



RECONCILING WORK AND FAMILY IN GEORGIA



International
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FAMILY STRUCTURE AND THE ECONOMY IN GEORGIA

In Georgian culture and tradition, the primary responsibility for the upkeep of the family and the household rests with women. As in many countries, the conflict between these family responsibilities and the demands of work contributes significantly to women's disadvantage in the labour market and the slow progress towards equal opportunity in employment. However the division of tasks does not appear to be absolute in Georgia. In 77% of families both partners participate in decisions in respect of children and the household. Only in 18% of cases does the woman make these decisions on her own.¹

Only half of Georgian families adhere to the nuclear structure, i.e. two parents and children. 50% are defined as "complex" family structures, chiefly comprised of extended families all living in one household. This is not uncommon in Caucasus and Central Asia. However the figure is particularly marked in Georgia. In Kyrgyzstan 26% of families may be defined as extended, while in Russia the figure stands at 20%. In France it is 5%.² A figure of 50% in this respect is therefore high by regional and international standards.

Following the collapse of Soviet Union in 1991 Georgia faced into a period of internal political conflict. Between 1991 and 1994, Gross Domestic Product (GDP) contracted by 72%. However from 1995 the economy began to recover. Georgia has maintained a record of strong growth and macroeconomic stability since early 2004 which have been achieved through an adequate combination of sound fiscal and monetary policies and ambitious structural reforms. The real GDP growth rate in Georgia averaged 8,9% during 2003-2006 and 12,4% in 2007, led by construction, financial intermediation, and communications, while the growths on agriculture and manufacturing were generally stagnant.³

Despite economic growth, both poverty and unemployment has been a persistent problem in Georgia. In 2007 it remained

stubbornly at 13%⁴ while 23,6% of the population was poor, out of 9,3% were considered to be the extreme poor.⁵ In 2008, GDP growth slowed down to 2,1% following the August 2008 conflict with Russia, and the economy contracted by about 7% in 2009 as foreign direct investment and workers' remittances declined in the wake of the global financial crisis.⁶

As with many countries in the region, structural changes to the economy led by international financial institutions have created obstacles and threats for workers with family responsibilities. Reductions in social expenditure have meant, amongst other things, the end of free or low-cost childcare. Furthermore, many enterprises have been forced to reduce the scope of services provided to their employees, including childcare facilities. They have begun to charge for services, or to transfer facilities to private owners.⁷ These free market oriented reforms has led to a situation where a significant number of earners are not salaried, but rather self employed. New jobs, created by the private sector, are often informal and consequently provide little social protection or childcare provision. Moreover, the economic transformation has not been accompanied by any significant shift in the salaries of women as compared to men. Georgian women earn just over half of what men earn (52,6% in 2007).



Photo: ILO

¹ Gender Relations In Modern Georgian Society – UNFPA, GCPRI. 2008, Georgia. (Badurashvili, R.Cheishvili, E.Kapanadze, S. Tsiklauri, M.Sirbiladze);

² Gender Relations In Modern Georgian Society – UNFPA, GCPRI. 2008, Georgia. (Badurashvili, R.Cheishvili, E.Kapanadze, S. Tsiklauri, M.Sirbiladze).

³ Georgia Poverty Assessment – World Bank, Report No. 44400-GE. April 2009

⁴ National statistic office of Georgia

⁵ Georgia Poverty Assessment – World Bank, Report No. 44400-GE. April 2009

⁶ <https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html>

⁷ ILO (2000), Modular Package on Gender, Poverty and Employment

Working women's salaries are rising slightly faster than men's, but there is still a long way to go in this regard.

The unemployment rate doesn't vary significantly between the sexes. In 2007 the rate stood at 13% for women and 14% for men. Specific feature of Georgian society is that the extended-family structure plays a major role in buffering existing problems. The extended-family structure provides the opportunity for women to be employed and get involved in the social life outside of family structure which consequently support them to be more independent. Therefore, many extended families in fact achieve better coordination of work and family activities by effectively allocating family's human resources and allow many working-women to balance work and family responsibilities.



LEGISLATION OF GEORGIA ON PROTECTION OF WORKERS WITH FAMILY RESPONSIBILITIES

According to the Constitution of the Republic of Georgia all people are “free and equal in dignity and rights without distinction of any kind, such as race, colour, sex, language, religion, political, national or social origin, property, birth or other status or place of residence.” Georgia has ratified the United Nations Convention on the Elimination of all Forms of Discrimination against Women, the Equal Remuneration Convention (ILO – C100) and the Discrimination (Employment and Occupation) Convention (ILO – C111). The country has not ratified the Workers with Family Responsibilities Convention (ILO C – 156), nor has it ratified the Maternity Protection Convention (ILO – C 183).

In 2005 Georgia signed up to the European Social Charter. Consequently the Georgian state undertook an obligation to protect: “the right to a fair remuneration”; “the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex”; and “the right of workers with family responsibilities to equal opportunities and equal treatment”. This necessitated a radical revision of the labour code. Up until that point Georgian labour

law specified that it was the joint duty of the employer and the state to grant certain rights and benefits to people with family responsibilities. In essence the old labour code remained a legacy of the Soviet times, where in virtually all cases the employer was the state. Technical and administrative problems meant that in reality rights such as maternity and child care were not accessible, particularly in the private sector. Moreover the fact that it was the employers' responsibility to provide such rights was acting as a disincentive to hire women workers – at least in the formal sector.

To address the problem the government choose the employment policies based on the principles of gender equality which restricts the discrimination of women by potential employer, especially at the stage of recruitment. In 2005 the government introduced new legislation whereby health benefits and maternity leave are no longer the financial burden of the employer, but are now paid out of the state budget. In the private sector the additional payment or in-kind benefit can be negotiated between employer and employee as part of labor contract. The new labour code in Georgia prohibits discrimination on the basis of sex and creates special regulations for the employed people who have family. Moreover, special provisions apply to the following cases: pregnancy, delivery and childcare; temporary leave and salary payment because of child adoption; prohibition of dismissal of women being in temporary leave, also the overtime work of pregnant or women with premature birth; and additional break time for breastfeeding women. Furthermore, there are special conditions for the women employed in public sector during pregnancy, and delivery. Compensations are regulated by the law on public services (See Table below). It ought to be pointed out that in 2009 approximately two third (64.2%) of employed women are from self-employment sector where such regulations do not apply to workers.



SELECTED ARTICLES FROM THE GEORGIAN LEGISLATION

Leave for the reason of pregnancy, childbirth and childcare

1. Employee is entitled to request a childcare leave for the reason of pregnancy, childbirth and childcare in the range of four hundred and seventy seven calendar days;
2. One hundred and twenty six calendar days are payable from the leave taken for the reason of pregnancy, childbirth and childcare, in case of complicated childbirth or delivery of twins – one hundred and forty calendar days;
3. Employee, at own discretion may schedule the leave envisaged by clause 2 of the present Article for the pregnancy and post childbirth periods.

Labour Code of Georgia, Article 27

Leave for the Reason of Adoption of the Newborn

Employee, adopting a newborn age of which is below twelve months, upon his/her request, is entitled to take a leave for the reason of adoption of the newborn – for three hundred and sixty five calendar days after the birth of a child. Out of this leave, seventy calendar days are paid.

Labour Code of Georgia, Article 28

Additional Leave for Childcare

1. Employee, upon his/her request is entitled to take not less than two weeks in a year in succession or in portions an unpaid leave for childcare for the period twelve months before the child turns five.
2. Additional vacation for the reason of childcare may be given to any person who actually takes care of a child.

Labour Code of Georgia, Article 30

Leave due to pregnancy and childbirth, aid and compensation in public sector

1. An employee is granted paid leave due to pregnancy and childbirth for a period of 126 calendar days and in case of pregnancy complications or twin birth – 140 calendar days. An employee, on the grounds of leave due to pregnancy and childbirth, is rendered aid established by legislation.
2. On the grounds of leave due to pregnancy and childbirth an employee alongside with the aid established by legislation is given compensation to fill up in full the labour payment to be received by her for the period of leave.
3. Leave stipulated by Clause 1 of this Article can be distributed by the employee at her discretion as for pregnancy and puerperal periods.
4. In the period of leave due to pregnancy and childbirth compensation stipulated by Clause 2 of this Article is made by the establishment out of the appropriations assigned to it according to the law of Georgia on State Budget.
5. The working hours missed by an employee due to medical examinations carried out within the period of pregnancy will be considered a reasonable excuse in case of presenting documents certifying that the examinations were carried out and the salary will be retained.

Law of Georgia on Public Employment, Article 41

Compensation of the Leave taken for the reason of pregnancy, childbirth and childcare also for adoption of the newborn

Leaves taken for the reason of pregnancy, childbirth and childcare also for adoption of the newborn are compensated from the state budget, according to the rule prescribed by the legislation. Employer and employee may agree on additional compensation.

Labour Code of Georgia, Article 29

Pecuniary aid to be given for the period of paid leave due to pregnancy, childbirth, child care or adoption of a newborn, as established by "Labour Code of Georgia " and the laws of Georgia "On Public Employment" , is given by the Social Subsidy Agency but no more than 600 GEL according to the current legislation.

The total amount of the aid is determined summarized – by multiplying average daily wages per month indicated in Medical Certificate by the number of missed working days in the given month within the period of leave due to pregnancy, childbirth and child care or adoption of a new-born.

Order of Minister of Labour, Health and Social Defense of Georgia concerning confirmation of "Order of payment of leave due to pregnancy, childbirth, child care and also adoption of a new-born" (№231, 25.08.2006)

CHILDCARE FACILITIES

In the early 1990s, just after the disintegration of the Soviet Union, 99% of Georgian children attended pre-school educational institutions. At the present time, 45% of children of the appropriate age attend these institutions. These kindergartens are owned and managed by local government and there is no centralized official information source about them. 23% report that they have more students than their capacity allows. On the other hand 78% of the kindergartens reported that they have free spaces. However, given the shortage of equipment, furniture and the condition of the kindergarten buildings, a very significant investment may be necessary before these spaces can be used by children.⁹



Photo: ILO

Every family has access to at least one type of pre-school, but accessibility is an issue. When asked, “Are there any pre-school institutions in your neighborhood/village?” all parents, regardless of location – urban or rural – answered “yes”. Moreover the surveyed mothers’ assessment of kindergartens in their neighborhood or village is very positive. They overwhelmingly think that “it is a nice place for learning” and that teachers are fair and doing their best. But in regard of causes of not taking children in kindergartens, based on the findings, it is very likely that the final decision to not send the child to pre-school depends

on a combination of practical reasons, such as distance to school, cost, food quality, conditions of the facilities, or having grandparents at home. Survey participants also mentioned other reasons, such as their child’s inability to adapt to the kindergarten, and their concerns about their children getting sick more frequently if they do attend. However, in the final analysis, it seems that parents who really understand the value of pre-school education and school readiness end up sending their child to a pre-school, while parents who feel that their child will develop equally well at home do not.¹⁰

CONCLUSIONS

The situation for workers with family responsibilities has undergone a huge upheaval in the last two decades. Living

standards in Georgia at the time of Soviet Union were the highest as compared to other Soviet republics. Following the collapse of Soviet Union, Georgia has gone through a period of bitter conflict and civil war, then through rapid economic liberalisation and deregulation. Social progress of any nature is made more difficult in such a rapidly changing environment.

The main advantage of Georgian society encouraging women to enter the workforce in Georgia is the existence of the extended family. The effects of new, family-friendly legislation from 2005 has been interrupted by the economic downturn, more to the point, by the persistence of the informal economy as an employer – particularly of women. While the maternity provisions and availability of childcare facilities (albeit in some cases the quality is questionable) are comparatively good, it is unclear what percentage of women workers are in a position to avail of them due to the precarious nature of their employment and the rising childcare costs.



Photo: ILO

⁹ ‘School Readiness in Georgia’, UNICEF, 2007

¹⁰ ‘School Readiness in Georgia’, UNICEF, 2007