



## Labour Relations

In spring 2020 the Parliament of Georgia began to carry out fundamental reforms in labour and its concomitant relations to ensure harmonization of Georgian legislation with EU law and international labour standards. In particular, in accordance with the EU-Georgia Association Agreement and its Annex XXX, Georgia undertakes to approximate its legislation to that of the EU and to incorporate the relevant provisions in the law.

In this regard it should be noted that the applicable Labour Code of Georgia does not envisage the minimum standards that ensure decent working conditions for each employee. To eliminate these problems, the Parliament of Georgia has launched the Labour Code reform, which improves the legal status of employees to some extent. In particular, the draft law improved the standards related to non-discrimination provisions, rest periods and rest breaks, overtime pay, collective redundancy, consultations with employees and their protection guarantees in the process of alienation of the enterprise, etc. Moreover, the government plays an especially important role in the institutional improvement of the labour inspection and expansion of the mandate of the labour inspectorate.

Despite the fact that the proposed draft law improves the existing standard, there are still some regulations that are vague and implemented in a way that puts employees in unfavorable situation. Some norms were deleted from the draft law and it was submitted to the Parliament of Georgia without the consent of social partners and the group working on the law. It is especially disturbing that the provisions of the draft law submitted in the light of the committee hearings are becoming worse. More specifically, the following challenges remain with regard to the legislative reform:

- Determination of equal pay methodology for work of equal value between female and male workers;
- The employer's obligation to justify refusal to hire the applicant in certain situations;
- "Objective circumstances", which serve as a precondition for concluding a short-term agreement and the basis for dismissal
- Maternity leave - pregnancy, childbirth and child care leave;
- Maximum number of working hours per day - 8 hours and the maximum limit of overtime hours for adult employees;

- Limit 24-hour shifts;
- Benefits for night workers;
- Provisions regulating solidarity strikes.

Meanwhile, the issue of regulating the minimum wage still remains outside the legislative framework, which implies the obligation to pay only 20 GEL as a minimum monthly wage in accordance with the Presidential Decree of 1999.

In the context of the aforementioned reform it is particularly worrying that there is still a question mark over the issue of expanding the mandate of the labour inspectorate. In accordance with the applicable law, the labour inspectorate's mandate covers only occupational safety issues. There is no non-judicial government agency, which oversees monitoring labour rights and working hours, overtime work, break between shifts and other issues are an integral part of occupational safety issues. Therefore, effective oversight of occupational safety issues cannot be exercised unless the mandate of the labour inspection is expanded and it also covers labour rights.

The challenges to the aforementioned reform result from active business intervention in relation with specific issues due to the fact that business lobbyists want to make money for little cost. The practice of developed countries suggests that a deregulated environment does not have long-term results, therefore, business should take responsibility for establishing a systemic approach in workplaces in the interests of employees due to the fact that only a regulated environment that ensures decent working conditions provides long-term desired results for social partners. Therefore, when implementing labour relations reform, it is crucial to bring the interests of the social partners, employers and employees together. To achieve this goal, it is important to promote social dialogue, to ensure government support for the Tripartite Commission on Social Partnership and to make decisions on labour issues in this format.

Therefore, the Eastern Partnership Civil Society Forum Georgian National Platform (EaP CSF GNP) urges the Georgian authorities to implement and to promote social dialogue in the country to ensure effectiveness of the ongoing labour reform, to implement reforms in labour and its concomitant relations in this format and to take appropriate decisions.

In addition, it is crucial to approximate labour law with EU law and ILO standards to promote minimum human rights standards and ensure their effective implementation in the country.