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EUROPEAN SOCIAL CHARTER

11th National Report on the implementation of
the European Social Charter
submitted by

THE GOVERNMENT OF GEORGIA

- Articles 2, 4, 5, 6, 26 and 29 for the period 01/01/2013 - 31/12/2016
- Complementary information on Article 1§2, 1§4 and 10§2 (Conclusions 2016)

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EUROPEAN SOCIAL CHARTER (REVISED)

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Georgia

Report 2017

On the implementation of the Articles:

Article 1 – The right to work

Article 2 – The right to just conditions of work

Article 4 – The right to a fair remuneration

Article 5 – The right to organize

Article 6 – The right to bargain collectively

Article 10 – The right to vocational training

Article 26 – The right to dignity at work

Article 29 – The right to information and consultation in collective redundancy procedures

Article 2 – The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

1 to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;

2 to provide for public holidays with pay;

5 to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;

7 to ensure that workers performing night work benefit from measures which take account of the special nature of the work

Article 2&1

GoG response

For the last years, Georgia has undergone deep changes in its labour legislation and institutions and practices in managing human resources. The 2006 Labour Code was based on the assumption that deregulation of the labour market would attract investment and create jobs even at the price of not complying with International Labour Organization (ILO) Fundamental Conventions ratified by Georgia. It is only with the arrival of a new Government late 2012 that Georgian authorities started to take the necessary steps to amend the labour legislation in compliance with International Labour Standards (ILS). The law amending the labour Code did enter into force on 4th July 2013. Therefore the workers' right to reasonable limits on daily and weekly working hours, including overtime is guaranteed through new national legislation – Labour Code and collective agreements. Georgian Labour Code and Georgian Law on Public Service define limits of working hours.

The old Labour Code of Georgia permitted the derogations from legislation regarding the working time, more specifically it allowed the parties to agree on the terms of the contract different from the law. This kind of permit is excluded by a new Labour Code, namely according to the article 14 of Labour Code:

1. An employer shall determine the duration of working time not to exceed 40 hours a week; and the duration of working time in enterprises with specific operating conditions requiring more than eight hours of uninterrupted production/work process must not exceed 48 hours a week. Working time shall not include breaks and rest time.

1¹. If an employer's activities require 24 hours of uninterrupted production/work process, the parties may conclude a shift labour agreement considering the requirements of the second paragraph of this article and containing the condition of granting the rest time to an employee adequate to the hours worked.

2. The duration of rest between working days (or shifts) must be at least 12 hours.

3. The duration of working time for minors from 16 to 18 years of age must be a maximum of 36 hours a week.

4. The duration of working time for minors from 14 to 16 years of age must be a maximum of 24 hours a week.

In 2013 December 11 the Resolution of the Government N 329 "On approval of the list of fields with the specific work regime" was adopted. In the Framework of this resolution the Government of Georgia shall compile a list of industries with specific operating conditions. The resolution does not apply to persons working in the enterprise with the specific work regime whose working process does not require 8 hours uninterrupted work process and his/her work is not somehow related to non-interruption of working process (article 3). Pursuant to the article 2 of the resolution if there is an unconformity between parties during the determination of such employees the case shall be discussed by the Tripartite Social Partnership Commission (TSPC) (article 4).

Working hours and holidays at public institutions are determined by the Law of Georgia on Public Service, adopted on 27 October 2015 and came into force on July 1, 2017. According to this law (article 60) the work time of an officer is part of calendar time during which he/she is obliged to perform official duties; an officer shall work five days a week and the duration of work time shall not exceed 8 hours a day and 40 hours per week; the rest time of an officer and public holidays are determined by the Organic Law of Georgia - the Labour Code of Georgia.

Article 2&2

GoG response

Article 20 of the organic Law of Georgia "Georgian Labour Code" defines holidays. Pursuant to the same article an employee may request other days off instead of the holidays under this Law to be defined by a labour agreement. If an employee works during the holidays under the first paragraph of this article, it shall be deemed as overtime work and the terms for its compensation shall be determined by Article 17(4)(5) of this Law. Article 17 of the Code determines that overtime work shall be

compensated by increasing the amount of hourly pay rate. The amount of the compensation shall be determined by agreement of the parties. The parties may agree on granting additional time off to an employee in return for overtime compensation.

Pursuant to the article 58 of the Law of Georgia on Public Service which determines the salary increment, an officer shall be paid a salary increment when his/her is assigned additional functions, including for performing activities during night-time hours, on rest days or public holidays and under heavy working conditions. The total amount of a salary increment of an officer is determined by the Law of Georgia on the Remuneration in Public Institutions. According to the same Law working part-time, night hours, holidays and holidays, the rule of activity in health-related working conditions is defined by the Resolution of the Government of Georgia N201 adopted on April 21, 2017 (Article 61 (5)).

Article 2&5

GoG response

Pursuant to the article 14(2) of the Georgian Labour Code the duration of rest between working days (or shifts) must be at least 12 hours. Pursuant to the article 60 (3) of the Law of Georgia on Public Service the rest time of an officer and public holidays are determined by the Organic Law of Georgia - the Labour Code of Georgia.

Article 2&7

GoG response

Employing minors, pregnant women, women having recently given birth, or nursing mothers for a night job (from 22:00 to 6:00), as well as babysitters of children under the age of three, or persons with limited capability without their consent shall be prohibited (Labour Code).

According to the Law on Public Service working part-time, night hours, holidays and holidays, the rule of activity in health-related working conditions is defined by the Resolution of the Government of Georgia N201 adopted on April 21, 2017 (Article 61 (5)). The resolution defines that officers may enjoy the right to part-time work for health reasons, or for raising a child of less than one year old and during pregnancy or based on his/her request (Article 5). Length of working hour for an officer performing part-time job shall not be less than 4 hours a day and transfer of an officer to a night work is allowed only with his/her written consent. Work and rest hours for persons with disabilities, pregnant women and nursing mothers and the conditions for remuneration of overtime and part-time work are determined by the Law of Georgia on Remuneration in Public Institutions.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

2 to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

3 to recognise the right of men and women workers to equal pay for work of equal value;

4 to recognise the right of all workers to a reasonable period of notice for termination of employment;

Article 4&2

GoG response

Article 17 of the Organic Law of Georgia envisages provisions regulating overtime work and defines that Overtime work shall be deemed when an employee works under agreement between the parties during the period exceeding 40 hours a week for adults, 36 hours a week for minors from 16 to 18 years of age, and 24 hours a week for minors from 14 to 16 years of age (17 (3)). Overtime work shall be compensated by increasing the amount of hourly pay rate. The amount of the above compensation shall be determined by agreement of the parties (17(4)). The parties may agree on granting additional time off to an employee in return for overtime compensation (17(5)).

It should be noted that article 61 (2,3) of the Law of Georgia on Public Service overtime work performed by an officer shall be remunerated at the option of the officer, either by paying the officer a salary increment or granting him/her additional rest time proportionate to the overtime work, also the total duration of work time of an officer and overtime work time shall not exceed 48 hours a week.

Article 4&3

GoG response

Georgian Labour Code prohibits any type of discrimination in labour and pre-contractual relations due to race, skin colour, language, ethnicity or social status, nationality, origin, material status or position, place of residence, age, sex, sexual orientation, marital status, handicap, religious, public, political or other affiliation, including affiliation to trade unions, political or other opinions (article 2 (3)). Discrimination shall be direct or indirect harassment of a person aimed at or resulting in creating an intimidating, hostile, humiliating, degrading, or abusive environment for that person, or creating the circumstances for a person directly or indirectly causing their condition to deteriorate as compared to other persons in similar circumstances (article 2 (4)).

Article 57 (1) of the Law of Georgia on Public Service regulates remuneration system, which shall be based on the principles of transparency and fairness, which means equal pay for equal work performed.

Article 4&4

GoG response

Article 37 (Grounds for terminating labour agreements) of the Organic Law of Georgia "Georgian Labour Code" determines that:

Grounds for terminating labour agreements shall be:

- a) economic circumstances, technological, or organisational changes requiring downsizing;
- b) expiration of a labour agreement;
- c) completion of the work under a labour agreement;
- d) voluntary resignation of an employee from a position/work under a written application;
- e) written agreement between parties;
- f) incompatibility of an employee's qualifications or professional skills with the position held/work to be performed by the employee;
- g) gross violation by an employee of his/her obligation under an individual labour agreement or a collective agreement and/or of internal labour regulations;
- h) violation by an employee of his/her obligation under an individual labour agreement or a collective agreement and/or of internal labour regulations, if any of the disciplinary actions under the above individual labour agreement or collective agreement and/or internal labour regulations has already been administered to the employee during the last one year;
- i) long-term disability, unless otherwise provided for by a labour agreement, if a disability period exceeds 40 consecutive calendar days or total disability period exceeds 60 calendar days within six months, and, at the same time, the employee has already used his/her leave of absence under Article 21 of this Law;
- j) entry into force of a court judgement or decision precluding from performing the work;
- k) legally effective court decision on declaring a strike illegal under Article 51(6) of this Law;
- l) death of an employing natural person or of an employee;
- m) initiation of liquidation proceedings for an employing legal person;
- n) other objective circumstance justifying termination of a labour agreement.

Article 38 (1) of the Labour Code determines rules of termination of labour agreements and defines that When terminating a labour agreement on any of the grounds under Article 37(1)(a, f, i, n) of this Law, employers shall be obliged to notify employees about it in writing at least 30 calendar days in advance. Besides, employees shall be granted a severance pay of at least one month salary within 30 calendar days after terminating the labour agreement. When terminating a labour agreement on any of the grounds under Article 37(1)(a, f, i, n) of this Law, employers may notify employees about it in writing at least three calendar days in advance. In this case, employees shall be granted a severance pay of at least two months' salary within 30 calendar days after terminating the labour agreement (38 (2)).

Law of Georgia (Article 107 (Mandatory grounds for the dismissal of an officer) on Public Service defines that mandatory grounds for dismissing an officer shall be:

- a) termination of Georgian citizenship;
- b) recognition as a person with limited capacity in accordance with the Civil Code of Georgia;
- c) declaration by a court that the person is missing or dead, or recognition as a beneficiary of support, unless otherwise determined under the court decision;
- d) entry into force of the final judgment of conviction against the officer;
- e) commission of a serious disciplinary misconduct, if dismissal from office has been applied as a disciplinary measure;
- f) two successive evaluations of the person that produce the results provided for by Article 53(3)(d) of this Law;
- g) two successive evaluations that produce the results provided for by Article 53(3)(d) of this Law during the probation period of the officer;
- h) appointment to another position in state service or public service;
- i) confirmation of the fact of use of drugs as a result of a periodic, random examination, except when drugs are used by the officer for treatment purposes; also evasion of the examination;
- j) death.

2. Officers shall be dismissed on the day when the relevant circumstances provided for by paragraph 1 of this article are revealed.

Besides that, Article 108 of determines Other grounds for dismissing officers and defines that An officer may be dismissed:

- a) on the basis of a personal application, except as provided for by Article 54(6) of this Law;
- b) due to the reduction in the number of posts as a result of the reorganisation, liquidation and/or merger of the public institution with another public institution;
- c) due to the state of health and/or long-term incapacity for work;
- d) in the case provided for by Article 112 of this Law, provided there is a circumstance excluding the existence of a legitimate expectation with respect to the officer;
- e) in the case of violation of the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions.

Article 114 - Notifying an official of dismissal

1. An officer shall be notified in writing one month before the dismissal in the cases provided for by Article 108(b) and (c) of this Law.

2. If the time limit under paragraph 1 of this article is violated, the officer shall receive one month salary in addition to the compensation provided for by this Law.

Pursuant to the same Law an officer shall be notified in writing one month before the dismissal in the cases provided for by Article 108(b) and (c) of this Law. If the time limit under paragraph 1 of this article is violated, the officer shall receive one month salary in addition to the compensation provided for by this Law (Article 114 (1,2)).

Article 5 – The right to organise With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

GoG response

The ensuring of the basic right to freedom of association is one of the important functions of the state, since their existence is the main pillar of the democratic order. Realization of the mentioned function is guaranteed by the Constitution of Georgia, as it is stated that “ **Everyone have the right to form and to join public associations, including trade unions**” (Article 26, Paragraph 1). The peculiarity of the Article 26 of the Constitution of Georgia is that it provides an individual right of a person, which is closely related with the collective rights. Right to organize for persons who belong to police and armed forces are regulated differently.

In spite of the fact that according to the Constitution of Georgia, Article 1, everyone has a right to join the public associations, among them to form and join the trade unions, the paragraph 5 of the same article establishes: “A person who is enrolled in the personnel of the armed forces or the forces of the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association”.

Article 5, paragraph 1 of the Law on Status of Military Servant provides the right of a military servant to participate in the activities of (non-commercial) legal entities, though the paragraph 2 of the same Article prohibits the organization or/and participation of military personnel in meetings and demonstrations.

As to the police, paragraph 2 of the Article 36 of the Law on Police defines that An employee of the Police may not go on strike, rganise and/or hold meetings or demonstrations,r participate in them

Georgian Labour Code prohibits any type of discrimination in labour and pre-contractual relations due to race, skin colour, language, ethnicity or social status, nationality, origin, material status or position, place of residence, age, sex, sexual orientation, marital status, handicap, religious, public, political or other affiliation, **including affiliation to trade unions**, political or other opinions (article 2 (3)).

As a result of the amendments of June 12, 2013, Chapter IX¹ - on freedom of association was added to the Organic Law Labour Code of Georgia. The first Paragraph of the Article 40¹, determines that the “Employees and employers may form associations and/or join other associations without any preliminary permission”, which means their free choice to establish an organization, freely define its structure and composition.

Employers associations and employees associations may form federations and confederations and may unite with them. Each association, federation, and confederation may join an international workers association. The mentioned right is reserved in Labour Code of Georgia, Article 40¹, paragraph 3, as a result of the amendments of June 12, 2013, according to which “ Employers associations and employees associations may form federations and confederations and may unite with them. Each association, federation, and confederation may join an international employers association and an international employees association”.

Right to organize is also guaranteed by the Law of Georgia on Public Service, according to which All public servants are equal before the law; the exercise of legal rights, freedoms and legal interests of any citizen of Georgia involved in official legal relations may not be restricted or obstructed, irrespective of their race, colour, language, sex, age, nationality, origin, place of birth or residence, property or social status, religion or faith, national, ethnic or social origin, profession, marital status, health status, disability, sexual orientation, gender identity and expression, **affiliation with political or other associations, including trade unions**, political or other views, or other characteristics (Article 9 - Equality before the law).

Pursuant to the same Law officers may form or join a trade union to protect their rights in public service. Officers may be elected to management bodies of a trade union and participate in its activities without pay, on their free time (Article 67 - Right of an officer to join a trade union)

The rule of establishing the trade unions is regulated by the Law of Georgia on Trade Unions (Article 1, paragraphs 1 and 2), which develops legal basis, rights of Trade Unions, warranties of their activities and regulates:

- a) social relations pertained to the establishment and implementation of the guarantees of the rights and activities of the trade unions;
- b) relations of the trade unions, associations (federation) of the trade unions with the bodies of the state authority and local self-governing bodies, employers, associations (unions) of the employers, other voluntary associations, natural and legal persons.

Article 2 of this law affirms the right to establish the trade unions and to be united in them, recognized by the Constitution of Georgia and clarifies that “A trade union means a voluntary public association (organization) of persons (workers), linked by common production and professional interests by nature of their activities, whose objective is to protect and represent labour, socio-economic rights and interests.”

According to the mentioned law, A trade union can be established at any enterprise, institution, organization and in other places of work.

The law also establishes who can become a member of trade union – “ A person (worker), who reached the age of 15 years or over, engaged in labour activity or studying at a higher educational, specialized secondary and vocational training institutions, shall be entitled to form trade unions and join the trade union, take part in trade union activities and leave freely the trade union. Temporary disabled persons and pensioners can continue to be members of a trade union.

Paragraph 6 of the Law on Trade Unions determines the basis of creation a trade union and explains that “ A trade union shall be formed on a sectoral, industrial, territorial and other basis of the occupational nature”. In order to form a trade union, association (federation) of trade unions, an organizing body (action committee) shall convene a constituency assembly (conference, congress), which shall adopt a Statue and elect the steering trade union bodies. The law determines the number of persons, required to form a trade union – “A trade union can be formed on the initiative of not less than **50 persons**”.

Paragraph 4 of the Article 2 of the same Law defines that specific features of the establishment of trade unions within the bodies of the Ministry of Defence and the Ministry of Internal Affairs, within tax and judicial authorities, and the bodies of the Prosecutor’s Office, shall be determined in accordance with the legislation of Georgia related to these authorities and services.

Apart from that Law on “Elimination of All Forms of Discrimination” which was adopted on May 2 2014 aims to to eliminate every form of discrimination and to ensure equal rights of every natural and legal persons 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 (Article 1).

Article 6 – The right to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

1 to promote joint consultation between workers and employers;

2 to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;

3 to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes; and recognise:

4 the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

Article 6&1

GoG response

For the promotion and development of social dialogue between employers and employees amendments have been made and a new chapter XII¹ added to the Labour Code - Tripartite Social Partnership Commission- with articles 52¹, 52², 52³, 52⁴. Pursuant to the amendments main functions of the commission are:

- a) facilitating development of social partnership and social dialogue at all levels in the country between employees, employers and the Government of Georgia;
- b) drafting proposals and recommendations on different issues in labour and other concomitant relations (52³).

The mentioned chapter also defines general provisions related to the composition of the commission, chairperson, parties, etc. and determines principles and authority of the commission.

For the efficient implementation of the activities of the Tripartite Social Partnership Commission, established by Chapter XII¹, the Government of Georgia adopted the resolution №258 on Approval of Resolution, concerning the Tripartite Social Partnership Commission, which determined the structure and composition of the Tripartite Social Partnership Commission and the rules of its activities, rights and duties of its members, rules of convening of meetings, decision-making process and establishment of the working groups.

Article 6&2

GoG response

Article 41 of the mentioned chapter determines the parties of a collective agreement, content, rights and duties of the parties, providing bargain in good faith in the case of initiating a collective agreement by one of the parties (Article 41, paragraph 4), which means voluntary, real, not apparent effort to negotiate and reach the desired result – conclude a collective agreement.

By paragraph 5 of the same Article, the law establishes obligations of the parties, concerning the principle of confidentiality in the process of negotiations. Namely, “when bargaining collectively, the parties shall provide each other with information on the issue(s) of the bargain. A party may not give the other party confidential information but when providing confidential and/or other information, the party may require keeping the information confidential” (Article 41, Paragraph 5). Also, the legislation prohibits interference of governmental bodies in the process of concluding a collective agreement and establishes that “The state or local self-government bodies shall not interfere in the process of concluding a collective agreement. An agreement concluded as a result of similar interference shall be void” (Article 41, Paragraph 6).

Article 6&3

GoG response

Amendments have been made and a new Article 48¹- Review and resolution of collective disputes – was added to Labour Code. Pursuant to this Article A collective dispute (dispute between an employer and a group of employees or an employer and an employees association) must be resolved under conciliation procedures between the parties. This implies direct negotiations between an employer and a group of employees (at least 20 employees) or an employer and an employees association, or mediation if one of the parties has sent a written notification to the Minister for Labour, Health, and Social Affairs of Georgia (paragraph 1). Parties shall be obliged to participate in conciliation procedures and attend meetings held by a dispute mediator for that purpose. Parties may agree at any stage of dispute to refer the dispute to arbitration (paragraphs 6,8). On 25 November 2013, the Georgian Government adopted Regulation 301 on *Approval of the Rules on Consideration and Resolution of Collective Disputes by Conciliatory Procedures* providing procedures, obligations of parties, rules for appointing and remuneration for a mediator, general obligations and responsibilities of the mediator.

Article 6&4

GoG response

Article 49 of the Organic Law of Georgia guarantees right to strike and lockout. A strike shall be an employee's temporary and voluntary refusal, in the case of dispute, to fulfil, wholly or partially, the obligations under a labour agreement. The persons identified by the legislation of Georgia may not participate in a strike (paragraph 1). A lockout shall be an employer's temporary and voluntary refusal, in the case of dispute, to fulfil, wholly or partially, the obligations under a labour agreement (paragraph 2).

This article defines arousal of strike and lockout right during collective labour dispute; obligations of the parties when beginning strike and lockout, terms of notification and length of lockout. In particular, paragraph 3 of the article defines that In the case of a collective dispute, the right to strike and lockout shall arise upon the expiration of 21 calendar days after notifying the Minister in writing under Article 48¹(3) of this Law or

after appointing a dispute mediator by the Minister on his/her initiative under Article 481(4) of this Law. Postponement or suspension of strike or lockout are defined by the Articles 50 and 51. Pursuant to article 50 If human life and health, safety of the natural environment, or a third person's property, or the work of a vital importance is in jeopardy, the court may postpone the start of a strike or a lockout for a maximum of 30 days, or suspend a started strike or lockout for the same period. Article 51 defines when strikes and lockouts are being considered illegal, in particular,

1. During martial law, the right to strike or lockout may be limited by decree of the President of Georgia. During a state of emergency, the right to strike or lockout may be limited by decree of the President of Georgia requiring the countersignature of the Prime Minister of Georgia.

2. The right to strike cannot be exercised during working process by the employees whose work activity is connected with safety of human life and health, or if the activity cannot be suspended due to the type of a technological process.

3. If one of the parties has avoided participating in conciliation procedures or has staged a strike or a lockout, the strike or the lockout shall be deemed illegal.

6. The court shall make a decision to declare a strike or a lockout illegal that shall be promptly notified to the parties involved. A court decision on declaring a strike or a lockout illegal shall be executed without delay.

Georgian Labour Code protects the interests of employees during strike and lockout and determines that:

1. Participation of an employee in a strike may not be deemed a violation of labour discipline and may not serve as a basis for terminating a labour agreement, except when a strike is illegal.

2. If the court has declared a lockout illegal, the employer shall be obliged to restore labour relations with employees and pay them for idle working hours.

3. Employees who did not participate in a strike but could not perform their work because of the strike may be transferred to other work by the employer or be paid for the period suspended based on the hourly rate of work (article 52).

Georgian Law on Public Service defines that Article 49 and 52 of the Organic Law "Labor Code of Georgia" apply to public servants.

Article 26 – The right to dignity at work

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

1 to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;

2 to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

Article 26&1

GoG response

Amendments to the Law of Georgia on “Gender Equality” have been made on May 2 2014. Pursuant to the Article 6 of this Law any unwanted verbal, non-verbal or physical behavior of sexual nature with the purpose or effect of violating the dignity of a person or creating for him/her an intimidating, hostile, or offensive environment is prohibited (paragraph 1 (b))

Article 26&2

GoG response

The Law of Georgia on Gender Equality strengthens gender equality in labor relations, and Article 6 specifies that in Harassment and/or coercion of a person with the purpose or effect of creating an intimidating, hostile, humiliating, degrading, or offensive environment labor relations shall be prohibited.

Pursuant to Article 12 of this Law, the Parliament of Georgia, in accordance with the Constitution of Georgia, the international agreements and other legislative acts and subordinate normative acts of Georgia, shall define basic trends of the state policy in the gender-related area, ensure the development and implementation of the legislative framework in the field of gender equality, review and approve appropriate strategy and monitor the activities of the bodies accountable to the Parliament of Georgia in the field of gender equality (Article 12(1)).

The Parliament of Georgia, according to its Rules of Procedure and the legislation of Georgia, shall set up the Gender Equality Council to ensure systematic and coordinated work regarding gender issues. The composition, status, functions and powers of the Council shall be determined by this Law, the Rules of Procedure of the Parliament of Georgia and the Statute of the Gender Equality Council approved by the Chairperson of the Parliament of Georgia (Article 12(2)).

The Gender Equality Council shall submit to the Parliament of Georgia a report on gender equality in Georgia once a year, and prepare reports on performance of obligations assumed under international agreements with respect to gender equality. The Gender Equality Council shall be authorized to represent the Parliament of Georgia on gender equality issues in international relations, based on the relevant decision of the Chairperson of the Parliament of Georgia (Article 12(4)).

The Public Defender of Georgia, within the scope of his/her authority, shall monitor the protection of gender equality and provide appropriate response in cases of violation (Article 14(1)).

Law of Georgia on “Elimination of All Forms of Discrimination” intends to eliminate every form of discrimination and to ensure equal rights of every natural and legal

persons 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 defines that the Public Defender of Georgia shall monitor issues regarding elimination of discrimination and ensuring equality (Article 6 (1)).

To exercise the powers under the legislation of Georgia, the Public Defender shall:

- a) discuss the applications and complaints of natural and legal persons or groups of persons, who consider themselves to be victims of discrimination;
- b) examine acts of discrimination based on applications or complaints, as well as on his/her own initiative and make appropriate recommendations;
- c) prepare and forward general proposals to relevant institutions or persons on the issue of preventing and combating discrimination;
- d) for the purposes of this Law, prepare opinions regarding necessary legislative changes and submit them to the Parliament of Georgia as legislative proposals;
- e) invite a victim of discrimination and an alleged discriminating person, and try to settle the case by mutual agreement of the parties;
- f) submit recommendations to relevant institutions or persons to restore the rights of victims of discrimination if the parties fail to reach an agreement and if there is sufficient evidence of discrimination;
- g) be authorised to apply to a court, as an interested person, according to the Administrative Procedure Code of Georgia, and request the issue of an administrative legal act or the performance of an action, unless an administrative body responds to or shares a recommendation and there is sufficient evidence of discrimination;
- h) record and analyse statistical data on discrimination cases;
- i) organise events to raise public awareness of discrimination;
- j) cooperate with various international governmental and non-governmental organisations, local non-governmental organisations and the representatives of local civil society on discrimination issues (Article 6 (2)).

The Public Defender of Georgia shall prepare and publish once a year a special report on combating and preventing discrimination, as well as on equality situation in the country. A special report of the Public Defender of Georgia shall contain general evaluation, opinions, and recommendations on combating and preventing discrimination, as well as on equality situation in the country. The report shall also

include information on detected serious violations and implemented measures. (Article 7 (1,2)).

Article 29 – The right to information and consultation in collective redundancy procedures With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

GoG response

Due to amendments to the Organic Law of Georgia “Georgian Labour Code” a new Article 38¹ - Massive layoffs has been added. According to the mentioned article if at least 100 employees' labour agreements are terminated within 15 calendar days on the grounds under Article 37(1)(a) of this Law (massive layoffs), employers shall be obliged to notify in writing the Ministry for Labour, Health, and Social Affairs of Georgia and the employees whose labour agreements are terminated, at least 45 calendar days before the massive layoffs.

Conclusions

Article 1 - Right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

Paragraph 2 - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

GoG response

Non-discrimination

According to the Article 14 of Georgian Constitution, everyone is free by birth and is equal before law regardless of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence.

Article 2, Paragraph 3 of Labor Code stipulates that discrimination of any kind as to race, color, language, ethnic and social belonging, nationality, origin, economic condition or status, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, including professional unions, marital status, political or other views are prohibited in employment and pre-contractual relationship.

Paragraph 4 of the same Article stipulates that Direct or indirect oppression of a person that aims to or causes the creation of a frightening, hostile, disgraceful, dishonorable and insulting environment is considered to be discrimination. Creation of conditions that directly or indirectly worsens a person's condition in comparison to other person in the same conditions is also considered to be discrimination.

Article 40² of the Labor Code refers to the prohibition of discrimination and defines that:

1. It shall be prohibited to discriminate against employees for being members of an employees association or for participating in the activities of a similar association, and/or to perform any other act aiming at:

a) Hiring employees or retaining jobs for them in exchange for their refusal to join or to withdraw from the employees association;

b) Terminating labor relations with or otherwise persecuting employees for being members of an employees association or for participating in the activities of a similar association.

Article 13 of the Georgian Law on General Education defines that any kind of discrimination is prohibited during the entry into schools.

Article 3 of the Georgian Law on Higher Education refers to the goals of higher education and sub-paragraphs "h" and "j" defines that:

One the primary goals of higher education in Georgia are the following:

h) the prevention of any forms of discrimination in the field of higher education, including academic, religious or ethnic discrimination, as well as discrimination on the grounds of opinion, sex, social origin and others;

j) ensure access to and openness of higher education, academic freedom, opportunity to acquire higher education at any time during a person's lifetime, participation of the academic personnel, scientific personnel and students in the process of making decisions and monitoring of their execution, publicity and transparency in managing a higher education institution and in competitions conducted in the institution, prohibition of any forms of discrimination in the field of higher education, including discrimination on any ground such as academic, ethnic, social or religious affiliation, and/or opinion, sex and other grounds;

Article 16 (Content related obligations) of the Georgian Law on Broadcasting defines that the Public Broadcaster shall reflect ethnic, cultural, linguistic, religious, age and gender diversity of the society in programs;

Pursuant to the Georgian Law on Police inadmissibility of discrimination is on the guiding principles and Article 11 defines that the police shall protect human rights and freedoms regardless of nationality, property, race and ethnic belonging, gender, age, education, language and religion, political or other opinions.

Article 6 of the Georgian Law on Non-imprisonment, sentences and probation defines that the employee of the National Service of Probation is obliged to protect human rights and freedoms regardless of nationality, property, race and ethnic belonging, gender, age, education, language and religion, political or other opinions.

Discrimination due to gender is defined as a violation of labor legislation by the Code of Administrative Violations and the Criminal Code.

Article 42 of the Code of Administrative Violations defines that violation of labor legislation and labor protection rules by the authorized official enterprise, legal entity, organization will result in a penalty in amount of a minimum 100 times the labor remuneration and the same violation committed within one year following the imposition of an administrative penalty will result in a penalty in amount of a minimum of 200 times labor remuneration.

Article 142 of the Criminal Code defines that breaking the equality of people because of race, color, language, gender, attitude towards religion, faith, political or other opinions, national, ethnic, social, belonging to any rank or public unions, origin, place of residence e, having encroached the person's right is punished with penalty or compulsory work for a year or imprisonment of two years. The same action: a)using the authority, b)causing a hard result, is punished with penalty or imprisonment for three years, taking the right of activity or dismissing for three years or without it.

Article 6 of the Georgian Law on Gender Equality the State shall provide equal employment opportunities for men and women.

The prohibition of all sort of discrimination is constituted in the LAW ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION. This law is intended to eliminate every form of discrimination and to ensure equal rights of every natural and legal persons under the legislation of Georgia, irrespective of race, skin color, 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.

Law of Georgia on Gender Equality of 26 March 2010 defines the fundamental guarantees for equal rights, freedoms and opportunities, provided for in the Constitution and determines legal mechanisms and conditions for their implementation in relevant aspects of public life (Article 1). This law aims to ensure non-discrimination in all spheres of life, to create favorable conditions for realization of equal rights, freedoms and opportunities for men and women, as well as to promote the prevention and elimination of discrimination (Article 2).

In accordance with this Law, for the purpose of protecting gender equality, equal treatment in evaluation of the quality of work of men and women is ensured without discrimination (Article 4(i));

The Law of Georgia on Gender Equality strengthens gender equality in labor relations, and Article 6 specifies that the following shall be prohibited in labor relations:

- a) Harassment and/or coercion of a person with the purpose or effect of creating an intimidating, hostile, humiliating, degrading, or offensive environment;
- b) any unwanted verbal, non-verbal or physical behavior of sexual nature with the purpose or effect of violating the dignity of a person or creating for him/her an intimidating, hostile, or offensive environment.

2. The state shall provide equal employment opportunities for men and women.

3. During recruitment and in the course of employment persons may be put in unequal conditions and/or given priority over others on the basis of sex due to the substance and specificity of work or due to specific conditions required for its performance, and also if it serves a legitimate purpose and is appropriate and necessary for achieving that purpose.

4. The legislation of Georgia shall ensure creation of favorable working conditions for pregnant women and nursing mothers which excludes their work in hard, harmful and dangerous environment, as well as at night.

This Law specifies the agencies monitoring the protection of gender equality.

Pursuant to Article 12 of this Law, the Parliament of Georgia, in accordance with the Constitution of Georgia, the international agreements and other legislative acts and subordinate normative acts of Georgia, shall define basic trends of the state policy in the gender-related area, ensure the development and implementation of the legislative framework in the field of gender equality, review and approve appropriate strategy and monitor the activities of the bodies accountable to the Parliament of Georgia in the field of gender equality (Article 12(1)).

2. The Parliament of Georgia, according to its Rules of Procedure and the legislation of Georgia, shall set up the Gender Equality Council to ensure systematic and coordinated work regarding gender issues. The composition, status, functions and powers of the Council shall be determined by this Law, the Rules of Procedure of the Parliament of Georgia and the Statute of the Gender Equality Council approved by the Chairperson of the Parliament of Georgia (Article 12(2)).

The Gender Equality Council shall be authorized to:

- a) Develop and submit for approval to the Parliament of Georgia an action plan on providing gender equality and ensure coordination and monitoring of its implementation;

- b) Perform analysis of the legislation of Georgia and develop proposals to eliminate existing gender inequality in legislation;
- c) Ensure expert examination of draft legislative acts submitted as legislative initiatives, in terms of gender equality assessment;
- d) Develop and plan certain activities to achieve gender equality and provide equal rights for men and women;
- e) Develop and introduce a monitoring and assessment system for activities aimed at ensuring gender equality, and produce appropriate recommendations;
- f) Request and receive any information and document related to the study of gender issues, except for documents the confidentiality of which is protected under the legislation of Georgia;
- g) Examine statements, documents and other information on violations of gender equality and respond to them within the scope of its authority, as well as produce appropriate recommendations;
- h) Invite representatives and/or experts of international or local organizations working in the relevant field to discuss gender equality issues;
- i) Exercise other powers granted by the legislation of Georgia (Article 12(3)).

The Gender Equality Council shall submit to the Parliament of Georgia a report on gender equality in Georgia once a year, and prepare reports on performance of obligations assumed under international agreements with respect to gender equality. The Gender Equality Council shall be authorized to represent the Parliament of Georgia on gender equality issues in international relations, based on the relevant decision of the Chairperson of the Parliament of Georgia (Article 12(4)).

Organizational structure, rules of operation and relationships with state bodies of the Gender Equality Council shall be determined by the Rules of Procedure of the Parliament of Georgia and the Statute of the Gender Equality Council (Article 12(5)).

In addition, this Law defines the rights and obligations of the authorities of the autonomous republics and local self-government bodies to ensure gender equality and establishes that the authorities of the autonomous republics, according to the legislation of Georgia and the autonomous republics shall develop and carry out activities in the autonomous republic concerned to reveal and eliminate discrimination.

Supreme representative bodies of the autonomous republics, according to the legislation of Georgia and the autonomous republics shall set up a Gender Equality Council in order to ensure systematic and coordinated work with the Gender Equality Council of the Parliament of Georgia on gender issues in the relevant autonomous republic. The composition of the Gender Equality Council, its status, functions,

powers and its relationship with the Gender Equality Council set up by the Parliament of Georgia shall be determined by the Rules of Procedure of the Supreme Representative Body of the relevant autonomous republic and the Statute of the Gender Equality Council approved by the Supreme Representative Body of the relevant autonomous republic (Article 12¹(1, 2)).

Municipality bodies, in accordance with the Constitution of Georgia, the International Agreements of Georgia, the Organic Law of Georgia - Local Self-Government Code, this Law and other legislative acts of Georgia, and in accordance with the normative administrative-legal acts of the municipal Sakrebulo (municipal assembly) shall develop and carry out activities to ensure detection and elimination of discrimination on local level.

The municipal Sakrebulo shall establish a Municipal Gender Equality Council to ensure systematic work on the gender-related issues within the municipality and the coordinated collaboration with the Gender Equality Council established by the Parliament of Georgia; the composition, status, functions and authorities of the Council shall be defined by the Rules of Procedure of the municipal Sakrebulo and by the Statute of the Municipal Gender Equality Council, which shall be approved by an appropriate Sakrebulo.

A municipal Gamgebeli (the head of local administration)/mayor shall designate a public servant responsible for the gender-related issues in an appropriate Gamgeoba (a local administration)/City Hall to study gender-related issues, schedule activities to be performed and to coordinate appropriate measures within the Municipality.

The budget of local self-government units, as well as priorities of social economic development, municipal programmes and plans shall be developed in such a way that any form of discrimination is excluded (Article 13).

The Public Defender of Georgia, within the scope of his/her authority, shall monitor the protection of gender equality and provide appropriate response in cases of violation (Article 14(1)).

The Public Defender of Georgia shall exercise powers granted to him/her by the Organic Law of Georgia on the Public Defender in order to ensure gender equality (Article 14(2)).

In accordance with the Law of Georgia on the Elimination of All Forms of Discrimination of 2 May 2014, all forms of discrimination shall be prohibited in Georgia (Article 2(1)).

This Law aims to eliminate any form of discrimination and to ensure equal rights of every natural and legal persons 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 (Article 1).

The Public Defender of Georgia shall monitor the process of eliminating discrimination and ensuring equality.

To exercise the powers under the legislation of Georgia, the Public Defender shall:

- a) Discuss the applications and complaints of natural or legal persons or groups of persons, who consider themselves to be victims of discrimination;
- b) Examine acts of discrimination based on applications or complaints, as well as on his/her own initiative and make appropriate recommendations;
- c) Prepare and forward general proposals to relevant institutions or persons on the issues of preventing and combating discrimination;
- d) For the purposes of this Law, prepare opinions regarding necessary legislative changes and submit them to the Parliament of Georgia as legislative proposals;
- e) Invite a victim of discrimination and an alleged discriminating person, and try to settle the case by mutual agreement of the parties;
- f) Submit recommendations to relevant institutions or persons to restore the rights of victims of discrimination if the parties fail to reach an agreement and if there is sufficient evidence of discrimination;
- g) Be authorized to apply to a court, as an interested person, according to the Administrative Procedure Code of Georgia, and request the issuance of an administrative legal act or the performance of an action, unless an administrative body responds to or shares a recommendation and there is sufficient evidence of discrimination;
- h) Record and analyze statistical data on discrimination cases;
- i) Organize events to raise public awareness of discrimination;
- j) Cooperate with various international governmental and non-governmental organizations, local non-governmental organizations and the representatives of local civil society on discrimination issues (Article 6).

The Public Defender of Georgia shall prepare and publish once a year a special report on combating and preventing discrimination, as well as on equality situation in the country.

A special report of the Public Defender of Georgia shall contain general evaluation, opinions, and recommendations on combating and preventing discrimination, as well

as on equality situation in the country. The report shall also include information on detected serious violations and implemented measures (Article 7).

Prison

Law of Georgia “Imprisonment Code” defines obligations of the accused/convict and general principles of their labour activities. In particular, it is defined that the accused/convict must if he wishes so work on the workplace selected by the administration of the establishment under the conditions established by the present Code and the regulation of the establishment (A. 30 (2(c))). It also defines the rule of performance of labour activities by the accused/convict, according to which labour activity of accused/convicts shall be carried out in accordance with the present Code and established procedure stipulated by the labour legislation. An accused/convict shall not be forced to perform work breaching human dignity and honour (A110(1)). The accused/convicts shall be involved in labour within premises of the custodial establishment, if the establishment has opportunities of employment for accused/convicts. Accused/Convicts shall work only within premises of the custodial establishment. An accused/convict may also be employed by the governmental or other nongovernmental institution, established within the premises of the custodial establishment (A.110 (2,3,4)). An accused/convict shall be remunerated for the work performed, in accordance with the labour legislation of Georgia. The rules and conditions of the remuneration of the accused/convict are envisaged in the Georgian legislation (A.110 (5)) Accused/Convicts may be employed in accordance with the Law of Georgia on Entrepreneurs by the enterprises set up within premises of the custodial establishment (A.111(1)).

Employment of an accused/convict by the enterprise shall be carried out in accordance with the procedure prescribed by the existing legislation with the organizational support of the custodial establishment. An accused/convict has the right to choose appropriate work from the types of employment proposed by the administration. A contract between enterprise and the Department shall be concluded, which will provide the enterprise assumed to adhere to requirements of the internal regulation of the custodial establishment where the enterprise operates. The same obligation shall be assumed by an accused/convict to be included in the labour contract concluded with the enterprise (A.111(3,4)). The same law stipulates labour conditions of the accused/convict and the working hours: an employer and the administration of the establishment shall create safe working conditions for life and health of accused/convicts. Working hours, labour protection, safety and industrial sanitary rules shall be stipulated in accordance with the labour legislation of Georgia (A.112(1)). A juvenile accused/convict shall work during free time from study and the hours of study and work shall not exceed 8 hours per day (A.112(2)). Overtime work as well as work on holidays and weekends shall be allowed only with accused/convict's consent. Working hours shall not exceed 8 hours a day (A.112(3)). An accused/convict may work outside the establishment. The procedures on the work of an accused/convict outside the establishment is determined by the Minister (A.112(4)). Proceeding from the above-mentioned, it may be conclude, that imprisonment code protects such main labour rights, as: labour compensation, safe working environment, right to choose work.

Labour Code

After concluding EU-Georgia Association Agreement Georgia took commitment to approximate its legislation to EU *acquis* meaning that EU directives envisaged in Annex XXX (Association Agreement) will be transposed into Georgian legislation. Ministry of Labor, Health and Social Affairs of Georgia was tasked to amend labor Code (in compliance with ILS) by TSPC and the working group under the tripartite commission was set up. The initial drafts are made in compliance with the EU directives in 2017: Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The aim of these directives is to set principles that serve to eliminate discrimination on the grounds of religion or faith, disability, age or sexual orientation, race or ethnicity for all persons working in public and private sector.

The legislative package consists of drafts of amendments to the following organic laws and laws of Georgia:

1. Organic Law of Georgia "Georgian Labor Code";
2. Organic Law of Georgia on "Public Defender";
3. Law of Georgia on the "Elimination of All Forms of Discrimination";
4. Law of Georgia on "Public Service";
5. Law of Georgia "Administrative Offences Code".

The amendments allow Public Defender of Georgia to issue a fine for not fulfilling recommendations on the facts of discrimination in labor and pre-contractual relations for public institutions, organizations, private and legal entities.

The legislative package will be submitted to the Government of Georgia in the nearest future and will be adopted by the end of 2017.

Enforcement

For the last years, Georgia has undergone deep changes in its labour legislation and institutions. The Ministry of Labor, Health and Social Affairs of Georgia undertook concrete steps to elaborate special mechanisms which will further ensure inspection on working conditions at workplaces. The mechanism will be equipped with corresponding administrative and executive rights and will progressively introduce the International Labor Organization's standards.

The Labor Conditions Inspecting Department was established under MoLHSA according to GoG's Resolution N 81 designating March 2, 2015. The Department is recruited by staff members trained in the framework of the State Program for Monitoring the Labor Conditions and will prepare ground for the introduction of the effective inspection mechanism. Namely, the Department will elaborate and improve corresponding legal base, ensure the instillation of updated technical regulations/standards with the aim to inspect labor and occupational health and safety conditions in different organizations/enterprises.

Thus, the Labor Conditions Inspecting Department will undertake inspection through improved mechanisms, which on the basis of approved relevant legislation will ensure the enterprises' obligatory rather than voluntary involvement in the inspection process. Primary goals of the Department are: elaboration and improvement of legislative base for efficient monitoring of occupational health and safety conditions in different organizations/enterprises; elaboration of recommendations for preventing discrimination and forced labor at workplaces; studying and analyzing facts and causes of discrimination in case of employees' or employers' demand; support implantation of safety protection mechanisms in organizations/enterprises; increase of employers' and employees' awareness on threats of human trafficking and plan activities on the subject; take relevant measures for the prevention of trafficking in human beings.

The **"State Program for Inspecting Labour Conditions "** was approved by the Government of Georgia. **Objectives** of the Program, among others, are insurance of protection of labour safety standards; awareness rising of employers' and employees' in terms of detected facts of violations, consultancy, informational campaign, prevention of trafficking, and identification of needs of institutional reforms etc. Inspecting reports were drafted and recommendations were elaborated. Employers have already received reports and recommendations. Analysis of reports, questionnaire and recommendations are in the process.

As to the forced labour and enforcement of legislation, the amendments have been made to the Laws - on **‘Combating Human Trafficking’** and on **‘Control of entrepreneurial activity’**. The amendments in both of the above mentioned Laws proactive **supervision** of the Labour Conditions Inspecting Department has been proved in the field of human trafficking (**forced labour and labour exploitation**) prevention. In particular the department is authorized to inspect the labour conditions with the aim to identify and respond the violations. It means that the labour inspectors will have the ability and power to ensure the proactive supervision **mandatorily and** not voluntarily. That will contribute to effective planning and implementation of measures for prevention of forced labor and labor exploitation, as well as the promoting the identification and increasing the efficiency of combating the human trafficking. In order to prove the mentioned functions the Resolution of Government of Georgia **“On Approval of Rule of State Supervision/Labour Inspection of Prevention of and Responding on Forced Labour and Labour Exploitation”** which was adopted in 2016.

Inspections have covered all sectors in Georgia including all regions.

➤ **In framework of 2015-2017 State programs:**

In 2015 - 118 objects of 78 companies have been inspected;

In 2016 - 187 objects of 96 companies have been inspected;

In 2017 - 255 objects of 143 companies have been inspected so far;

➤ **In the framework of joint decree around 20 objects have been inspected.**

➤ **In terms of forced labor and labor exploitation:**

In 2016- 99 companies have been inspected (8 unscheduled);

In 2017- 107 companies have been inspected (6 unscheduled);

Overall, around 6453 recommendations have been issued by the labor inspectors

Article 10 – The right to vocational training With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:
2 to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments.

GoG response

Since 2013 the reform of the vocational education system has been started in Georgia with the support of European Union and other international organizations. In this process with the local educational system and the international context, the country's economic development priorities, the needs of employment and social policy, the regional needs and other important factors are taken into account.

In 2013 with the technical support of EU the VET Reform Strategy of 2013-2020 was developed. In the strategy the social and economic priorities of Government of Georgia are reflected. The implementation of the strategy objectives according to the concert action plan, will support the sustainable development of human resources and social and economic development of the country, by satisfying the current or future demands of the labor market.

Orientation on the labor market, improving the financial model, prioritization of practical learning, ensuring the quality of learning, developing inclusive vocational education, supporting the social partnership, implementing the vocational guidance and career planning services, developing an accessible learning environment for everyone - are the incomplete list of issues the Ministry of Education and Science of Georgia has been working during last 5 years.

Since 2014, the working process on a new law on vocational education has been started with the involvement all stakeholders. The new law offers new approaches and principles in a number of issues in the system, which will extend its opportunities related to Vocational Education, Vocational training system will be formalized and the flexible mechanisms will be developed in order to move on further levels of education, also the implementation of credit accumulation and transfer mechanisms will be supported, the validation of non-formal education will be implemented. The draft law on one hand is based on the local context, and on the other hand responds the challenges of the system related to the Copenhagen process and the European educational space. The adoption and implementation of the law is one of the important tasks of the next stage of the reform.

In recent years significant changes have been made to improve the quality of the management of vocational education, including improving the effectiveness of social partnership and private sector engagement in vocational education.

The National Vocation Council and the Sector Councils have been renewed, the concept of public-private partnership has been developed, employers are directly involved in the process of development occupational standards. The sectoral councils compiled by employers provide validation of occupational standards and programs. The piloting of work-based learning has been started - the private companies and educational institutions jointly are implementing educational programs.

Since 2014 the reform of vocational programs has started actively in order to improve the quality of vocational education and increase compliance with the labor market requirements. The flexible, competence-based, modular educational programs are implemented step by step, that are developed by active involvement of employers. The practical learning and entrepreneurial education component has been strengthened. One of the main issue in this perspective is that emphasis on modular programs is made not only on the development of professional skills but also on basic (literacy, mathematical skills, etc.) and key skills (entrepreneurship, communication in foreign language, digital competences Etc.) development. Since 2015, Entrepreneurship has become a mandatory module for vocational programs. The program drawn up by modules creates good ground for adult learning, since it

will enable adults to increase their qualifications or master the profession through individual modules, taking into consideration the skills they already have.

The piloting of the concept note "work-based learning" has been started in 2016. Since the same year the dual VET programs has been implemented, this will significantly increase the opportunities for graduates employment and self-employment in medium-term perspective. Along with the implementing the dual programs, the ensuring of their quality is very important.

In recent years a number of activities have been implemented to improve the quality of vocational education; the activities were focused on external and internal mechanisms of quality assurance, improving of human and material-technical resources.

Along with the introduction of new modular programs, the improvement of quality of teaching/assessment and teachers' capacities building has been started. The new model of VET teachers' professional development and career advancement is developed. The implementation of new model will ensure the flow of new teachers in the system and the development of existing staff.

The accessibility to vocational education has been improved, that is reflected in the growing number of enrolled students in educational institutions. Since 2013, Government of Georgia started full funding of VET students in state vocational education institutions. The new colleges/branches were established, educational buildings/hostels were renewed with the principals of inclusive education, the educational resources were adapted for people with disabilities and special needs, the applicants belonging to national minorities have the opportunity to pass test in their native languages, the alternative procedures for the enrollment of persons with special needs were implemented, the short-term vocational trainings for job seekers, prisoners and former prisoners has been started.