

Policy Paper

Trade Unions and Labour Rights in Lori, Shirak, Tavush, and Gegharkunik Regions in Armenia

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INTRODUCTION

Labour rights protection in Armenia is a frequently discussed issue. The situation regarding labour rights is characterized as adverse, which is predominantly ascribed to the poor functioning of trade unions. The situation calls for investigation, as trade unions are the main bodies ensuring the protection of labour rights which, research indicates, are often violated. Hence, this policy paper seeks to address the following questions with a particular emphasis on trade unions: RQ1: What are the main labour rights violations in the RA? RQ2: How are the issues related to labour rights raised in the RA? RQ3: What are the main obstacles in addressing labour rights protection in the RA? RQ4: How can the labour rights advocacy initiatives be improved in the RA? In order to answer these questions 18 interviews were conducted, which have been analysed using thematic network analysis. This tool helps present the main themes of qualitative data in a rather comprehensive manner.

The policy paper argues that the weakness of trade unions is attributable to the Soviet inertia that confines the effective functioning of the entities. As the transitional hardships faced by the unions after independence in 1991 have predefined the debility of the unions, the concept of “Path dependency” (Janos 1994; Hanson 1995) is applied to the present case as a basis for analysis. In addition, the lack of adequate revitalization strategies not adopted by the unions coupled with the existing structure of the entities, which confines the revival of the unions, lead to retroversion, which is predominantly manifested in a form of deunionization. Consequently, trade unions do not serve their main purpose, as the trade-off between the unions and their members is not necessarily conducive to labour rights protection. In particular, there is an inadequate demand from below (union members), that does not call for labour rights protection, and, on the other hand, TUs offer some financial/material support at the expense of labour rights advocacy. Hence, the main institution entitled to protect labour rights mainly fails at it.

Apart from the weakness of trade unions, there are other structural reasons that hinder labour rights protection. Specifically, the Healthcare and Labour Inspection, which is the main regulatory body that ensures the protection of labour rights, is obliged with rather limited competences. In addition, in the event of labour rights violations, people very rarely take their issues to courts. Thus, these factors greatly undermine the institutional capacity for advocacy, which leads to deinstitutionalization. As a result, the obtained data reveal, that given the lacuna of labour rights protection, NGOs specialized at human rights protection are gradually filling the mentioned vacuum. However, these entities are not well established yet.

In order to present the analysis and findings, the present study adheres to the following structure. First, the literature review concentrates on trade unions from a broader perspective by illustrating the existing revitalization strategies to tackle current waves of deunionizations. Then, the analysis narrows down to the post-communist states and focuses on the Armenian case. Afterwards, a detailed elucidation of research method follows in the methodology part. As for the findings and discussion of the research, they are presented in the three chapters. Finally, the study summarizes its

main arguments in the concluding part and draws recommendations to foster labour rights advocacy in the RA.

LITERATURE REVIEW

Trade unions: a broader context

Over the past few decades, a vast body of academic literature has revealed that trade unions (TUs) play a vital role in shaping fair economies and strong democracies (Bivens et al. 2017). The set of wide-ranging benefits that trade union membership entails, mostly in terms of enhanced collective bargaining availability, encapsulates both financial and non-material advantages. In particular, on one hand, union members earn considerably more on average than non-union workers (Madland, Walter, Bunker 2011), on the other hand, the chain effect might also raise wages on sector-wide bases (Brinkmann 2017) by setting standards that disseminate across industries (Hirsch and Schumacher 1998). Besides, unions equalize the wage gap between men and women (Schmitt 2008), build an environment for career development, as union members enhance their skills (Waddoups 2002) and receive work-related education (Bureau of Labour Statistics 2007), increase the likelihood of having more holidays and paid vacation (Bivens et al. 2017), decrease the chances of work-related hazards (Amick et al 2015), such as injuries and illnesses, and so on. Given the mentioned benefits, it is widely argued that weak trade unions attenuate the middle class (Madland, Walter, Bunker 2011; Bivens et al. 2017), as the decreasing number of union members diminishes the income of the middle class (Hirsch, Macpherson, Vroman 2001; Madland, Walter, Bunker 2011). Similarly, B. Western and J. Rosenfeld (2011) claim that unequal growth in the United States is partly (from 20 to 33 percent) attributable to the growing rates of deunionization. Regardless of the wide range of privileges predetermined by the union membership, there is a gradual decline in union ranks across the globe. Hence, the question arises – what are the main reasons for deunionization?

In most European countries, trade unions have undergone a phase of a “crisis” (Frege and Kelly 2003) due to membership loss, which consequently mitigated the collective bargaining power of the entities. For instance, there were 12.6 million union members in Great Britain in 1979, but by 1998 their numbers had decreased to 7.1 million (Waddington and Kerr 2000). The decline is ascribed to the rise of mass unemployment caused by the 1973 oil crisis (Ebbinghaus 2002) coupled with multifaceted structural changes on social and economic levels such as; reorganization of the nature of work – from unionism to decentralization, from blue collar to white collar jobs, from collective to individual work, emergence of part-time jobs, (Ebbinghaus 2002; Terry 2003) expansion of small and medium enterprises, where it

is hard to lure members and which are sometimes hostile to trade unions (Frege and Kelly 2003), private sector growth, in which case the unionization is about three times lower than in the public sphere (Labour Force Survey 2001). This gap is partly attributed to the efforts of wealthy corporations and anti-union lobbyists who seek to diminish employees' collective bargaining rights (Madland, Walter, Bunker 2011; Gordon 2016; Bivens et al. 2017). Feminization of the labour market is another factor that explains deunionization, as women are less prone to join unions (Bergamaschi 2000; Terry 2003). In addition, for many trade unions, the aging of its members is also rather typical, which is partly due to the failure to attract the youth, as the latter perceive trade unions as old-fashioned entities (Ebbinghaus 2002). Thus, these were the main reasons that explain the rapid deunionization of trade unions. However, in spite of the global decrease in membership rates, trade unions have arranged a large set of coping strategies for revitalization to adapt to the new challenges.

Strategies for revitalization

C. Frege and J. Kelly (2003) have identified six key strategies that are applied by trade unions in order to cope in rapidly changing environments. *Organizing*: due to lack of human resources, trade unions are engaged in membership acquisition first of all. *Organizational restructuring*: by virtue of financial hardships, caused by deunionization, numerous trade unions have undergone mergers (Waddington 2001). The fusions also occur on a sector-wide basis, for example with employer associations (Ebbinghaus 2002). Besides, reorganizations usually take the form of readjustments, by which trade unions might shift the scope of their interests. In particular, the entities enhance their engagement in social policy as a result of attaching growing importance to unemployment insurance funds and pension schemes. These readjustments are mostly ascribed to public welfare privatizations (Ebbinghaus 2002). In this context, it is noteworthy to mention that Scandinavian trade unions have recorded the highest rates of union density in relation to most European countries, which is predominantly attributable to union-run unemployment insurances (Western 1998). *Coalition building*: though trade unions might cooperate with various interest parties, such as environmental groups or human rights advocates, most commonly they build coalitions with political entities (Robertson 2004), particularly collaborating with social democrats. *Political action*: these two units have often been characterized as 'Siamese twins' (Ebbinghaus 1995). As a result of this cooperation, political parties might gain benefits in the form of votes during elections, whereas labour unions can have their say on policy level decision-making (Warner 2003). In this regard, K. Burgess (1999) and El. Allern, N. Aylott and J. Christiansen (2007) argue that the level of their relationship is determined by the scope of benefits that each party might extract from the other. *Partnership with employers*: this type of cooperation at the industrial or national level can develop the bargaining power of the unions. *International links*: the relationship of the unions on an international level might also increase their bargaining capacity and enhance their political power as a result of partnership with lobbyists on an international level (Ross and Martin 1999).

Regardless of the developed strategies, there is a clear membership crisis in most Western countries. However, the analysis of the literature review hints that the bargaining capacity of the unions is often transformed into other forms of manifestation rather than lost. For instance, the proliferation of small and medium enterprises paved the way for the emergence of business unionism (Turner and Hurd 2001; Bennett and Ramsden 2007). However, it should be highlighted that business associations represent collective bodies, as opposed to trade unions, which deal with individual concerns (Traxler 1993). Yet another form of mobilization of labour militants is the uprising of social movements, which is based on member activism and involvement (Turner and Hurd 2001). As already noted, this form of movement is rather popular among the youth (Ebbinghaus 2002). In a nutshell, it can be inferred that in spite of the benefits offered by trade union membership and wide-ranging strategies to lure and retain members, there are a variety of reasons that lead to the deunionization of the entities.

Although the examined cases represent the current state of affairs among Western states, membership loss is rather widespread all over the globe. However, the illustrated examples cannot be generalized, as the status of trade unions is rather different worldwide, except the fact of deunionization, which might be considered as a common denominator amid diverse states.

Trade unions in the post-communist states

It is a widely-held view that trade unions in capitalist societies are diametrically different from their counterpart unions in socialist (here the term is defined as communist) states (Clarke 2005), as discrepancies are predefined by the legacies of the past coupled with the embeddedness of the institutions (Ebbinghaus and Visser 2000; Robertson 2004). There are number of significant differences between them. In socialist countries, affiliation with the unions was mostly obligatory, as opposed to voluntary membership, and instead of defending the rights of their militants, unions mobilized their members predominantly in support of the authority. In other words, the unions were meant to control their members rather than to represent them (Ruble 1991; Clarke 2005). Consequently, after the collapse of the socialist system, trade unions encountered a myriad of hardships in terms of organization and functioning, which resulted in a search of institutional reproduction (Clarke et al. 1995). Their survival was threatened and in order to retain their legal privileges and immense property, the unions had to seek novel justifications for their existence, in terms of emphasizing the relevance of being. Accordingly, they were finding ways to react to the new environment by transforming themselves into “true” unions (Clarke 2005). However, post-socialist countries were “path dependent” (Nee and Stark 1989), which means that trade unions, along with other institutions could not experience a smooth shift from one to another model of unionism. That is to say, ensuring the transition lied beyond their reach, as the inherited structures and legacies did not lay the foundations for the conversion to occur (Clarke 2005).

It is a commonly debated issue whether or not the hardship regarding transition in post-socialist states stems from historical embeddedness. In academic literature,

some scholars explain the mentioned difficulties by referring to “Path dependency” (Janos 1994; Hanson 1995), where legacies of the past are of utmost importance, others highlight the relevance of “Liberal imperatives” (Huntington 1992; Geddes 1995), which emphasizes the factor of democratic institutions in determining political culture and outcomes. Both viewpoints share a common belief that political processes are shaped by the role of institutions (Osa 1998). Likewise, the peculiarities of trade unions in post-socialist states are often analysed through the prism of the described concepts. Thus, it is commonly accepted that, if the trade unions were weak during liberalization, most probably they would remain so (Robertson 2004). Here, it is important to state that not all post-communist countries had the same starting positions. Particularly, Bulgaria and Poland were in more vantage points after the transition than Russia, as the former states had experienced significant departure from communist ideology long before the collapse of the regime (Osa 1998; Robertson 2004; Clarke 2005). By comparing the cases of Bulgaria and Russia, G. Robertson (2004) has identified two main prerequisites that are essential in entailing the power of trade unions: competition between trade unions and coalition building with political parties. Interestingly enough, through their mobilization, strong labour unions in Bulgaria managed to overthrow several governments, whereas in Russia only 7,000 out of more than 15 million unpaid employees made their voices heard by striking. This discrepancy is attributed to the weak political alliances and lack of competition between Russian trade unions. Hence, labour protests in Russia could hardly achieve substantial resonance. Similar to the Bulgarian case, trade unions in Poland were also tightly linked with political parties and a fierce competition among the entities was also quite pertinent. The number of the unions in Poland exceeded 1500 (Osa 1998; Robertson 2004), where only the two most popular ones encompassed around six million members (Osa 1998). M. Osa (1998) posits that public demonstrations in Poland that took the form of blockades, strikes, and protests were predominantly led by the unions. She classifies the mentioned manifestations within three clusters. *Protests*: non-violent actions such as marches, demonstrations, road blockades, rallies, symbolic manifestations, occupation of different buildings, hunger strikes and boycotts. *Strike threats*: warnings of work stoppage. *Strike*: actual strikes of workers. The analysis illustrates that the most effective means to reach concessions are strikes, however strike threats are the most optimal type of manifestation as they are almost similarly effective, as well as less costly. Strikes and strike threats led to concessions in 86 and 84 percent of cases respectively, mostly related to improved work conditions, creation of necessary commissions and wage increases. Indeed, if the chosen methods are nonviolent, then the chance of concessions are significantly high, as opposed to violent disruptions, which probably boost repressive contra actions (Franklin 2009). Thus, by examining the presented cases it can be inferred that the concept of “Path Dependency” is more applicable to the Russian case, whereas “Imperatives of liberalization” might be shown by Poland and Bulgaria, where trade union-led widespread social movements brought quite tangible changes at both the economic and political levels.

Trade unions in Armenia

Until recently, there has been little interest in academia regarding trade unions in Armenia. Only several studies have delved into exploring the situation regarding the unions, mostly in the context of labour rights (Mejlumyan 2010; Amirkhanyan 2015; Tigranyan et al. 2018; Nersisyan 2019; Tigranyan et al. 2019). Despite the fact that these studies are of great importance, as they have conducted pioneering research on trade unions, there is a minimal use of comparative analyses and the vast body of literature relating to the phenomenon. In particular, the mentioned studies are an attempt to examine pre-existing assumptions, which are not drawn from the findings of the literature review, but are mostly based on personal hunches. As a result, some dynamics might have remained unexplored. Likewise, the presented findings can be misleading if they are not interpreted in a broader context. For instance, in one of the examples the conducted survey questionnaires showcase that labour rights are well preserved. However, it is unanimously asserted that people in Armenia, in general, are not well aware of the labour law and labour rights (Mejlumyan 2010; Asatryan 2019). Hence, the data can be misleading, if it is not further explained. Additionally, in one of the studies it was found that 46 percent of the Armenian employees think they are underpaid and this number is labelled as concerning. Nevertheless, in comparative surveys exploring the US case, the percentile of people having the same feeling is either similar (Half 2019) or even higher (Payscale 2017). Indeed, some of the mentioned studies rely too heavily on descriptive components without further elaboration. Thus, the research would have greatly benefited if the relevant literature and international experience were also considered.

Recent research has suggested that trade unions in Armenia are overly weak (Amirkhanyan 2015; Mejlumyan 2010; Tigranyan et al. 2018). It is even claimed that the entities in RA are among the most powerless, along with Ukraine and Georgia in the post-Soviet environment (Asatryan 2019). There are various elucidations for the decline. The most common explanation is that trade unions are highly dependent on employees, as the main source of trade unions' income stems from the latter. Consequently, they have strong leverage over the unions (Mejlumyan 2010; Asatryan 2019; Nersisyan 2019). Legal constraints are also rather emphasized hardships. In particular, much is spoken about the limitations of the labour code that confines the capabilities of trade unions in collective bargaining (Nersisyan 2019). Likewise, a legal restriction on strike organization that makes a manifestation of a phenomenon almost difficult to orchestrate is another factor that explains the weakness of trade unions (Mejlumyan 2010; Nersisyan 2019). Notably, legal strikes may only be announced by cooperating with the unions, however until now no such an event has occurred (Tigranyan et al. 2019). Besides, the debility of trade unions may also be ascribed to the lack of Labour Inspection (Asatryan 2019; Mejlumyan 2014) that hinders overarching supervision over labour rights violations (LRV).

Deunionization is also ascribed to a set of objective circumstances such as: high rates of unemployment (Asatryan 2019), feminization of the labour market, change of the nature of work in the form of a decline in manufacturing jobs, privatization of economy that entails dissemination of small and medium enterprises (Mejlumyan 2010), where it is very common to work without an employment contract (Tigranyan et al. 2018), high levels of shadow economy, which is about 40 percent (Amirkhanyan

2015), and so on. These arguments are much in line with the international experience. As a result of the mentioned factors and others, union membership has gradually declined and the number of union members reached about 191,000 (Asatryan 2019), which is about 20 percent of the workforce. It is worth mentioning that, in one of the studies, the majority of the respondents does not consider unions useful (Amirkhanyan 2015), and only about two percent would rely on the trade unions, if their labour rights were violated (Tigranyan et al. 2018). The weak nature of trade unions, coupled with other factors, such as low levels of public awareness of the labour code, builds up an environment for unfair labour practices (Mejlumyan 2010; Amirkhanyan 2015; Asatryan 2019).

As regards the violations of the labour code, the analysis of the above cited studies depicts the following types of unfair practices: 1. Unpaid wages. 2. Late payments. 3. Discrepancy between actual and registered wage rate. 4. Underpayment (wages are smaller than expected). 5. Not registering employees. 6. Fixed-term employment contract usage (instead of permanent or part-time employment contracts). 7. Overtime work without pay. 8. Unpaid leave. 9. Setting illegal probationary period. 10. Workplace safety issues. 11. Discrimination against women and youth (while hiring). 12. Unethical behaviour at workplace (sometimes violation of dignity). 13. Unfair pay deduction. Hence, it is asserted that the enhancement of trade union capacities would eventually lead to the betterment of labour rights protection (LRP) (Tigranyan et al. 2019). Nevertheless, it is also critical to state that according to V. Amirkhanyan (2015), the vast majority of people do not have knowledge about the key functions of trade unions.

METHODOLOGY

Research questions

From the section above, it can be derived that trade unions are fairly weak in the Republic of Armenia (RA). The current state of affairs signals a gap in labour rights protection, which in its turn is an area of growing concern for the reasons already presented. Hence, this policy paper seeks to address the following questions: RQ1: What are the main labour rights violations in the RA? RQ2: How are the issues related to labour rights raised in the RA? RQ3: What are the main obstacles in addressing labour rights protection in the RA? RQ4: How can the labour rights advocacy initiatives be improved in the RA? Such a formulation of the questions is predominantly based on the analysis of academic literature combined with the results of a set of expert interviews.

The research questions seek to identify the most common types of labour code violations, the main stakeholders of labour rights protection, and to examine the role of each in the process of voicing the very issues by elaborating on how grievances are raised on the individual and group levels. Besides this, the policy paper aims to shed

light on the main challenges affecting labour rights protection stemming from both the bottom-up and top-down dimensions. Finally, the synthesis of the answers covering the mentioned question will deduce recommendations to foster labour rights advocacy initiatives in the RA.

Why conduct a new study?

As mentioned, most studies in this field have chiefly focused on the Armenian context, evading any engagement with the extensive scope of academic literature, as well as triangulating their findings with the existing body of research examining the same issues. Thus, the present paper aims to fill this gap by conducting an exploratory research, which will elaborate on the highlighted questions from a broader perspective. Having examined the available literature coupled with the knowledge of already existing findings, this study strives not to bypass the necessary insights that will provide enough grounds to approach this paper in a rather comprehensive manner. In addition, the results of this work are compared with the already existing literature. Hence, the presented arguments call for an exploratory research that will dig deep to identify a wide range of issues and dynamics. As a result, a qualitative research method has been chosen to elucidate the current state of affairs related to trade unions and labour rights in the RA. Specifically, four regions (Lori, Shirak, Tavush, Gegharkunik) have been identified for examination within the framework of this paper.

Sampling, data collection and analysis

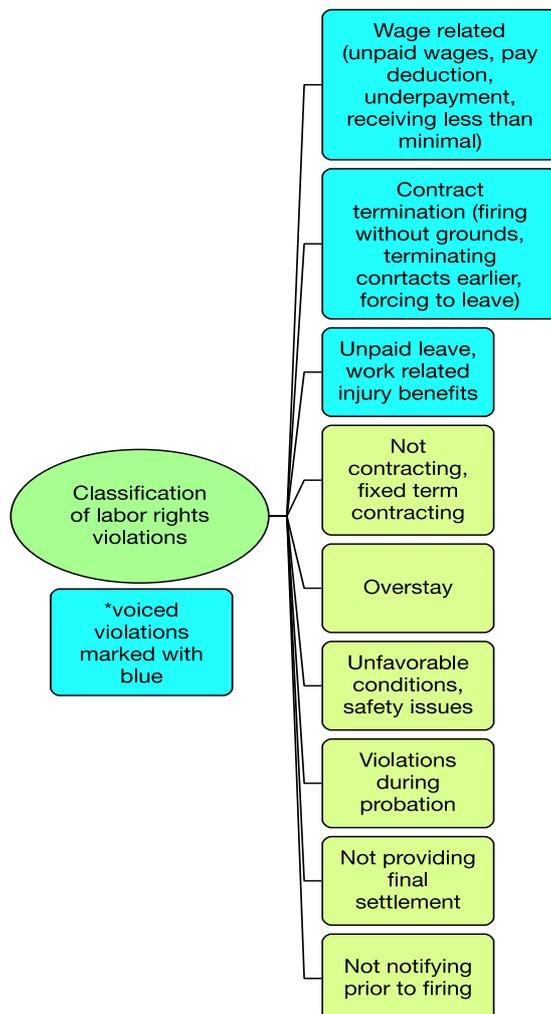
In order to answer the above-mentioned research questions, two tiers of in-depth interviews were conducted. Initially, six unstructured interviews were held with a set of various respondents to gain the necessary insight about the topic. The choice of the latter was derived mostly from the analysis of the literature review, which, for instance, pinpoints the path-dependent nature of post-Soviet trade unions, or highlights that the entities are historically interconnected with socialist parties. Consequently, this sample is compiled from: 1. An employee that worked at the head office of trade unions during the times of the communist era and after independence. 2. A high-level official working at the Confederation of Trade Unions in Armenia. 3. A representative of the most popular socialist party. 4. A field expert working at one of the leading NGOs that deals with human rights protection. 5. The co-founder of a well-known business association. 6. A state official working at the Ministry of Labour and Social Affairs. The analysis of these interviews, coupled with the reviewed literature has served as a basis for the formulation of the interview guide for the second tier of in depth-interviews. Hence, 12 semi-structured interviews (bringing the overall number to 18) were conducted in each region with the representative of an NGO dealing with labour rights protection, a labor rights expert and a trade union representative. The duration of the interviews lasted from 30 minutes to 72 minutes. The recorded materials were analysed by thematic network analysis (see Attride-Sterling 2001) by uploading the material into the Nvivo

software. In order to present the findings in a comprehensible manner, mind maps were created and illustrated in this study.

Apart from the in-depth interviews, content analysis of a number of available video recordings was also scrutinized. More precisely, in the setting of the four regions (all villages and cities, if available) key words like “strikes”, “boycotts”, “labour rights violations” and “protests” were searched on YouTube, with an eye to identify the common manifestations of the offenses or complaints, and to spot the role of each and every agent playing a part in the developments in one way or another. The embodiments of demonstrations were classified and presented (see table 1).

LABOUR RIGHTS VIOLATIONS IN THE REPUBLIC OF ARMENIA

The results obtained from the thematic analysis highlight that there is a gap between labour rights violations and whether they are voiced. This argument is backed by two thematic clusters, which pinpoint that the mismatch is attributed to an overall lack of awareness and to the fact that people do not raise these issues regardless of



awareness. *Overall lack of awareness:* People are unaware in general of what to do, whom to refer to and how to protect their labour rights. Particularly, people seem less concerned with not having employment contracts, and in case of having it, they rarely read it to realize the scope of their responsibilities and those of their employer. Moreover, employees do not know either what form the labour rights violation may take, or which manifestations this does not include. For instance, the data reveals a perception that probation should not have to be paid, and is confused with internship. Hence people may be employed for several months without payment. It is interesting to mention that quite often employees disregard some manifestations of LRV, furthermore, they even justify their existence. For example, working overtime is considered as a normal practice, as working extra hours might have objective reasons. However, the labour code of the RA defines some

preconditions in the event of which overtime might be rightful. Besides, extra work should entail an extra payment. The obtained data reveals that not a single employee has demanded a compensation for staying late. Likewise, receiving less than minimal salaries is not perceived as a violation¹ either as, given the high rates of unemployment and poverty, people prefer to accept such conditions and even find excuses for their employers. One of the respondents from an NGO noted, “In marzes, there are teachers receiving 15,000 AMD monthly. They hired 17 teachers presumably contracting them part-time 0.25 FTE... We have tried to bargain with employers, however they refuse to initiate any steps by stating that if those people do not see a problem, why we are getting in the middle of the two?” The analysis demonstrates that Soviet path dependence is another reason that explains the indifference of people when it comes to defending their rights, which in its turn leads to increased reluctance regarding their labour rights protection. In other words, people do not recognize their agency in labour rights protection as a result of Soviet inertia, which precludes employees to accept the current state of affairs and to believe in the rule of law. Employees quite often draw parallels between then and now. Thus, the lack of belief in LRP and reluctance to voice their issues prevents them from getting a general insight about LRP, the labour code, legislation or simply to read their employment contracts. Sometimes, the understanding of labour rights protection is confined within the limits of Soviet path dependence. One of the arguments that support this notion is that people still raise the issues that they used to voice during the Soviet period. For instance, the data illustrates that after employers refused to provide work-related injury benefits, employees resisted by protesting. This type of benefit has been provided to them since the Soviet period, and the counteraction might be attributed to the Soviet practice, which causes path dependence. Apart from the latter, people also protest or even strike² for unpaid leaves, which might also be ascribed to inertia. As can be derived from the picture above, people mostly voice wage-related issues in the RA, contract terminations, unpaid leave and work-related injury benefits. Indeed, the depicted classification of labour rights violations is triangulated with the available video recordings that also support the evidence (see table 1). The content analysis of the materials reveals that financial issues and contract terminations are two of the main incentives for raising their grievances.

Not voicing regardless of awareness: The data reveals that awareness does not necessarily lead to voicing, as there are wide-ranging constraints that hinder labour rights protection. Most commonly, people cannot voice their problems, as they do not have employment contracts to take their issues to court or simply to negotiate with employers. A lack of contracts is a major reason that also restrains LR defender entities from proceeding with advocacy. Fear of raising issues is another impediment that creates a gap between LRV and actual voicing. Employees think that expressing their concerns will lead to being fired, given that labour surplus and omnipresent poverty will not make it difficult for employers to find another worker. These structural phenomena are widely used by employers as a leverage to curb potential grievances. An additional explanation for not voicing concerns is a lack of belief in LR protection.

¹ In order to circumvent legislation, employers offer part-time employment contracts and thus pay half of the minimal wage.

² The term “strike” also refers to suspension of work

In particular, courts are labelled as untrustworthy, trade unions are associated with their Soviet-era counterparts and so on. Besides, cultural sensitivity also plays a role in not raising complaints. As is stated, “People have many concerns, but when they are advised to speak up, they immediately refuse... much is the result of upbringing, they were taught not to complain, not to sue...”

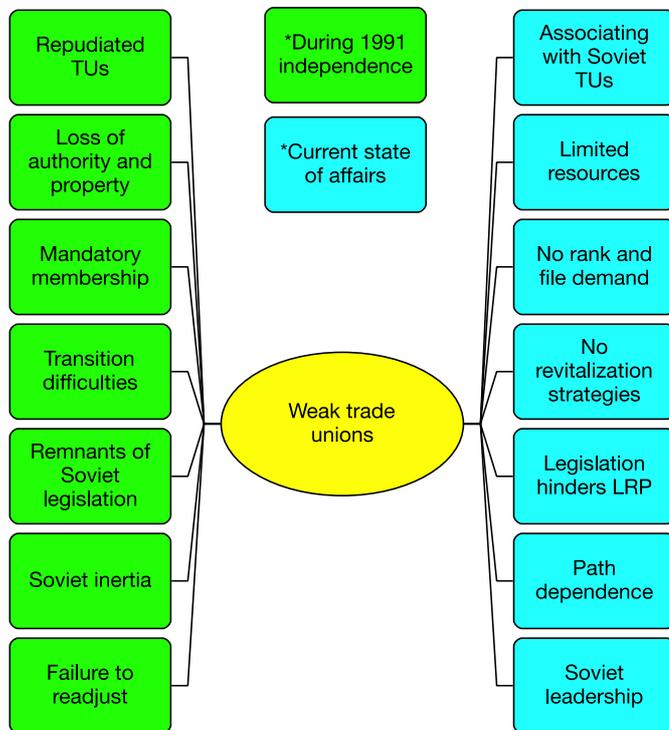
It is also pertinent to mention that employees raise their issues long after their labour rights have been violated. This fact is mainly explained by the explanation that, during employment, people are afraid to raise their concerns, as they fear to be fired, but when they have nothing else to lose, they voice the issue. One of the interviewees claims, “One of the most prominent organizations established in our marz did not pay wages to most of the employees... the latter did not have contracts and received their salaries in cash... to sum up, their project ended, but the issue of unpaid wages was not solved.” Likewise, the analysis of video recordings also reveals that people protest or strike mostly when their contracts are already terminated or when they have not received their salaries for a long time. Declaring issues is mostly considered as a last resort for solving problems.

In a nutshell, there is a striking gap between labour rights violations and actual vocal complaints. Mostly people are unaware about how to raise their concerns, but this awareness does not necessarily result in labour rights protection for the reasons already mentioned. In addition, there is an evident selectivity in the voicing of labour rights violations that stems from prioritizing some violations over the others, in which financial issues are of greater importance. This section attempts to illustrate both the recorded manifestations of LRV and actual voicing. Hence, the question arises of whom they can refer to in case of violations. The policy paper has identified the following parties that take the advocacy role: trade unions, NGOs, courts, and intermediaries.

THE MAIN LABOUR RIGHTS ADVOCATES IN THE REPUBLIC OF ARMENIA

Weak trade unions as labour rights advocates

To date, it is widely argued that trade unions are the main body that should be involved in labour rights protection. However, as noted, they are undergoing waves of deunionization, which partially exemplifies the decline of the entities. The same picture can be found also in the RA as, from 2015 to 2018, the number of union members decreased from 240,000 to 191,000 (Amirkhanyan 2015; Asatryan 2019). Moreover, the findings of this study showcase that people express their willingness to quit unions,



as the mandatory nature of membership inherited from the Soviet times, has disappeared after the Velvet Revolution. As the literature review has revealed, the strengths or, in other words, the institutional reproduction of trade unions in post-Soviet societies highly depends on the status that the entities had during the collapse of the system (Robertson 2004). Hence, the root causes of today's debility might be found by juxtaposing the current state of affairs with the developments taking place during independence in 1991. After the downfall of the

Soviet regime, TUs were already rather repudiated in Armenia, and now they are very commonly associated with their Soviet counterparts. One of the respondents who had a leading position in a Soviet-era trade union states, "We were like an adjunct of the regime or the party, even the structure was the same... plenums, congresses... They were both repudiated." Consequently, the loss of authority led to economic hardships, which exists today, as many trade unions are undergoing financial difficulties, which is mostly ascribed to the waves of deunionization. It is noteworthy that mandatory membership has in some ways retained its momentum and till now many employees still pay their membership fees. "The real role and importance of the trade unions is not realized by its members. It is a fund where people have traditionally transferred money and continue to do so till now, without realizing why." Today's rank-and-file indifference towards TUs is mainly a reason of the mentioned path dependence. Apart from the latter example, the Soviet inertia has its other manifestations that predefine the weakness of the unions. For instance, employees demand that TUs refer to the same issues that they used to voice in the past, such as the work-related injury benefits already presented. The failure of TUs to readjust their structure and function to a new world order is even more relevant today, as the leadership of the trade unions is almost the same. For this reason, several respondents, including a trade union head, emphasized an urgent need for rejuvenation. Apart from the mentioned examples, it is also noted that the remnants of the Soviet legislation have their manifestations today, which also

hinders labour rights protection in the RA. “The labour code is very problematic, it has inherited some elements from the Soviet Union,” stated one of the legal experts.

Hence, the transition difficulties and a lack of readjustment to a new situation have had their adverse implications on today’s trade unions. The current state of affairs suggests that trade unions in Armenia have to contrive strategies for revitalization (see C. Frege and J. Kelly 2003). Nevertheless, the evidence reveals that little to no steps have been taken to ameliorate the situation. It is apparent from the results that, out of the mentioned action plans, only one is found in the RA case (partnership with employers).



In particular, there is no recorded cooperation with other parties. A few trade unions collaborate with international institutions, but their relationship does not entail any enhancement of bargaining capacity and power stemming from the partnership; it is rather an exchange of experience that is out of the scope of revitalization. As regards political action, trade unions do not have even minimal engagement with that, as cooperation with the latter may lead to disruption and

deunionization. Indeed, these links might have adverse effects as politicized trade union leaders may spark a new wave of membership rejection. Though no cases of mergers are found, trade unions have gone through organizational restructuring in order to match their services with the current needs. In particular, unions offer their support in pension-related issues. As regards good relationship with employers, the majority of the respondents argue that it necessitates dependence from the latter, which confines the effectiveness of the unions.

Yet another proxy to measure trade unions’ strength is the competition between them, coalition building with political parties (Robertson 2004) and the ability to organize protests/strikes or threaten strikes (Oja 1998). As shown, there is no cooperation with political parties. Regarding competition, unlike international experience, employees in the RA can only be involved in the unions of their workplace, which in its turn restrains any possibility of competition. Most remarkably, trade unions in the RA have never organized an official strike. “There are two effective ways to support employees. First is bargaining, the other is striking. If the first works... doesn’t matter whether badly or well, the second is impossible to initiate. Our legislation restricts any manifestation of striking. And even if you strike and the case is taken to

court, no one will help you, as it is nothing more than a refusal to work, which is your responsibility. This limitation is a major problem,” states one of the CTUA officials.

So, given the great influence of the Soviet legacy in determining the current weakness of the trade unions, the theory of “Path dependency” (Janos 1994; Hanson 1995) can be applied to present the case. Astoundingly, it can be claimed that TUs today are even weaker than during Soviet times. As noted, “Our employees are saying that trade unions were stronger... at least back then they could go to the sanatorium for a holiday.”

NGOs filling the vacuum

The ubiquitous concerns regarding trade unions and the lack of labour inspection, which was abolished in 2013, creates a gap for labour rights advocacy. As a result, the void is being filled by NGOs that are involved in human rights protection. This argument is driven from four broader themes that emerged during the analysis. Specifically, on one hand it is observed that employees already regard NGOs as labour rights advocates, and a significant amount of employees may seek the support of NGOs; on the other hand, NGOs themselves are filling the vacuum of labour rights protection, and cooperate with a wide range of entities for advocacy.

Regarding NGOs as labour rights advocates: It has been found that people are gradually raising their issues related to labour violations by referring to NGOs. For this to happen, there are several preconditions that need to be met. Particularly, the prominence of the bodies is quite important for it to receive applications and requests. Most commonly, employees refer to authoritative NGOs, which may even enhance their reach beyond a given marz. Indeed, the authority of the NGOs may restrain employers. Talking about this issue, an interviewee stated, “When someone is mistreated, s/he mentions our name, which scares the employers a lot... both employees and employers accept that. We might make the issues public, which would greatly harm them, that is why they are scared.” Several respondents identify straitjacketing an effective tool for LRP. Additionally, well-known NGO governance is also a premise for this cooperation, as some NGOs are renowned for their leadership. Moreover, hearing about success stories may also serve as an incentive to recognize NGOs as LR advocates. As one of the interviewees put it, “After some successful cases related to inductees, people do not avoid raising their problems. Who could imagine suing the Ministry of Defence, but now... even during conscription, people are seeking their help. If the precedent is created, it will lead to a chain reaction. After a necessary volume of cases is guaranteed, you will see a result”.

A significant number of employees may refer to NGOs: While trade unions are merely supporting their members, whose numbers are significantly decreasing, a relatively large number of people may refer to NGOs. Moreover, the data reveal that regardless of any specialization in labour rights protection, NGOs engaged in human rights protection make an effort to provide support. Whenever the requirements are beyond the scope of their abilities, they try to at least help them by giving directions on

further action. “The lawyers’ unit mostly provides consultancy in our marz, in some cases we provide our services to others; we especially help people living in poverty. We do not have any specialization, we just try to help everyone,” stated one of the NGO heads, as opposed to the CTUA official who posited, “There is a misconception that trade unions should support each and every one, regardless of whether s/he is a union member. However, we only represent our members... Trade unions are not obliged to help every union member, in spite of his/her affiliation, unless there is a collective work interest.” Besides, the services provided by NGOs are free, which undoubtedly facilitates the environment for this cooperation to occur, given the common claim that people living in poverty constitute the most violated group. Fear of losing their job forces them to accept almost any conditions.

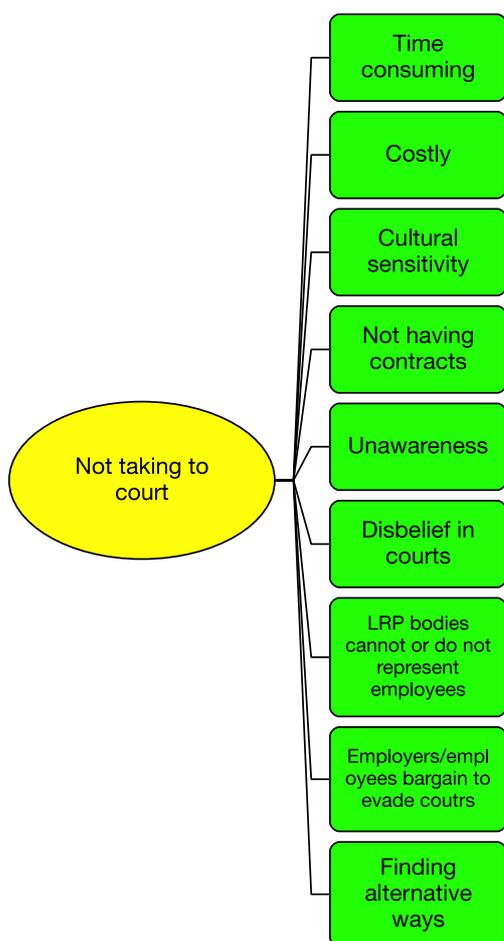
Labour rights protection is an emerging field for NGOs: The collected information reveals that NGOs are quite interested in enhancing their capacity in LRP. “Two years ago, we changed our strategy and introduced labour rights protection as one of the priorities, because our practice showed that human rights protection and labour rights protection are interconnected. Sometimes people refuse to defend their basic rights in order not to lose their jobs,” asserted one of the interviewees. Some other respondents did not rule out the possibility that an interest would materialize towards LRP in the near future. Their concerns have received a new impetus after the Velvet Revolution, given the trust in the rule of law. A vivid manifestation of this capacity enhancement is that NGOs are hiring advocates and lawyers to support people that have encountered labour rights violations. One of the NGOs that lacks resources to afford experts cooperates with a volunteer that helps to deal with the cases. Yet another exhibition of the mentioned interest is that several NGOs are engaged in researching the field. As they have stated, “In order to treat the impacts, we have to diagnose the cause.”

Cooperation for labour rights protection: The acquired data reveal that NGOs cooperate both with their counterparts and with other wide-ranging bodies. Notably, they interact with NGOs that have experience in human rights protection or specialize in LRP. The scope of their cooperation mainly includes trainings, exchange of experience, research and consultancy. On the local level, they collaborate with the authorities, civil society, think tanks and advocates. Interestingly, the evidence posits that these entities have never cooperated with trade unions, “Trade union? Are they alive? They know us, they have never approached us, never... We are a well-known organization that deals with labour rights, but we have never heard them make a sound.” Similarly, trade union representatives also did not reveal any occasion of collaboration with NGOs. The scope of NGOs’ cooperation encompasses a broad partnership with international organizations such as the United Nations, Transparency International, Open Society Foundation. Most importantly, NGOs dealing with LRP managed to facilitate international entities to protect labour rights by recommending them to put LRP on the agenda. As the interviewee assured, “We have examined our labour code from the viewpoint of international experience, and derived the mismatches. We pinpointed some institutional problems, for instance the reopening of the Labour Inspection. As a result of our joint recommendations, the Open Society Foundation,

European Union, and US Embassy in the RA have included labour rights related issues in their agendas.”

Though NGOs are not able to solve structural issues, as they mainly approach labour rights violations from an individual perspective, they are gradually becoming specialized in the sphere. However, it should also be noted that in some marzes there are very few NGOs targeting these issues. Thus, the advocacy of the NGOs might only provide fragmental solutions to the issue.

Avoiding courts



It is a widely-held view that people unduly avoid taking their issues to court. One of the previous studies investigating this issue revealed that only 20 percent of people whose contracts were illegally terminated sued their employers. What is more striking was that, in 90 percent of cases, the courts delivered verdicts in support of the plaintiffs (Mejlumyan 2010). Similarly, the official from the Ministry of Labour and Social Affairs claimed that, according to their database, only 15 percent of people who had come to them with a problem appealed against their employees decision. One of the explanations for this counter-intuitive result is that the small share of people who go to courts are overly confident that their appeals will receive a positive decision, as opposed to those who did not process their issues. On the other hand, it is asserted that it would become impossible to work with the same employer if they are readmitted. Whatever the reasons are, the statistics are rather surprising, and in turn calls for further investigation.

The obtained data also discloses that people predominantly do not take their issues to court. They either cannot do it or simply avoid courts because of the reasons illustrated in the figure. More specifically, even if there is a willingness to appeal a decision that they are against, they cannot do so as they do not have an employment contract. This situation creates a vicious circle, as those who do not have contracts are one of the most violated groups, and the latter would not be able to defend their rights, as they lack an official agreement that is essential for suing. The reasons for not contracting may come from both ends: either employers do not register their workers

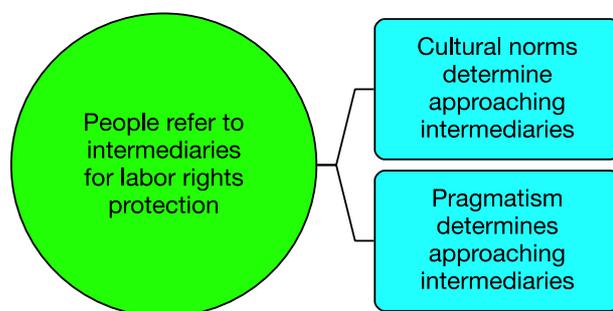
to avoid paying taxes, or the employees themselves refuse to sign contracts for not being deprived from social allowances. It should be noted that it is not impossible to sue employers without having contracts, unless they bring evidence in support of their claims. However, the latter occurs very rarely.

A lack of time and money is another explanation for this avoidance. The legal process is both costly and time consuming, as can be seen in the figure. The respondents posited that some cases might need several years to be settled, which might partially expound the avoidance. As it is claimed, “The mechanisms of labour rights protection are not effective, as the process might last for years. How can s/he wait for so long, s/he has to support herself/himself or the family. It is better to find another job than to appeal.” The process is also rather disadvantageous for the employers, who bargain with employees to evade courts.

Some cases of court avoidance can be attributed to unawareness. The TU and NGO representatives recalling employee attitudes mostly expressed a lack of belief in the courts and judges by labelling the system as corrupted, and declare optimism towards the future, stemming from the revolution. However, these presumptions are not covered by the statistics mentioned above, as the number of delivered verdicts was recorded before the Velvet Revolution. Besides, people have limited information about the Labour Code, they confuse violations with non-violations, and are unaware of the processes. In the event of being guided by NGOs or TUs, employees want their anonymity to be ensured. Hence, they do not regard courts as an institution to solve their issues, which may be ascribed to cultural sensitivity. This argument is perfectly encapsulated in the following statement outspoken by one of the TU heads, “Thank God no one takes that route, we do not have the desire to go to court.”

Thus, avoiding court, which is the result of a wide range of factors, nudges people to find alternative ways to voice their problems. Apart from already mentioned paths, employees usually find intermediaries to raise their problems. Indeed, this non-institutional form of addressing their issues is rather widespread in the RA.

Finding intermediaries



The study has found that intermediaries play a substantial role in settling labour-related issues. As a result of the analysis, two broad themes are formed to elucidate this argument. First, it is found that the decision to refer to intermediaries is mostly shaped by cultural norms. It is asserted that

people do not view labour right violations from a legal perspective. Particularly, a respondent stated, “I cannot mention a case when a person took a case to court. They do not perceive it as a violation, but rather as something personal. The reason is regional mentality, they do not want to sue their compatriot.” Likewise, interviewees often state that the need to ensure anonymity is determined by cultural sensitivity and, as a result,

they try to solve their problems by finding a middleman who could negotiate with the employers. As is noted, “In Armenia people mostly find jobs through their connections, partially as a result of nepotism, and whenever a problem occurs, they refer to their friends to settle the question.” On the other hand, approaching intermediaries is rather effective. The practicality of finding a middleman is explained by the fact that negotiations with employers are very prolific, as mentioned by the majority of the respondents. It is also asserted that the authority of the middleman is greatly decisive. As an interviewee posited, “Most commonly, people find a third person, who is either an authority or a public official to solve their work-related issues.” Other respondents also emphasize that authoritative people are able to restrain employers.

In a nutshell, given the effectiveness of negotiations, coupled with the conclusiveness of authoritative middleman, approaching intermediaries offers a practical solution. Besides, as cultural sensitivity confines employees to find other ways to voice their issues, this method has become rather widespread.

OBSTACLES HINDERING LABOUR RIGHTS PROTECTION

Obstacle: ineffective trade unions

Much has been spoken about the overall weakness and ineffectiveness of trade unions. However, previous studies examining the case in the Armenian context have not explained the root causes of the mentioned shortcomings. This policy paper posits that a likely explanation of the hindrance is that the trade-off between trade unions and their members is not necessarily conducive to labour rights protection. This argument is driven from two broad thematic networks that shape the “harmony” between the parties. On one hand, there is an inadequate demand from below, which does not call for rights protection, and on the other hand TUs offer some financial/material support at the expense of labour rights advocacy. The presented statement stems from five organizing themes from both sides.



Inadequate demand from below: The rank-and-file demand of the employees in particular does not manifest labour rights related needs that would boost

the effective functioning of unions. Given the harsh socio-economic conditions of the employees, their primary concern emerges in financial/material form. The presented urgency coupled with a lack of information, as a result of which employees on one hand disregard labour violations and, on the other hand, are overly unaware of trade unions’ functions, mainly stemming from the Soviet path dependence, creates an environment where unions are perceived as a body that can satisfy their financial/material needs.

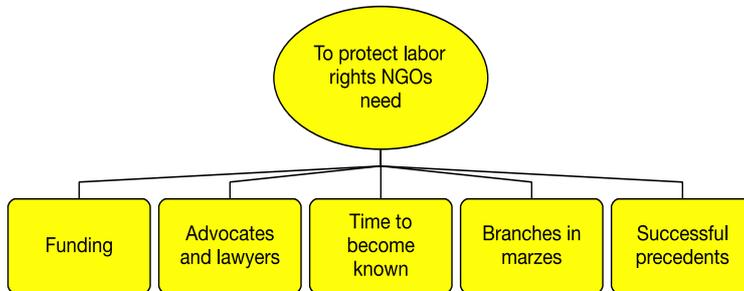
This set of mentioned reasons in combination with the structure of unions, where decisions are mostly based on consensual terms, leads to inadequate demands that by no means relate to labour rights protection. Hence, it can be inferred that a lack of labour rights related expectations and the urgency of financial/material support are the main constraints that hinder labour rights protection from the demand side. As one of the TU heads put it, “Our trade union has its council, we get together and decide what to initiate. Whether we should celebrate 8th of March and 7th of April together or separately. Then, during our meetings with employees we ask each and every one’s opinion: What exactly do they want? What should we initiate? Afterwards, according to the opinion of the majority, we approve our initiative.” Another interviewee noted, “Recently, we did some research to understand the needs of our employees. Their main problems were identified and now we are engaged in solving their issues.” During the same interview, the respondent also mentioned, “Our initiatives are mostly related to the enhancement of our members’ social conditions and labour rights such as: providing leave travel allowances, organizing summer camps for our members’ children, granting 5,000 AMD to parents on the 1st of June.” Yet another respondent said, “We were asked to buy a TV for the workers, and we carried out their wish.” Likewise, another TU head noted, “People refer to us and we examine their requests... We provide financial support whenever someone’s relative dies, we celebrate 8th of March and so on.” These comments represent all the marzes that are within the scope of the study.

Trade unions offer financial/material support at the expense of labour rights protection: It was found that the employers are one of the main sources of funding for the unions, apart from membership fees. Sometimes, the salaries of trade union officials are compiled from the mentioned fees, and the funding provided by the employers is the only source to satisfy the needs of the members. As is noted by a TU representative, “We provided financial support and other benefits... All the assistance was provided by the employer, but was actualized by us.” Nevertheless, in some trade unions, officials work on a voluntary basis and their financial streams come from either direction (fees and funding). Consequently, this cooperation between the parties leads to dependence on the employers, who are naturally potential labour rights violators. Hence, trade unions face a dilemma – whether to support their members or the employers. In this regard, one of the interviewees noted, “The unions have closer ties with employers than with their members, which is the reason why they try to negotiate with both parties instead of pushing the issue... they indirectly represent the interests of the employers.” Even the union representatives accept this dependence either explicitly or implicitly. In one of the interviews, the TU head stated, “The director insisted on his presence during the interview.³ If you do not mind... I think it would be right to have him here, as whatever is discussed refers to him.” The “generosity” of the employers to provide financial/material assistance to trade unions may serve as a leverage to tighten their grips over both trade union members and representatives. Hence, TUs provide financial/material support that is mostly donated by the employers. This relationship entails subjection and as a result, assistance is granted at the expense of labour rights protection.

³ Information recorded in the presence of the director was not transcribed and analyzed

Obstacle: NGOs are not well established

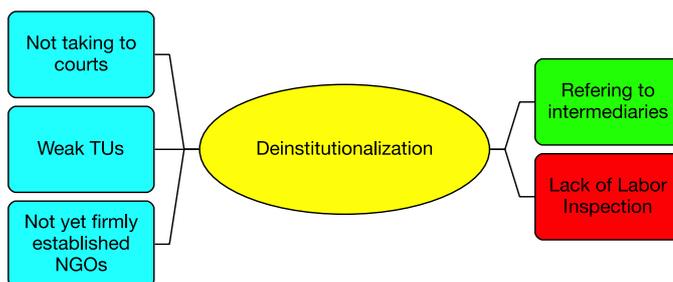
Though NGOs fill the gap of LRP, it should also be asserted that these entities are not well established. The underdevelopment is mainly due to a lack of recourses. Particularly, they need funding or grants to enhance their capacity in the current sphere.



Till now, NGOs have approached labour violations as part of human rights protection, which may constrain their activities in this specific field. Apart from experts they can hire to engage in advocacy, they also need lawyers and advocates to support with legal assistance, which is much needed. The facts suggest that NGOs cannot legally represent people in courts. They may only do so with the help of advocates, whose services are rather costly. In addition, there is a clear lack of specified NGOs operating in marzes. Some prominent organizations provide consultancies outside their region, which is of course not sufficient to guarantee far-reaching advocacy. This vacuum can clearly be observed in the Tavush and Gegharkunik regions, as there are quite a few NGOs dealing with human rights. Interestingly, these marzes are also rather passive in terms of voicing labour rights violations. Particularly, only one video was found on the internet where employees were raising their issues. Though these records might be attributed to other variables, the inactiveness in the two marzes suggested by this lack of evidence is also confirmed by the available data in this study.

Additionally, in order to increase their power in the emerging field, such NGOs need time to become better known. It is certain that long-term involvement in the sphere is a precondition for success, as NGOs need both time to be publicly recognized and an adequate number of successful cases to allow a broader coverage of people whose rights are violated. Indeed, successful precedents may lead to a chain reaction, as the resulting information, knowledge and coping strategies spread rapidly among people.

Obstacle: deinstitutionalization



The reluctance of people to take their issues to court, weak trade unions that are constrained when protecting labour rights, and not firmly established NGOs undermine the institutional capacity for advocacy. On the other hand, there is a lack of an institution that is responsible for overarching

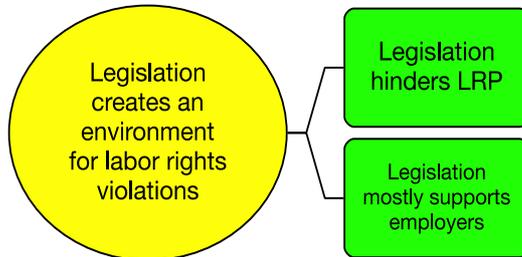
supervision over labour rights violations. In 2013, the Labour Inspection was merged with the State Hygiene and Epidemiological Inspection and was reorganized into the Healthcare Inspection, which is now called Healthcare and Labour Inspection. This body is focused on very limited competencies that predominantly concentrate on health-related issues, such as work safety. Though the respondents mostly assured us that the Labour Inspection was not operating effectively, there is an urgent need to have a similar body with the previous competencies or to enhance the existing one to ensure comprehensive control over LRV. Definitely, this gap diminishes a possibility to assure a systematic approach to LRP.

In addition, an adherence to refer to intermediaries is another path that leads to deinstitutionalization. Instead of voicing their issues through institutions, employees often prefer informal connections. This distrust towards establishments was mainly due to a lack of belief in the rule of law. As mentioned, the Velvet Revolution has paved the way for optimism, which also encircles positive attitudes with respects to labour rights protection. The sharp rise in strikes and boycotts after the revolution is a clear example to back this argument. In particular, almost half of the recorded protests have taken place after the mentioned political events (see table 1). What was striking was that not all protests were about labour rights protection. In almost a quarter of the recorded cases, employees were contending for or against their top brass. A similar case was also found in one of the interviews, where the respondent stated that the employees of one organization were protesting against a bill that was in conflict with their employers' interests – "They would never protest for their rights, but are boycotting for their employers, which is nonsense." In this regard, it is claimed that there is a drastic need to institutionalize street power, which has witnessed a dramatic rise after the revolution.

Obstacle: unawareness

Unawareness is the common denominator of the primary and secondary data that were analysed in this policy paper. The previous studies have articulated on the issue extensively. It is also worth mentioning that lack of information is not only prevalent among employees, but also other parties such as employers, NGO and TU representatives. It is often said that employers sometimes violate labour rights involuntarily. In particular, at times they do not have lawyers and as a result the employment contracts are written by their accountants, making them quite vulnerable from a legal perspective. As regards NGO representatives, the previous sections already stated that they disregard overstay as a labour right violation, moreover they justify it. With respect to TU heads, sometimes they do not know the scope of their responsibilities and the ways in which LR violations can be raised. As noted, "How can I help the union members, if there is no single body to whom I can refer?"

Obstacle: legislation hinders labour rights protection



The obtained data pinpoints the legislation as one of the root causes of labour rights violations. In particular, it was claimed that the existing legislation highly constrains LRP. It was asserted that there is a vivid Soviet legacy in legislation manifested in the Labour Code. However, it was also noted that it

was very hard to assure a smooth transition in terms of assimilating new changes. Specifically, it was difficult for the employers to get used to the labour code changes that occurred in 2010. This might be one of the reasons that the legislation encounters hardships in terms of implementation. The effective functioning of the TUs is also confined by the legislation. Particularly, it is almost impossible to initiate an official strike, as for the protest to occur there are several preconditions to be met, which is very difficult to secure. In addition, the legislation ignores specific cases. For instance, an NGO human rights expert states, “A person is working in a company where everyone takes vacation at the same time except her/him. No one stays in the office, but that very person has no right to paid leave as s/he is a newcomer. S/he wants to work, but cannot as the office is closed and does not want to take an unpaid vacation. So, what to do?” In addition, it is widely claimed that not contracting is partially due to legislation, which envisages high taxes for the employers, due to which they circumvent contracting.

Though some interviewees state that the Labour Code balances the interests of both parties, it is mostly agreed that the Labour Code is employer-oriented. This notion is predominantly attributed to the intention to attract investments and to facilitate business at the expense of labour rights protection. Accordingly, the government decided two years ago to pull out all of the standards and leave issues of regulation to the discretion of employers and their employees. This initiative was later suspended. Besides, the Labour Inspection was abolished as allegedly it might hinder business activities. In this context, it is worth mentioning that the inspectorate was also shut down in the Republic of Georgia for the reasons already mentioned. Nevertheless, the abolition entailed no economic activity and unemployment deduction, but rather multiplied workplace-related injuries and deaths. Moreover, it served as an obstacle for investments, as prominent international organizations, such as Puma, Adidas, New Balance and Nike requested the protection of labour rights by reopening the inspection. These brands wanted labour rights, occupational safety and health norms to be ensured in the countries that produce their products, as LRV can taint their reputation (Tchanturidze 2018).

Obstacle: labour surplus impedes labour right protection

The excess of supply in the labour market creates a situation in which employees, being afraid to lose their jobs, are constrained to voice the instances of labour violations. On the other hand, employers make use of it and gain leverage to exploit their workers. As noted, “Our economy is concentrated on tourism, trade and services, where a qualified labour force is not desired... but when an employee knows her/his price, than s/he can bargain.” Likewise, another respondent stated that “Unemployment and poverty halt the possibility to raise issues, and they are forced to work without being registered. They comply in order to keep their jobs.” Indeed, as the obtained data shows, sometimes employers violate labour rights either directly or indirectly. The latter is manifested in terms of a threat to violate. As several commentators posit, “If not you, then I’ll find someone else. Either conform or leave.”

CONCLUDING REMARKS AND RECOMMENDATIONS

Problems related to labour right protection in the RA consist precisely of the fact that the old has not died while the new has not yet been born. This rephrased quote by Berthold Brecht accurately epitomizes the situation concerning LRP in Armenia. In particular, on one hand the Soviet path dependency of trade unions has diminished the effective functioning of the entities believed to be the main protectors of labour rights, and on the other hand, there is a gap for advocacy that has not yet been filled. Though NGOs are attempting to fill the vacuum, they are not well established. Furthermore, the limited competencies of the Healthcare and Labour Inspection, coupled with the fact that people mostly avoid going to court, lead to the deinstitutionalization of labour rights protection. Hence, there is an urgent need to address the mentioned problems. Consequently, the analysis of the present policy paper entails the following recommendations.

Awareness raising campaigns

It is important to ensure increased awareness regarding all manifestations of labour right violations. The familiarity with the latter might also result in increased understanding of non-violations. The dissemination of information should target employees on one hand and employers on the other, as the lack of knowledge comes from both ends. More surprisingly, some TU heads and NGO representatives have limited information on LRV as well. Similarly, awareness raising campaigns should address other interconnected areas. In particular, the perception of employees and labour rights advocates towards courts is not close to reality. In other words, people have false perceptions regarding the percentage of court decisions favouring employees over employers. This misconception partially curbs peoples' intention to voice their concerns. Hence, the spreading of relevant information (i.e. success stories, court decision statistics) might also be considered a part of awareness raising campaigns. These campaigns can be implemented either in the scope of various trainings, school curricula, particularly including relevant topics, or through organizing tournaments or contests among high school and university students. Thus, one of the main outcomes of increased awareness regarding labour rights protection can determine the shift of the demand from top down to bottom up. In other words, employees will take greater responsibility in ensuring the protection of their rights, rather than labour rights advocates.

Trade unions' revitalization through transformation

In order to ensure effective functioning and development of trade unions, appropriate restructuring has to be provided. Mainly, the emergence of independent trade unions (where employees can choose which union to join), can be a step towards the revival of trade unions. Moreover, independent unions may indicate their political orientation and form coalitions with political entities, which is one of the main paths

that lead to the enhancement of trade unions. However, caution should be taken, as one of the possible outcomes of these transformations might be a situation where the interest of influential groups (monopolists, wealthy corporations) might be preferred over employees' interests. In particular, these types of unions might pose the risk of being used as an instrument serving narrow personal interests for the mentioned groups. It is noteworthy that these possibilities are rather realistic, given the fact that employees often protest for their top brass. In addition, it should also be considered that, in the event of revitalization of trade unions, the mentioned groups might use their efforts to diminish the collective bargaining power of the labour force, as illustrated by the analysis of international experience.

Enhancing NGOs

As the existing vacuum in labour rights protection is more or less addressed by the NGOs, enhanced assistance to the latter can be instrumental for labour rights protection. Specifically, geographical dispersion (especially, in Tavush region, given the lack of specialized NGOs) and increased human capital capacity to assist in matters related to labour rights protection would be highly significant. The lack of lawyers and advocates is a particularly tangible need. Obviously, hiring lawyers and advocates can be costly; therefore, volunteers can be involved, given the fact that there are no legislative limitations. Furthermore, as the NGOs are mostly in need of consultancy rather than the actual involvement of lawyers and advocates, promotion of long-distance assistance (via skype calls) can be an adequate measure.

Legislative revision

Given the analysis of the data, it is pertinent to initiate a legislative revision through consensual recommendations from wide ranging parties, such as employees, employers, human and labour rights experts etc. Such an approach will serve as a precondition for the legislation to be implementable. For instance, in the framework of this cooperation, the existing needs and gaps (i.e. the Labour Code ignores addressing specific cases) that the Labour Code and Law on trade unions fail to cover can be identified. This, in its turn, will draw legislative recommendations.

Enhancing the Healthcare and Labour Inspection's capacities

It is evident that a good legislation is not sufficient to guarantee labour rights protection, as there is no entitled body with the necessary competencies to ensure control over labour rights violations. Consequently, it is vital to enhance the capacities of the current Healthcare and Labour Inspection to assure overarching control across a wide range of labour rights violations. The possible improvement of the entity in conjunction with other developments will provide institutional solutions to the issues. In addition, increasing the fines for violations might also restrain possible manifestations of the latter.

Perceiving labour rights protection as part of a bigger picture

Addressing the above-mentioned issues is of significant importance, as they are the root causes leading to labour rights violations. However, there is a set of factors influencing the issue indirectly. Even though these factors have received far less attention, they are by no means less important. For example, as indicated by the research data, the labour surplus, high rates of unemployment and poverty feed into the environment where labour rights violations are inevitable. These circumstances influence the situation indirectly for both employers and employees. In terms of employees, they may be forced to refrain from voicing the instances of labour rights violations, due to the fear of losing their jobs. On the other hand, employers take advantage of this fear and continue violating labour rights. This example comes to illustrate that labour rights protection is a multifaceted phenomenon and has to be conceptualized accordingly. In other words, not only factors influencing the issue should be addressed, but those that are affecting it indirectly as well.

Finding alternative ways to promote labour rights protection

Apart from the stated suggestions, it is recommended to consider alternative ways to facilitate labour rights protection. The analysis of the available research on this matter indicates that labour rights are relatively better protected in international organizations operating in Armenia (Tigranyan et al. 2018). Coupling these findings with the notion that international organizations bring about exemplary practice of workplace culture (Brown and Ainley 2005) can lead to the assumption that one of the alternative ways of facilitating labour rights protection might be associated with dissemination of similar experiences and values. Moreover, the influx of a highly-skilled labour force might also serve as an example to be followed in the form of importing social remittances (Levitt 1998).

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APPENDICES

Table 1: Video recording analysis

Protesters: (Field of work or Proficiency)	Protesters: (Public, private or self- employed)	The key reason for protest or strike	Other mentioned violations (if stated)	Means	Period (After or Before the Velvet Revolution)	Province
Drivers	Private	Financial issues	Overtime	Strike	After	Shirak
Drivers	Private	Termination of employment contract		Strike	Before	Shirak
Drivers	Private	Legislation-related issues		Strike	Before	Shirak
Drivers	Private	Financial issues	Lack of work injury compensation	Strike	Before	Shirak
Drivers	Private	Legislation-related issues		Strike	Before	Shirak
Drivers	Self-employed	Legislation-related issues		Protest	Before	Shirak
Drivers	Self-employed	Legislation-related issues		Protest	Before	Shirak
Drivers	Self-employed	Legislation-related issues		Protest	Before	Shirak
Drivers	Self-employed	Legislation-related issues		Protest	Before	Shirak
Drivers	Self-employed	Legislation-related issues		Protest	Before	Shirak
Businessmen	Private	Legislation-related issues		Strike	Before	Shirak
Businessmen	Self-employed	Legislation-related issues		Protest	Before	Shirak

Businessmen	Self-employed	Legislation-related issues		Protest	Before	Shirak
Businessmen	Self-employed	Legislation-related issues		Protest	Before	Shirak
Workers	Private	Financial issues		Strike	After	Shirak
Workers	Private	Financial issues		Strike	Before	Shirak
Service workers	Public	Financial issues	Pressuring employees, hazardous working conditions, lack of work injury compensations, employment contract-related issues	Strike	Before	Shirak
Service workers	Public	For or against the top brass		Protest	After	Shirak
Dentists	Private	Legislation-related issues		Protest	After	Shirak
Advocates	Self-employed	Legislation-related issues		Strike	Before	Shirak
Doctors	Public	For or against the top brass		Strike	After	Shirak
Teachers/Lecturers	Public	Financial issues		Strike	After	Shirak
Teachers/Lecturers	Public	Financial issues	Late or no payment	Strike	After	Shirak
Teachers/Lecturers	Public	For or against the top brass	Late or no payment	Strike	After	Shirak
Teachers/Lecturers	Public	For or against the top brass		Protest	After	Shirak
Teachers/Lecturers	Public	Termination of employment contract		Strike	Before	Shirak
Teachers/Lecturers	Public	For or against the top brass		Strike	After	Shirak
Teachers/Lecturers	Public	For or against the top brass		Strike	After	Shirak
Drivers	Private	Legislation-related issues		Strike	After	Lori

Drivers	Private	Legislation-related issues	Unfavourable conditions	Strike	After	Lori
Drivers	Private	Legislation-related issues	Unfavourable conditions	Strike	After	Lori
Workers	Private	Financial issues	Favouritism at work	Strike	Before	Lori
Workers	Private	Financial issues	Hazardous working conditions	Strike	Before	Lori
Workers	Private	For or against the top brass		Protest	After	Lori
Workers	Private	Termination of employment contract		Protest	After	Lori
Workers	Private	Financial issues	Favouritism at work	Strike	Before	Lori
Workers	Private	Termination of employment contract		Protest	After	Lori
Workers	Private	Termination of employment contract	Inequality	Protest	After	Lori
Teachers/Lecturers	Public	For or against the top brass		Strike	After	Lori
Teachers/Lecturers	Public	For or against the top brass		Strike	After	Lori
Total						
Drivers	Public	Termination of employment contract		Protest	Before	Geghark.
Drives – 14	Private – 19	Legislation-related issues - 16	Favouritism at work – 2	Strikes – 25	Before – 21	Shirak – 28
Teacher/Lectures – 9	Public - 13	Financial related issues (wages, bonuses, late payment, unpaid leaves) – 10	Hazardous working conditions – 2	Protests - 16	After - 20	Lori – 12
Workers – 9	Self-employed - 9	For or against the top brass – 9	Late or no payment – 2			Geghark. – 1
Businessmen – 4		Termination of employment contract - 6	Unfavourable conditions – 2			Tavush - 0
			Inequality – 1			

Service workers – 2			Pressuring employees – 1			
Dentists – 1			Lack of work injury compensations – 1			
Advocates – 1			Employment contract related issues – 1			
Doctors - 1			Overtime – 1			

Interview Topic Guide

Introduction	Explain the purpose of the research
	<p>Inform that</p> <ul style="list-style-type: none">• The interviewee will remain anonymous.• The interview will last 45 minutes, but the interviewee can stop it whenever he or she wants.• If the interviewee does not want to answer any specific question, he or she has the right to do so.
	Ask for permission to record the interview
Warm-up	<p>How are you?</p> <p>What time is it there?</p>
Main Body of Interview	
1	<p>What do/does you/your organization deal with?</p> <ul style="list-style-type: none">• Since when?• What projects have/has you/your organization implemented?
2	<p>How do you evaluate the realization of labour rights protection?</p> <ul style="list-style-type: none">• What is the situation?• Why is it so?
3	<p>How do you achieve labour rights protection?</p> <ul style="list-style-type: none">• Which of them are effective?
4	<p>What problems have you encountered with?</p> <ul style="list-style-type: none">• Are there other problems?
5	<p>What kinds of manifestations do labour rights violations have?</p> <ul style="list-style-type: none">• Which of them do you refer to the most?
6	<p>Whom do you cooperate with?</p> <ul style="list-style-type: none">• Trade unions? NGOs?

7

Who is the main body entitled to protect labour rights?

- Who is responsible for the current situation?

8

How do you imagine the effective realization of labour rights protection?

- How to achieve that?

9

What achievements and failures would you mention (if there are such)?

- Success stories

10

How do you imagine your role in this field after five years?

- What would change?
- Why?

What development would the field of labour rights protection see in the future?

- What would change?
- Why?

Conclusion

“Cool-off”

Is there anything else you would like to share with me regarding the discussed issue?

Concluding remarks

Reassure the interviewee about anonymity

Thank him/her for the interview

Interview cover sheet

Position	Region	Sex	Tier	Interview type	Interview duration	Interview date
Former TU representative	-	F	1	Face to face	30:11	16/04/19
Confederation of Trade Unions in Armenia official	-	M	1	Face to face	57:29	17/04/19
Leading Socialist Party representative	-	M	1	Face to face	37:18	18/04/19
Legal expert from one of the leading NGOs	-	F	1	Face to face	41:28	17/04/19
Co-founder of a well-known business association	-	M	1	Face to face	42:59	18/04/19
Ministry of Labour and Social Affairs official	-	M	1	Face to face	29:52	30/04/19
NGO representative	Lori	M	2	Face to face	01:12:52	03/05/19
Labor rights expert	Lori	M	2	Face to face	36:08	08/05/19
TU representative	Lori	M	2	Face to face	38:49	08/05/19
Labor rights expert	Shirak	M	2	Skype call	32:00	04/05/19
NGO representative	Shirak	F	2	Face to face	47:02	07/05/19
TU representative	Shirak	M	2	Face to face	43:29	07/05/19
Labor rights expert	Tavush	M	2	Skype call	34:06	20/05/19
NGO representative	Tavush	F	2	Skype call	47:00	21/05/19
TU representative	Tavush	F	2	Face to face	38:06	17/05/19
TU representative	Gegharkunik	F	2	Telephone call	24:58	22/05/19
NGO representative	Gegharkunik	F	2	Skype call	36:15	24/05/19

Labor rights expert	Gegharkunik	M	2	Face to face	23:02	25/05/19
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