

**IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF ARMENIA**

ON THE CASE CONCERNING THE DETERMINATION OF THE ISSUE REGARDING THE CONFORMITY OF ARTICLE 113 PART 1 POINT 9 AND ARTICLE 114 PART 4 POINT 5 OF THE RA LABOUR CODE WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA BASED ON THE APPLICATION OF G.KARAKHANYAN, THE JUDGE OF THE COURT OF GENERAL JURISDICTION OF KENTRON AND NORK-MARASH COMMUNITIES

Rapporteur H. Nazaryan

Proceeding from the results of examination of the case and ruled by Article 100(1), Article 102 of the Constitution of the Republic of Armenia, Articles 63, 64 and 68 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **DECIDES:**

1. To declare Part 1, Point 9, Article 113 of Labor Code of the Republic of Armenia as far as it provides no guarantee for equal and non-discriminatory legal contractual relations between an employee and an employer, incompatible with the requirements of Articles 14.1 and 32 of the Constitution of the Republic of Armenia and invalid.
2. To declare Part 4, Point 5, Article 114 of Labor Code of the Republic of Armenia in regard to the phrase «with the exception of the cases when the employee has the right to receive an old-age pension or receives the pension», incompatible with the requirements of Articles 14.1 and 32 of the Constitution of the Republic of Armenia and invalid.
3. Pursuant to Part 2, Article 102 of the RA Constitution this decision is final and enters into force from the date of publication.

February 24, 2009
DCC-792