

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

**ON THE CASE OF CONFORMITY OF CLAUSE 9 OF PART 1 OF ARTICLE 109 AND
PART 2 OF ARTICLE 105 OF THE LABOUR CODE OF THE REPUBLIC OF ARMENIA
WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE
APPLICATION OF GAYANE HAYROYAN**

Based on the review of the case and governed by Clause 1 of Article 168, Clause 8 of Part 1 of Article 169, and Article 170 of the Constitution, as well as Articles 63, 64 and 69 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS**:

1. Part 2 of Article 105 of the Labour Code of the Republic of Armenia is in conformity with the Constitution.

2. Clause 9 of Part 1 of Article 109 of the Labour Code of the Republic of Armenia is in conformity with the Constitution in the interpretation that the employment contract can be terminated on the basis of changing the essential conditions of work, where one or more essential conditions of work have been changed by the employer in the prescribed manner by issuing a relevant act, in which the need to change these conditions is justified due to the employer's production volumes and (or) economic and (or) the changing technologies and (or) labor organization conditions.

3. Part 10 of Article 69 of the Constitutional Law on the Constitutional Court, the final judicial act rendered against the applicant shall be subject to revision upon the grounds of a newly emerged circumstances as prescribed by the Law, since Clause 9 of Part 1 of Article 109 of the Labour Code of the Republic of Armenia had been applied against the applicant in a different interpretation.

4. Pursuant to Part 2 of Article 170 of the Constitution this Decision shall be final and shall enter into force upon its promulgation.

CHAIRMAN

H. TOVMASYAN

March 19, 2019

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