10. Although there are good relations, there is a clear need for more coordination and collaboration with other authorities – particularly with the SHAEI and the Tax Service. Joint visits should be increased, starting with planning.

11. The average of visits per inspector and year is low. Efficiency might increased by abolishing the annual limit and the notification in advance and by allowing inspectors to require employers to attend inspection offices in order to check documents there, in those cases in which a visit is not essential. Follow-up visits should be improved, especially when the deadline for eliminating violations expires. Further, visits under the inspectors' own initiative should be allowed.

12. Internal procedures should be improved, and inspection forms and procedures should be prepared that will facilitate the exchange of information and enhance the value of inspection visits. Checklists or protocols should be drawn up for use during inspections.

13. Before inspections take place, inspectors should prepare the visits by: checking files and records; confirming the location of the subject of the visit and the names of contacts to be involved; checking the number of workers and whether there is any trade union presence; assessing the employer's general attitude; and noting any previous violations, accidents at work and complaint letters received. To facilitate the monitoring of non-compliance by sector and by locality, it would be useful to establish a file and registry system (see below).

Registries and data collection

14. Successful planning depends on an up-to-date master register of establishments to which all labour inspectors have access. At present, this does not exist, other than at central and Tax Service levels.

15. There is an urgent need to develop a proper system to maintain and update registers at national level. Registers should be computerized at headquarters and in the regional units. Computer training should be provided to office staff. The master register would be a useful tool for planning and preparing for, and following up on, inspections. This register would also help in the development of better general data and statistics at central level, and for the purposes of annual reports.

Notification of accidents at work and occupational diseases

16. The under-reporting of accidents at work and occupational diseases is a major problem. Incentives including a social fund and compensation standards should be established to encourage notification of such cases.

17. The SLI should investigate accidents at work rather than the employer, which presently drives an internal investigation; this would help to eliminate bias from the outcome. The investigation of accidents at work could be improved with better collaboration between other authorities in and outside the Ministry of Labour and Social Affairs, including the SHAEI.

Collaboration with other authorities

18. Collaboration and relations with other institutions and authorities are good, but a more targeted institutional and formal approach is needed.

Sanctions and administrative procedures

19. Efficiency could be increased by a more preventive approach. Although, in cases of violations, inspectors have the power to give the employer a deadline for their elimination, it seems that, in most of the cases, inspectors simply issue fines. Labour inspectors should be provided with discretionary powers to give warning and advice, rather than to recommend sanctions.

20. Offences should be graduated according to different criteria to allow for better application of the sanctions system.

Social dialogue

21. It is important for the social partners that their concerns and opinions are taken into account, as provided for in ILO Convention No. 81. In general, they are aware of the important role of labour inspection in the implementation of the labour law, but there is a lack of real knowledge on how to collaborate. The social partners are calling for a more effective and dynamic inspection; they are expressing the need for more inspectors, more thorough training, better planning, and a culture of prevention. The trade union presence in SMEs and the private sector is still low, and participation by workers' representatives in inspection visits is patchy.

Recommendations

General comments, and labour inspection structure and organization

1. Formal plans for a better integrated labour inspection system should be established at all levels, including among different supervisory bodies that are acting in work-related areas. Some such bodies might be unified with the SLI. A more integrated approach should particularly be developed between occupational safety and occupational health fields.

2. Amendments to the Labour Code are needed specifically on OSH, because the current legislation is poor. Also a new Law on Labour Inspection is highly recommended in order to support the development of a better integrated labour inspection system and a more preventive approach, in line with ILO Convention Nos 81 and 129.

ILO suggestion: A working group could be established at the highest level, with the collaboration of the ILO, aimed at attaining both of these targets.

Human resources and career development

3. The successful implementation of a modern system of labour inspection will require determined efforts to rationalize and strengthen the labour inspection system. The government should provide budget resources to boost staff levels and to improve gender balance.

4. In addition to the worries with regard to staff shortages, another serious problem is poor motivation among personnel due to low salaries and limited career prospects. Human resources policies need to be redesigned to ensure that inspectors are incentivized by promotion opportunities. Efforts should be made to draft conduct rules and to strengthen ethical practices.

ILO suggestion: A working group could be established at the labour inspection level, with the collaboration of a consultant, with a view to revising the career plan.

5. In addition to the need for appropriate qualifications and to train newly recruited officials in the inspection services, it is also necessary to train existing officials, including refresher, on-the-job or specialist training. A general and national training programme for inspectors should be established, and its sustainability ensured.

ILO suggestion: Training activities could be planned and developed with ILO support. The ILO Turin Centre is working to produce a new training programme that could be used for this purpose.

Visits

6. The legal obligation of notice prior to the visit should be abolished.

7. The legal limit on the number of annual planned visits to a single organization should be abolished.

8. Efficiency and effectiveness could be increased by allowing inspectors to visit workplaces with no previous order and by asking employers to attend inspection offices when a visit is not essential, in order that documents might be checked there. Follow-up visits should be improved, especially when the given deadline for the elimination of violations expires.

9. Internal procedures should be improved, and inspection forms and procedures should be prepared that will facilitate the exchange of information and enhance the value of inspection visits. Checklists should be drawn up for use during inspections.

ILO suggestion: These activities could be planned and developed with ILO support, and within the framework of the technical cooperation project, with the help of some consultancies.

10. Before inspections take place, inspectors should prepare the visits by: checking files and records; confirming the location of the subject of the visit and the names of contacts to be involved; checking the number of workers and whether there is any trade union presence; assessing the employer's general attitude; and noting any previous violations, accidents at work and complaint letters received. To facilitate the monitoring of non-compliance by enterprise, by sector and by locality, it would be useful to establish a file and registry system (see below).

Registries, data collection, and notification of accidents at work and occupational diseases

11. The State Register of Enterprises should be accessible to the SLI. Moreover, a computerized register of enterprises should be implemented at the MOLSA. A computerized register of inspection visits and results would be useful to improve monitoring.

12. Some measures should be established to improve the reporting of accidents at work and occupational diseases, and to strengthen the role of the SLI in the investigation of accidents (rather than their internal investigation by the employer, as at present).

13. A national-level register on accidents at work and occupational diseases should be developed, disaggregated by gender (maintaining personal confidentiality), to help in analysing trends, as well as in planning visits and organizing prevention campaigns.

ILO suggestion: These activities could be planned and developed with ILO support, and within the framework of the technical cooperation project, with the help of some consultancies.

Collaboration with other authorities

14. Institutional agreements should be worked out among the various authorities.

Sanctions and administrative procedures

15. Inspectors should be provided with discretionary powers to give warnings and advice, rather than simply to institute or recommend sanctions.

16. Graduation of the sanctions should be established to facilitate more efficient inspection work.

Social partners

17. Awareness-raising campaigns on the role of the SLI should be undertaken. Leaflets and other media tools should be developed.

ILO suggestion: These awareness activities could be planned and developed with ILO support, and within the framework of the technical cooperation project.

18. The establishment and regulation of OSH Committees at enterprise level is needed to improve collaboration among social partners.

ANNEX I

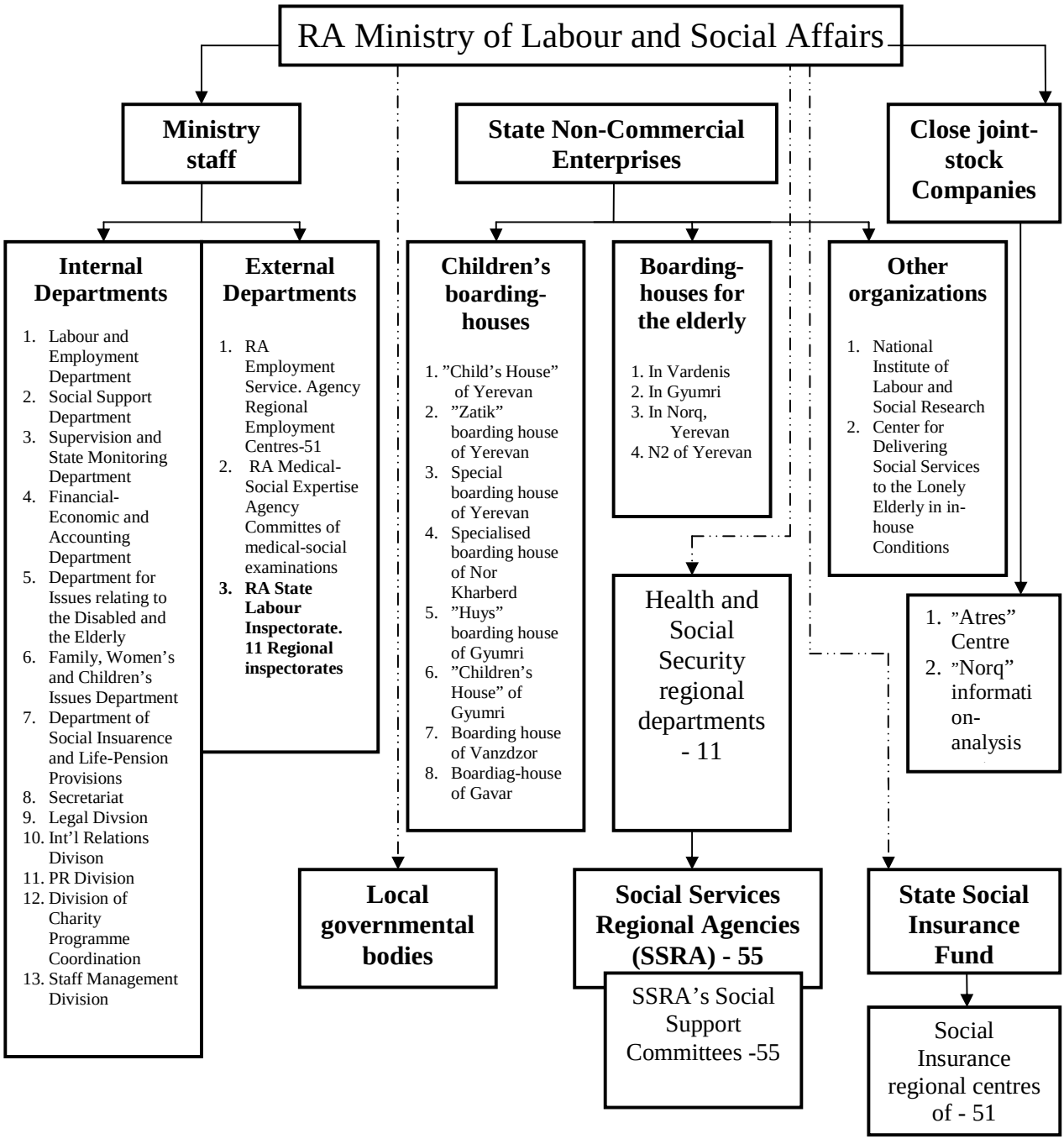
List of ILO Conventions ratified by Armenia[9]

C14 Weekly Rest (Industry) Convention, 1921	27.01.2006
C17 Workmen's Compensation (Accidents) Convention, 1925	17.12.2004
C18 Workmen's Compensation (Occupational Diseases) Convention, 1925	18.05.2005
C26 Minimum Wage-Fixing Machinery Convention, 1928	27.01.2006
C29 Forced Labour Convention, 1930	17.12.2004
C81 Labour Inspection Convention, 1947	17.12.2004
C87 Freedom of Association and Protection of the Right to Organise Convention, 1948	02.01.2006
C94 Labour Clauses (Public Contracts) Convention, 1949	18.05.2005
C95 Protection of Wages Convention, 1949	17.12.2004
C97 Migration for Employment Convention (Revised), 1949	27.01.2006
C98 Right to Organise and Collective Bargaining Convention, 1949	12.11.2003
C100 Equal Remuneration Convention, 1951	29.07.1994
C105 Abolition of Forced Labour Convention, 1957	17.12.2004
C111 Discrimination (Employment and Occupation) Convention, 1958	29.07.1994
C122 Employment Policy Convention, 1964	29.07.1994
C131 Minimum Wage Fixing Convention, 1970	29.04.2005
C132 Holidays with Pay Convention (Revised), 1970	27.01.2006
C135 Workers' Representatives Convention, 1971	29.07.1994
C138 Minimum Age Convention, 1973	27.01.2006
C143 Migrant Workers (Supplementary Provisions) Convention, 1975	27.01.2006
C144 Tripartite Consultation (International Labour Standards) Convention, 1976	29.04.2005

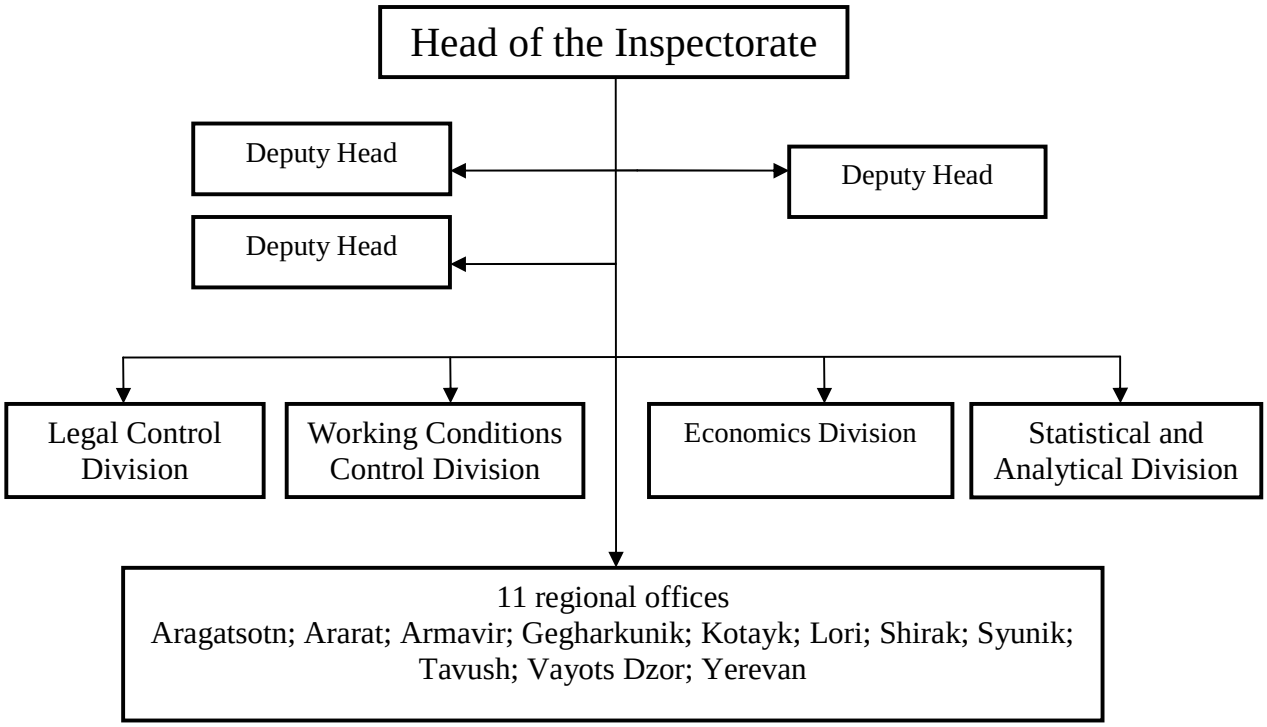
[9] (Source: ILOLEX - 5. 8. 2009)

C150 Labour Administration Convention, 1978	18.05.2005
C151 Labour Relations (Public Service) Convention, 1978	29.07.1994
C154 Collective Bargaining Convention, 1981	29.04.2005
C160 Labour Statistics Convention, 1985	29.04.2005
C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992	18.05.2005
C174 Prevention of Major Industrial Accidents Convention, 1993	03.01.1996
C176 Safety and Health in Mines Convention, 1995	27.04.1999
C182 Worst Forms of Child Labour Convention, 1999	02.01.2006

ANNEX II


RA Ministry of Labour and Social Affairs
Ministry staff
State Non-Commercial Enterprises
Close joint-stock Companies
Internal Departments
1. Labour and Employment Department
2. Social Support Department
3. Supervision and State Monitoring Department
4. Financial-Economic and Accounting Department
5. Department for Issues relating to the Disabled and the Elderly
6. Family, Women's and Children's Issues Department
7. Department of Social Insuarence and Life-Pension Provisions
8. Secretariat
9. Legal Divsion
10. Int'l Relations Divison
11. PR Division
12. Division of Charity Programme Coordination
13. Staff Management Division
External Departments
1. RA Employment Service. Agency Regional Employment Centres-51
2. RA Medical-Social Expertise Agency Committes of medical-social examinations
3. RA State Labour Inspectorate. 11 Regional inspectorates
Children's boarding-houses
1. "Child's House" of Yerevan
2. "Zatik" boarding house of Yerevan
3. Special boarding house of Yerevan
4. Specialised boarding house of Nor Kharberd
5. "Huys" boarding house of Gyumri
6. "Children's House" of Gyumri
7. Boarding house of Vanzdzor
8. Boardiag-house of Gavar
Boarding-houses for the elderly
1. In Vardenis
2. In Gyumri
3. In Norq, Yerevan
4. N2 of Yerevan
Other organizations
1. National Institute of Labour and Social Research
2. Center for Delivering Social Services to the Lonely Elderly in in-house Conditions
1. "Atres" Centre
2. "Norq" informati on-analysis
Health and Social Security regional departments - 11
Local governmental bodies
Social Services Regional Agencies (SSRA) - 55
SSRA's Social Support Committees -55
State Social Insurance Fund
Social Insurance regional centres of - 51

ANNEX III


Head of the Inspectorate
Deputy Head
Deputy Head
Deputy Head
Legal Control Division
Working Conditions Control Division
Economics Division
Statistical and Analytical Division
11 regional offices
Aragatsotn; Ararat; Armavir; Gegharkunik; Kotayk; Lori; Shirak; Syunik; Tavush; Vayots Dzor; Yerevan