

Committee on the Application of Standards

CAN/PV.19/Georgia-C.100

Commission de l'application des normes

11.06.24

Comisión de Aplicación de Normas

112th Session, Geneva, 2024

112^e session, Genève, 2024112.^a reunión, Ginebra, 2024**Georgia (ratification: 1993)**

Equal Remuneration Convention, 1951 (No. 100)

Convention (n° 100) sur l'égalité de rémunération, 1951

Convenio sobre igualdad de remuneración, 1951 (núm. 100)

Written information provided by the Government

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), 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.

Discussion by the Committee

Chairperson – I invite the Government representative of Georgia, Deputy Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, to take the floor.

Government representative, Deputy Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs – On behalf of the Government of Georgia, I have the honour to present the measures the Government has undertaken towards gender equality and equal remuneration for men and women and introduce future steps planned to decrease the pay gap in the country. In my address, I will also consider the observations raised by the Committee of Experts on the Application of Conventions and Recommendations.

Until 2013, Georgia had the most deregulated labour legislation, with no enforcement mechanisms in place for the Labour Code. It resulted in many inequalities in the labour market, including in unequal remuneration for men and women. Over the last couple of years, Georgia has made significant progress in adopting legislative changes and implementing policy reforms to foster gender equality and encourage the economic empowerment of women. Georgian law and policy have been improved to promote gender equality, to prohibit all forms of discrimination towards women and girls and encourage women's participation in the political, economic and social process in the country. 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 included the adoption of the principle of equal pay for equal work and the definition of harassment in the workplace (including sexual harassment) as a form of discrimination. Also, discrimination in employment and pre-contractual relations, employment and professional activities is prohibited.

Apart from the Labour Code of Georgia, all legislative Acts include clauses prohibiting all types of discrimination. In addition, we have a special law against discrimination, namely the Law on the Elimination of All Forms of Discrimination, adopted in 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, etc, or other characteristics. Besides, 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 2019 to the mentioned Law further specified the sectors and relations where discrimination is prohibited regarding 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 above-mentioned Law, the concept of equal treatment should also apply to :

- (a) employment and pre-contractual relationships, including:
 - (i) selection criteria and recruitment conditions, access to career development promotion, professional hierarchy at all levels and whatever the branch of activity;
 - (ii) 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 out a particular profession, including the benefits provided for by such organizations;
- (c) social protection and healthcare, education, and supply of goods and services, including:
 - (i) social protection, social security, social benefits and others;
 - (ii) healthcare services; and
 - (iii) access to education.

In order to promote employment of Georgian citizens, the Government established a legal entity, the State Employment Support Agency. Promotion of employment and active labour market policy is one of the top priorities of the Georgian Government. The Government has been implementing the policy since 2015, which includes training and employment support for different groups (persons with disabilities, women, youth, etc.), 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 being the state budget. The National Labour and Policy Strategy envisages issues of promoting 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 paternal 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 Labour Code also provides for additional unpaid parental leave for 12 weeks until the child turns 5. Additional parental leave may be granted to any employee who actually takes care of the child. The Labour Code guarantees access to training: namely, 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 it is necessary for the performance of their work under the employment agreement, and does not impose a disproportionate burden on the employee. The Labour 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 the different treatment is justified on objective grounds. An employment agreement shall not be terminated because of the employee's refusal to transfer from full-time to part-time work, or vice versa, unless the employer has the right to terminate the employment agreement according to the relevant preconditions.

In 2023, the Parliament of Georgia adopted the National Concept Document on Women's Economic Empowerment. The framework concept was created with the active support of the United Nations Development Programme. The document aims to establish a framework for women's economic empowerment, taking into account the specific challenges of gender equality in Georgia, which includes interventions at the individual and public levels both in private practices and at the level of state institutions.

The process of creating the document was preceded by conducting interviews with the main actors and stakeholders of economic development in the country to identify the main challenges and opportunities in the direction of women's economic empowerment, and the development of a desk study which gathered the main economic characteristics around the seven drivers of women's economic development and Sustainable Development Goals. It was within the framework of the research that the current trends were identified:

- Women constitute the majority of the poor population and this trend is, unfortunately, increasing;
- Families of single women are the poorest and the cycle of poverty also passes onto their children;
- Due to gender inequality, it is more difficult for women to escape poverty than men;
- In the case of Georgia, gender inequality in labour market participation results in about 11.3 per cent loss of GDP per capita.

The National Concept Document on Women's Economic Empowerment is related to the priorities defined by the new Georgia–European Union (EU) Association agenda, which should ensure the political association and economic integration of the country, and also the concept echoes the implementation of point 8 of the 12 points recommendations of the EU (consolidated efforts to enhance gender equality and fight violence against women). However, the concept contains an important note regarding equal pay. Since 2021, Georgia has been a member of the Equal Pay International Coalition (EPIC). Membership of this Coalition is important as Georgia has the opportunity to share the best international practices to ensure equality in the labour market economic empowerment of women. A record of this same content about equal pay can be found in the State Concept on Gender Equality.

In addition, as already mentioned, the Labour Code of Georgia provides for the principle of equal pay for equal work. Therefore, it's important to promote the implementation of the measures in principle actively.

According to the data of the National Statistics Office of Georgia, the pay gap (unadjusted) in recent years was as follows: 2018, about 35 per cent; 2019, about 36 per cent; 2020, about 32 per cent; 2021, about 31 per cent, etc. But I would like to add that the National Statistics Office of Georgia implemented a methodology for calculating the adjusted gender pay gap in 2021. The statistics based on this methodology is a bit different and looks as follows: in 2020, the pay gap was about 21 per cent; in 2021, also about 21 per cent; in 2022, about 23 per cent, so much less than in the case of unadjusted data.

One of the tried and tested methods of economic empowerment of women is to employ them in a high-paying sector, such as innovation and technology. For this purpose, Georgia also joined the Generation Equality Forum held in Paris in 2021. The mentioned event was held with the support of UN Women and the French Government, and its purpose was to voice specific commitments from the international community to achieve progress in gender equality, within which Georgia became a member of two coalitions and undertook commitments to achieve progress in the following directions: gender-based violence; and technology and innovations for gender equality. In order to ensure the smooth fulfilment of the latter's obligations, a monitoring group was created at the initiative of the Council. An internal action plan was created, the addressees of which are the relevant departments,

agencies and institutions. Active work is being carried out, both on the implementation of the mentioned action plan and on the monitoring of the performed activities.

The Gender Equality Council conducted a thematic inquiry on women's participation in the shadow economy, and the impact of Covid-19 on their activities within the framework of the United States Agency for International Development (USAID) Rule of Law Programme. The paper identified the main needs related to women involved in the shadow economy. Within the scope of the thematic enquiry, 16 recommendations were developed, including the obligation to sign contracts for employers and the creation of minimum working conditions for employed persons, as well as promoting women's involvement in pension accumulation schemes. The thematic group studied the practice and experience in other countries in the mentioned direction, recommendations were developed, taking them into account and sent to the relevant agencies.

In addition, encouraging the formalization of the economic activity of women employed in the shadow economy – promotion of raising women's awareness and overcoming stereotypical attitudes – is one of the main directions defined by the National Concept Document on Women's Economic Empowerment. In 2022, the Council carried out a thematic enquiry on "access to financial resources for women and girls" within the framework of parliamentary oversight function. The representatives of state institutions, the banking and financial sector, civil society, and donor organizations were involved in the research process and presented their opinions.

The assessment identifies a number of gaps that still exist and recommends amending legislation and introducing certain policies. To highlight some of them, I would like to draw your attention to specific recommendations: introducing paternity leave through legislative changes; creation of a gender-sensitive working environment; and improvement of gender statistics. The Civil Service Bureau is working on the improvement of the practice of collecting gender-related statistics. In this regard, gender indicators have been identified which will ensure that the Civil Service Bureau analyses gender-related situations in the civil service, and implements a human resources management policy based on gender analyses.

As to the enforcement, I would like to once again inform the Committee that following the large-scale labour law reform, a fully-fledged Labour Inspection Office is in place as of January 2021. Inspection is entitled to supervise the implementation of norms related to the prohibition of discrimination in labour relations, including pre-contractual relations. This includes investigating allegations of discrimination, identifying instances of discrimination, and applying relevant administrative measures if confirmed.

In the reference period of 2021–2023, inspection identified more than 100 cases of discrimination, with 120 pre-contractual relations and 14 ongoing or terminated employment. Additionally, one confirmed case of sexual harassment and two cases of employer's inaction were identified.

Apart from the above-mentioned steps that have been taken, I would like to highlight the importance of social dialogue in ensuring a decent working environment, and inform the Committee that the Tripartite Social Partnership Commission's action plan outlines various topics for discussion through social dialogue, leading to tripartite decisions.

In conclusion, the Government of Georgia reiterates its unwavering commitment to working with social partners to ensure decent working conditions free from discrimination for all men and women.

Worker members – This is the second time that our Committee examines the application of the Convention by the Government of Georgia. In its first examination in 2018, our Committee had requested the Government to undertake a number of actions, including:

- to ensure that national legislation expressly commits to the principle of equal remuneration for men and women for work of equal value in consultation with the social partners;
- to implement effective enforcement and detection mechanisms to ensure that the principle of equal remuneration for men and women for work of equal value is applied in practice; and
- to take steps to raise awareness among workers, employers and their organizations of the laws and procedures available in order to allow them to avail themselves of their rights.

Six years later, the Government has yet to take some concrete measures to give full effect to these conclusions.

In its 2024 observation, the Committee of Experts noted that the principle of equal remuneration for men and women for work of equal “value” is not properly reflected in the legislation: neither the Labour Law, nor the Law on Public Service entitle workers to equal remuneration for work that is entirely different but nonetheless of equal “value”.

We recall that legal provisions that are narrower than the principle laid down in the Convention, hinder progress in eradicating gender-based pay discrimination. Therefore, we urge the Government of Georgia to amend the Labour Law and the Law on the Public Service, in cooperation with the social partners, in order to give full legislative expression to the principle of “equal remuneration for men and women for work of equal value”.

Furthermore, in line with Article 3 of the Convention, we stress the importance of elaborating techniques and methodologies to measure and compare objectively the relative *value* of the jobs performed. We recall that because men and women often perform different jobs that may be *valued* in different ways by societies, a technique to measure the relative *value* of jobs with varying content is critical to eliminating discrimination in the remuneration of men and women.

Secondly, we take note of several policy initiatives adopted by the Government of Georgia to address gender inequalities, including the adoption of the State Concept on Gender Equality in December 2022 and the National Concept Document on Women’s Economic Empowerment in March 2023; the 2022–2024 Action Plan and communication strategy; and its participation in the Equal Pay International Coalition (EPIC) since 2021. We also note that the Civil Service Bureau started a Gender Impact Assessment of the Civil Service Law to reveal gender inequities in professional development, work-life balance, and pay gaps. In this framework, wages and pay arrangements within civil service will be analysed to find and address gender discrimination. Finally, we note that a Working Group was created to conduct a thematic inquiry on the rights of women in the informal economy and the COVID-19 impact and that this Working Group issued 29 recommendations.

Despite these efforts, results are slow to materialize as in most sectors of activity there had been little to no improvement in reducing the gender pay gap.

More specifically, the gender pay gap still stands at 23 per cent. Despite representing 52 per cent of the population, only 40.5 per cent of women participate in the labour market. Furthermore, there appears to be a discrepancy between levels of education of women in Georgia and their access to gainful employment: 57.9 per cent of unemployed women have obtained higher or secondary vocational education.

This lack of progress has been observed by the United Nations Committee on the Elimination of Discrimination against Women which expressed its concerns, in its 2023 conclusions, regarding the widening gender gap despite economic and income growth.

We recall that to achieve effective equality, it is essential to identify the structural inequalities that disadvantage women and exclude them from acceding to the labour market and to quality jobs, or from enjoying decent work, such as vertical and horizontal occupational segregation and their over-representation in non-standard forms of employment. These include stereotypes about the respective roles of men and women in society, their capabilities and aspirations. Alongside these stereotypes, other phenomena that perpetuate gender inequalities at work need to be addressed, such as the gender remuneration gap and access to managerial positions, leadership and decision-making roles. The unequal distribution of unpaid care work and its links to motherhood and family responsibilities remains, in this regard, one of the key elements to be addressed, as it is the main reason for women remaining outside the labour force.

We call on the Government of Georgia to take measures to effectively address the persisting horizontal and vertical segregation prevailing in the country, in particular the underlying causes of inequalities in remuneration such as occupational gender segregation into lower-paying jobs or occupations or positions without career opportunities, including through targeted vocational training, occupational quotas, incentives and awareness-raising activities. We also call on the Government to regularly review wages in sectors in which women are concentrated and to raise the minimum wage which was last fixed 25 years ago, in 1999.

Finally, we take note of the observations of the Committee of Experts regarding the extension of the mandate of the labour inspectorate in 2020 to enforce the prohibition of discrimination. It appears, however, that in 2021–2022, out of 5,295 inspections carried out, no violations regarding equal remuneration were found. Similarly, the courts have reported no cases regarding equal pay between men and women.

We echo the observation of the Committee of Experts that when no cases or complaints are being lodged, it is likely to indicate a lack of an appropriate legal framework, lack of awareness of rights, lack of confidence in, or absence of practical access to procedures, or fear of reprisals. We call on the Government to take measures to review existing complaint mechanisms so as to ensure that procedures are easily accessible, effective and speedy. We also request the Government to train and raise awareness of labour administration staff, the judiciary and the general population on the principle of the Convention.

Employer members – The Employer members have taken note of the information provided by the Government and would like to thank the representative for the explanations.

Georgia ratified the Convention in 1993. The Committee of Experts has made observations on this case in 2018, 2020 and 2023. Today is the second time after 2018 that the Committee examines the application of the Convention by Georgia.

From the outset the Employer members want to highlight the importance of the Convention, which is one of the ten ILO fundamental Conventions, which has received 174 ratifications.

The Employer members like to recall that Article 2 of the Convention requires that States must ensure the application of the principle of equal remuneration for men and women workers for work of equal value to all workers. We would also like to highlight that according to Article 4 States shall co-operate, as appropriate, with the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of the Convention.

The case consists of three parts:

The first is about the national legislation on equal remuneration for work of equal value. In its recent report the Committee of Experts stressed that the principle of equal remuneration for men and women for work of equal value is not properly reflected in the national legislation. They argue that neither the Labour Law, nor the Law on the Public Service entitle workers to equal remuneration for work of equal value. In its written report from 23rd May 2024 the Government argued that the latest amendments to the labour legislation “outstandingly strengthen the legal framework for the protection of the labour rights of Georgian workers.”. They mentioned that amendments include the adoption of the principle of equal pay for equal work. Furthermore, reference was made to the special law against discrimination, the Law on the Elimination of All Forms of Discrimination. The Employer members have taken note of this development; however, we would like to mention that the Committee of Experts highlighted that the principle of equal remuneration for men and women for work of equal value is not properly reflected in the legislation. Therefore, we urgently ask the Government to provide more detailed information on the recent developments and to report back to the Committee of Experts. Furthermore, we recommend the Government to amend the labour legislation, in cooperation with the representative employers’ and workers’ organizations, in order to implement the principle of equal remuneration for men and women for work of equal value.

The second part of this case deals about the measures taken by the Government. The Employer members note that several activities have been undertaken by the Government:

- In 2021, Georgia joined the Equal Pay International Coalition.
- In December 2022, the government adopted a State Concept on Gender Equality.
- In March 2023, a National Concept Document on Women’s Economic Empowerment.
- A subsequent 2022-2024 Action Plan and communication strategy was developed.

In its statement from 23rd May 2024, the Government argued that the national labour and employment policy strategy envisages issues in promoting gender equality and women’s participation in the labour market and entrepreneurship. For example, the Labour Code encourages work life balance for both parents and introduces the notion of part-time employment. However, it should be noted that the Committee of Experts observed in its recent report that there had been little to no improvement in reducing the gender pay gap despite economic and income growth. Therefore, the Employer members ask the Government to provide detailed information on the specific measures taken to improve the situation on the ground and to provide detailed and comprehensive statistical data on the number of men and women unemployed, disaggregated by economic sector and occupational level. We would also like to recall that the Committee of Experts already requested the Government to step up its efforts to address the underlying causes of inequalities in remuneration.

The third part of this case is about enforcement. In 2020, the Labour Inspection’s mandate was extended to enforce the prohibition of discrimination and section 78 of the Labour Code established sanctions for violating the provision of equal remuneration for equal work. Since 1 January 2021 a Labour Inspection Office has been in place. The Labour Inspection Office is entitled to supervise the implementation of norms related to the prohibition of discrimination in labour relations. This includes investigating allegations of discrimination, identifying instances of discrimination and applying relevant administrative measures, if confirmed. However, the Committee of Experts noted in its latest report that in 2021 to 2022, out of about 5,295 inspections carried out at 2,767 worksites, no violations regarding equal remuneration were found. Furthermore, courts have reported no cases regarding equal pay between men

and women. In its recent report from 23 May 2024 the Government pointed out that during the reference period 2021 to 23, the Labour Inspection Office has identified 144 cases of discrimination, with 120 in precontractual relations and 14 in ongoing or terminated employment. The Employer members have taken note of the ongoing developments, especially that two regional offices have been opened, the budget and number of inspectors have increased, and labour inspectors are trained and retrained. However, we ask the Government to provide detailed and comprehensive information on its efforts to train and raise awareness on the principles of the Convention.

We welcome the expressed commitment of the Government to working with the employers' and workers' organizations to promote decent working conditions for all men and women, free from discrimination.

To conclude, we ask the Government to effectively consult and co-operate with the representative employers' and workers' organizations concerning all measures and initiatives they take with regard to the application of the Convention.

Worker member, Georgia – It is my honour to speak on behalf of the Georgian Trade Union Confederation (GTUC). Despite a number of significant reforms carried out in Georgia with the participation and involvement of the GTUC in recent years, gender inequality in Georgia remains a challenge.

It should also be noted that recently, in April of this year, the Parliament of Georgia abolished gender quotas in the electoral code, which is another step back on the road towards ensuring gender equality. To this day, stereotypes associated with women in leadership and decision-making positions are still deeply rooted in society.

Since there is an imbalance and inconsistency between family responsibilities and work, women are affected by pregnancy, birth and childcare. Gender inequality is clearly visible in official statistics. According to GEOSTAT, the Georgian Department of Statistics, women consist of 52 per cent of Georgia's population, and only 40.5 per cent of working-age women participate in the labour market and we have a 22 per cent gap between the economic activity of men and women. It is also important to note that the level of education of women is not properly reflected in their economic activity. In particular, 57.9 per cent of unemployed women have higher or secondary vocational education. This is accompanied by a noticeable gender division of professions and a wage gap. According to the World Bank, more efficient use of the economic resource of women in Georgia, in particular, eliminating gender inequality in the labour market, will lead to an increase in Gross Domestic Product by 11.3 per cent.

Today, the gender pay gap is an important issue in terms of women's economic activity. According to the statistics of 2022, the gap between the average salary of women and men in Georgia was 31.7 per cent. This wage gap tends to decrease, although the decline has slowed in the last three years. According to GEOSTAT the adjusted wage gap in Georgia, according to statistics of 2022, was 23 per cent. As mentioned many times before, wages are traditionally lowest in areas where the largest number of women are employed and concentrated.

In 2018 the LO Committee considered Georgia's case because of non-implementation of the Convention, and as a result, Georgia took some steps during the labour reform in 2020, and introduced several changes in labour legislation and also introduced one article in the Labour Code, article 4, according to which the employer is obliged to provide equal pay for men and women for equal work, and unequal pay is already considered as one form of discrimination. Starting from 2021, control of this issue, also covering pay gap and in general discrimination, has been entrusted to the Labour Inspection Service.

The Labour Code does not have any additional provisions regarding the rules for calculating remuneration, inside-organization transparency of the above and/or other similar aspects.

In another law, also on public service, we have a definition in article 57, according to which the remuneration system for public servants is based on the principles of transparency and fairness, which imply equal pay for equal work.

As we see from both definitions, which we have in the Labour Code and in the Public Service Law, both contain a legal flaw of law and does not comply with the Convention because it refers to work of equal value, and not equal work in general as it is in our National Legislation. It also does not address any specific mechanism for women to receive equal pay as men, as there is currently no methodology to guide employers to define “work of equal value.” As a result, this only adds a declarative value to the specified normative mechanism and cannot be presented as an effective mechanism.

As we know, the Convention, provides a definition for “equal remuneration for work of equal value”, which is different from the Georgian standard and implies equal remuneration, not only for persons working in the same position, but also evaluates the work of persons employed in different positions and compares this value with each other. Thus, according to the ILO standard, within an enterprise (or any organization), the value of work performed in all positions must be assessed and work of equal value must be paid equally.

Without a methodology for assessing equal work, it is difficult, if not impossible, to enforce the obligation to pay equal pay for work of equal value. In the future, we also should take into consideration that the wage gap will also create a gender gap in pension provision, so pension gap, because Georgia already switched to the accumulative pension scheme several years ago.

Therefore, it is not surprising that neither the court nor the Labour Inspection or Public Defenders Office, has a single case where the issue of gender pay gap is considered, though all three institutions which are dealing with non-discrimination cases and pay gap have no one single case, even until today.

To eliminate wage inequality, it is also necessary to define in legislation a decent minimum wage and collect and analyse wage data. Also, control over the implementation in practice of the principle of equal pay for work of equal value should be carried out through control bodies.

It should be noted that the GTUC has repeatedly put forward an initiative on a decent minimum wage for consideration to the Tripartite Commission and the Parliament as well, but to no avail.

Therefore, the Government needs to make appropriate steps in legislation and practice in order to implement the Convention, and also implement all recommendations of the Committee of Experts from the past years.

In particular, in consultation with social partners, the following steps should be taken, such as: (i) defining the term and principle of equal pay for work of equal value in the labour legislation, both in Labour Code and in Public Service Law; (ii) creating a methodology for assessing/measuring the value of work; (iii) creating and implementing effective rules for pay transparency systems; (iv) ensuring maternity protection according to international labour standards; and (v) ratifying the ILO Minimum Wage Fixing Convention, 1970 (No. 131) to establish a minimum wage that takes into account the economic factors of workers and their

families, including the current level of economic development based on social dialogue; mechanism for annual adjustment/revision of the minimum wage.

We do hope that the Georgian Government will follow this progress in the process of implementation of the ILO Conventions and international labour standards and will adopt the following legislation and take steps as already provided in the ILO recommendations of the Committee of Experts.

Government member, Belgium – I have the honour to speak on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro and Albania**, and the European Free Trade Agreement country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection, and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and its Member States granted Georgia candidate status in December 2023 on the understanding that Georgia takes relevant steps in the area of proper functioning of democratic institutions and reforms related to justice and the rule of law. Since 2016, an association agreement between the EU and Georgia is in force and together we have been deepening political association and economic integration with the EU, including through a commitment to respect and implement the internationally recognized core labour standards, as embodied in the fundamental ILO Conventions.

We acknowledge that in recent years, Georgia has adopted important reforms of its labour legislation, including key amendments to the Labour Code in 2020, which, among others, introduced the principle of equal pay for equal work. However, despite the requests of the Committee of Experts and the conclusions of the Conference Committee on the Application of Standards of 2018, the principles of equal remuneration for men and women for work of equal value is not properly reflected in the legislation. In line with the observations of the Committee of Experts, we encourage the Government to amend labour legislation to include the principles of “equal remuneration for men and women for work of equal value” and to revise relevant sections of the 2015 Law on Public Service to include the concept of “work of equal value”.

We welcome that Georgia has developed several instruments to reduce the gender pay gap and promote equal remuneration, such as the National Concept Document on Women’s Economic Empowerment and the Gender Impact Assessment on the Civil Service Law. The country has also joined the Equal Pay International Coalition and has adopted in 2022 the State Concept on Gender Equality, which aims to eliminate all forms of gender-based discrimination.

We however note that despite these and other measures, horizontal and vertical segregation persists in the country. The EU and its Member States encourage the Government to increase its efforts to address unequal remuneration and provide additional information on the measures taken within the framework of the previously mentioned instruments. Regarding the Gender Impact Assessment on the Civil Service Law, we echo the call of the Committee of Experts to provide a summary of its findings, as well as to continue providing to the Committee gender-disaggregated data on employment in the country.

As regards enforcement, we welcome the continued development and capacity building of the Labour Inspection Office, tasked, among others, with the investigation of allegations of discrimination and the organization of awareness-raising trainings. We also note, from the

Government's information, the establishment of a special division to investigate workplace discrimination and sexual harassment. Despite these measures, the Committee notes that in the 2021–22 period, the Labour Inspection Office did not find any violations related to equal remuneration. Moreover, the additional written information submitted by the Government does not develop on whether the trainings organized by the Labour Inspection Office included components on equal pay.

In line with the General Survey of 2012, we would like to recall that when no cases or complaints are being lodged it is a likely indication of a lack of an appropriate legal framework, lack of awareness of right, lack of confidence in, or absence of practical access to procedures, or fear of reprisals. We encourage the Government to provide more information on measures taken to organize awareness-raising trainings for various categories of state officials, workers and employers, and on the accessibility and availability of existing complaint mechanisms.

We welcome the Government's recognition that gaps may still exist in their legislation and the commitment to collaborate with the social partners to ensure decent work for all. The EU and its Member States are ready to cooperate constructively with Georgia with the aim to strengthen the Government's capacity to address the issues raised in the Committee of Experts' report.

Membre travailleuse, Belgique – En 2023, la Commission d'experts a noté que, pour l'ensemble des activités économiques, les femmes gagnent 69 pour cent du salaire moyen des hommes, soit un écart salarial de 31 pour cent. Dans certains secteurs, le salaire des femmes est de moitié inférieure à celui des hommes. C'est là le résultat de la persistance d'une ségrégation horizontale et verticale du marché du travail.

Cet écart salarial interpellant repose sur une série de facteurs. La perpétuation des stéréotypes de genre dans l'éducation induit une forte concentration des femmes et des filles dans des domaines d'études dits «féminins». En conséquence, elles restent confinées dans des emplois et des secteurs mal rémunérés tels que l'éducation ou l'assistance sociale. Elles sont principalement employées dans l'économie informelle comme aides-soignantes, nounous, ou femmes de ménages.

Quoiqu'elles aient un niveau d'éducation plus élevé que les hommes, les femmes supportent de façon disproportionnée les tâches ménagères et la garde des enfants, qui sont des tâches non rémunérées. Elles sont aussi souvent l'objet de normes sociales discriminantes.

Dans ces conditions, elles n'accumulent pas d'expérience professionnelle et ont peu accès à la formation, ce qui se répercute également sur leur salaire.

Il est donc essentiel de rapprocher les niveaux d'activité économique des femmes et des hommes en essayant notamment d'assurer une meilleure répartition des tâches domestiques. Un salaire égal pour un travail de *valeur* égale encouragerait les femmes à s'impliquer plus dans les activités économiques et influencerait certainement sur les choix familiaux. Il faut également lutter contre les stéréotypes de genre qui assignent les femmes à des filières de formation ou secteurs d'activité moins rémunérateurs.

Nous voudrions en particulier souligner l'impact des lacunes en termes de protection sociale sur la pauvreté des femmes. L'inégalité et l'informalité du travail ont pour conséquences la réduction ou la privation des droits au travail, des conditions de travail et de vie décentes, et de la protection sociale. C'est particulièrement criant en ce qui concerne le droit à la retraite où les inégalités subies par les femmes tout au long de leur vie professionnelle exposent les travailleuses âgées les plus précaires à la pauvreté.

Plusieurs problèmes se posent également en matière de protection de la maternité. Ainsi, les questions relatives à l'allocation de maternité dans le secteur privé restent un problème aigu, car il appartient toujours à l'employeur de décider d'octroyer un salaire au-delà de l'aide fixée par l'État. Dans la pratique, la législation conduit l'employée à reprendre le travail dès que possible afin de percevoir un salaire, de sorte que son droit à la maternité est violé. En outre, vu la faiblesse des salaires et l'insuffisance des ressources financières pour engager des gardes d'enfants, les femmes sont souvent contraintes de quitter leur emploi pour s'occuper de leur enfant. Finalement, dans le secteur privé, le Code du travail ne prévoit pas de protection contre le licenciement après l'expiration du congé de maternité.

Afin d'atteindre les normes minimales de protection de maternité en Géorgie, notamment garantir que la femme peut subvenir à son entretien et à celui de son enfant dans de bonnes conditions de santé et selon un niveau de vie convenable, la ratification de la convention (n° 183) de l'OIT sur la protection de la maternité, 2000, s'avère indispensable.

Des mesures concrètes devraient également être prises pour permettre aux personnes employées dans l'économie informelle d'accéder à des emplois dans l'économie formelle ce qui leur permettrait de bénéficier de garanties sociales et d'une protection des droits liés au travail.

Pour conclure, les réformes des systèmes de protection sociale peuvent atténuer les inégalités et aider à élargir la couverture de protection sociale pour les femmes qui en sont exclues et sont à risque de pauvreté. Il s'agit de garantir des régimes de protection sociale publics non contributifs appropriés, tels que les pensions de base, une allocation de maternité suffisante et des allocations de chômage minimum adéquates afin de mieux lutter contre les inégalités et la pauvreté.

Worker member, Sweden – I am speaking on behalf of the Nordic trade unions in Sweden, Finland, Norway, Denmark and Iceland. Georgian labour law fails to capture the concept of “work of equal value” which is a breach of the Convention. Georgia has a gender pay gap of a staggering 31.7 per cent, the global average being 20 per cent, and I might add that in Sweden we have 10 per cent, so a lower number is possible. To close the pay gap, the Government of Georgia needs to adapt the labour law to the Convention and then make sure that employers apply the law.

Labour inspections in Georgia in 2021–2022 visited 2,767 worksites and they did not find any violations regarding equal remuneration. And this in a country where the gender pay gap is 31.7 per cent. This suggests that labour inspectors need to receive training on equal pay for work of equal value.

Gender pay gaps have a multitude of reasons and all of them must be addressed in order to close the gap. What Georgia have in common with many countries in the world is a segregated labour market where you traditionally will find female workers in sectors with low wages and male workers in sectors with high wages. Even when the work is of equal value it is not paid equally.

As parents we can encourage our sons and daughters to make educational and professional choices outside of the gender stereotypes, but we need the Government to have legislation in place that takes into account the concept of “work of equal value”. The Government should also work with incentives and awareness-raising activities, this includes encouraging girls to study in STEM programmes at university. Currently only 16 per cent of graduates from STEM programmes are women.

In Georgia, as in many other countries, women are now better educated than men. Despite this fact that more women than men have received a higher education, the pay gap is still 31.7 per cent. In Georgia, having a Y chromosome really pays off.

The Nordic trade unions call upon the Government of Georgia to amend the labour legislation to capture the concept of work of equal value, to give adequate training to labour inspectors and to work with incentives and awareness-raising activities in order to help the young to choose a profession in spite of existing stereotypes.

Observer, Building and Wood Workers' International (BWI) – Various measures could be applied to close the gender pay gap and ensure equal pay for equal work in compliance with the ILO Convention. One such measure is to set a decent minimum wage. Georgia's private sector minimum wage was, as by a previous speaker said, updated in 1999 and currently stands at 20 laris, which is equal to 7.50 dollars per month. This makes it one of the lowest monthly minimum wages in the world.

It is unlikely that anyone in Georgia earns 20 laris per month, but instead Georgia's median wage was 1,040 laris, which equals to 390 dollars in 2022. However, it gives employers a powerful tool to manipulate workers when a fixed part of the wage is secured at the minimum wage level, and the rest is paid as a bonus.

An extremely low minimum wage does not allow for an effective and equal wage system in the country. Low-paid sectors stagnate as low-wage sectors for decades. Women's segregation by industry and occupation locks them into economic activities with lower earnings. Often, female jobs are underappreciated and under remunerated compared to work of equal value performed by men when determining wage rates. This violates the key concept of the Convention, which defines equal value as equal or identical work in equal, identical, or similar conditions or different kinds of work that, based on an objective criteria, are of equal value.

The conclusions of the ILO Expert meetings on wage setting and living wages of this year did not only establish, as have been done many times in this house, that collective bargaining and statutory minimum wages, through tripartite social dialogue should be the proper modality for setting and adjusting wages. However, the wage-setting method aimed at achieving this should also ensure gender equality and non-discrimination and that wage policies and wage-setting mechanisms should promote gender equality, equity, and non-discrimination.

We hence argue that adjusting the minimum wage to allow for a decent standard of living for workers and their families will be instrumental to reduce the gender pay gap in the economy.

Therefore, we call on the Office to provide technical assistance to the social partners in Georgia to establish an effective mechanism for increasing the minimum wage. To close the gender pay gap in Georgia, as well as, to reach a wage level that is necessary to afford a decent standard of living for all workers and their families.

Chairperson – I can see no more requests for the floor, so now I invite the Government representative of Georgia, for her concluding remarks.

Government representative – I do not really have to add much for this moment. The fact is that we have done much, and we have to do more. We definitely do understand that there is a difference between equal remuneration for equal work and equal remuneration for work of equal value. But the issue is that we have to elaborate and implement relevant methodology

regarding assessment of work of equal value, to have clarity in the understanding of its content and procedure, and currently we are working on it. In conclusion, I would like to thank the ILO for its permanent interest and support to Georgia.

Employer members – The Employer members would like to thank the Government of Georgia and the various speakers who took the floor for their interventions and information provided of which we fully have taken note.

We reiterate the importance of the Convention as one of the ten fundamental Conventions with a very high ratification rate. We welcome signs of the Government's willingness and expressed commitment to improve the situation concerning the application of the Convention and ask the Government to report on the progress being made.

We recommend that national authorities effectively consult and co-operate with the representative employers' and workers' organizations. Specifically, we recommend that the Government:

- First, further amends the labour legislation, in cooperation with the representative employers' and workers' organizations, to implement the principle of equal remuneration for men and women for work of equal value.
- Second, to take further measures to implement Convention No. 100 and to provide information on the progress achieved in this regard.
- Third, to provide detailed information on specific measures taken under the framework of the Equal Pay International Coalition, the State Concept on Gender Equality, the National Concept Document on Women's Economic Empowerment and the associated 2022–2024 Action Plan.
- Fourth, to continue to provide statistical data on the number of men and women employed, disaggregated by economic sector and occupational level.
- Fifth, to provide information on efforts to train and raise awareness. Finally, to provide information to the Committee of Experts before its next meeting on the issues discussed and measures taken.

Worker members – We thank the Government of Georgia for its participation and its remarks. We also thank all the delegates who took the floor.

We take note of the persisting gender pay gap and the structural horizontal and vertical segregation prevailing in the country which prevent women from accessing higher-paying jobs and from fully participating in the labour market.

The Government must take proactive measures, in cooperation with the employers' and workers' organizations concerned, to give full effect to the provisions of the Convention, in line with the comments of the Committee of Experts.

More specifically, we call on the Government to amend the Labour Law and the Law on the Public Service, in cooperation with the social partners, in order to give full legislative expression to the principle of "equal remuneration for men and women for work of equal value".

We request the Government to take measures in cooperation with the social partners to effectively address the persisting horizontal and vertical segregation prevailing in the country, in particular the underlying causes of inequalities in remuneration such as occupational gender segregation into lower-paying jobs or occupations or positions without career

opportunities, including through targeted vocational training, occupational quotas, incentives and awareness-raising activities.

We also request the Government to elaborate techniques and methodologies to measure and compare objectively the relative value of the jobs performed in line with Article 3 of the Convention. Guidance and technical assistance from the ILO could be sought in that regard.

Noting that the gender pay gap still stands at 23 per cent, we urge the Government to regularly review wages in sectors in which women are concentrated and to raise the minimum wage which was last fixed 25 years ago in 1999.

In addition, we request the Government to take measures to implement effective enforcement and detection mechanisms. The Government should also review existing complaint mechanisms so as to guarantee easily accessible, effective and speedy procedures to workers. We further request the Government to train and raise awareness of labour inspectors, judges, lawyers, public officials, workers, employers and their organizations, as well as the public, on the principle of this Convention.

Finally, we request the Government to regularly collect and analyse statistical data on the number of men and women employed, disaggregated by economic sector and occupational level, as a useful basis for policymaking. We call on the Government of Georgia to accept a technical advisory mission.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

Taking into account the discussion, the Committee urged the Government to take effective measures, in consultation with the representative employers' and workers' organizations, to:

- **amend the Labour Law and the Law on the Public Service in order to give full legislative expression to the principle of "equal remuneration for men and women for work of equal value";**
- **effectively address the persisting horizontal and vertical segregation prevailing in the country including through targeted vocational training, occupational quotas, incentives and awareness-raising activities;**
- **regularly review wages in sectors in which women are concentrated;**
- **implement effective enforcement and detection mechanisms;**
- **review existing complaint mechanisms so as to ensure that procedures are easily accessible, effective and speedy;**
- **provide detailed and comprehensive information on its efforts to train and raise public awareness on the principle of the Convention;**
- **regularly collect and analyse statistical data on the number of men and women employed, disaggregated by economic sector and occupational level; and**
- **provide the Committee of Experts with any outstanding information it requested.**

The Committee invited the Government to avail itself of ILO technical assistance.