

## Committee on the Application of Standards

Date: 23 May 2024

**Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.**

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

#### Georgia (ratification: 1993)

##### 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 has 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 the creation of a legislative basis. The latest amendments to the labour legislation outstandingly strengthen the legal framework for the protection of the 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), and in professional activities is prohibited.

Apart from the Labour Code of Georgia, all the 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 specify the sectors and relations where discrimination is prohibited. Namely, the legislative changes address both procedural and substantive issues: the deadline for appealing to the court has been extended for individuals, the mandate of the Public Defender of Georgia has been strengthened and sexual harassment has been regulated. According to the Law, the concept of equal treatment shall also apply to:

- (a) employment and precontractual relationships, including:
  - (a.a) selection criteria and recruitment conditions, access to career development-promotion, professional hierarchy at all levels and irrespective of the branch of activity;
  - (a.b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
  - (a.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 by such organizations.
- (c) social protection and health care, education and the provision of goods and services, including:
  - (c.a) social protection, social security, social benefits, and others;
  - (c.b) healthcare services;
  - (c.c) access to education;
  - (c.d) access to and supply of goods and services, which are available to the public (including living space).

To promote the employment of Georgian citizens, the Government established the State Employment Support Agency (SESA) under the Ministry of Internal Affairs (LEPL). The promotion of employment and an 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 envisages 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 have been introduced. In addition, the Labour Code provides 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 additional unpaid parental leave of 12 weeks until the child turns 5. Additional parental leave may be granted to any employee who actually cares for 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 an 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, at 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. The 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) has been in place since 1 January 2021. As per the Law of Georgia "on Labour Inspection", among others, the 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, the institutional development of the Labour Inspection has been constantly ongoing, meaning that two regional offices have been opened, the budget and number of inspectors have 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 with workplace discrimination, the prohibition of sexual harassment and gender equality issues has been created. During the reference period 2021–23, the 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. Moreover, 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 of workers' rights. Since 2021, it has conducted over 250 information 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](http://lio.moh.gov.ge)), Facebook and YouTube. Article 4 of the Organic Law of Georgia, the Georgian Labour Code, provides that "employers shall ensure equal remuneration for female and male employees for equal work performed".

To effectively implement the equal pay for 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 under way, namely 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 in the 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 the gender pay gap in Georgia are available on the Geostat website.

In addition, 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 wages), and unemployment insurance. Therefore, the Government acknowledges that gaps may still exist and expresses its commitment to working with the social partners to promote decent working conditions for all men and women, free from discrimination.