

Committee on the Application of Standards

Date: 23 May 2024

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2024.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Georgia (ratification: 1993)

Convention Equal Remuneration Convention, 1951 (No. 100)

The Government has provided the following written information.

The promotion of decent working conditions for all Georgian workers irrespective of their sex has always been a top priority for the Government. To this end, Georgia made remarkable progress in ensuring gender equality at work and promoting women's economic empowerment through legislative amendments and policy reforms. The promotion of equal pay for equal work started with creating a legislative basis. The latest amendments to the labour legislation outstandingly strengthen the legal framework for the protection of labour rights of Georgian workers. Amendments include the adoption of the principle of equal pay for equal work, the definition of harassment in the workplace (including sexual harassment) as a form of discrimination, and a definition of sexual harassment, discrimination in employment and precontractual relations (including when posting a job vacancy and at the selection stage), employment and professional activities is prohibited.

Apart from the Labour Code of Georgia, all main legislative acts of Georgia include clauses prohibiting all types of discrimination. In addition, there is a special law against discrimination, namely, the Law on the Elimination of All Forms of Discrimination adopted on 2 May 2014. The purpose of the law is to eliminate every form of discrimination and to ensure equal rights for every natural and legal person under the legislation of Georgia, irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics. This law is of paramount importance for the development and well-being of Georgian society. The law includes the definition of direct and indirect discrimination and has introduced the concept of multiple discrimination and the prohibition of supporting or encouraging discriminatory actions.

The amendments of 19 February 2019 to the above-mentioned Law, further specified sectors and relations where discrimination is prohibited. Namely, legislative changes addressed both procedural and substantive issues: the deadline for appealing to the court was extended to individuals, the mandate of the Public Defender of Georgia was strengthened, and sexual harassment was regulated. According to the law, the concept of equal treatment shall also apply to:

- (a) employment and precontractual relationships, including:
 - (a) selection criteria and recruitment conditions, access to career development-promotion, professional hierarchy at all levels and whatever the branch of activity;
 - .b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training, and retraining, including practical work experience;
 - (.c) employment and working conditions, including dismissals and pay;
- (b) membership of, and involvement in, an organization of workers or employers, or any organization whose members carry on a particular profession, including the benefits provided for by such organizations.
- (c) social protection and health care, education, and supply of goods and services, including:
 - (.a) social protection, social security, social benefits, and others;
 - (b) healthcare service;
 - (.c) access to education;
 - (.d) access to and supply of goods and services, which are available to the public (including living space).

To promote employment of Georgian citizens, the Government established the LEPL State Employment Support Agency (SESA). The promotion of employment and active labour market policy (ALMP) as a measure to promote employment is one of the top priorities of the Georgian Government. The Government has been implementing an ALMP since 2015, which includes training and retraining as well as employment support for different groups (people with disabilities, women, youth, etc.), vocational counselling consultations, and career guidance. Women are a top priority when implementing employment support programmes. All the employment services are free of charge; the source of financing is the state budget.

The national labour and employment policy strategy envisaged issues in promoting gender equality and women's participation in the labour market and entrepreneurship. The Labour Code encourages work-life balance for both parents. Higher standards of maternity and parental leave that can be used by both parents were introduced. Apart from that, the Labour Code determines that women who are breastfeeding infants under the age of 12 months may request an additional break of at least one hour a day. The Code also provides for an additional unpaid parental leave of 12 weeks until the child turns 5. Additional parental leave may be granted to any employee who actually takes care of the child. It should also be noted that the Labour Code guarantees the rights of a legal representative or supporter of a person with a disability who may, in addition to rest days, enjoy additional paid rest day once a month, or agree on working time other than that provided for by the internal labour regulations. The Code also guarantees access to training. After the end of a period of maternity leave, parental leave, or newborn adoption leave, upon the request of the employee, the employer shall ensure that the qualifications of the employee are upgraded if this is necessary for the performance of the work under the employment agreement, and does not impose a disproportionate burden on the employer.

The Code introduces the notion of part-time employment. The Code provides for the protection of part-time workers from discrimination based on their status. Namely, part-time

employees shall not be treated in a less favourable manner than comparable full-time employees solely because they work part-time unless different treatment is justified on objective grounds. Employment agreement with an employee shall not be terminated because of the employee's refusal to transfer from full-time to part-time work, or from part-time to full-time work unless the employer has the right to terminate the employment agreement with the employee, subject to the relevant preconditions.

Following the large-scale labour law reform, a fully fledged Labour Inspection Office (LIO) is in place as of 1 January 2021. As per the Law of Georgia "on Labour Inspection", among others, LIO is entitled to supervise the implementation of norms related to the prohibition of discrimination in labour relations, including precontractual relations. This includes investigating allegations of discrimination, identifying instances of discrimination, and applying relevant administrative measures if confirmed. Since its creation, institutional development of the Labour Inspection is constantly ongoing, meaning that two regional offices were opened, the budget and number of inspectors increased, and labour inspectors are being trained and retrained, etc. In order for the LIO to increase action and ensure effective oversight, a new special division dealing the workplace discrimination, prohibition of sexual harassment and gender equality issues was created. In the reference period of 2021–23, LIO identified 144 cases of discrimination, with 120 in precontractual relations and 14 in ongoing or terminated employment. Additionally, one confirmed case of sexual harassment and two cases of employer inaction were identified. Apart from that, during the mentioned reference period, unhealthy and/or hostile work environments were identified in 15 business entities, affecting both current and terminated employment relations. Furthermore, 57 cases of gender-based discrimination were identified, both in precontractual and current/terminated labour relations.

The LIO prioritizes raising awareness about workers' rights. Since 2021, they have conducted over 250 informative meetings, with more than 100 focused on recent legal changes to labour rights. To further educate the public, the LIO has produced 29 videos, including four specifically on preventing discrimination in the workplace. These resources, along with various manuals (four on discrimination topics), are available on the LIO website (lio.moh.gov.ge), Facebook, and YouTube. As per article 4 of the Organic Law of Georgia, the Georgian Labour Code, "employers shall ensure equal remuneration for female and male employees for equal work performed".

To effectively implement the equal pay for the work of equal value principle, a proper methodology for employers as well as the Labour Inspection Office is of utmost importance. To this end, since 2021 UN Women has been supporting Georgia in developing the methodology used to calculate equal remuneration. Currently, with the support of UN Women, work on two documents is underway. In particular, a methodological document on the principle of equal remuneration in labour relations and detailed instructions/guidelines on prevention, detection and response to unfair remuneration. This will help close the gender pay gap and ensure equal pay for equal work. Georgia's National Statistics Office analyses adjusted gender pay gaps, which consider various factors beyond gender. This data helps monitor progress towards equal pay. The adjusted gender pay gap takes into account the demographic (age, education, marital status, place of residence – region/type of settlement, etc.) and job characteristics (economic activity, occupation, etc.) of the individuals. The adjusted gender pay gap is calculated using a regression model for the employed population aged 15–64. Since the current statistical survey of enterprises and organizations contains very poor information on individual and job characteristics, the calculation of the adjusted gender pay gap data of Labour Force Survey is used (covering more than 15,000 respondents quarterly). The adjusted

gender pay gap has been launched by Geostat, with the technical assistance of UN Women since 2021. The recent statistics on gender pay gap in Georgia are available on the Geostat website.

Apart from the above, the Tripartite Social Partnership Commission's action plan outlines various topics for discussion through social dialogue, leading to tripartite decisions. These include further improvements to labour legislation, the feasibility of ratifying specific ILO Conventions, such as those relating to wage policy (minimum wage), and unemployment insurance. Therefore, the Government acknowledges that gaps may still exist and expresses its commitment to working with social partners to promote decent working conditions for all men and women, free from discrimination.