

#employmentlawtalks - N 3/2022

NO EMPLOYMENT TERMINATION CASES



There are some cases when the law forbids the employer to terminate the employee from his/her position. The violations of these rules may result in the courts reinstating the employee and mandating the employer to pay for lost income for all those months, during which the employee has been in termination.

This is our third note under the series #employmentlawtalks. This time, we are explaining when it will be illegal to terminate and employee.

In this short note, we have tried to lay out those cases.

Under Armenian Employment Law it is forbidden to terminate the employment agreement **with the initiative of the employer** in the below-mentioned cases:

- 1) During the temporary disability (such as sick leave based on a doctor's certificate) of the employee, other than in the case when the employer is being liquidated.
- 2) During the vacation period of the employee.
- 3) When a pregnant woman from the moment the employee presents a doctor's certificate stating that the woman is pregnant, until one month after the maternity leave ends (70 days after giving birth, or 85 days after giving birth in a complicated case, or 110 after giving birth to twins or more children).
- 4) Where a person rearing a child not older than 1 year old, except in cases where the employer is being liquidated or employee regularly and for no good cause doesn't fulfill the tasks

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stipulated under the employment contract or the internal company rules or when the employer loses faith in the employee or when the employee comes to work under drug or alcohol influence or when the employee rejects or doesn't comply with mandatory health inspections.

- 5) From the moment a legal strike is announced and during the whole period of the strike, in case the employee is participating in the strike.
- 6) In cases when the government or municipal authorities have mandated the employee with certain obligatory tasks, during the duration of performing such mandatory tasks.
- 7) In cases when the employee hasn't reported to work due to natural disasters, technological accidents, pandemics, fire, or similar extraordinary calamities, for the duration of eliminating such disasters, if the employee hasn't reported to work due to those disasters.
- 8) In cases when the employee hasn't reported to work due to taking care of a child not older than 12 years old if an unplanned educational vacation was forced or a planned educational vacation was moved.
- 9) In cases when the employee is participating in temporary military exercises.

One should note though, that the employer can still terminate the employment agreement with the employee, who hasn't reported back to work after the periods mentioned above.

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.

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