

**The International Covenant on Economic, Social and Cultural Rights (ICESCR)**

**Alternative report**

**on the implementation of the ICESCR Submitted by the Georgian Trade Unions Confederation  
(GTUC) (ICESCR Article 3, 7 and 8)**

**Table of content**

<b>Introduction</b> .....	<b>2</b>
<b>1. Labour Rights protection in Georgia</b> .....	<b>2</b>
1.1 Reasonable Limitation on Working time .....	2
1.2 Remuneration and Overtime Work .....	4
<b>2. Trade unions rights</b> .....	<b>5</b>
<b>3. Compulsory meditation and right to strike</b> .....	<b>7</b>
<b>4. Occupational health and Safety, legislation and practice, positive steps, and remaining challenges</b> .....	<b>8</b>
<b>5. Gender equality and labour rights of women</b> .....	<b>9</b>
5.1. Women's involvement in the political, public, and economic realms .....	9
5.2. Concentration of women in low-paid jobs and a significant gender related wage gap .....	10
5.3 The reconciliation of the professional and private lives of women and men and maternity protections .....	11
5.4 The prevention and combating of sexual harassment in the workplace and the mandate of labor inspection .....	12
<b>6. Recommendations</b> .....	<b>13</b>

Tbilisi

8 January 2024

The GTUC is non-profit (non-commercial) legal entity acting in accordance with the Constitution of Georgia, the international regulations, the Georgian national legislation, and its statutes. The GTUC represents 20-member (sectoral) trade union organizations, and the report is prepared based on the GTUC and its sectoral members' views and practices. The GTUC's main objectives are: to promote further democratization of the country's economy, society and the state; development of social and democratic state; protection of human rights and freedoms and independence of trade unions; establishment of healthy competition in the labor market; conduction of collective bargaining negotiations and conclusion of collective agreements; establishment of civilized labor relations practices; protection of children and women's labor rights; organizing workers' strikes, rallies and demonstrations,; protection of gender equality, etc.

## **INTRODUCTION**

In September 2020, Parliament of Georgia adopted legislative changes and amendments to the Labor Code of Georgia and introduced a new law on Labor Inspection. The initial bill was prepared in 2019, and the GTUC was heavily involved in the law-making process and submitted more than fifty recommendations to improve Georgian labor legislation including equality provisions, labor rights, occupation health and safety standards and its enforcement. Initially, all proposed recommendations initiated by the GTUC were approved. However, due to pressure from the business organizations and their lobbyists, some of the critical proposals were removed from the initial draft. Although the final law improves the standards of workers' rights protection, there are still many gaps that need to be properly addressed and amended.

The improved provisions in the legislation covers, but is not limited to the following topics: working hours; workers' rights during massive layoffs or the change of ownership of companies; introduction of parental leave; broadening the mandate of the State Labor Inspectorate (LI) to monitor the enforcement of all labor rights, not to be limited to the occupational safety and health only (OSH); definitions of direct and indirect discrimination, definition of harassment prohibition of unequal pay for equal work; mass redundancy, exchange of information and consultations at workplaces; terms of remuneration etc.

One of the key innovations of the reform is a new chapter introduced in the Labor Code on the establishment of the labor inspection with the increased mandate to monitor enforcement of labor rights with preventive as well as repressive power to impose administrative sanctions on companies or individuals violating labor rights of workers.

Despite the above-mentioned positive changes, Georgian labor legislation still is not fully compliant with the international labor standards, including The International Covenant on Economic, Social and Cultural Rights and does not ensure proper protection of workers' rights in many areas, such as: working time and overtime work, maternity protection, gender pay gap, the right to strike, minimum wage etc.

### **1. Labour Rights protection in Georgia**

#### **1.1. Reasonable Limitation on Working time.**

The Labour Code of Georgia determines the length of the working week; however, it sets a separate standard for workers based on the type of work performed: Article 24(1) sets a 40-hour standardized work week for adult employees; while Article 24(3) prescribes a 48-hour work week for those operating under what is determined to be a "specific regime", aka, an enterprise where the production / work process is continuous for more than 8 hours. Under the section, the list of fields with a specific working regime has been determined

by the Government of Georgia, which was adopted in December 2022.<sup>1</sup> However, it is not based on an objective and reasonable justification, therefore, this differentiation constitutes a discriminatory practice based on type of employment.

Article 25 of Labour Code of Georgia allows employers to avoid maximum working hours per week by introducing a summary accounting system or setting up a schedule of shifts. According to Article 25.2 the employees alternate on the same job in accordance with defined schedule, including the rotation plan, so that it is possible to continue the production/work process for more than the working week is set by the law. While Article 26 provides that considering the working specificity, when it is impossible to observe the duration of daily or weekly working hours, it is allowed to introduce the rule of summary accounting of working hours.

These provisions in the Labour Code operate without adequate restrictions: they do not apply to exceptional circumstances, nor do they prevent unreasonable daily/weekly work times. Further, they do not circumscribe employer discretion, and are not restricted to any specified a period, and accordingly do not comply with Charter obligations.

Further the Labour Code of Georgia (Article 24 (2) and (3)) stipulates a maximum working time per week but does not set a maximum number of working hours per day for an adult employee. In practice, there are frequent cases when workers of the company perform their work 24 hours a day, and there is no established jurisprudence of national courts on the necessity of prohibiting more than 16 hours of work per day.

In contrast, paragraph 2 of Article 60 of the Law “on Public Service” of Georgia stipulates the maximum daily working time for a public servant, should not exceed 8 hours.

According to General Comment 23, while the general daily limit should be eight hours, this rule can take into account the complexities of the workplace and allow for flexibility. However, the GC makes clear that such exceptions should be strictly limited and subject to consultation with workers and their representative organizations. In situations, where legislation permits longer working days, employers should be obliged to compensate longer days with shorter days, so that average number of working hours over the period of a week does not exceed the general principle of eight hours per day.<sup>2</sup>

Accordingly, the differentiation between legislation for public servants which complies with the minimum standard set by the ICESCR general 8-hour limit, and private sector, which does not, is not strictly limited, nor subject to consultation as required by ICESCR. In our view, it this is neither reasonable or justifiable and would constitute *prima facie* discrimination.

**Overtime work** - According to Articles 30.4, 27.2 and 27.3 of the Labour Code of Georgia overtime work “shall be paid for at an increased hourly rate of remuneration”, which is determined by agreement between the parties, and according to Article 27(3), the parties may agree to granting an additional leave period to compensate for overtime.

The ICESCR Committee recommends state parties put in place a 40-hour week, and worker should receive additional pay for overtime hours above the maximum permitted hours in any given week.<sup>3</sup> However, the Labour Code of Georgia does not specify the minimum tariff that an employee must receive for working overtime. It also does not set a threshold for the maximum number of overtime hours for adult employees.

---

<sup>1</sup> <https://www.matsne.gov.ge/ka/document/view/5666594?publication=0>

<sup>2</sup> Para 35 of GC 23

<sup>3</sup> para 37 of GC 23

Article 6 (2) of the International Labour Organization Convention No. 1 (hours of work (industry) convention, 1919) stipulates that remuneration for overtime work must be set at an additional minimum of 25%.

In practice the overtime work is often either not remunerated at all or is remunerated in a minimal amount to formally comply with the requirements of the Labour Code of Georgia. There are also cases when employees must work on holidays due to the schedule of shifts, in which case employers often do not pay for work at an increased rate.

Accordingly, the GTUC maintains that overtime pay should be in the amount of at least 125%, to effectively provide reasonable limits on working hours.

**Holidays** -According to Article 30 of the Labour Code, in addition to the days off provided by law, other holidays may be determined by a resolution of the Government of Georgia.<sup>4</sup> However, the section permits an employer to request the employee to work on that day, and instead take their next day off.

According to GC 23, workers should benefit from a set number of public holidays with payment of wages equivalent to those for normal working days. The GC provides that workers who are compelled to work on public holidays should receive at least the same wage as on a normal working day, as well as compensatory leave corresponding to the time worked.

Accordingly, the Georgian Labour Code does not effectively ensure just conditions of work, in that it does not adequately prescribe that overtime and holiday work should be adequately compensated, and under Article 30 permits employers to substitute resolution-determined holidays, without the requirement of paying overtime.

**Night Work** - Article 28 of the Labour Code of Georgia defines night work. Article 28(5) states that an employer must provide medical examination, if the employee requests it. In practice employees fear requesting medical examinations, and do not do so.

Further, Article 28(3) of the Georgian Labour Code, prohibits night work for “minors, pregnant women, and women who have recently given birth or are breastfeeding”. While people with disabilities or who have children under the age of 3 “shall not be employed for night work without their consent.”

## **1.2. Remuneration: Fair Wages and Equal Remuneration**

**Under Article 7, state parties recognize the right to remuneration which provides workers with fair wages and equal remuneration for work of equal value, without distinction of any kind, and in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work, and a decent living for workers and their families. GC of 2023 recognizes that remuneration goes beyond wages/salaries and includes both direct and indirect allowances.<sup>5</sup> Georgia falls short of its obligations under Article 7 in the following respects:**

**Over Time Work:** Under Article 27 of the Georgian Labour Code overtime work is remunerated at the amount of the increased hourly rate of remuneration, and according to Article 27.3 of the Labour Code, the parties may agree to provide the employer with proportionate additional rest time in exchange for overtime pay. There is no minimum overtime rate, nor a stipulation that such a rate must be fair. These provisions are

---

<sup>4</sup> Article 30.3 of the Georgian Labour Code

<sup>5</sup> Para 7 of GC 23,

particularly egregious in light of the absence of a maximum limit for overtime work per day for adult employees in Georgia.

In practice there are many cases where the overtime pay rate is unreasonable and unfair. In one of the cases litigated by the GTUC N as-1128-2021, the City Court, the Court of Appeals and the Supreme Court of Georgia have annulled the part of the contract, which set the increased tariff for overtime work in the amount of 0.01% of the hourly wage and set the overtime tariff with a coefficient of 1.25 %.

The right to fair remuneration for overtime work is further exacerbated by the separate standard of the working week: the overtime work (of employees working in a specific regime) starts at 48 hours and not 40 hours per week, as is the case when employees working in a non-specific regime, consequently they work longer hours and receive less pay which puts them in an unequal position compared to other employees. In addition, although the Labour Code <sup>6</sup> requires the employer to record the employee's working time, there are many cases where the hours worked by the employee are not fully recorded in the logbook and the employee is unable to receive the appropriate remuneration.

In addition, the obligation to work overtime without any remuneration to prevent natural disasters and / or eliminate their consequences is problematic. <sup>7</sup>

Although the Georgian Labour Code provides overtime pay for increased working hours, unpaid overtime has become the norm in Georgia over the years. While the Labour Inspection has been given the right to control labour rights since 2021, so far it has not carried out inspections on issues related to wages.

**Fair Wages and a Decent Living** - The concept of fair wages and remuneration which provides a “decent living” for workers and their families, is also not recognized in the Labour Code of Georgia. This is significant in light of the high-income inequality in the country (Gini Coefficient -0.36) and can largely be attributed to the absence of an instrument for regulating minimum wage and the lack of social dialogue. The minimum wage in the country was set by presidential decree in 1999 and does not exceed 7 Euros per month<sup>8</sup>.

**However, in Georgia, there is vast income inequality.** The 277 highest-paid employees in Georgia receive the same salary as 300,000 low-paid employees combined altogether. And 56,000 highly paid people receive the same amount as 700,000 other employees (870,000 employees in total).

14% of the total wage fund covers workers whose salary is up to 500 GEL, and this salary amounts for only 2% of the total wage fund. While there are 1% of workers whose salary is above 12,000 GEL and they occupy 20% of the total salary fund.

Income inequality is well illustrated by poverty, which has decreased by only 1.9% since 2004, despite an increase in social policy coverage in recent years.

## 2. Trade unions rights

Article 8 of the It CESCER protects the right to form and join trade unions, the rights of unions to function freely, as well as the right to strike, as long as the strike complies with legitimate requirements of state law

---

<sup>6</sup> Article 24.11 of the Labour Code of Georgia

<sup>7</sup> Article 25.5 (a) of the Labour Code of Georgia

<sup>8</sup> [Decree of the President of Georgia № 351 June 4, 1999 "On the amount of the minimum wage"](#)

under section 8(1)(d). Further Article 8(3) prevents state parties from using the Covenant to undercut rights provided in ILO C87.

The Labour Code and the Organic Law on “Trade Unions” guarantee the right of collective bargaining for workers. The amendments introduced in 2020 to the Labour Code of Georgia allows workers to apply to the court and/or to the Labour Inspection Service in case of not fulfillment of the obligations considered by the collective agreement which is a positive legislative development.

However, collective bargaining still is not properly encouraged and supported by the state and consequently the legislative changes have not yet had a tangible positive impact in practice. Within the reporting period, there were numerous cases when employers in collective bargaining, strikes and mediations refused to negotiate with employees and their unions’ representatives, while state and local government officials (governor, MP, mayor) met with employees and without informal mediation with no involvement of the trade unions, called for negotiations with the employer (For example, Ltd. IDS Borjomi Georgia, JSC Rustavi Nitrogen, Ltd. Guria-Express and other mediations and strikes).<sup>9</sup>

Besides, the practice of challenging non-compliance with the collective agreement in a court or Labour Inspection has not been well developed due to the small number of collective agreements as such.

Thus, the small number of collective agreements and non-efficient bargaining process remain a critical challenge in Georgia.

Further, the tripartite social partnership in the country exists only at the central level and the small piloting program is implemented only in the Adjara region. Tripartite commissions do not exist in most regions and agreements reached because of bilateral negotiations and the number of collective bargaining agreements are limited too.

As of 2021 totally 59 collective agreements at the enterprise level and only one sectoral agreement was conducted in Georgia. The only sectoral collective agreement is concluded between the Education and Science Workers Free Trade Union and the Ministry of Education, Science, Culture and Sports of Georgia.

Most of the educational institutions in the education sector are public institutions; therefore, it made it possible to conclude a sectoral agreement. However, no sector other than education can reach a sectoral agreement, which underscores the fact that most employers are not positive about social dialogue and negotiating with employee representatives. At the same time, employers' unions are mostly committed to protecting their own business interests and the social and labour rights of employees are secondary to them.

The weak position of the state in exercising the right of collective bargaining became particularly apparent during the pandemic period. In 2021, against the background of deteriorating socio-economic conditions caused by the pandemic, a wave of strikes hit Georgia. The strikes took place everywhere, in all regions of the country and in companies with all sizes of turnover (small, medium, large).

Due to the severity of the situation, the Georgian Trade Unions Confederation appealed to the Prime Minister to convene an extraordinary meeting of the Tripartite Social Partnership Commission, which is authorized by Georgian law. However, no decision was made to hold this meeting (JSC Rustavi Azot Strike). The Tripartite Social Partnership Commission should be actively used to engage in a dialogue on acute employment issues

---

<sup>9</sup> [www.GTUC.ge](http://www.GTUC.ge)

and to reach a decision with the participation of all stakeholders. Contrary to this, the meetings of the Tripartite Social Partnership Commission are not held even at regular intervals established by law.

During the reporting period, it was observed that the employer in the past did not fulfill the collective agreement concluded with the trade union unilaterally, even though the collective agreement was concluded for open-ended (JSC Rustavi Azoti).

The role of the state is especially important in such situations, and under Article 8 ICESCR, is obliged not only to create an effective legal framework to enable mediation between employees and employers, but also needs to effectively guarantee of implementation of the regulations set up by the legislation and/or by collective agreements.

The government presents social dialogue at the local level as collaboration between business and educational institutions (between two business entities) and not a dialogue and encouragement of collective agreements between employers and employees. No steps have been taken in recent years to encourage collective bargaining process. In this respect, the government is failing in its Article 8 obligations to respect, protect and promote collective bargaining.

### **3. Compulsory Mediation and the Right to Strike**

It should also be noted that the mandatory mediation that employees must go through before going on strike serves as an obstacle hindering the application of the right to strike rather than bringing the positions of employees and employers closer to each other. In 2013-2017, 30% of mediations were repeated mediations caused by employers' non-compliance with the negotiated agreement. The Labour Inspection has no mandate to enforce the agreement reached through mediation or negotiations reached based on collective agreement. Consequently, the agreements and negotiations are often neglected to enforce.

According to the Labour Code amendments 2020, the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia redefined the list of vital services intended to downsize the existing list of employees restricted to enjoy the rights to strike<sup>10</sup>. However, the draft version of the proposed list did not include the municipal cleaning service among the vital services, but it reappeared on the list after the employees of the Tbilisi City Hall Cleaning Service went on strike right before the new list was approved.

The Minister refused to consider the proposal of Georgian Trade Unions Confederation to narrow down the list of workers whose right to strike was restricted, because their duties and responsibilities are considered to be that of a vital service provider. A similar proposal was submitted by the GTUC for the public services defined by the official order. In our view, the existing list is too long and overbroad since it covers many public institutions and all public servants employed there. The ILO has continually maintained that it is not appropriate to treat all state-owned undertakings on the same basis in respect to limitations on the right to strike, without distinguishing in the relevant legislation between those who are genuinely essential and those who are not.<sup>11</sup> It is our view that an individualized approach needs to be put in place, which is based on the specificities of the workplace.

---

<sup>10</sup> Order of the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia 01-78 / n "On Approval of the List / List of Vital Services", 07/09/2021

<sup>11</sup> Digest of 1985, para 400.

Particularly problematic is the fact that employees of the vital service specified in the order have the right to strike only if they provide a **minimum service**. This implies the provision of minimum operational services in such a way as to meet the basic requirements of the customers and such services are provided safely and without interruption. Under the Act, the definition of minimum service, its scope, the organization of the minimum service and the minimum number of employees to be provided by the collective labour dispute shall be determined by the parties to the collective bargaining agreement before sending a written notice to the Minister.

The legislative requirements of the opposing parties defining the minimum service, carries very likely risks that such an agreement may not be reached at all, especially since reaching an agreement on these issues would naturally not be in the employer's interest. In this regard, if no agreement can be reached and a strike still takes place, the employer is empowered to go to court to declare the strike illegal. Therefore, we may get a situation where the right to strike exists on paper, but employees will practically not benefit from it at all.

#### **4. Article 7(b) Safe and Healthy Working Conditions:, legislation and practice, positive steps and remaining challenges.**

##### **Legislation for regulating the labour safety - current challenges.**

Before the enactment of the Organic Law of Georgia on Occupational Safety, the implementation of the necessary measures for ensuring labour safety in the workplace depended on the good will of the employer. Currently they are regulated by the legislation in force, which allows workers to have (elect) their representative in matters of labour safety.

The Georgian Trade Union Confederation was actively involved in developing the labour safety regulatory legislation. This legislation was developed with the involvement of three stakeholders: trade unions, employers' associations, and the state.

Given the large number of ILO standards, which inform the scope of Article 7(b), it is equally important to ratify the ILO conventions. As of today, Georgia has ratified 18 conventions, none of which refer to labour safety issues.

Georgian Trade Union Confederation has consistently demanded the ratification of 5 conventions of the International Labour Organization in the field of labour safety, namely: C 155 - Occupational Safety and Health Convention; C 81 - Labour Inspection Convention; C 121 - Employment Injury Benefits Convention; C 176 – Safety and Health in Mines Convention; mC187 - Promotional Framework for Occupational Safety and Health Convention.

It is critical to note that the above-mentioned legislative changes - without effective enforcement system - may not have the desired positive impact on the state of labour safety. It is however important to note that the rate of accidents at workplaces is still high.

Based on research and analysis carried out by the Georgian Trade Union Confederation, the accidents at workplaces are mainly caused by three key factors:



- ✓ Non-existence of collective and/or personal protection equipment or non-compliance with the requirements established by law;
- ✓ Insufficient monitoring by the administration over the working processes;
- ✓ Inadequate qualification of employed personnel.

It is clear that a number of positive steps have been taken in Georgia to implement labour safety, which have positively impacted on the creation of a safe working environment at workplaces. However, the legislative framework is still insufficient for regulating certain aspects of labour safety issues, and also leaves some workers, such as those engaged in the informal economy, unprotected.

However, GC 23 makes clear that national policy on occupational health and safety should cover all branches of economic activity, and include both formal and informal workplaces, and should take into account specific risks for the health of female workers.<sup>12</sup>

Currently the core the problems include the implementation of the adopted regulations at workplaces, proper control over their implementation, the level of awareness among both employers and employees, readiness to use the procedures stipulated by the law aimed at introducing labour safety standards. Good-faith collective bargaining on labour safety issues is particularly problematic, which in many cases leads to aggravated collective labour disputes and strikes.

## **5. Gender equality and labor rights of women**

Despite positive trends and innovations oriented towards the improvement of the labor legislation, underrepresentation of women in the labor sectors remains a pressing and an unresolved issue in Georgia.

### **5.1 Women's involvement in the political, public, and economic realms**

The data on women's participation in executive government bodies, according to the information provided by the Civil Service Bureau, 21,262 men and 4,738 women civil servants were employed in ministries in 2020<sup>13</sup>. A gender distribution on managerial positions was as follows: 274 women and 474 men<sup>14</sup>. This data demonstrates that stereotypes, perceptions, and prejudices about women's ineffectiveness in the managerial and decision-making positions are still deeply-rooted and persistent.

Women's economic activity is directly linked to the index of their employment engagement. According to the National Statistics Office of Georgia: the labor force participation rate (activity rate) is higher for men than for women. In 2020 the indicator for women was 41.5 percent<sup>15</sup>. The employment rate of women is 35,4%.<sup>16</sup> However, women's average pay is much lower than men's. In the GTUC's experience and infor-

---

<sup>12</sup> Para 26 of GC 23

<sup>13</sup> <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

<sup>14</sup> <https://www.ombudsman.ge/res/docs/2021040110573948397.pdf>

<sup>15</sup> [https://www.geostat.ge/media/38207/Indicators-of-the-Labour-Force---Indicators-of-the-Labour-Force---2020.pdf?fbclid=IwAR0WFDfzGwnyEJWtAKJqvt0C3Wymp\\_LWOyVgwOBhyP1JjhaWi8TJk5tg2sU](https://www.geostat.ge/media/38207/Indicators-of-the-Labour-Force---Indicators-of-the-Labour-Force---2020.pdf?fbclid=IwAR0WFDfzGwnyEJWtAKJqvt0C3Wymp_LWOyVgwOBhyP1JjhaWi8TJk5tg2sU)

<sup>16</sup> <https://www.geostat.ge>

mation, income inequality is mostly caused by gender stereotypes, employment of women in low paid sectors/positions, deeply entrenched vertical segregation (“glass ceiling”), selection bias, and similar factors impeding women’s career promotion and advancement.

The feminization of poverty and a high rate of violence against women are linked in causality to and exacerbated by the low economic activity of women. Gender inequalities are additionally challenging in rural areas. The gender stereotypes, the unequal division of unpaid agricultural and domestic work, and a lack of gender-responsive services and programs limit women’s abilities to acquire new skills, develop agricultural or other businesses, and earn a sustainable income. Women entrepreneurs continue to face challenges in access to finance, information, training, and access to business networks, as well as the reconciliation of work and family responsibilities.<sup>17</sup> Unfortunately, the National Statistics Office of Georgia does not process disaggregated data on the number of men and women employed in different sectors<sup>18</sup>.

## **5.2. Concentration of women in low-paid jobs and a significant gender related wage gap**

The violation of women’s labor rights and discrimination in their economic life is a multi-layered issue and it must be explored within several cross-cutting areas. Despite high-educational achievements by women in Georgia, women face more limited access to economic opportunities than men<sup>19</sup>. Women’s segregation by industry and occupation—and degree concentration in humanities, education, and health care—locks them in economic activities with lower earnings<sup>20</sup>. Due to gender roles/stereotypes/norms and attitudes regarding women’s aspirations, preferences, and capabilities certain lower-paying jobs are held predominantly or exclusively by women (caring professions, education, health and social care, textile, position of cashier-operator) and the higher-paying jobs - by men (for example in the financial and insurance sector, construction, and manufacturing).

Often, jobs where women predominate, are under-valued and under-paid in comparison with work of equal value performed by men when determining wage rates. The key concept of Article 7 of the ICESCR and the ILO Equal Remuneration Convention, 1951 (No. 100) ) is equal value,” suggesting that the work could come in two forms: (a) equal or identical work in equal, identical, or similar conditions; or (b) different kinds of work that, based on objective criteria, are of equal value<sup>21</sup>.

The gender wage gap remains a prevalent problem in Georgia. The average wage of women lags behind that of men wage by 31.7%<sup>22</sup>. This is an alarming figure against the background of the gender wage difference existing at a global level, which does not exceed 20%<sup>23</sup>.

---

<sup>17</sup> [www.Geostat.ge](http://www.Geostat.ge)

<sup>18</sup> <http://gtuc.ge/>

<sup>19</sup> <https://documents1.worldbank.org/curated/en/407151616738297662/pdf/Georgia-Country-Gender-Assessment.pdf>

<sup>20</sup> [Around 40% of female workers are employed in agriculture and almost one quarter of female workers is employed in health and education services \(compared to 4% of men, LFS 2018\). In contrast, women are generally excluded from industrial activities and science. Only 6% of female workers concentrate in industrial activities. While only 16% of graduates of Science, Technology, Engineering, and Math \(STEM\) programs in tertiary education were women in 2018 \(WDI 2020\).](https://documents1.worldbank.org/curated/en/407151616738297662/pdf/Georgia-Country-Gender-Assessment.pdf) <https://documents1.worldbank.org/curated/en/407151616738297662/pdf/Georgia-Country-Gender-Assessment.pdf>

<sup>21</sup> [https://www2.unwomen.org/-/media/field%20office%20georgia/attachments/publications/2020/gender%20pay%20gap\\_georgia\\_eng.pdf?la=en&vs=636](https://www2.unwomen.org/-/media/field%20office%20georgia/attachments/publications/2020/gender%20pay%20gap_georgia_eng.pdf?la=en&vs=636)

<sup>22</sup> [www.geostat.ge](http://www.geostat.ge)

<sup>23</sup> <http://gtuc.ge/>

Article 4 (4) of the Labor Code provides that employers should ensure equal remuneration of female and male employees for equal work performed. This framing falls short of requiring equal remuneration for work of equal value under article 7(a).

Further, despite the fact that Georgia ratified ILO Convention #100 in 1993, Georgian legislation does not give the full expression of the principle of equal remuneration for men and women for work of equal value.

Gender differences regarding bonuses, benefits and compensations may also be explained by gender segregation in the Georgian labor sphere. According to a survey conducted by the Centre for Social Studies, gender disparities also exist in the receipt of benefits and other wage components: 66 per cent of men (eligible for bonuses/compensations) got bonuses, compared to 34 per cent of women; and 60 per cent of men got premiums, compared to 41 per cent of women.<sup>24</sup>

### **5.3 The reconciliation of the professional and private lives of women and men and maternity protections**

Women are traditionally, the bearers of responsibility for domestic tasks and household chores in Georgia, as in other countries across the globe. Due to a large imbalance between family and work responsibilities, women remain inequitably burdened to combine pregnancy, delivery, breastfeeding, and childcare with employment and workload. As a result, women often sacrifice their professional career to fulfil their family responsibilities. Regrettably, the Government of Georgia has not taken any substantial steps or implemented relevant policies to conduct awareness raising campaigns to promote women's equality in labor relations and to gradually eradicate persisting gender stereotypes in society.

Many employers treat women as 'problem causing' workers, who may, according to this bias, are often absent and/or demand additional "privileges," including maternity leave. Such conceptions obviously lead to gender-based discriminations, when employers are reluctant to employ women, women are low-paid, and not promoted, etc.

Serious discriminatory practices are also widespread in pre-contractual labor relations. According to Article 11 (8) of the Labor Code, the employer is not required to justify a decision on refusing to employ a candidate except for challenging discriminatory treatment. Accordingly, employers are not obliged to develop a document describing the reasons for denial. The experience of the GTUC clearly demonstrates that this provision, in most cases, negatively affects women as they are denied entry to employment because of their family responsibilities (married women, childcare, and mothers of large families) and pregnancy.

Discriminatory posting of vacancies persists on various grounds, including sex and age.

In Georgia, maternity discrimination is a critical problem. The issue regarding maternity pay remains an acute problem, which is dependent on the good will of an employer to pay the wage beyond the 2000 GEL assistance set by the State. According to the labor legislation only public servants and public-school teachers get full amount of salary during maternity leave. In practice, this regulation obliges an employee to return to work as soon as possible to receive a salary and therefore, her right to maternity is violated.

Further, due to low salaries and insufficient financial resources to hire a childcare provision, women are compelled to leave their job as well. However, the Labor Code does not provide any further guarantees of

---

<sup>24</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:4057609](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4057609)

maintaining jobs for women after the expiration of maternity leave.

One of the largest legislative gaps is with respect to the legal status of women working in the informal sector. There is no maternity protection or broader labor rights protection available for them. As of 2022, informal employment in Georgia, except for agriculture sector, amounts to 28.4%. This figure counts 22.5% for women and 33.4% for men.

These gaps in providing adequate maternity protection to female workers who are not civil servants, and in provision of all maternity protection for women working in the informal economy, run counter to provisions in the CESC, as well as other ILO and regional instruments.<sup>25</sup>

## **5. The prevention and combating of sexual harassment in the workplace and the mandate of labor inspection**

The Law of Georgia on the Elimination of All Forms of Discrimination (so called Anti-discrimination law), which was adopted by the Parliament of Georgia on May 2, 2014 defines the Public Defender of Georgia and the Courts as legal mechanisms for the protection of the right to equality.

From 1 January 2021, under the Labor Code, the Labor Inspectorate, *inter alia*, became empowered to identify and examine alleged cases of sexual harassment and harassment in the workplace and to impose financial sanctions.

Yet, women working in the informal economy, are workers, excluded from labour law protection, and work in precisely these public spaces. They face significant challenges with respect to violence and harassment, yet they are excluded from minimum legal guarantees. Accordingly, to comply with ICESCR obligations, Georgia should effectively pass appropriate criminal, labour and non-discrimination law, to prevent and eliminate gender-based violence and harassment/sexual harassment with respect to all workers. Further, Georgia should ratify C190 on Violence and Harassment Convention, 2019 (No. 190) which and put in place effect legal protections and mechanisms to address gender-based violence and harassment experienced by women working in the informal economy.

Limitations in Labour Inspection: Notwithstanding the enhancement of competencies and duties of the labor inspection system, the supervisory mandate of this latter does not cover articles of Labor Code regarding grounds for terminating employment agreements, procedure for terminating employment agreements, collective redundancies, and transfer of an undertaking, as well as relevant articles of the Law of Georgia On Public Service (Articles 19-24,53,72-77,82 and 85-119). These omissions may be deemed as a setback for the purposes of the establishment of a fully-fledged and robust Labor Inspection institution and mechanic.

Under ICESCR, GC 23, states General Obligations include the establishment of a functioning system of labour inspectorate, with the involvement of social partners, to monitor all aspects of the right to just and favourable conditions of work for all workers including informal economy workers, domestic workers and

---

<sup>25</sup> ILO Maternity Protection Convention No. 183, 2000, European Social Charter (article 8), Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) define that the state should take measures for protection of women during pregnancy, maternity leave and child care and take appropriate measures.

agricultural workers. further, these labour inspectors should be independent, adequately resourced, professionally trained, and have the authority to enter workplaces without prior notice, make recommendations and prevent and remedy problems.<sup>26</sup> Furthermore state parties should identify indicators and benchmarks to monitor the implementation of the rights to just and favourable conditions at work.<sup>27</sup>

## Recommendations

To tackle the systemic practices and inequality in the labor relations and bring Georgian labor legislation in compliance to the international labor standards, Georgia should carry out the following actions:

- Establish 8 hours of daily working time limit;
- Compensation for overtime work should amount no less than 125 % of the daily remuneration rate;
- Night work should consider the special benefits.
- The ground of termination of labour contract should be exhaustive and precise, particularly “objective circumstances that justifies the termination of labor contract” is vague and can be used subjectively, thus it is recommended either annul or amended.
- Workers in informal economy should be protected similarly to the workers involved in formal employment.

For the labour safety and health

- All relevant bylaws need to be adopted to fully ensure prevention of occupational hazards and protection of occupational safety and health in labour relations
- Professional diseases should be detected by labor inspection and relevant compensatory mechanisms should be developed for workers with professional diseases
- Ratification the following ILO Conventions: C 155 - Occupational Safety and Health Convention; C 81 - Labour Inspection Convention; C 121 - Employment Injury Benefits Convention 176 – Safety and Health in Mines Convention; C187 - Promotional Framework for Occupational Safety and Health Convention
- Awareness raising activities should be systematically conducted by the different stake holders.
- Capacity of labor inspection should be enhanced, regional offices needs to be established and more staff and inspectors needs to be recruited.

For ensuring gender equality and equal opportunities for men and women.

- Ratify C183 - Maternity Protection Convention, 2000 (No. 183), C081 - Labor Inspection Convention, 1947 (No. 81), C155 - Occupational Safety and Health Convention, 1981 (No. 155), and C190

---

<sup>26</sup> Para 45 of CG 23

<sup>27</sup> Para 55 of GC 23

- Violence and Harassment Convention, 2019 (No. 190), C156 - Workers with Family Responsibilities Convention, 1981 (No. 156), and C189 - Domestic Workers Convention, 2011 (No. 189);
- Treat women employed in the private sector on an equal footing with women civil servants and public employees in terms of receiving the full amount of their salary during maternity leave and being protected from dismissal during the 3 years after childbirth.
  - Add citizenship and pregnancy as grounds of discrimination in Labor Code;
  - Give full legislative expression to the principle of equal remuneration for men and women for work of equal value in the Labor Code, to ensure that the de jure provision of equal remuneration between men and women is applied in practice.
  - Develop the methodology, based on objective criteria, for the appraisal and evaluation of equal work; In addition, implement explicit and legally binding mandates, aiming to address implicit gender-biases at the workplace. Such policy changes should include the promotion of the representation of women in company boards.
  - Take steps to include in the labor legislation a complete definition of sexual harassment, including both quid pro quo and hostile work environment harassment;
  - Conduct a wide range of awareness-raising interventions on gender equality and women's rights so as to enhance gender equality and the empowerment of women. Leveraging innovative ideas such as educational entertainment products and outreach via social media could help changing behaviors, gender biases, and eventually social norms. In this regard, it is also important to launch informational campaigns to promote equal remuneration for men and women for work of equal value, including with respect to bonuses, premiums and other additional wage allowances;
  - Develop statistical data on the number of men and women employed in different sectors/occupations, as well as other relevant sex-disaggregated statistics and data;
  - Develop active labor sphere programs and job search initiatives assisting women in transitioning from school-to-work, including a combination of initiatives that provide skills training in business development, technical and vocational training focusing on skills that are in high demand in the job market, as well as life skills training that could be utilized throughout the professional life;
  - Take measures that on the one hand, will encourage private and public institutions to enshrine provisions prohibiting sexual harassment in their internal regulations, and to introduce an internal organizational mechanism for the prevention of sexual harassment, and on the other, to raise awareness of the employees on issues of sexual harassment;
  - Initiate and implement gender-responsive guidelines and training modules to assist judges, labor inspectors, police officers, and other public officials in fulfilling their mandate regarding harassment and violence against women, as well as assisting public and private employers and workers and their organizations in preventing and addressing violence and harassment;
  - Address stereotypes regarding women's professional aspirations, preferences and capabilities, and their role in the family, as well as the legal and practical barriers to women's access to the broadest

possible range of sectors and industries, at all levels of responsibility, and to promote a more equitable sharing of family responsibilities between men and women.

- Establish a fair minimum wage;
- Introduce unemployment benefits;
- Take steps to formalize informal employment.
- Take measures to increase women's representation in leadership/decision-making positions.