

As of now, employees will have the option to work remotely thanks to the implementation of new legislative regulations

Remote work.

The concept of "remote work" was first introduced in the RA Labor Code (hereinafter referred to as the Code) in 2020 during the pandemic by the Law HO-236-N "On Making Additions and Addendums to the Labor Code of the Republic of Armenia" adopted on 29.04.2020. Despite providing the possibility of organizing work remotely, the law allowed organizing remote work only during the period of prevention of emergency cases or immediate elimination of their consequences. As a result, the issue of the possibility of organizing work remotely in non-emergency situations was left out of the scope of the law.

Along with the increase in the number of remote workers, there was a need to legally regulate the legal relations related to organizing remote work, which is what the discussed Law is aimed at.

The law "On Amendments and Addendums to the Labor Code of the Republic of Armenia" dated 25.10.2023 (the "Law").

The concept of "remote work" is now defined under the Law as follows:

"Remote work is the performance of the employee's work duties without appearing at the workplace".

It is clear from the definition presented that when working remotely, the employee can perform work duties both from home and from any other location preferred by the employee.

However, it should be noted that the work can be done remotely if the nature of the work allows such an opportunity, so it is not possible to use this institution in all cases. Moreover, only the fact that the nature of the work allows it to be organized remotely is not itself sufficient to organize the labor relations remotely, **unless there is a written agreement between the employer and the employee**, which can be expressed in the employment contract by including a provision on organizing the work remotely, and in the case of such an agreement having already been concluded, by making an agreement on making amendments or addendums to the employment agreement.

The Law does not define the procedure and conditions for the implementation of remote work, as well as the questions of who should provide the necessary equipment and materials for the organization of work (the employer or the employee?) or who should bear the responsibility of compensating the costs associated with their acquisition delegating the settlement of the mentioned issues to the parties of the labor relationship (they can be defined both by agreement of the parties and by a collective agreement or internal legal acts of the employer).

The Law also stipulates that **during the period of performing work duties remotely, the employee must ensure the proper performance of work duties, as well as his availability to the employer in a mutually agreed manner.**

As it is clear from the mentioned wording, the Law does not define in what way the employee should ensure his availability for the employer, reserving the possibility of choosing such ways to the parties. As a rule, the employee's availability is checked by his "active" status on online work platforms, by answering the employer's work letters and phone calls on time, by completing work assignments within the specified time and in other ways.

The Law enables the engagement of foreigners in remote work. Moreover, while the employment agreements with foreigners working within the Republic of Armenia are

limited to a specific period, aligned with the validity of residency rights, this restriction does not apply when foreigners are engaged in remote work outside the Republic of Armenia. In such instances, labor relations can be established for an indefinite period.

It is also worth noting the fact that the Law also applies to labor relations concluded before the Law enters into force (or individual legal acts on hiring) and continues at the time of the Law's entry into force, which means that already concluded labor relations in case the remote method of work performance is stipulated by the contracts, those relations are also regulated by the Law.

You can read about the above changes [here](#).