

#employmentlawtalks - N 1/2022

EMPLOYEE TERMINATION NOTICE PERIODS



Under Armenian Employment Law, notice periods for terminating employees are not straightforward, to say the least. The law stipulates various termination notice periods for various scenarios. Armenian courts traditionally have a strong view and dislike when an employer has violated the minimum notice period. A presiding judge will not shy away from reinstating the employee back to his/her position and penalizing the employer. In this short note, we will lay out those scenarios with the respective notice periods.

Employment law is one of the most crucial areas of law and regulation for businesses or other employers. Having this in mind, we, at TK & Partners have taken to initiative to periodically publish information for the benefit of our clients and followers on various issues of Armenian Employment Law, under the title #employmentlawtalks. This time, we have laid out the minimum notice periods for terminating an employee.

1. Company's liquidation/winding down – 2 months in advance
2. Decreasing the number of employees or positions due to changes in production volumes and/or economic and/or technological and/or production requirements - 2 months in advance

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3. The employee not being suitable for the job or position or the long-term incapacity of the employee (hasn't shown up to work for consecutive 120 days or within the last 12-month period for 140 days) or reaches the retirement age of 63 –
 - 14 days in advance if the employee is working with the employer for less than 1 year
 - 35 days in advance if the employee is working with the employer for more than 1 year, but less than 5 years
 - 42 days in advance if the employee is working with the employer for more than 5 years, but less than 10 years
 - 49 days in advance if the employee is working with the employer for more than 10 years, but less than 15 years
 - 60 days in advance if the employee is working with the employer for more than 15 years

One should note that the notice periods mentioned in this point apply:

- unless there are longer periods agreed upon in the employment contract or collective employment contract, or
 - the employee is a foreign citizen and has lost his/her residency status in Armenia, in which case the notice period is 3 days
4. In case the employee is not allowed by the employer to show up to work for more than 10 consecutive days or doesn't perform his/her duties for 20 days within a 3-month period due to not furnishing the employer with prescribed COVID-19 documents – 3 days in advance
 5. In case the employee regularly and for no good cause doesn't fulfill the tasks stipulated under the employment contract or the internal company rules – no advance notice
 6. When the employer loses faith in the employee – no advance notice
 7. When the employee comes to work under drug or alcohol influence – no advance notice
 8. When the employee doesn't show up for work for a full day without good cause – no advance notice
 9. When the employee rejects or doesn't comply with mandatory health inspections – no advance notice

We would also like to note that Armenian law does not stipulate the choice of paying the employees in lieu of notice, **but the practice does**. Normally, employees expect to be paid at least for the days/months of the advance notice period. Also, employees may be terminated by mutual written termination, which normally is negotiated between them, and mandatory notice periods may be bypassed.

HOW CAN WE HELP?

Our team has extensive experience in helping businesses and non-profits in dealing with Employment Law issues. So please, do get in touch when you want to get sophisticated advice.

NOTE: This material is for general information only and is not intended to provide legal advice. By publishing this note we assume no obligation to update the information provided herein.

Varoujan Avedikian, Managing Partner

vavedikian@tk.partners

