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## **EUROPEAN SOCIAL CHARTER**

13<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

## **THE GOVERNMENT OF GEORGIA**

Article 1, 9, 10, 15, 18, 20 and 24

for the period 01/01/2015 - 31/12/2018

Report registered by the Secretariat on

6 January 2020

**CYCLE 2020**

**EUROPEAN SOCIAL CHARTER (REVISED)**

**Strasbourg,**

**3.V.1996 Georgia**

**Report 2019**

**On the implementation of the**

**Articles: Article 1. The right to**

**work**

**Article 9. The right to vocational**

**guidance Article 10. The right to**

**vocational training**

**Article 15. The right of persons with disabilities to independence, social integration and participation in the life of the community**

**Article 18. The right to engage in a gainful occupation in the territory of other Parties**

**Article 20. The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex**

**Article 24. – The right to protection in cases of termination of employment**

## Article 1 § 1

### GoG response:

For defining the national employment policy in Georgia, on 2 August 2013, the governmental resolution N 199 on Approval of the State Strategy on the Formation of the Labour Market of Georgia and the 2013-2014 Action Plan for the Implementation of the State Strategy on the Formation of the Labour Market of Georgia was approved. The strategy reflected the first-rate objectives to create a solid foundation for the effective functioning of the labour market. The strategy defined the targeted state policy of labour and employment and outlined ways to implement it.

Ordinance N 732 of the Government of Georgia of 26 December 2014 amended the Ordinance N 199 and approved the State Strategy for the Formation of the Labour Market of Georgia and the 2015-2018 Action Plan for the Implementation of the State Strategy for the Formation of the Labour Market of Georgia.

The goals of the strategy are:

- a) improving the legal base in the field of labour and employment;
- b) promoting effective employment;
- c) ensuring the protection of decent working conditions and human rights as defined by law;
- d) capacity building of the workforce.

The document outlined the main directions and activities for the implementation of the strategy, including active labour market policy issues such as the development of employment promotion services, employment promotion of job seekers; support the development of a labour market-oriented vocational training system; institutionalization of labour market studies and creation / development of labour market information system, etc.

The strategy also identified financial resources to accomplish the goals and objectives outlined above.

#### The budget by years

year	Budget (GEL million)
2015	4 000 000
2016	4 500 000
2017	4 500 000
2018	4 500 000

In order to implement the above strategy, the Government of Georgia each year approves and implements state programs since 2015:

- State Program for Development of Employment Support Services;
- State Program for Vocational Training-Retraining and Capacity Building of Job Seekers;
- State Program for the Introduction and Development of Labour Market Analysis and Information System.

The purpose of **the State Program for Development of Employment Support Services** is to develop / implement active labour market policies and employment promotion services in the country.

The program includes the following activities:

- a) development of Labour Market Management Information System ([www.worknet.gov.ge](http://www.worknet.gov.ge));
- b) provision of individual and group consultations (professional counselling) at the labour market at the municipal level;
- c) provision and development of intermediary services;
- d) provision of professional counselling and career planning services at the municipal level;
- e) development and introduction of supportive mechanisms for the employment of vulnerable, low-competitive groups (by subsidizing remuneration);
- f) organization of employment forums;
- g) carrying out and monitoring qualitative surveys, at least once a year, in order to identify professions in demand in the labour market and the necessary knowledge and skills;

- h) organization of trainings / seminars and printing information leaflets for mass media representatives, stakeholders (local NGOs / international organizations, social partners, employers, as well as private employment agencies) and job seekers;
- i) organization of a summary conference on employment promotion issues and existing problems, in close cooperation with social partners.

**The program budget by years**

Year	Budget (GEL)
2015	350 000
2016	676 000
2017	676 000
2018	700 000

The goal of the **State Program for Vocational Training-Retraining and Capacity Building of Job Seekers** is to enhance their competitiveness by providing vocational training and retraining in the professions in demand in the labour market and / or by further internships in the workplace and thereby promote the employment of job seekers.

The objectives of the program are:

- a) based on the analysis of the results of the labour market demand survey, identification of the professions in demand and vacant jobs and / or jobs with good prospects in the labour market;
- b) identification / registration of entities implementing short-term vocational training-retraining programs relevant to the professions in demand and signing of contracts;
- c) development of short-term vocational training-retraining programs and planning of vocational training-retraining within them;
- d) identification and registration of job seekers seeking vocational training and retraining;
- e) organization of training (internship) in real work environments in case of vacant and / or prospective jobs, for capacity building purposes;
- f) provision of state scholarships for job seekers involved in the training (internships) organized in the real work environment, etc.

**The program budget by years**

year	Budget (GEL)
2015	1 900 000
2016	2 014 000
2017	2 014 000
2018	2 090 000

The purpose of the **State Program for the Introduction and Development of Labour Market Analysis and Information System (LMIS)** is to develop and improve the labour market information system and to ensure access to the labour market information system in Georgia. Program activities are:

- a) development of the labour market information system;
- b) institutionalization of the labour market demand research;
- c) carrying out additional surveys as required;
- d) identification, where appropriate, of relevant information flows;
- e) development of a report for system users;
- f) organization of information activities on the system.

**The program budget by years**

Year	Budget (GEL)
2015	700 000
2016	785 000
2017	524 000

2018	375 000
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A number of studies were carried out within the framework of the program 2015-2018: Labour Market Demand Component Survey; Survey on Employer's Attitudes towards the Employed Persons with Disabilities - "Impact of Micro and Macro Factors on Workplace Adaptation and Labour Effectiveness of People with Disabilities", Skills in Enterprise Demands, Survey of Business Demands on Skills, Survey of Labour Market Demands in Tourism Industry.

During these years, annual reports of labour market analysis were prepared, the Georgian and English versions of which are available at the website of the Labour Market Information System <http://www.lmis.gov.ge/Lmis/Lmis.Portal.Web/Pages/User/UserReports.aspx>.

In 2016, work began on creating and developing a labour market information system. The Labour Market Information System (<http://www.lmis.gov.ge>) is a public web portal. The Labour Market Information System is a one-stop-shop public web portal providing up-to-date information to different users on labour market trends, career planning and occupations in the country. It is an information bank that contains information on the labour market, is understandable and easy to use in practice.

In 2017, the above-mentioned program and related activities were transferred from the Ministry of Labour, Health and Social Affairs of Georgia to the Ministry of Economy and Sustainable Development of Georgia.

In addition to the above-mentioned programs, the state implements programs for entrepreneurship development. Namely:  
Employment Promotion

➤ **Georgia 2020**

Achievement of fast, sustainable and inclusive economic growth based on creation of new jobs and promotion and enhancement of full and productive employment opportunities have been on a high level agenda and one of the main directions of Country's economic policy, which is also declared in the Strategic Document **Social-Economic Development Strategy of Georgia - Georgia 2020**, adopted by the Government of Georgia (GoG) in 2014. According to "Georgia 2020", low unemployment levels together with other factors is defined as one of the important factor/dimension for overcoming the poverty and achieving the macroeconomic stability in the country.

Strategy outlines key targets as well as approaches for the long-term, sustainable development and inclusive growth. It defines priorities and relevant policy measures, implementation of which are crucial for achieving the inclusive growth and poverty reduction. Maintenance of macroeconomic stability and effective public administration are preconditions for implementation of this strategy.

According to Strategy, Human Capital Development is considered as one of the Priority direction into three main directions - Private Sector Competitiveness, Human Capital Development and Access to Finance. Georgia 2020 also defines essential measures for achieving these goals. *„Development of workforce that meets labor market requirements Current situation Job creation and measures to increase workforce relevance to labor market requirements are important factors which contribute to comprehensive economic growth”* – indicated in the Strategy. Separate chapter - "Development of workforce that meets labour market requirements" is dedicated to this crucial issue in the Strategy.

➤ **SME Development Strategy**

Support and facilitation of the private sector, especially small and medium enterprises, is one of the main priorities of Government of Georgia.

**Separate chapter - "Government support for development of entrepreneurship"** is dedicated to this crucial issue. „Government must stimulate private sector, facilitate investments and create fair and protected business environment. Its goal is also to stimulate development of business through developing innovations and entrepreneurial skills...“ indicated in the Strategy (“Vision For Development” – Page 5). It is defined as one of the Policies that are crucial to be implemented in order to improve the investment and business environment according to the Strategy. „Strengthening the business competitiveness depends on development/enhancement of entrepreneurial skills“ – included in the Strategy (First Strategic Direction – “Competitiveness of the private sector”, Chapter “Government support for development of entrepreneurship” – Page 21).

The Strategy defines **relevant steps** that needs to be implemented by the Government in order to encourage private sector and further develop it, **including**, Improvement of investment and business environment, Improving investment legislation, Streamlining legislative and Institutional mechanisms for free market competition, Improving public services and enhancing the transparency of public administration, Ensuring flexible regulations, etc.

SME Development Strategy constitutes an important step towards a more enabling environment for the formalization of SMEs.

✓ **First Strategic Direction - Further improvement of legislative, institutional framework** and operational environment for SMEs and its relevant priority actions considers the implementation of the policy measures that provide an enabling environment supportive for SMEs.

✓ **Second Strategic Direction – Improvement of Access to Finance** and its corresponding priority actions considers implementation one of the following priority measures, such as Improvement of financial literacy among SMEs, Attraction of SMEs oriented private equity funds for start-up financing, Support to SMEs to increase access to finance through commercial banks and micro financial organizations, Improvement of SME finance through grants that are supportive approaches for the transitions from informal to formal economy, as with limited access to finance enterprises in the informal economy have fewer opportunities for business expansion.

✓ **Third Strategic Direction - SME Skills Development and promotion of entrepreneurial culture** through the provision of entrepreneurial learning, vocational education and training, expansion of business services constitutes conducive approach for moving informal businesses in the formal economy. Upgrading skills and qualifications results in benefits to entrepreneurs in informal economy. Access to vocational education and educational services enhances entrepreneurial literacy and the ability to start and expand the business.

✓ **Fourth Strategic Direction - Export promotion and SME Internationalization** is conducive to assisting informal SMEs to formalize their activities. Priority Actions of this Strategic Direction considers raising awareness about DCFTA, Business support to adapt to DCFTA requirements, export promotion of SMEs. As enterprises in informal economy lack of the ability to expand into new markets, export promotion oriented activities and supportive mechanisms for business to adapt DCFTA requirements enable SMEs to make their business grow and benefit from international trading system.

✓ **Fifth Strategic Direction - Facilitation of innovation and R&D in SMEs** is a crucial direction in terms of Stimulation of innovations among SMEs, support to innovative start-ups and Elaboration of effective schemes of innovation and R&D financing. Also, Improvement ICT Skills among businesses and Providing infrastructure for innovation (FabLabs; iLabs; TechPark; BroadBand; Computerization) are important components in this direction.

SME Strategy based on 10 principles of Small Business Act for Europe (SBA) and EU and international best practices. Introduction of Lifelong Entrepreneurial Learning is also considered in the SME Strategy, which is important for SME skills development. The priority actions defined by the action plan for 2016-2017 and also for action plan for 2018 had been completed successfully, which was positively assessed by OECD. The implementation of actions within the action plan for 2019 is ongoing successfully. Each Strategic Direction includes Priority Actions and also activities, towards which responsible bodies, implementation timeframe (start-end) and source of financing are stipulated. At the stage, **all targets identified** by the Strategy have been **successfully fulfilled**. Implementation of the SME Development Strategy of Georgia for 2016 -2018 was evaluated

by OECD as successful. Also, relevant “**Monitoring Note**” was prepared and presented on the “**Eurasia week 2018**” by OECD.

Thus, effective implementation of the SME development Strategy for 2016-2020 and related Action Plan is crucial in terms of further development of entrepreneurship and encouraging of entrepreneurial activities, as far as the effective implementation of the SME Development Strategy will promote the development of the small and medium business, facilitate its growth and competitiveness, which is vital either for employment growth and creating new employment opportunities, also for strengthening their position on local and international markets.

#### ✓ **Private Sector Development Advisory Council (PSDAC)**

In line with the SME Development Strategy the **Private Sector Development Advisory Council** was established by the Minister’s order on February 2016. Main idea and key aim of this Council is to facilitate and encourage constructive public-private dialogue which is really very crucial for now and to support private sector development. The Council is mandated to discuss the implemented, ongoing and planned reforms which are related to private sector development, discussing ongoing and planned legislative amendment and institutional changes, also identification of the factors which are obstacles for the development of the private sector and which really needs to be addressed, also elaboration of recommendations on the strengthening the private sector, including SME. At this stage, 11 sessions were held within the Council with participation of all relevant stakeholders.

#### ✓ **Public-Private Partnership (PPP)**

**Public Private Partnership (PPP) Reform** envisages creation of transparent and efficient PPP framework, which will enhance cooperation between state and private sectors. The purposes of public-private partnership reform is to increase private sector participation in public infrastructural projects and establish clear risks allocation mechanisms between the public sector and the private sector. Public Private Partnership will promote productivity enhancement and structural improvement of the economy through the development of efficient framework for productive investments, as well as private sector participation in public infrastructural projects.

The law on PPP has been adopted by the parliament in May 2018. As well, by-laws related to the implementation of PPP has been adopted by the Government of Georgia. ADB, EBRD and IMF were actively involved in the process and provided valuable TA in different spheres. Elaborated draft law complies with best international practices and relevant EU directive on Concessions.

In 2019, LEPL “Public-Private Partnership” was established, which is in charge of abovementioned process.

#### ✓ **Enterprise Georgia**

In order to facilitate entrepreneurial activities, to enhance access to finance, to encourage the growth of SMEs and support export potential, “**Enterprise Georgia**” ” was established under the MoESD in 2014 (February). Enterprise Georgia is the first governmental institution in Georgia mandated to facilitate private sector through a variety of financial and non-financial support mechanisms. Among the main functions of Enterprise Georgia is to improve the business skills of small and medium entrepreneurs and development of entrepreneurial skills of the start-up and small businesses’ representatives.

Enterprise Georgia provides trainings in different areas based on market demand, such as marketing, business planning, export promotion etc., and consultancy on local and foreign markets' needs and requirements as well as supports SMEs in adaptation to DCFTA requirements. Enterprise Georgia, together with higher educational institution - Caucasus School of Business established Certified Export Manager Program, which considers specific trainings in export related issues.

In order to promote establishment of new competitive companies as well as development of existed ones in agricultural and industrial production, Government of Georgia is implementing State Program “**Produce in Georgia**” under which companies are supported in 3 main directions: improvement of access to finance, provision of physical infrastructure and technical assistance.

In the frame of the state program “**Produce in Georgia**” 326 projects (more than half of them in the regions of Georgia) were supported in 2015-2018 with the total volume of investments of more than GEL 760 million (more than half of the volume in the regions of Georgia); Noteworthy, that about 12 300 job places have been created.

**Micro and Small Enterprise Support Program** in Georgia is being implemented by LEPL “Enterprise Georgia” since March 2015, which envisages support of micro and small enterprises in the regions of Georgia via providing financial and technical support. The program aims to solve the problem of imbalance between the regions, to increase the competitiveness and diversification of regional businesses and creation of additional jobs. The project also involves a training component to help development of commercially viable business proposals and needs-based technical consultations thereafter. The program foresees co-matching grants for entrepreneur and group of entrepreneurs. The program is designed to render financial support and consulting services to micro and small businesses across regions of Georgia to facilitate the economic development in rural and urban areas. Beneficiaries of the program receives business trainings, matching grants and follow-up consultations.

In 2015-18 years, in the frame of the program 6,212 projects (9,384 beneficiaries) received matching-grants with the total volume over GEL 46,9 million. Out of total beneficiaries 3,785 beneficiaries - over 40% are women entrepreneurs.

#### ✓ **"Georgian Innovation and Technology Agency"**

In order to promote the development and support to innovative businesses **"Georgian Innovation and Technology Agency"** (GITA) was established under the MoESD in 2014 (February). GITA’s main objective is to support the creation of new businesses, both start-ups and provide assistance to the existing SMEs to develop their innovative products, support to R&D commercialization, assisting the formation of products & services through innovation infrastructure, such as, Tech parks, Incubators, Accelerators, Innovation Laboratories (iLAB), Fabrication Laboratories (FabLab) to contribute to innovative entrepreneurship.

GITA as an entity under the MoESD is contributing in developing the jobs, especially higher value added jobs by following programs and projects: 1) Matching Grant (MG) Program: financing the early stage start-up projects, those who are hiring at least 3 staff members to develop innovative, high growth potential, globally scalable projects; 2) Mini Grants 2) Skills and Capacity Development: through coaching and mentorship program of MG; business incubation and accelerator program; 3) IT Education: Ministry of Economy and Sustainable Development of Georgia together with Ministry of Education, Science, Culture and Sports have elaborated the IT education Program Design, which envisages developing of high skilled IT labor force with the employment opportunities.

Events/Trainings:

In 2018 - 2019 GITA provided **638 events/trainings** with total number of participants **12 933 participants**.

Matching/Mini grants:

In 2018 - 2019 GITA provided **58 matching grants** with total budget **6 801 100 GEL** and about **350 mini grants** with total amount more than **1 000 000 GEL**.

Both agencies - Enterprise Georgia and GITA **support women entrepreneurship and women participation in business activities**. Gender component is included in projects implemented by these agencies.

#### ✓ **"Tourism**

In the direction of targeted trainings, the activities conducted by LEPL “**National Tourism Administration of Georgia**” is noteworthy. In particular in 2015-2018, **3364 beneficiaries** (majority in the regions of Georgia) were provided with several thematic trainings on a targeted base.

Due to taken measures, obvious results are in place and significant improvements were observed on the labor market.

✓ Unemployment data has been permanently decreasing between 2009-2018. We have drastic decrease in 2018 compared to 2009. Specifically, According to Geostat, in 2018, the annual unemployment rate reached historical minimum of last 15 years and decreased to 12.7%. In 2009, the annual unemployment rate was 18.3%. It is noteworthy that number of hired employees is permanently increasing, on account of decreasing the self-employed people. In particular, in 2018 substantially increased the number of hired employees, (50.8% in total employment, while it was 48.3 and 42.2, accordingly in 2017 and 2013) while self-employment has decreased (49.2% in total employment, while it was 51.7% and 57.2% accordingly in 2017 and 2013).

✓ In 2018, compared to previous year the share of hired population has increased by 4.4% and compared to 2013 – by 24%. As regards to self-employment, In 2018, compared to previous year the share of self-employed workers decreased by 5.5%.

✓ In addition, number of employees in business sector is continuously increasing. In 2018, number of employees in business sector increased by 26 000 person (3.7 percent) compared to 2017 and amounted to 734 200 person. The growth amounted to 37.4% compared to 2012.

Government of Georgia will continue implementation of Continuous and valuable reforms, for strengthening the private sector, for the sake of stimulating investments and providing inclusive economic growth in the country.

## **Agriculture**

Projects / Programs Implemented by the NNLE Agricultural and Rural Development Agency in 2015-2018:

### **Spring Work Promotion Project for Land-poor Farmers**

The purpose of the project is to assist while ploughing farmers and peasants in rural areas who have been unable to cultivate agricultural land for years due to difficult economic conditions. In the first phase of the project, farmers and peasants received free agricultural inventory from the state; within the framework of the project a bankcard - “Agrocard” was produced. As a result of the four-year project, practically abandoned and unbroken lands restored its agricultural function.

Benefits allocated to beneficiaries under the Spring Work Promotion Project for Land-poor Farmers are:

In 2016, 772,626 beneficiaries were identified for the Spring Work Promotion Project for Land-poor Farmers. Beneficiaries received the benefits at amount of GEL 50,777,652 under the project. 222,753 ha of agricultural land was cultivated.

In 2015, the project identified 767,018 beneficiaries. Beneficiaries received the benefits at amount of GEL 48,368,778 under the project. 225,199 ha of agricultural land was cultivated.

In 2014, the project identified 757,145 beneficiaries. Beneficiaries received the benefits at amount of GEL 69,954,923 under the project. 220,467 ha of agricultural land was cultivated.

In 2013, the project identified 710,479 beneficiaries. The beneficiaries received the benefits at amount of GEL 190,466,914 under the project. 208,977 ha of agricultural land was cultivated.

### **Preferential Agro Credit Project**

The goal of the project is to support processing, storage and sale of primary agricultural production by providing access to funds for agro-entrepreneurs. As part of the project, farmers and enterprises engaged in primary

agricultural production, processing and storage-realization receive agricultural credit and agro-leasing from financial institutions for capital and liquidity. Loans / leases are issued by commercial banks / financial institutions (12 banks and 3 leasing organizations) participating in the project, and the Agency co-finances the loan / lease interest rate / leasing fee. It should be noted that the interest of the banking / leasing sector in the agro-sector is one of the most important achievements of the project, which contributes to the development of agriculture.

By implementing this project, cheap financial resources were made available to entrepreneurs and farmers.

Within the framework of preferential agro-credit project, 12,319 loans worth GEL 1,117,969,549 were issued to 8,185 beneficiaries in the period of 2015-2018, as of 31.08.2019.

Co-financing data provided under "Preferential Agro Credit Project" from 2015 to including 2018		
Year	Number of beneficiaries	Co-financing granted
2015	3,381	53,032,584
2016	1,653	49,129,338
2017	2,120	48,890,292
2018	3,676	60,627,454
Total	8,185	211,679,668

### State Program “Plant the Future”

Within the program, farmers have the opportunity, with the help of state co-financing, to plant perennial orchards, berry crops and create nursery farms. Implementation of the program began in March 2015 and its main objective is, through the cultivation of perennial crops, the effective use of agricultural land of Georgia, which results in the replacement of imported products by Georgian products, growth of exports, simplified provision of processing factories with raw material and improvement of rural socio-economic status. In addition, the goal of the co-financing subcomponent for berry crops is the effective production of berry crops on agricultural plots in certain villages and municipalities of low activity where agricultural land is highly fragmented and the land cannot be merged.

As of 30.09.2019, within the framework the program “Plant the Future” 1,002 applications for gardens and one application for a nursery farm were approved in 2015-2018. The cultivated / contracted area of the garden component is 6,377 ha. The Agency’s co-financing amounted to GEL 34,488,618. The area to be built / contracted for nursery farms is 1 hectare and the co-financing of the Agency is GEL 11,520.

Co-financing data provided under the State Program “Plant the Future” from 2015 to including 2018			
Year	Number of beneficiaries	Area, ha	Co-financing granted
2015	110	767	1,788,123
2016	261	1,745	6,861,102
2017	286	1,783	10,960,589
2018	297	2,083	9,562,821

Total	885	6,378	29,172,637
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### **Agro Insurance Program**

The purpose of the agro insurance program is to develop the insurance market in the agro sector, to support agricultural activities, to maintain income for those engaged in agricultural activities and to reduce risks. The program has been running since 2014. Within the agro insurance project, farmers are able to insure crops from hail, floods, hurricanes and freezing temperatures in autumn.

In total, 60,397 policies were issued under the Agro Insurance Program as of 30.09.2019 in 2015-2018. Various crops worth GEL 398,242,133 were insured. 52,690 ha of land is insured. In total, the Agency's subsidy amounted to GEL 22,053,834. Losses paid in 2015-2018 amounted to GEL 24,045,967.

Co-financing data provided under the Agro Insurance Program from 2015 to including 2018			
Year	Number beneficiaries	of Insured crop area, ha	Co-financing granted
2015	7,258	4,944	5,017,388
2016	14,523	15,472	8,470,018
2017	16,018	20,718	7,108,100
2018	7,816	11,557	4,787,468
Total	34,688	52,690	25,382,974

### **Co-financing Project for Agro Processing and Storage Enterprises**

The goal of the project is to co-finance agro processing and storage enterprises for new agricultural products in Georgia. Within the project, in the case of highland settlements, the amount of co-financing is increased by 10%. As of August 31, 2019, co-financing of GEL 570,000 was allocated from the Highland Settlement Development Fund.

As of 30.09.2019, in total 52 projects were approved within the framework of the project in 2015-2018 – at the total investment value of GEL 74,522,622, where the state co-financing amounted to GEL 26,476,362.

38 projects therefrom with a total investment value of GEL 54,591,266 were approved under the component of processing enterprises, while the state co-financing amounted to GEL 18,559,355. Within the component of storage enterprises, 14 projects with a total investment value of GEL 19,931,356 were approved, and the state co-financing amounted to GEL 7,917,007.

Co-financing data provided under the Co-financing project for Agro Processing and Storage Enterprises from 2015 to including 2018		
Year	Number of enterprises	Co-financing granted
2015	12	5,859,351
2016	16	8,388,900
2017	12	6,576,621

2018	12	7,635,335
Total	52	28,460,208

### **Co-financing Program for Agricultural Modernization, Market Access and Flexibility (AMMAR)**

The program aims to support the growth of product quality and productivity of primary production; to promote expansion and modernization of existing processing and storage agro-enterprises; to introduce international standards and modern technologies.

The program includes components for co-financing of both individual farmers as well as processing plants and agricultural cooperatives.

As of 30.09.2019, within the primary production component 431 contracts were signed in 2016-2018. With total investment of GEL 17,592,599, the Agency's co-financing amounts to GEL 6,968,726;

There are 7 contracts signed within the component of processing and saving enterprises, with total investment of GEL 3,628,280, while co-financing of the Agency is GEL 1,426,910.

<b>Co-financing data provided under the Co-financing Program for Agricultural Modernization, Market Access and Flexibility (AMMAR) from 2016 to including 2018</b>		
Year	Number of beneficiaries	Co-financing granted
2016	2	-
2017	116	1,943,928
2018	311	4,998,059
Total	415	6,941,987

### **The Program Supporting Young Entrepreneurs in Rural Area - Young Entrepreneur**

The program provides for financial and technical assistance to potential beneficiaries to start a new business, which has three stages:

- technical assistance before co-financing (Implementing entity: Ministry);
- co-financing - financial aid (Implementing entity: Agency);
- further co-financing technical assistance (Implementing entity: Ministry).

Co-financing shall be implemented in all municipalities and self-governing cities of Georgia, except for the following self-governing cities: Address: Tbilisi, Rustavi, Kutaisi, Poti, Batumi.

As of 30.09.2019, 106 contracts were signed in 2018, with a total amount of GEL 11,671,253, of which the amount of co-financing is GEL 4,499,436.

### **Georgian Tea Plantation Rehabilitation State Program "Georgian Tea"**

The project aims to rehabilitate tea plantations in possession of both the private and public sectors, as well as make effective use of the potential of tea, create modern tea processing plants and support the growth of local tea (including bio tea) production. As a result, the level of self-reliance in production and export potential shall increase in the country.

As of 30.09.2019, in total 44 applications were approved in 2016-2018 within the stated program. The total area is 964 ha. The total cost is GEL 2,403,060, of which the Agency's co-financing makes up GEL 1,678,951.

Co-financing data provided under the Tea Plantation Rehabilitation State Program “Georgian Tea” from 2016 to including 2018			
Year	Number of beneficiaries	Area, ha	Co-financing granted
2016	7	254	67,058
2017	18	385	661,024
2018	15	325	795,270
Total	34	964	1,523,352

### **Farms / Farmers Registration Project**

The Farms / Farmers Registration Project regulates the unified registry system of farms / farmers, which consolidates information on the entities employed in the agricultural activities, their agricultural-economic activities and agricultural assets existing in their ownership/maintenance in the united electronic database. The purpose of the project is to register all persons engaged in agricultural activities throughout Georgia (except those engaged in agricultural activities only on the order of a legal entity (s) registered in Georgia and / or under an employment contract), which shall enable the state to own statistical information as well, which shall be used to properly select target groups, plan and implement different stimulating projects programs for them as needed. As of 31 December 2018, there were 107 058 farms / farmers registered.

### **Technical Assistance and Marketing**

Purpose:

- Informing a beneficiary in the field of marketing (including local and international exhibitions) and contact relevant donor organizations for this purpose;
- Assistance in branding and packaging design to gain access to marketing services;
- Promotion of training of key personnel and management of processing and storage enterprises;
- Introduction of international food safety systems and standards.

Within the scope of technical assistance, the activities were carried out in several directions:

1. Beneficiaries of the project “Plant the Future” have been trained in the following areas:
  - Technologies for pruning seedlings in the cultivated garden;
  - Implementation of integrated plant protection systems - IPM;
  - Garden irrigation and plant nutrition issues.

Year	Number of beneficiaries present
2016	42
2017	53
2018	382

2. Within the framework of technical assistance, 14 beneficiaries were trained in general management and financial management in 2017, and in 2018, 62 beneficiaries received training.

3. Nine beneficiaries were retrained in 2018 in the field of veterinary medicine (Salmonella, the most common diseases and methods of combating them) with the support of the Laboratory of the Ministry of Agriculture.

4. With USAID / REAP support, two beneficiaries of the United Agro Project were trained in modern technologies of peach / nectar picking and subsequent processing / storage.

5. The International Food Safety Standard has been introduced in 21 enterprises.

Certificate Type	Number of beneficiaries by years			
	2016	2017	2018	Total

<b>HACCP</b>	-	2	-	2
<b>ISO 22000:2005</b>	8	3	8	19
<b>Total</b>	8	5	8	21

A new agreement has been signed this year to implement the international standard ISO 22000: 2005.

6. The following areas have been fully funded in cooperation with USAID / REAP in three enterprises:

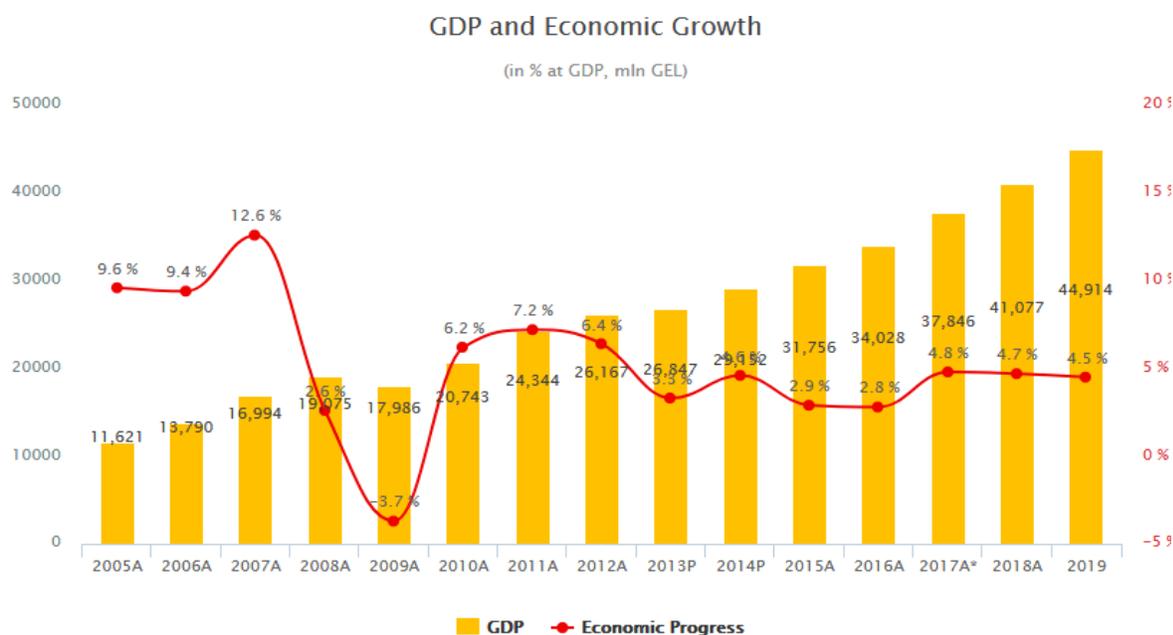
- Baia Food Ltd - redesign of the existing logo, creation of labels for 10 types of production and web pages;
- Fruit Paper Company Ltd – creation of packaging design and logo for 3 different products;
- Investment Holding Company Lazy Ltd – creation of labels for 4 types of production and leaflets.

7. In 2017, six beneficiaries of the project “Processing and Storage Enterprises” attended an exhibition held in Germany (Anuga 2017 Germany) and two beneficiaries - in Dubai (Gulfood 2017 Dubai). It is noteworthy that the beneficiaries of the event received USAID / REAP co-financing.

In 2016, seven beneficiaries of the project “Processing and Storage Enterprises”, 1 beneficiary of “Preferential Agro-credit” and 1 beneficiary of “Plant the Future” visited the Baltic Countries to meet potential partners within the Gateway & Partners mission to find new markets. The beneficiaries were funded by “Produce in Georgia” and USAID / REAP.

### Expenditure on Labour Market Policy Activities in the share of GDP

Year	Expenditure on LaborMarket Policy Activities (GEL million)	GDP GEL Billion)	Share %
2015	4 000 000	31,800,000,000.00	0.01
2016	4 500 000	34,000,000,000.00	0.01
2017	4 500 000	37,800,000,000.00	0.01
2018	4 500 000	41,100,000,000.00	0.01



\* 2016 Projection is based on 2017 December forecast

Source: <https://mof.ge/en/4553>

### Gross Domestic Product (GDP)

	2015	2016	2017	2018*
GDP at current prices, billion GEL	31.8	34.0	37.8	41.1
GDP at constant 2010 prices, billion GEL	26.3	27.1	28.4	29.7
GDP real growth, percent	2.9	2.8	4.8	4.7
GDP deflator, percent	5.9	4.2	6.1	3.6
GDP per capita (at current prices), GEL**	8 524.3	9 129.0	10 152.0	11 013.9
GDP per capita (at current prices), USD**	3 754.9	3 857.3	4 046.8	4 345.5
GDP at current prices, billion USD	14.0	14.4	15.1	16.2

\*Adjusted data will be published on November 15, 2019.

\*\*Per capita indicators for quarterly and annual figures were revised in line with updated data from 2014 general population census.

### Employment and Unemployment

	2015	2016	2017	2018
Active population (labour force), thousand persons	2 018.0	1 996.2	1 983.1	1 939.9
Employed, thousand persons	1 733.8	1 717.3	1 706.6	1 694.2
Unemployed, thousand persons	284.2	278.9	276.4	245.7
Unemployment rate, percentage	14.1	14.0	13.9	12.7

### Distribution by economic status of the female population aged 15 and older 2015-2018\*

	Thousand persons			
	2015	2016	2017	2018
Total 15 + population	1621.8	1609.8	1609.4	1627.8
Active population (labour force), total	939.4	913.3	936.7	904.6
Employed	823.0	814.1	817.4	803.1
Hired	379.3	395.2	398.2	423.5
Self-employed	439.2	414.9	419.2	379.6
Not-identified worker	4.5	4.0	0.0	0.0
Unemployed	116.3	99.1	119.3	101.6
Population outside labour force	682.4	696.5	672.7	723.1
<b>Unemployment rate (percentage)</b>	<b>12.4</b>	<b>10.9</b>	<b>12.7</b>	<b>11.2</b>

<b>Economic activity rate (percentage)</b>	<b>57.9</b>	<b>56.7</b>	<b>58.2</b>	<b>55.6</b>
<b>Employment rate (percentage)</b>	<b>50.7</b>	<b>50.6</b>	<b>50.8</b>	<b>49.3</b>

**Distribution by economic status of the male population aged 15 and older, 2015-2018\***

	Thousand persons			
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Total 15 + population	1397.3	1399.6	1402.9	1406.5
Active population (labour force), total	1078.6	1083.0	1046.3	1035.3
Employed	910.8	903.1	889.3	891.1
Hired	419.0	406.3	426.0	436.7
Self-employed	488.8	494.6	462.4	453.9
Not-identified worker	3.0	2.3	0.8	0.6
Unemployed	167.8	179.8	157.1	144.1
Population outside labour force	318.7	316.7	356.5	371.2
<b>Unemployment rate (percentage)</b>	<b>15.6</b>	<b>16.6</b>	<b>15.0</b>	<b>13.9</b>
<b>Economic activity rate (percentage)</b>	<b>77.2</b>	<b>77.4</b>	<b>74.6</b>	<b>73.6</b>
<b>Employment rate (percentage)</b>	<b>65.2</b>	<b>64.5</b>	<b>63.4</b>	<b>63.4</b>

\*Time period 2002-2016 is recalculated according to 2014 general population census; The Sampling Frame from 2017 is the 2014 Population Census Database.

Source: Including 2016 Integrated Household Survey, from 2017 - Labour Force Survey.

**Share of long-term unemployment in total unemployed, 2015-2018 \***

(%)

	2015	2016	2017	2018
<b>Total</b>	<b>44.1</b>	<b>44.5</b>	<b>41.4</b>	<b>40.2</b>
Female	50.4	52.6	43.3	42.3
Male	39.7	40.0	39.9	38.8
Town	47.9	47.6	41.6	40.4
Village	25.4	30.3	40.4	39.6

**Long-term Unemployment Rate \*\*, 2015-2018**

(%)

	2015	2016	2017	2018
<b>Total</b>	<b>6.2</b>	<b>6.2</b>	<b>5.8</b>	<b>5.1</b>
Female	6.2	5.7	5.5	4.7
Male	6.2	6.6	6.0	5.4
Town	10.9	10.6	9.5	7.8
Village	1.3	1.6	2.0	2.3

\*The years 2015-2016 are recalculated according to the 2014 Census; From 2017 the 2014 Census Database is served as a sampling frame.

\*\*Share of long-term unemployment in total of active population.

**Source:** Integrated Household Survey including 2016, from 2017 - Workforce Survey.



Distribution of population aged 15 and older by economic status and age groups, 2015-2018\*

												Thousand persons
2015	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Total
Total population	209.4	233.7	255.7	242.2	221.1	244.3	249.6	273.0	250.7	234.5	604.7	3019.1
Active population (labour force), total	35.5	143.5	193.2	191.0	180.4	210.1	211.0	231.7	205.4	170.6	245.5	2018.0
Employed	25.6	92.9	148.8	157.4	148.8	182.6	186.5	203.3	186.0	159.1	242.8	1733.8
Hired	7.9	58.8	94.8	96.3	80.9	101.1	86.6	88.2	75.2	57.3	51.2	798.3
Self-employed	17.3	32.9	52.5	60.4	67.1	81.3	98.8	114.4	110.5	101.2	191.6	928.0
Not-identified worker	0.4	1.2	1.5	0.7	0.8	0.2	1.1	0.7	0.3	0.6	0.0	7.5
Unemployed	9.9	50.6	44.4	33.6	31.7	27.6	24.5	28.5	19.4	11.5	2.6	284.2
Population outside labour force	173.8	90.2	62.6	51.3	40.7	34.2	38.6	41.3	45.3	64.0	359.2	1001.1
Unemployment rate (percentage)	27.9	35.3	23.0	17.6	17.5	13.1	11.6	12.3	9.5	6.7	1.1	14.1
Economic activity rate (percentage)	17.0	61.4	75.5	78.8	81.6	86.0	84.5	84.9	81.9	72.7	40.6	66.8
Employment rate (percentage)	12.2	39.7	58.2	65.0	67.3	74.7	74.7	74.5	74.2	67.8	40.2	57.4
												Thousand persons
2016	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Total
Total population	203.0	223.6	249.4	251.6	225.6	247.6	252.2	264.5	254.3	247.7	590.0	3009.4
Active population (labour force), total	35.1	127.9	181.9	195.2	180.8	212.6	213.7	217.6	204.4	179.4	247.7	1996.2
Employed	22.9	85.9	137.9	159.6	154.5	183.6	188.4	185.0	189.2	167.4	242.7	1717.3
Hired	6.7	50.7	94.4	93.0	91.2	102.1	93.8	82.2	78.9	62.5	46.0	801.5
Self-employed	16.3	35.1	43.1	65.7	62.9	81.1	93.7	100.8	109.5	104.9	196.5	909.5
Not-identified worker	0.0	0.1	0.4	1.0	0.5	0.4	1.0	1.9	0.8	0.0	0.2	6.3
Unemployed	12.2	42.0	44.0	35.5	26.2	28.9	25.3	32.6	15.2	12.0	4.9	278.9

Population outside labour force	167.8	95.7	67.5	56.4	44.8	35.1	38.5	46.9	49.9	68.3	342.4	1013.2
Unemployment rate (percentage)	34.7	32.8	24.2	18.2	14.5	13.6	11.8	15.0	7.4	6.7	2.0	14.0
Economic activity rate (percentage)	17.3	57.2	73.0	77.6	80.1	85.8	84.7	82.3	80.4	72.4	42.0	66.3
Employment rate (percentage)	11.3	38.4	55.3	63.4	68.5	74.2	74.7	69.9	74.4	67.6	41.1	57.1

2017												Thousand persons
	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Total
Total population	211.0	211.0	278.5	252.5	240.8	239.5	230.0	262.6	274.6	226.4	585.4	3012.3
Active population (labour force), total	51.8	135.7	211.2	192.8	192.7	198.8	188.2	214.7	210.9	155.3	230.9	1983.1
Employed	37.8	95.6	167.3	161.2	160.7	172.0	165.7	189.2	190.9	143.8	222.5	1706.6
Hired	9.7	59.0	113.2	96.7	94.0	91.0	84.3	92.4	81.9	55.5	46.5	824.2
Self-employed	27.8	36.5	54.0	64.4	66.7	80.9	81.2	96.9	109.0	88.2	176.0	881.6
Not-identified worker	0.2	0.0	0.1	0.1	0.0	0.0	0.3	0.0	0.0	0.1	0.0	0.8
Unemployed	14.0	40.1	43.9	31.6	32.0	26.9	22.4	25.5	20.0	11.5	8.4	276.4
Population outside labour force	159.2	75.3	67.3	59.7	48.1	40.7	41.9	47.8	63.8	71.1	354.5	1029.2
Unemployment rate (percentage)	27.1	29.6	20.8	16.4	16.6	13.5	11.9	11.9	9.5	7.4	3.6	13.9
Economic activity rate (percentage)	24.6	64.3	75.8	76.3	80.0	83.0	81.8	81.8	76.8	68.6	39.4	65.8
Employment rate (percentage)	17.9	45.3	60.1	63.8	66.7	71.8	72.0	72.1	69.5	63.5	38.0	56.7

2018												Thousand persons
	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Total
Total population	202.5	215.8	269.2	262.5	250.3	230.1	232.1	247.4	278.5	238.5	607.4	3034.3
Active population (labour force), total	37.2	132.0	199.7	196.4	194.4	189.3	185.8	198.6	213.0	163.8	229.9	1939.9
Employed	27.3	91.3	159.7	164.6	169.2	165.4	164.7	182.5	194.9	152.3	222.3	1694.2
Hired	10.2	59.2	111.1	105.6	101.5	94.4	85.7	89.9	88.1	61.1	53.4	860.2

Self-employed	17.0	32.1	48.6	58.9	67.7	70.8	78.9	92.6	106.8	91.2	168.8	833.4
Not-identified worker	0.0	0.0	0.0	0.1	0.0	0.2	0.1	0.0	0.1	0.0	0.1	0.6
Unemployed	9.9	40.7	40.0	31.7	25.3	23.9	21.1	16.1	18.1	11.4	7.5	245.7
Population outside labour force	165.3	83.8	69.5	66.1	55.8	40.9	46.3	48.8	65.5	74.7	377.5	1094.3
Unemployment rate (percentage)	26.6	30.8	20.0	16.2	13.0	12.6	11.4	8.1	8.5	7.0	3.3	12.7
Economic activity rate (percentage)	18.4	61.2	74.2	74.8	77.7	82.2	80.0	80.3	76.5	68.7	37.8	63.9
Employment rate (percentage)	13.5	42.3	59.3	62.7	67.6	71.9	70.9	73.8	70.0	63.9	36.6	55.8

\*Time period 2002-2016 is recalculated according to 2014 general population census; The Sampling Frame from 2017 is the 2014 Population Census Database.

Source: Including 2016 Integrated Household Survey, from 2017 - Labour Force Survey.

Source: Geostat

## Article 1§2

### GoG response:

#### Legal Basis

The following legislative acts regulate the prohibition of discrimination in the field of employment:

1. Law of Georgia on the Elimination of All Forms of Discrimination (2.05.2014)
2. Law of Georgia on Gender Equality (26.03.2010)
3. Organic Law of Georgia - Labour Code of Georgia (17.12.2010)
4. Law of Georgia on Public Service (27.10.2015)
5. Organic Law of Georgia on the Public Defender (16 May 1996)
6. Criminal Code of Georgia
7. Law of Georgia - Civil Procedure Code of Georgia

The above-mentioned laws were amended in 2019 within the obligations defined under the Annex XXX to the Association Agreement „Employment, Social Policy and Equal Opportunities”, in particular based on the provisions of the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

The Law of Georgia on the Elimination of All Forms of Discrimination prohibits any form of discrimination in Georgia.

The purpose of this law is to eliminate any form of discrimination and to ensure equal enjoyment of the rights set forth by the legislation of Georgia for all natural and legal persons regardless of race, color, language, sex, age, nationality, origin, place of birth, residence, property or title, religion or faith, national, ethnic or social belonging, profession, marital status, health condition, disability, sexual orientation, gender identity and expression, political or other beliefs or other basis.

The law prohibits direct and indirect discrimination.

Any difference, inadmissibility, and preference of specific work, activity or domain, based on specific requirements, shall not be considered as discrimination.

Oversight on the issues of elimination of discrimination and ensuring equality, including in the field of labour and employment shall be carried out by the Public Defender of Georgia.

In accordance with the amendments of 2019 to the Law on Elimination of All Forms of Discrimination, provisions were added to the Law of Georgia and it was determined that the principle of equal treatment applies:

a) labour and pre-contractual relations, including:

a.a) the pre-contractual relationship with the selection criteria and the conditions of recruitment, as well as the availability of career advancement at all levels of the professional hierarchy, regardless of the field of activity;

a.b) the access to all forms of vocational guidance, qualification, vocational training and retraining (including practical professional experience) at all levels of the professional hierarchy;

a.c) the conditions of employment, labour, remuneration and termination of employment;

b) the membership and activities of the organization of employees and organization of employers or an organization whose members belong to a specified professional group, including benefits derived from such organizations, and so forth.

The law also defines the terms **harassment** and **sexual harassment** in accordance with the above-mentioned directives.

The Law of Georgia **on Gender Equality** establishes the basic guarantees of equal rights, freedoms and opportunities provided by the Constitution of Georgia for men and women, defines the legal mechanisms and conditions for their implementation in the relevant areas of public life.

The purpose of this law is to ensure the non-discrimination in all areas of public life, to create the proper conditions for the exercise of equal rights, freedoms and opportunities for men and women, as well as to promote the prevention and elimination of discrimination.

In accordance with this law, in order to protect gender equality the gender equality is guaranteed without discrimination in the evaluation of the quality of work for men and women; Gender equality is strengthened in labour relations and it is determined that harassment and sexual harassment are not allowed in labour relations. The law states that the state promotes equal access to employment for both sexes.

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.

In order to ensure systematic and coordinated work on gender issues by law, the Council of Gender Equality has been established in the Parliament of Georgia.

The Public Defender of Georgia within his / her competence ensures the monitoring of gender equality protection and responds to the violation of gender equality and exercises his / her powers under the Organic Law of Georgia on Public Defender.

In accordance with the **Organic Law of Georgia on the Public Defender**, the Public Defender of Georgia shall monitor the protection of human rights within the territory of Georgia and its jurisdiction, detect violations of human rights and freedoms and promote restoration of violated human rights and freedoms. He/she is also involved in educational activities in the field of human rights and freedoms.

The amendments made in 2019 had increased the Ombudsman's mandate for discrimination-related cases. In relation to the fact of discrimination, the Public Defender shall be empowered to request any official as well as a public officer, a person holding the equivalent position, and, in the case of discrimination, also a natural person, a legal person and / or other entities of private law and receive written explanations on the issues to be investigated. The Public Defender shall be empowered as a plaintiff to file a lawsuit under the Civil Procedure Code of Georgia if a legal entity or other entity of private law did not respond to his/her recommendation or did not accept the recommendation and there is sufficient evidence to confirm discrimination and so forth.

Public Defender shall be authorised to apply to the court as an plaintiff, according to the Administrative Procedure Code of Georgia and request issuance of an administrative legal act or taking measures if the administrative body does not respond to or adopt his/her recommendation and there is sufficient evidence of discrimination (Article 14<sup>1</sup>(h)).

When conducting an inspection, the Public Defender of Georgia may request and receive, immediately or not later than 10 days, from state and local self-government authorities, public authorities or officials and in the case of discrimination, also from natural persons, legal entities, other organizational forms, association of persons, without creating a legal entity or an entrepreneurial entity, all certificates, documents and materials necessary for conducting an inspection; also request and receive written explanations from any official, public officer, equivalent person, and in the case of discrimination, also from natural persons, legal entities, other organizational forms, association of persons, without creating a legal entity or an entrepreneurial entity on the matters to be examined by the Public Defender (Article 18(b, c));

If the examination of a statement/appeal confirms the fact of discrimination, the Public Defender of Georgia shall issue a recommendation based on the circumstances of the case, by which he/she offers a discriminating state authority, local self-government body, official, natural person, legal person, other organization, association of persons, without creating a legal entity or an entrepreneurial entity to take measures to eliminate discrimination and restore the equality violated by the discrimination without impairing legitimate interests of third parties (Article 20<sup>1</sup>).

Based on the results of an inspection, the Public Defender of Georgia may, in order to restore violated human rights and freedoms, send proposals and recommendations to state and local self-government authorities, public institutions or officials, and in the case of discrimination, also to a natural person, legal person, other organization, association of persons, without creating a legal entity or an entrepreneurial entity whose actions caused a violation of rights and freedoms guaranteed by the State (Article 21(b)).

The amendments also affected Article 23, which obligata all state and local self-government authorities, officials or legal persons to assist the Public Defender of Georgia in every way, immediately submit materials, documents and other information necessary for the Public Defender of Georgia to exercise his/her powers (Article 23(1)). The same article also indicates that during inspection, or if requested by the Public Defender of Georgia, a state body, an official or a legal person whose action or decision is under examination or is appealed shall be obligated to submit an explanation on the issue in question to the Public Defender of Georgia (Article 23(2)). According to the new edition, the requirements set forth in the first and second paragraphs also apply to a natural person, legal person, other organization, association of persons, without creating a legal entity or an entrepreneurial entity only if the Public Defender of Georgia exercises his/her powers regarding discrimination.

In accordance with Article 24, state and local self-government authorities, public institutions and officials as well as a natural person, legal person, other organization, association of persons, without creating a legal entity or an entrepreneurial entity that receive recommendations or proposals of the Public Defender of Georgia shall be obligated to examine them and report in writing on the results of the examination to the Public Defender of Georgia within 20 days.

The Organic Law of Georgia – **the Labour Code of Georgia** also prohibits any form of discrimination, establishing that labour and pre-contractual relations shall, including the time of vacancy announcement and selection stage, prohibit any type of discrimination 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, marital status, political or other opinions (Article 2(3)).

The necessity for differentiating between persons, that arises from the essence or specificities of the work or the conditions of its performance, serves to achieve a legitimate objective and is a proportionate and necessary means of achieving that objective, shall not be deemed discrimination (Article 2(5)).

This law shall not contain any reservations on the participation of only Georgian citizens in labour relations.

In 2019, amendments were made to the Organic Law of Georgia - **the Labour Code of Georgia**.

In accordance with the amendments:

- It is forbidden to instruct a person to discriminate against a third party.
- It is defined an employer's obligation to adhere to the principle of equality of persons not only in contractual labour relations, but also in pre-contractual relations, which implies the inadmissibility of discrimination on any grounds at the stages of publication of vacancies and interview.
- The obligation of an employer to provide an applicant with the provisions of the legislation of Georgia on the principle of equal treatment of persons and its protection before concluding an employment contract during pre-contractual relations shall be determined.
- The obligation of an employer to take measures to ensure the principle of equal treatment of people in the workplace, including reflection of provisions on non-discrimination in labour bylaws, collective agreements and other documents and to ensure their implementation.
- It is forbidden to terminate an employee's employment contract and / or treat him/her negatively and / or affected him/her because he / she has filed a complaint with or has cooperated with the relevant authority to protect against discrimination.
- An employer has the right to obtain information about an applicant, with the exception of information that is not related to the performance of work and is not required to assess the ability of the candidate to perform a specific job and to make an appropriate decision. In addition, the employer does not have the right to request information from the candidate about his / her religion, beliefs, disability, sexual orientation, ethnicity or pregnancy, unless there is need to make distinctions in accordance with Section 2(5) of this Law.

In addition, as a result of the amendment of 2019 to the Organic Law of Georgia – The Labour Code of Georgia, the fourth paragraph of Article 2 is worded as follows: “Discrimination (including sexual harassment) 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 his/her condition to deteriorate as compared to other persons in similar circumstances”. The following paragraph 4<sup>1</sup> is also added to Article 2: “Sexual harassment is considered to be an undesirable sexual behaviour aimed at and / or causing harm to one's dignity and creating an intimidating, hostile, humiliating, degrading or abusive environment for that person”.

In accordance with the **Law of Georgia on Public Service**, a public agency is obliged to ensure equal and fair treatment to officials in matters of human resources management, career advancement, remuneration and legal protection.

Based on the changes made in 2019, the obligation of a public institution to ensure the principle of equal treatment of people at the workplace was determined with the aim of ensuring equal treatment of people at the workplace, including reflection of provisions on non-discrimination in internal regulatory acts and other documents of the public institution and ensuring their implementation.

The Ordinance of the Government of Georgia No 200 of 20 April 2017 on the **Determination of General Rules of Ethics and Conduct in Public Institutions** shall protect the principle of equality of persons in the public service. In accordance with this ordinance, there was established the obligation of a public official to respect the dignity of all persons and the diverse environment in public service was established; to provide an equitable environment in the public service by prohibiting any undesirable advantage or

prohibiting one from being superior; to strive to avoid discrimination of any kind, especially against vulnerable groups such as persons with disabilities and minorities, and to avoid the influence of stereotypes established in society in decision-making.

The commitment of a public institution to promote gender balance in the public service and to create a work environment that is equal for different sexes and opportunities is also defined.

The same ordinance shall prohibit sexual harassment and establish the obligation of a public official to treat employees irrespective of their gender identity or sexual orientation; to be well aware of the phenomenon of sexual harassment and the inadmissibility of such practices, both in the workplace and in the public sphere; not to commit sexual harassment, be informed of the internal and general procedures for reporting such facts.

The obligation of a civil servant, in particular a senior civil servant was also determined which means to respond within his / her competence and deal with any discussion, communication or action to eliminate any fact of sexual harassment with a high sensitivity and full respect for confidentiality.

The Law of Georgia on Public Service sets out the basic requirements for an official which legally competent citizen of Georgia may become an official.

Any legally competent person having the status of a compatriot residing abroad, who has appropriate knowledge and experience, knows the official language of Georgia and has attained the age of 18, may be recruited for public service only on the basis of an employment agreement.

Discrimination under the Criminal Code of Georgia is punishable. In accordance with Article 142, violation of human equality on the grounds of language, sex, age, nationality, origin, birthplace, place of residence, material or rank status, religion or belief, social belonging, profession, marital status, health status, sexual orientation, gender identity and expression, political or other views or of any other signs that have substantially breached human rights shall be punished by a fine or corrective labour for up to a year and/or with imprisonment for up to two years. A legal person shall be punished by a liquidation or by the deprivation of the right to operate and / or a fine for the action provided for in this article.

Articles 363<sup>1</sup>-363<sup>6</sup> of the **Law of Georgia - Civil Procedure Code of Georgia** regulate legal proceedings in relation to discrimination.

According to this law, any person who considers himself/herself a victim of discrimination, may file a claim with a court against the person/institution that, in his/her opinion, has discriminated against him/her. A case review by the Public Defender of Georgia, or by another person or agency shall not be a mandatory precondition for filing a claim with the court.

The Public Defender is authorized when performing the function of monitoring the issues on the elimination of all forms of discrimination and ensuring the equality imposed by the legislation, to appeal a court as a plaintiff, in accordance with this Code, if a legal person, other organizational entity, association of persons, without creating a legal entity or an entrepreneurial entity does not respond to or share this recommendation, and there is enough evidence of discrimination.

A lawsuit can be filed with a court within one year after a person becomes aware or ought to have become aware of the circumstance that he/she assumes to be discriminating. A person who considers himself / herself a victim of discrimination has the right to file a lawsuit even if the employment relationship when he / she was discriminated is terminated.

A person is entitled to claim in the suit under this article:

- a) termination of the discriminating action and/or elimination of the results of such action;
- b) compensation for moral and/or material damage.

When filing a claim, a person shall present to the court those facts and evidence that provide grounds to assume that a discriminating action has been committed. After this, the burden of proof that he/she has not committed the discriminative action shall be imposed on the defendant.

A court issues a decision confirming the fact of discrimination and satisfying the claim of the victim of discrimination in whole or in part or deciding to dismiss the claim of the victim of discrimination.

On the basis of a complaint filed by the Public Defender of Georgia on a case of discrimination, the court shall render a decision confirming the fact of discrimination and enforcing a recommendation issued by the Public Defender of Georgia to a legal person, other organizational entity, association of persons, without creating a legal entity or an entrepreneurial entity or a decision to reject the Public Defender's lawsuit.

## **Measures taken**

### **Ethnic minorities**

The Education Program in Georgian Language operates since 2010 in order to promote access to higher education for ethnic minorities, enrolled based on the results of Abkhaz, Ossetian, Azeri or Armenian language proficiency tests. The number of students representing ethnic minorities in Georgian higher education institutions has increased 6 times compared to the last years. In 2017, the Government of Georgia amended the Ordinance on Approval of the State Program on the Rules and Conditions of Internships in Public Institutions in order to improve the employment prospects of young representatives of ethnic minorities living in Georgia. In particular, the procedures for internships in public agencies for ethnic minorities were defined. According to the implemented changes, students from ethnic minorities, so-called beneficiaries of the „1 + 4“ program, are able to undergo internships twice a year, gain relevant experience and develop professional skills in public bodies, including local self-government bodies and legal entities of public law, which will promote youth engagement and civic integration. As of today, in total 269 young people are interning at various agencies (Annex No 11).

Since spring 2016, professional tests in Russian, Azerbaijani and Armenian languages and an integrated Georgian language module have been launched. Accordingly, ethnic minorities residing in Georgia were given the opportunity to undergo vocational testing in their native language and to be enrolled in a vocational education program with full state funding, within the first phase of which they will be taught the Georgian language module. On the basis of non-Georgian language testing, 15 persons were enrolled in state vocational education institutions in 2016, 37 persons - in 2017 and 59 persons - in 2018.

### **Raising Awareness and Training**

In 2018, in order to raise the awareness of ethnic minorities in labour and employment issues, information leaflets (in Armenian and Azeri) on active labour market policies and government programs were developed to raise awareness of ethnic minorities for promoting their employment, as well as their labour rights and the benefits of labour mediation.

In order to raise awareness on discrimination issues, in 2018 labour inspectors were trained by the Public Defender of Georgia and UN Women Organisation - “Gender Discrimination in the Workplace”.

In 2016, the High School of Justice, in collaboration with the International Labour Organization, developed a curriculum on “International Labour Standards and the Labour Code of Georgia”, which also covers the issues on labour discrimination. After the development of the training module, the Georgian Judge-Experts

involved in the process, who were considered to be trainers in the High School of Justice, were trained by a foreign expert on ToT. In 2016-2018, the High School of Justice, in collaboration with the International Labour Organization, through this training module carried out three trainings for judges on „International Labour Standards and the Labour Code of Georgia“, which in total were attended by 47 participants and 1 training was conducted for court officials, which was attended by 15 assistants to the judge.

#### Training „International Labour Standards and Labour Code of Georgia” 2016-2018 Statistics

Year	Target Group	Number of Participants
2016	Judges	15
2017	Judges	16
2018	Judges	16
2018	Other Court Clerks (Assistants to the Judge)	15

The training was also held in 2019 and was attended by 17 participants.

In addition, since 2017, workshops with the participation of current judges and lawyers were held in collaboration with the High School of Justice, the International Labour Organization and the Bar Association. There were two such meetings in total (East Georgia -1, West Georgia -1).

On 7 May 2019, a conference was held on labour law on the topic of termination of employment contracts and discrimination at workplace (information is provided as of 13 May 2019).

#### **Cases reviewed by the Public Defender and court practice**

In 2014-2018, the Ombudsman reviewed 32 cases of discrimination in the field of labour and employment, out of which in three cases amicus curiae opinions were submitted, in three cases recommendations were issued, 13 cases were terminated, 3 cases were suspended, and 8 cases are not yet completed (As of 20 May 2019).

While considering judicial discrimination cases, on each particular case, when determining the fact of discrimination, an appropriate amount of compensation is discussed.

For example, the Chamber of Civil Cases of the Supreme Court of Georgia reviewed the decision of the Chamber of Civil Affairs of the Kutaisi Court of Appeals of 3 July 2018 (Case No AR 1263-2018, 14.12.2018). The subject of the dispute was the annulment of the dismissal order, reinstatement, reimbursement, payment of unpaid leave not enjoyed.

The plaintiff alleged that active trade union activity led to his dismissal. The Court of Appeal, jointly assessing the evidence presented in the case, concluded that the plaintiff had been treated differently, namely, discrimination on the grounds of trade union activity.

As explained the Court of Appeal, according to the Committee of Experts, when the country chooses a system of compensation and fines (which must be shared in the case of Georgia when awarding compensation, based on the opinion of the Court of Appeal), compensation for discrimination against a person because of his/her membership of trade union shall be greater than that provided for dismissal from work of other categories in order to effectively eliminate dismissal from work on such grounds.

According to the Court of Appeal, an employee must be compensated with the pay of 11 months.

The Supreme Court upheld the decision of the Court of Appeal on discrimination against the plaintiff because of the trade union movement and explained that the Labour Code of Georgia did not define the

rules and criteria for calculating compensation. The determination of compensation as an employee's right to restitution and its amount is at the discretion of the court, taking into account that the labour compensation simultaneously covers material damage suffered by the party as a result of illegal dismissal and before finding an average suitable job, as well as moral damage caused to him/her by illegal dismissal. At the same time, the age, competence, prospect of employment, marital status, social status of a person who has been illegally dismissed, as well as an employer's financial situation and so forth must be taken into consideration.

The Supreme Court explains that in the case of a court decision recognizing the dismissal of an employee as unlawful, if this person cannot be reinstated in his/her initial job or equal position, compensation shall be paid for the impossibility to reemployment, which may be much more than the lost earnings to be paid by an employer. Under such circumstances, partial compensation of a former employee shall be restored. However, in the labour market imposition of compensation not only on a specific employer, but in general, on employers should be introduced as a kind of "sanction" in the context of avoiding unlawful termination of labour relations with an employee in the future.

The Supreme Court shared the consideration of the Court of Appeals on the amount of compensation and ruled that the compensation calculated by the Court of Appeals on the basis of its average monthly salary was fair and adequate (source: <http://prg.supremecourt.ge>).

### **Labour of Accused/Convicted Persons**

The labor rights of accused / convicted persons are governed by the Law of Georgia on Imprisonment (9.03.2010).

This law defines the obligations of the accused / convicted persons and the general principles of their labour activities. The law protects basic labour rights such as: remuneration, safe working environment, the right to choose a job. Specifically, it is clarified that an accused / convicted person so desires, he/she is obliged to work only at the workplace allocated by an administration of the penitentiary institution, in accordance with the rules and conditions established by the legislation of Georgia.

It also defines the rules for carrying out labour activities of accused / convicted persons, as determined by this Code and the labour legislation of Georgia. An accused/convicted person may not be forced to perform work that degrades human honour and dignity.

Accused/convicted persons shall be employed on the territory of the prison facility if the facility is able to employ them. Accused/convicted persons shall work only on the territory of the prison facility. An accused/convicted person may also be employed by a governmental or non-governmental institution operating in the territory of a prison facility.

An accused/convicted person shall, according to the labour legislation of Georgia, receive a salary for the work performed. The procedure and conditions for the remuneration of an accused/convicted person are defined by the legislation of Georgia.

An accused/convicted person's salary shall be transferred to his/her personal bank account. An accused/convicted person shall be granted the right to fully dispose of his/her salary only upon his/her release. He/she may transfer this amount to his/her close relatives or other persons.

An accused/convicted person may be employed according to the Law of Georgia on Entrepreneurs at enterprises set up on the territory of a prison facility.

An accused/convicted person shall be employed at an enterprise as established by the legislation of Georgia, with organisational participation of the administration of the prison facility. An accused/convicted person may choose the one appropriate for him/her from the types of jobs proposed by the administration. A contract shall be concluded between an enterprise and the Department, under which the enterprise undertakes to adhere, in its activity, to the requirements established by the internal regulations of the prison facility on the territory of which it operates. The same obligation shall be imposed on an accused/convicted person, which shall be specified in a labour contract concluded with an enterprise.

The same law guarantees working conditions and working hours of an accused / convicted person: the administration of a prison facility and an employer shall create safe working conditions for accused/convicted persons. The working hours, labour protection, safety and sanitary rules of an enterprise shall be established according to the labour legislation of Georgia.

Overtime work and work on public holidays shall be allowed only with the consent of an accused/convicted person. Working hours shall not exceed eight hours a day.

An accused/convicted person may work outside the facility. The Minister determines the procedure for the employment of an accused/convicted person outside the facility.

### **The Armed Forces**

In accordance with Article 2(1<sup>4</sup>) of the Law of Georgia on Military Duty and Military Service, the Minister of Defence of Georgia shall, by an individual legal act, define the form of contract for doing contracted (professional) military service, and in accordance with Article 2(1<sup>5</sup>) of the same law, where a contract concluded for contracted (professional) military service is terminated prematurely, the grounds and procedure for the imposition of financial liability under the contract, or release from, postponement or reduction of financial liability shall be defined by the Regulation on Doing Military Service, which is approved by the Government of Georgia.

At the moment, the following contracts and penalties are in force within the Ministry of Defence of Georgia:

- For contractual (professional) military service, the term of a primary contract for servicemen of Corporal-Sergeant Category is 4 years. During the first two years of service, in case of breach of contract by a military serviceman, he/she shall be obliged to pay a fine of 3,000 GEL to the Ministry. In case of complete termination of this contract, a new contract may be signed (extended) at the option of the parties, in case of breach of which no financial liability arises.
- The term of an initial contract for military officers shall be 5 years. In the event of a breach of contract by a military servant during the first two years of service, he / she shall be liable to pay a fine of 5,000 (five thousand) GEL to the Ministry. In case of full expiry of the mentioned contract, a new contract may be signed, at the will of the parties, with a term of 5 years. No financial liability arises in the event of a breach of the deadline.
- The term of the contract for military service of privates, corporals, sergeants in the Military Police Department shall be 4 years. In the event of a breach of contract by an employee during the first two years of service, he / she shall be liable to pay the Ministry a fine of GEL 3,000 (three thousand). In case of complete termination of this contract, a new contract may be signed (extended) at the option of the parties, in case of breach of which no financial liability arises.
- The term of a contract for officers to perform military service in the Military Police Department shall be 5 years. In case of breach of contract by an employee during the first two years of service, he / she shall be liable to pay a fine of 5,000 (five thousand) GEL to the Ministry. In case of complete termination of this contract, a new contract may be signed (extended) at the option of the parties, in case of breach of which no financial liability arises.

- The term of service for military personnel admitted/to be admitted to the United States Military Academy shall 10 years after graduation. In the event of a breach of contract by a military officer upon completion of the United States Military Academy, he/she shall be liable to compensate the Ministry a fine of 28,000 (twenty eight thousand) GEL and travel expenses.
- Military servicemen are obliged to continue contract or regular military service of the defence forces of Georgia for eight years during a duty travel for more than six months for the purpose of upgrading, training or retraining. If a military serviceman leaves the Defence Force at his/her own discretion during or after the expiry of the mission or within the period specified in the contract or creates conditions for the Ministry to terminate this contract, the military serviceman shall be liable to pay a fine of 28,000 (twenty eight thousand) GEL.
- The term of military service for persons enrolled in the undergraduate degree program of a military higher education institution shall be six years for the period of staying in the academy as junkers and officers. If a military servant is dismissed prematurely on his/her own initiative, he/she shall bear financial responsibility for the following:

In case of breach of contract at the first grade -1500 GEL  
 In case of breach of contract at the second grade -2500 GEL  
 In case of breach of contract at the third grade -4000 GEL  
 In case of breach of contract at the fourth grade and after -5000 GEL.

- In accordance with a contract with the persons enrolled in the Junior Officers Course, av military service man shall be obliged to serve for the duration of this contract. The term of the Contract shall be 6 (six) calendar years of the total military service as a student and as an officer after completing the course. If a serviceman shall be dismissed prematurely on the grounds provided for by the legislation envisaging the imposition of financial responsibility, he/she shall be liable to pay the following fines to the Ministry:
  - GEL 18,000 (eighteen thousand) during the period of four years' service;
  - GEL 10,000 (ten thousand) GEL after four years of service.

The term of the contract with a person enrolled in the active reserve of the Military Reserve Service is 5 years and its violation entails financial liability in the amount of 2000 (two thousand) GEL.

### **The inviolability of privacy**

Georgia ratified the 108th Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data, dated 1981 by the Resolution N2010 –II s of the Parliament of Georgia of 28 October 2005. Consequently, in line with international commitments on the implementation of the Convention, the Law on Personal Data Protection was adopted in 2011, establishing a regulatory framework for data protection.

The purpose of the Law of Georgia on Personal Data Protection is to ensure the protection of human rights and freedoms, including the protection of privacy, in the course of processing of personal data. The law is valid throughout Georgia and establishes rules for the processing of personal data, including for employers who process the personal data of employees or candidates for employment. However, the law also specifies specific rules for the protection of data directly related to labour relations, in particular Article 6 (2) (a) (which deals with the exceptions to the processing of particular categories of data where this is necessary in view of the nature of the employment obligations and relationships, including decision-making on employment), and Article 12 (3) and (5) (which deals with the exceptions and procedure for the installation of a video surveillance system in the workplace).

In addition, an independent supervisory body for the legality of personal data processing – Office of the Personal Data Protection Inspector - was established under the Law of Georgia on Personal Data Protection in 2013, which currently operates on behalf of its successor State Inspector Service.

In accordance with the legislation of Georgia, the State Inspector Service is responsible for enforcement of personal data protection legislation. The main areas of activity of the Service are:

- a) consultation on issues related to the protection of personal data;
- b) reviewing applications related to personal data protection;
- c) inspection (examination) of lawfulness of personal data processing;
- d) providing the public with information on the state of personal data protection in Georgia and related events and raising awareness thereof.

In accordance with the above, the State Inspector Service constantly monitors and studies the lawfulness of data processing in the country, including the issues related to the protection of the privacy of employees as well as job seekers, the lawful processing, storage and transfer of data to third parties by employers under labour relations within the scope of various cases. In case of violations, the State Inspector shall be entitled to impose administrative responsibility (fine or warning) on an offender.

For example, in one of the cases, also cited in the Inspector's 2015 report, the Inspector held that control over the services provided by the Company's employees, timely arrival at the work and compliance with applicable rules should not be monitored by video surveillance, since the Law of Georgia on Personal Data Protection directly establishes that the purpose of installing a surveillance system in the workplace may only be to protect the safety and propriety of a person, as well as confidential information that may otherwise be unavailable. This company was fined and ordered to stop using video recordings to control its employees.

It is also interesting the case reviewed by the Inspector (from the 2018 report) concerning the fact of systematical publicizing, without any specific need, of issues related to disciplinary liability, incentives (including award of bonuses), assignment / dismissal decisions of employees of one of the companies. In the course of the case study, the Inspector found that when processing the data of employees within the labour relationships, the employer is obliged to: take into account and respect an employee's personal life when there is a legitimate interest in monitoring the employee's behavior and provide advance information on the form and extent of the monitoring; do not allow any interested person to have access to information about the employee's work activities, including career advancement or misconduct, without specific need. In the present case, the employer was found guilty of an administrative offense and in order to correct wrongful practices, it was ordered to comply with the requirements of the law.

As mentioned above, the direction of the activities of the State Inspector Service is also to provide the public with information on the state of personal data protection and raise awareness thereof. This is done by publishing annual reports as well as developing recommendations for different target groups and conducting work / information meetings, trainings or seminars with data processing organisations.

The Inspector Service considered the issue of data protection in the labour relations as a priority issue at the beginning of its activity and for this purpose developed a guideline / recommendations on the protection of personal data in the labour relations. These recommendations are available on the Service's website (<https://personaldata.ge/cdn/2018/12/Labour-Rec.pdf>) and are available to any stakeholder.

In addition, the Inspector Service provides basic trainings on a monthly basis, which can be attended by anyone, including representatives of employer organisations and employees. The Inspector Service has held

a workshop for employers on data protection issues directly in labour relations, as well as has provided numerous consultations based on various applications.

It should also be noted that for the violation of the rights under the Law of Personal Data Protection, a data subject is entitled to apply to both the Inspector and the court, and if the data processor is a public institution, a complaint may also be filed with the same or a higher administrative body.

### **Refugees and Migrants**

The Law of Georgia on International Protection, dated 1 December 2016, defines:

- a) the entry into and the stay in Georgia of aliens and stateless persons who are not stateless persons with a status in Georgia (a stateless person), and who have requested international protection in accordance with this Law, as well as the the standards for the treatment of aliens and stateless persons;
- b) the legal status, rights and obligations and social and economic guarantees of asylum seekers, refugee and humanitarian status holders, and persons under temporary protection;
- c) the grounds and procedures for granting, terminating, revoking and withdrawing refugee and humanitarian status or the status of a person under temporary protection, and for their exclusion from the relevant status;
- d) the authorities of state agencies in the field of ensuring asylum procedures.

This law defines the rights of asylum seekers and refugee or humanitarian status holders , which, among other rights, establishes the right of an asylum seeker and refugee or humanitarian status holders to enjoy the right to work as a citizen of Georgia, in particular, to work independently or through another employer;

As of 31 December 2016, 1513 persons were internationally protected in Georgia. Consequently, the issue of their integration has been on the agenda of the country.

In accordance with the Law of Georgia on International Protection, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia shall develop local integration programs for internationally protected persons and facilitate their inclusion in these programs. An effective measure to improve the integration process is implemented through the Integration Center.

In 2017, Georgia approved a grant program (# 002-2017) aimed at creating and developing services that will help the representatives of internationally protected groups to address the challenges associated with the process of community integration in order to ensure the integration of such groups in Georgia.

The grant program was aimed at providing a grant to a non-governmental organisation registered under the legislation of Georgia to provide internationally protected persons with services that meet their individual needs and are available to promote their rights and new opportunities and, consequently, their dignified integration into society.

The program budget was set at GEL 50,000.

The target group of the program was persons with international protection in Georgia.

The directions of the grant program are:

- Georgian language course;
- Raising of socio-cultural awareness;
- Building awareness in the field of civic education;
- Creation of consulting services.

The grant agreement was signed with the NNLE “Public Defender”.

A total of 181 internationally protected persons applied to the Integration Center, including 102 persons to whom consulting services were rendered, and 110 persons were registered to participate in the services, of whom 73 internationally protected persons attended an exam.

Three informative meetings were held within the framework of the project, providing detailed information on the services provided for under the project (42 beneficiaries attended the meetings).

Within the framework of the project, cultural and cognitive activities were organized, with a total of 3 excursions (67 participants).

On 14 December 2018, as amended the Law of Georgia on International Protection, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia was designated as the state agency responsible for promoting the local integration of internationally protected persons in Georgia. According to the amendment, the Ministry was tasked with developing, implementing and facilitating local integration programs for internationally protected persons residing in Georgia.

For the purpose of integrating internationally protected persons into Georgia, asylum seekers in Georgia and stateless persons in Georgia, on 15 April 2019, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia announced a Grant Competition for Integration of Foreigners Living in Georgia. The Grant Commission identified the winner on 7 May 2019 and signed a contract with that person on 17 June 2019.

Under the grant agreement, the winning organisation shall provide within the Integration Center the following types of services to facilitate the integration of aliens residing in Georgia:

- Consulting with relevant target groups;
- Georgian language courses;
- Civic education (law courses);
- History courses;
- Budget: GEL 82,000
- Out of this, GEL 32,000 is spent on maintenance, protection and utilities of the Integration Center, and GEL 50,000 is spent directly on foreign integration programs.

The target group of the integration program is:

- Persons with international protection in Georgia;
- As well as asylum seekers;
- Stateless persons with a status in Georgia.

However, all listed categories apply for free Georgian language courses, and other grant program activities apply only to internationally protected persons.

Along with the above mentioned program, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia also provides the following services to the internally protected persons in Georgia:

- Health protection;
- Social help;
- Employment promotion;
- Short-term vocational training courses.

## **Forced Labour and Modern Slavery**

Combating Trafficking in Human Beings (THB) is one of the key priorities of the Government of Georgia. One of the biggest challenges for every country is to adequately respond to the modern forms of trafficking, including forced labor and labor exploitation, to conduct proactive investigations and protect victims, especially women and children from being exploited in any setting. Therefore under the policy of the so-called “4P”-s the Government of Georgia is committed to take efficient measures to enhance Prevention, Protection, Prosecution and Partnership.

Notably, Anti-trafficking measures taken by the Georgian Government were positively assessed by the US State Department in 2016, 2017, 2018 and 2019. According to the US State Department Reports on Trafficking in Persons, Georgia was upgraded to Tier 1 in 2016 and remains in the leading position among other western countries, including the EU member states, in Tier 1 in 2017, 2018 and 2019. These rankings reaffirm that Government spares no efforts to effectively combat human trafficking and promote efficient and prompt protective services to THB victims. Furthermore, according to the 2018 US THB report Georgian Anti-Trafficking Referral Mechanism, the Grants issued by the Ministry of Justice for identification and resocialization of children in street situations and Governmental efforts to address the issues of homeless children are considered as one of the best models. In 2018 and 2019, Georgia was the only country among EaP countries which ranked in Tier 1.

According to the 2019 report “ Measurement, Action, Freedom” of the Walk Free Foundation the Government of Georgia was placed among those ones that have been taking the most effective actions to end human trafficking. Specifically, Georgia holds 18th position among 183 countries. According to the same source, when it comes to the regional level Georgia ranks 1st in terms of strong governmental counter-trafficking responses.

OSCE/ODIHR has chosen the Georgian A-THB national referral mechanism as one of the successful and decided to reflect it in the revised Practical Handbook on National Referral Mechanisms of OSCE/ODIHR. With the special invitation of the ODIHR, the representative of the Ministry of Justice also participates in the revision process of the Handbook.

On its part, GRETA has also praised Georgia’s counter-trafficking measures in its second evaluation report issued on June 3, 2016.

GOG is conscious that combating human trafficking and labor exploitation requires concerted interagency policy and in this respect the role of the Interagency Council, chaired by the Minister of Justice, set up in 2006 remains indispensable in adopting serious and sustainable measures on combating THB.

In every 2 years the Interagency Council elaborates and approves the National Action Plan with the active involvement of all Governmental Agencies, Public Defender’s Office, Parliament of Georgia, NGOs, and International Organizations. Their recommendations and feedback are reflected to the NAPs (currently, NAP for 2019-2020 is in place). Furthermore, during the elaboration process of the draft NAP recommendations of US State Department, COE GRETA, UN Special Rapporteurs, including Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material and other International Organizations are taken into consideration and reflected to the NAP. Notably, we also take into account the practice of the ECHR and incorporate the standards of the Court case law while designing the Anti-Trafficking policy.

Notably, Georgia is the member state to the following international legal instruments, which regulate the issues related to forced labor and labor exploitation:

- Council of Europe Convention on Action against Trafficking in Human Beings;

- United Nations Convention against Transnational Organized Crime and its supplementary Protocol: to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- European Convention on Human Rights;
- ILO Forced Labour Convention (N29);
- ILO Convention on Abolition of Forced Labour (N105);
- ILO Convention on Worst Forms of Child Labour (N182);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Adequate legislative framework is in place since 2003 when human trafficking, including forced labor and labor exploitation was explicitly criminalized under Criminal Code of Georgia and Law on Combating Trafficking in Human Beings was adopted later on in 2006.

Criminal Code of Georgia imposes high sanctions for the crime of human trafficking. In case of forced labor or labor exploitation of adults, the sanctions vary from 7 years to 15 years of imprisonment . While the liability for forced labor or labor exploitation of minor vary from 8 years to life imprisonment . Article 143 of the Criminal Code of Georgia also impose criminal liability for using the services of the victim and statutory victim of human trafficking. The penalties varies from 3 to 15 years of imprisonment.

It should be noted that in 2014 respective articles of Criminal Code of Georgia were refined aimed at having more unambiguous and clear provisions in order to make their application considerably easier for investigatory as well as judicial bodies. As a result, the Code has defined exploitation as one of the following acts aimed at gaining of benefit:

- a) forced labor or service;
- b) forced sexual service;
- c) Engaging person in criminal activity, prostitution, pornography or any other anti-social activity;
- d) Removal of transplantation or other use of body organ, part of the organ with coercion or deception;
- e) Placing of a person in a state of similar to slavery or modern conditions of slavery.

In terms of Investigation and prosecution, the Government of Georgia focuses on proactive identification and investigation of labor exploitation cases. In this regard since 2013, 4 inspection mobile groups composed of representatives of law enforcements agencies (detective-investigators) created under Central Criminal Police Department of the Ministry of Internal Affairs of Georgia regularly operate in the high risk areas (hotels, bars, bathes, casinos, etc.). The mobile groups detect and record trafficking risk-bearing areas, and check and study persons, including persons engaged in prostitution, working in organizations that have suspicious reputation. They also monitor persons and organizations which offer employment in or outside of the country; organizations which ensure transportation for persons leaving the country; travel agencies; enterprises which employ foreigners, organizations and persons provided visa assistance. The mobile groups interview those persons which have been employed outside of the country through employment agencies operating in Georgia. The aim of the interview is to ensure, that each worker has identity cards, they exercised their right to freedom of movement, they have been receiving the full remuneration for their work, and they were engaged in work voluntarily.

On February 27, 2014 Memorandum of Understanding was signed between the Ministry of Internal Affairs, the General Prosecutor's Office and the International Organization for Migration on the principles of cooperation in the area of capacity building of law enforcement agencies in combating trafficking in human beings. On the base of the memorandum, the Task Force consisted of investigators and prosecutors has been established in Adjara region.

Like the mobile groups, Task Force also proactively checks the risk places, interview the employees there and in case of any suspicion, investigates and prosecutes human traffickers for any purposes, including labor exploitation.

In order to reveal the fact of labour exploitation mobile groups and Task force systematically interview deported citizens from Turkey and other countries. Particular attention is paid to interviewing citizens which were deported as a reason of illegal working. Law enforcements provide them with full information on human trafficking issues, legislation and rights of victims.

While detecting the forced labor and labor exploitation cases, law enforcements use special guidelines and S.O.Ps on human trafficking. In addition, aiming at proactively identification of THB victims among the migrants and asylum seekers, on 19 December 2017 the Inter-Agency Council also approved the Guidelines on Identification of Victims of Trafficking in human beings at the Border of Georgia (border crossing and customs crossing points, land and coastal border). These Guidelines were adopted for border police officers and Customs officials and sets forth indicators of alleged victims of labor exploitation and standards of interrogation/interview of victims, including minors and to whom to refer for assistance of alleged victims. Apart from it, Labour Inspectorate Department of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia keeps checking of private and state institutions in order to reveal the facts of forced labour and labour exploitation. From January 2019, under the department, there is one special group dedicated to this issue. The Labour Inspectorate Department carries out scheduled and unscheduled visits to the companies. Schedule visit is conducted based on the annual list of companies; the list is non-public, even for social partners and is adopted by the Minister of the IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia. The unscheduled visits are conducted based on the “hot-line” or written information. Inspection visits are carried out on non-voluntary basis, without any prior notification of the organization and includes monitoring of labour conditions, labour legislation, check employees’ identity, citizenship, in case of foreigners the date of arrival, the country the employee comes from, identified documents and the terms of the employment contract.

While checking the companies, Labour Inspectorate Department also conducts information meetings with the employers and employees of the company on the issues of Labour exploitation and Forced Labour and disseminate the informational leaflets on labour rights and the risks of labour exploitation and forced labour.

Statistical information on the number of checks by years

Year	Planned oversight	Unplanned oversight
2016	91	8
2017	99	8
2018	152	2

Four cases were referred to the Ministry of Internal Affairs of Georgia for identification, however, the fact of forced labour and labour exploitation was not confirmed.

Supervision was carried out in the following economic sectors:

- Mining industry and quarry
- Textile production
- Manufacture of wood products
- Production of chemicals
- Production of plastic
- Metal production
- Planting

Notably, the number of labour inspectors has been recently increased up to 40 (before only 25 labour inspectors were employed).

While detecting the potential THB cases law enforcements are following to the detailed instructions provided under National Referral Mechanism on Human Trafficking adopted in 2007. The Referral Mechanism foresees the detailed instructions how to identify the potential victim, to refer to the relevant institution and to assist the victim/statutory victim based on his/her will and necessities.

Notably, Georgian National Referral Mechanism ensures two possible ways for a person to be identified as a victim and get involved in state run services. Georgian law differentiates status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by Permanent Group of the Interagency Council consisted of 5 NGOs within 48 hours based on the questionnaires of mobile group of the State Fund, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia.

The aim of the two existing statuses is to protect and assist those persons who are potential THB victims and have no will to cooperate with law enforcements. Regardless to the difference in the procedure of granting the status, there is no difference between their rights during the protection, process of investigation and/or prosecution.

Particular attention is also paid to prevent human trafficking among those kids who are working/living in the streets. For this aim on 22 June, 2016 the Parliament of Georgia approved the legislative package aimed at creating legal framework to provide children living and/or working in the streets with free of charge identification documents and to make the state run services for them available. Furthermore, on 12 September, 2016 the Government of Georgia approved the updated child protection referral mechanism aiming at strengthening the role of social workers in the process of separation of minor from perpetrator or removal of child from the family or environment where the violence was committed. The Referral Mechanism also extended the list of involved Governmental Agencies including local municipalities.

In order to improve the identification process of homeless children and make it more effective, the Ministry of Justice granted 54000 GEL to two NGOs aiming at identification of and supporting of reintegration of the homeless children in the society. Within the framework of the project one of the NGOs made a research in order to identify new places where children work and/or live and the reasons why children work and/or live in the streets.

As a result of the research NGO identified about 105 children in street situations. Among the children there were Georgian, Azeri, Moldavian, Roma and a several other nationals. Most of the children aged up to 14 are girls, while majority of the identified boys are from 16 to 18 years old. These children are mostly from dysfunctional families, where a child has only one parent or has another guardian, not a biological parent.

The research also identifies economic conditions, low level of education of the family and cultural matters (especially in case on minorities) as the factors making the kids to work and/or live in streets. Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, UNICEF, World Vision Georgia and Foundation Open Society Georgia decided to carry out a new qualitative research to better study the “street children” phenomenon and related institutional systems to improve relevant policy, services and institutional environment in Georgia.

A steering committee composed of all engaged stakeholders: Ministry of Healthcare, LEPL Social Service Agency, Ministry of Internal Affairs, Ministry of Justice, Ministry of Education, Science, Culture and Sport, UNICEF, World Vision, Open Society Georgia Foundation, Caritas Georgia, Save the Children, ILO and

Public Defender's Office of Georgia has been established to supervise the study. The steering committee approved the description of qualitative study and based on open tender selected a Norwegian research organization (Fafo). The committee was actively engaged in the process of the study and was considering the methodology, interim and final results.

The Study identified different categories of children in street situations, with account whether they are accompanied by parents or whether they have contact with parents, it also identified key factors leading new children to take to the streets.

Based on the study the Steering Committee elaborated recommendations addressing the findings and challenges linked to children in street situations. One of the main recommendations was to elaborate unified state vision and national policy related to children living and working in the streets. In response to it, Government of Georgia has already started the drafting of stand-alone National Strategy on children in street situations.

As for protection, the full package of state-run services, including one-off compensation, shelters, crisis centers, legal, psychological and medical assistance, for the victims are provided by the Ministry of Healthcare. The shelters and services of the State Fund is child tailored and aims at ensuring the best interests of the children.

In terms of prevention, the GoG unleashed active information campaign, aiming at raising public awareness on human trafficking, including labor exploitation. For this purpose, within the framework of the Common Information Strategy, which is quite unique in our region, meetings with diversified target groups, including children on a regular basis are held throughout the country; information materials in all main languages of minority population groups are largely disseminated in urban, as well as in rural areas, state borders and Georgia's consular units abroad; moreover, THB-related aspects are integrated in curriculum of secondary schools and higher education institutions.

In terms of partnership the GoG prioritizes enhancement of cooperation with non-governmental sector. NGOs and international organizations are actively involved in the working process of Interagency Council, In addition, the GoG also pays particular attention to expanding international cooperation in combating cross-border trafficking. In this regard, Georgia concluded agreements with EUROPOL and EUROJUST, respectively on 4 April 2017 and 29 March 2019. Agreement with EUROPOL entered into force on June 20, 2018, while Agreement between Georgia and EUROJUST is in force since 27 July 2019.

Cooperation with EUROPOL and EUROJUST will further develop existing legal and institutional mechanisms so that to provide for convergence with EU standards and policies within the framework of judicial cooperation in criminal matters. This cooperation will strengthen joint EU/Georgia institutional and policy capacity to deal with transborder crimes, including human trafficking.

Notably, the Criminal Code of Georgia impose liability not only on individuals, but also on legal persons for committing human trafficking. Legal person shall be punished by deprivation of the right to carry out activities or with liquidation and a fine.

Article 2 paragraph 6 of the Labor Code of Georgia obliges the Parties, in particular employers and employees to safeguard the basic human rights and freedoms under the legislation of Georgia.

Furthermore, the Law of Georgia on Labour Migration was adopted by the Parliament of Georgian on 1st of April, 2015. The Law regulates relations falling within the field of labour migration which are related to the provision of employment for persons (citizens of Georgia, aliens holding a permit for permanent

residence in Georgia, and stateless persons having status in Georgia) and to their paid labour activities outside Georgia.

According to article 7 of the Law on Labour Migration a legal person, an individual entrepreneur, or a branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity acting in the field of providing employment and/or assistance in the provision of employment outside Georgia, is obliged to register the relevant activity in the registry of economic activities in accordance with procedures and provisions established by the legislation of Georgia.

Employment and/or assistance in the provision of employment outside Georgia without registration of the relevant activity in the registry of economic activities is prohibited and punishable by the administrative liability, in particular, by a fine in the amount of 500 GEL. The same offence committed repeatedly shall result in the imposition of a fine in amount of 1000 GEL.

### **State Procurement**

As for public procurement, the legislation of Georgia regulating this field does not provide for regulations to detect the forms of forced labour or modern-day slavery.

Labour regulations and safeguards shall equally apply to all employees, including those employed within the gig economy or the economics platform.

**Article 1§3****GoG response:**

Statistics on Activities and Achievements Carried out within the State Programs for the Development of Employment Promotion Services and Vocational Training-Retraining and Qualification Upgrading of Jobseekers

a) As of December 2018, 229 555 job seekers are registered in the Labour Market Management Information System ([www.worknet.gov.ge](http://www.worknet.gov.ge)). Of these, there are 197 607 active jobseekers (an active jobseeker is a person whose profile is fully filled. Accordingly, an activity status is determined by the jobseeker himself/herself).

Registered jobseekers	2015	2016	2017	2018
Total	32715	50889	113969	197607
Including young people from 16 to 29	14903	19913	36 949	54463
Disabled persons	1022	2465	3535	3974

\* Total unemployment rates see in the comment of Art.1§1

b) Number of vacancies submitted by years

Years	2015	2016	2017	2018
Number of vacancies submitted	2859	3980	5711	8932

c) Employment rate by years

Years	2015	2016	2017	2018
Number of job seekers employed	349	670	1775	1888

d) Percentage in relation to the number of employees and vacancies;

Years	2015	2016	2017	2018
%	12,2	16,8	31	21,1

e) Percentage of employees employed by the Employment Service in the total labour market share

Years	2015	2016	2017	2018
%	0.02	0.04	0.10	0.11

f) Number of employees working in state employment centers

Number of employees working in the area of employment, including mixed-functions by regions	
Tbilisi city center	4
Five district service centers of Tbilisi	13

Social Service Regional Center of Imereti	3
11 districts of Imereti	11
Social Service Regional Center of Kvemo Kartli	1
6 districts of Kvemo Kartli	6
Social Service Regional Center of Kakheti	4
5 districts of Kakheti	7
Social Service Regional Center of Shida Kartli	4
3 districts of Shida Kartli	3
Branch of Ajatian A/R	4
5 districts of Ajara	5
Social Service Regional Center of Samegrelo-Zemo Svaneti	2
8 districts of Samegrelo-Zemo Svaneti	8
Social Service Regional Center of Mtskheta-Mtianeti	2
4 districts of Mtskheta-Mtianeti	4
Social Service Regional Center of Guria	2
2 districts of Guria	2
Social Service Regional Center of Racha-Lechkhumi	1
3 districts of Racha-Lechkhumi	3
Social Service Regional Center of Samtskhe-Javakheti	2
5 districts of Samtskhe-Javakheti	5
	96

During the reporting period, 25 employees of the LEPL Social Service Agency were retrained for implementation of the abovementioned programs, including career counsellors -7, job couchers -10, support consultants - 8.

As for private agencies, employee and employer organisations - these organisations participate in annual activities

1. Trainings / seminars on employment topics for print publishers, TV and radio broadcasting journalists and public stakeholders to raise awareness

The Employment Programs Department organised a training / seminar for the representatives of regional and central media and stakeholders (local NGOs / international organisations, social partners, employers, private agencies).

In 2016 two trainings / workshops were held in Tskaltubo and Borjomi. In total, 23 organisations and 43 print publishing houses and journalists of TV and Radio broadcasters participated in the events.

A training / seminar held on 7-8 July and 6-7 October 2017 was attended by 34 representatives.

A training / seminar held on April 27-28, 2018 and September 14-15 was attended by 55 representatives.

2. Organising a final conference in close cooperation with social partners on employment promotion issues and existing problems;

A final conference is held every year, where up to 150 guests take part – the representatives of the European Union Delegation to Georgia, the Ministry of IDPs from Occupied Territories, the Ministry of Labour, Health and Social Affairs, the Social Service Agency, the Ministry of Education and Science, employers, private employment companies and other partner agencies. The conference focuses on employment issues. At the end of the conference the best partners and employers are identified and awarded.

## Article 1§4

### GoG response:

The target group of state programs for the Development of Employment Promotion Services and Vocational Training-Retraining and Qualification Upgrading of Jobseekers are jobseekers who are registered in the Labour Market Information Management System ([www.worknet.gov.ge](http://www.worknet.gov.ge)). Therefore, every person who is registered in the system enjoys equal access to all services.

On 30 December 2015, the Government of Georgia by its Ordinance №676 approved the Full Service Standard for Professional Counseling and Career Planning Services and the Sub-standard of Career Counseling and Career Planning for Job Seekers;

The purpose of implementing the standard of professional counseling and career planning services is to elaborate basic requirements, rules and forms of service provision in Georgia. Based on the above, it will be possible to provide services by different providers according to one standard.

The task of the ordinance is to set the minimum requirements for a professional counseling and career planning service that may later be adapted to the specifics of the different target groups.

State Programm for Development of Employment Promotion Services

Individual and group counseling

Individual and group counseling at the municipal level is carried out in accordance with the State Program for the Development of Employment Promotion Services. The purpose of counseling is to introduce labour market rules to job seekers and ncrease competitiveness.

Number of job seekers participating in individual consultations.

Individual counseling statistics	2015	2016	2017	2018
Female	8156	1833	3314	9266
Including young people from 16 to 29	2622	871	990	4113
Vulnerables	290	849	4081	8664
Disabled persons	145	165	153	474
IDPs	279	264	691	1995
Total	15309	3072	5187	16275

Number of job seekers participating in group consultations.

Group consultations	2015	2016	2017	2018

Female	1100	650	814	1054
Including young people from 16 to 29	200	200	200	585
Vulnerables		50	0	999
Disabled persons	117	4	9	51
IDPs	46	450	140	128
Total	1939	1277	1068	1479

Career planning and professional counseling services provided by professional counseling and career planning specialists of the Social Service Agency.

Professional counselling of jobseekers	2016	2017	2018
Female	125	296	365
Including young people from 16 to 29		27	295
Vulnerables		71	259
Disabled persons		4	3
IDPs		54	53
Total	201	493	530

Development and implementation of employment support mechanisms for vulnerable, low-competitive groups

The purpose of the event is to introduce employment support services for vulnerable, low-competitive persons.

Beneficiaries of the program are youth registered in the Labour Market Management Information System ([www.worknet.gov.ge](http://www.worknet.gov.ge)) (between 16 to 29 years old), disabled persons and persons with special educational needs who represent the findings of the multidisciplinary team and / or expert team of the Ministry of Education and Science of Georgia and express their desire to work within this event;

**Supportive counseling** (support for the implementation, protection and maintenance of remunerated labour activities of persons with disabilities and persons with special educational needs):

In 2016, supportive counseling was provided to 124 persons with disabilities. Among them are women - 46, young people from 16 to 29 years - 42.

In 2017, supportive counseling was provided to 395 persons with disabilities. Among them are women - 190, young people from 16 to 29 years - 161.

In 2018, supportive counseling was provided to 274 persons with disabilities. Among them are women - 126, young people from 16 to 29 years - 100.

Subsidies for the remuneration of jobs

The objective of this component is to subsidize the remuneration of beneficiaries employed in new or existing vacancies by reaching an agreement with employers to promote employment of young people (aged 16 to 29), persons with disabilities and persons with special educational needs. The cost of a voucher for one beneficiary should not exceed GEL 470 (four hundred and seventy lari) with 50% of funding per month. The duration of the subsidy shall be not more than four (4) months. Upon termination of the subsidy, an employer shall be obliged to conclude an employment contract with the beneficiary for at least 6 months, in accordance with the applicable law.

In 2016, 19 beneficiaries were included in the subsidy component, 6 beneficiaries were young people.

In 2017, in total 53 beneficiaries were included in the subsidy component. Among them, 16 were women, 19 were young people aged 16 to 29. As a result, 37 people with disabilities are employed.

There were 26 beneficiaries involved in the subsidy component in 2018, including 23 persons with disabilities, 19 - women, 4 - young people from 16 to 29. The services were fully completed and employment agreements were signed with 14 beneficiaries.

Based on the analysis of the results of the survey of labour market demands **within the framework of the state program for vocational training and retraining of job seekers**, after identifying the in-demand professions in the labour market, the list of institutions implementing the in-demand professions and vocational education programs are annually approved. List of PCs. The duration of a short-term vocational training-retraining program varies from 2 to 4 months, tailored to the professions in demand. The short-term vocational training-retraining program is funded through a voucher. The maximum value of one voucher is 1000 GEL.

For the persons with disabilities and persons with special educational needs, to increase access to short-term programs, the maximum value of an additional voucher (such as gesture translators, teachers for persons with special education needs, transport, mobility and orientation trainers, assistive / adaptive devices, etc.) shall not exceed GEL 1500;

In case of internship, a state scholarship shall be issued, however, the amount of the state scholarship shall stand at 200 GEL per beneficiary per month;

Number of education institutions involved in the program by years.

Year	Number of education institutions involved	Private education institutions	Public education institutions
2015	25	11	14
2016	38	21	17
2017	32	18	14
2018	43	26	17

Distribution of job seekers to in-demand professions provided for by the program.

Year	Number of in-demand professions approved	Job seekers involved in learning	Number of graduates	Tbilisi	Region
2015	55	571	415	264	151
2016	68	1995	1804	1029	775
2017	93	2290	2130	772	1358

2018	51	2871	2574	1193	1381
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Quantitative indicators of vulnerable groups were distributed as follows:

Beneficiary Status	2015	2016	2017	2018
Female	375	1289	1504	1779
Young people from 16 to 29	162	849	1040	1217
Registered in the database of socially vulnerable people	77	252	547	480
IDPs	52	156	140	197
Disabled persons	31	83	63	81
Probationers	37	6	5	0
Former prisoners	16	11	4	19

Within the vocational training and retraining component of the 2015 State Program for Vocational Training and Retraining and Qualification Upgrading of Job Seekers, 35 graduate job seekers are employed,

Within the vocational training and retraining component of the 2016 State Program for Vocational Training and Retraining and Qualification Upgrading of Job Seekers, 534 job seekers are employed, including 14 persons with disabilities.

The employment rate for beneficiaries of the 2017 Vocational Training and Retraining Program of Jobseekers made up 536 job seekers, including 143 job seekers in Tbilisi, and 393 job seekers in the regions.

The employment rate for beneficiaries of the 2018 Vocational Training and Retraining Program of Jobseekers made up 514 job seekers, based on information provided by colleges. Among them, 224 job seekers are employed in Tbilisi, and 290 job seekers – in the regions.

In order to raise qualifications, organising and implementing training (internships) in the real work environment in case of vacancies and / or prospective jobs.

In 2015, only one employer and 2 interns joined the internship program, including two persons with disabilities. After completing the internship, a long-term employment contract was signed with one job seeker.

In 2016, 8 organisations were registered as internship providers, where 47 job seekers were sent for internships, including 22 people with disabilities. 39 job seekers were fully trained.

After the internship, labour contracts were signed with 21 jobseekers, including women - 8, men - 13, young people - 16, people with disabilities - 11.

In 2017, 26 employers (including Tbilisi - 10 employers, regions - 16 employers) and 129 job seekers were involved in the internship component within the program.

Among the interns involved in the program, 41 beneficiaries were employed within the program, including women - 28, men- 13, young people - 26, persons with disabilities - 5.

In 2018, 44 interns (Tbilisi - 10 employers, regions - 34 employers) and 188 job seekers were involved in the internship component within the program.

Among the interns involved in the program, 79 beneficiaries were employed within the program, including women - 51, men - 28, young - 42, persons with disabilities - 12.

Employees and number of beneficiaries.

Distribution of job seekers registered at Worknet.gov.ge nationwide as of 2018.

Region/Municipality	Number of jobseekers registered at Worknet.gov.ge as of 2018
	Jobseekers
Tbilisi	36 233
Ajara	18 736
Guria	9 575
Imereti	27 195
Kakheti	21 667
Mtskheta-Mtianeti	6 164
Racha-Lechkhumi-Kvemo Svaneti	2 951
Samegrelo-Zemo Svaneti	19 119
Samtskhe-Javakheti	6 783
Kvemo Kartli	19 168
Shida kartli	15 527
Tskhinvali (IDPs)	1 592
Abkhazeti (IDPs)	12 897
Total	197 607

## Article 9

### **GoG response:**

Within the framework of the vocational orientation component, since 2017 the Ministry of Education, Science, Culture and Sport of Georgia launched the program of vocational development of schoolchildren. The implementation of the program was preceded by a relevant piloting process. The program aims to develop vocational skills among adolescents, promote their self-determination and increase their motivation for further education. The courses are implemented within the framework of cooperation between vocational education institutions (private and public) and public schools.

The program is focused on achieving several goals simultaneously:

Introducing Career Management Services - within the courses students have the opportunity to receive detailed information on the desired professions for at least 2 and up to 3 months and to be directly involved in the work specific to these professions. The course methodology incorporates the standards of the National Career Development Association (NCDA) and seeks to provide students with detailed information on all key aspects of professions that will help them make conscious and informed decisions;

Promoting Vocational Skills in Students - The methodological component of the program will balance the theoretical and practical learning components of the program, giving students the opportunity to acquire relevant theoretical knowledge and develop basic vocational skills that will be useful in their future careers and lives, as well as in various relations;

Promoting Cooperation between Public Schools and Vocational Colleges - a key aspect of the program is the close cooperation between general and vocational education institutions. The institutions not only conduct courses together, but also work together to develop programs and modules. Given the low level of communication between general and vocational education, the educational institutions of both stages of education within the program were given the opportunity to learn about each other and analyze their opportunities;

Promotion and availability of vocational education - given the fact that within the program general and vocational education institutions cooperate with one another, and students have the opportunity to try their forces in a wide range of professional fields, the program promotes the dissemination of information vocational education in educational institutions on the other hand, and on the other hand, among young people, whose awareness in vocational education is very low.

Capacity Building for Public Schools - the program aims to improve the material and technical bases required for the implementation of courses and set up “small vocational laboratories“. As a result, students can try their best in their own schools and use the material and technical resources purchased with the help of the Ministry as they wish. At the same time, the school may use the material and technical resources purchased under the program not only for program purposes but for the benefit of the school, for any informal or formal educational purpose.

One of the prerequisites of the Vocational Skills Development Program was the “School Orientation and Preparation Courses”, which was implemented in 2017 with the support of the Ministry and UNDP. The program was being implemented in the college building for school students. Based on the results of the program evaluation and monitoring process, implementation of the program within the Ministry started in the second half of 2017, and the implementation location shifted from college to public schools.

Taking into account the general principles of cooperation between general and vocational education institutions, courses in public schools are guided by college / university teachers, but school teachers are also involved in the implementation of the program, whose goal is providing assistance to vocational teachers and considering individual features of students in the lesson, because school teachers are more familiar with the students. For the purposes of the program, college career consultants are actively involved in the curriculum, whose activities are integrated in the course at all stages of its implementation. Career consultants provide students with information on various aspects of their profession, labour market and employment opportunities, and educational opportunities inside and outside the country. With the direct involvement of career consultants, intensive outdoor activities are planned at private enterprises or organisations, where students can familiarize themselves with the work environment and take part in real work processes.

Since 2019, the Ministry of Education, Science, Culture and Sport of Georgia has aimed to increase the scale of the program both nationally and conceptually. Since the program was oriented towards only 8th and 9th graders, additional services were required for 10th, 11th and 12th graders. To this end, in spring of 2019, the Certificate Program was planned and implemented in the framework of the program, which is substantially different from the previous one. As a result, the Vocational Skills Development Program will be developed in two directions: Vocational Skills Orientation Program for 8th and 9th graders (which is identical to the prior program) and Vocational Skills Development Program for 10th, 11th and 12th graders. If the goal of the orientation program is to provide students with a career management service and self-determination in the profession, the students within the framework of the certificate program will have the opportunity to become involved in the profession and to study one of its narrow areas in depth. As a result, students will try their own strengths in various professions within the program, start studying at a basic level in case of interest, and continue study in a college if the interest is preserved, which facilitate both the transition from general to vocational education and continuing education.

## Article 10§1

### GoG response:

All the information on Active Labour Market Policy and on measures taken to ensure that the State ensures skilling and reskilling of almost all types of job seekers, related information and statistics can be found in the responses under article 1 (sub-paragraphs) of the charter.

As to the migrants, this is to mention that returned migrants and persons with international protection are target groups of Employment Support State Programs.

For the local integration of Persons with international protection in Georgia, Aliens seeking asylum in Georgia and stateless persons in Georgia, on April 15, 2019 Ministry of Internally Displaced Persons From The Occupied Territories, Labor, Health and Social Affairs of Georgia announced the grant competition on the integration of foreigners living in Georgia. On May 7, 2019 through the Grants Commission, the relevant winner was identified and signed a contract with him on 17 June 2019.

According to the grant agreement, the winner organization will implement the program of supporting the integration of foreigners living in Georgia at the Integration Center. The program includes Georgian language course, social-cultural awareness, and establishment of consciousness in civic education and creation of consulting services.

For the purpose of implementation of the reintegration programs for returned migrants to Georgia, on April 15, 2019 Ministry of Internally Displaced Persons From The Occupied Territories, Labor, Health and Social Affairs of Georgia announced the grant competition on the reintegration Assistance to Returned Migrants to Georgia. On May 7, 2019 through the Grants Commission, the relevant winners were identified and signed contracts with them on 17 June 2019.

According to the grant agreement, the winning organizations will carry out the following services for Returned Migrants to Georgia:

- Financing of medical services and medicines;
- Psycho-social rehabilitation;
- Funding of income projects for promotion of income source and self-employment;
- Facilitate the involvement of job seekers in the professional training / retraining and qualification raising program;
- Providing temporary housing;
- Vocational training financing.

Works are ongoing to establish treaties on temporary legal employment (circular migration) abroad with the State of Israel. The Israeli side has provided a draft agreement that has been agreed with state agencies of Georgia and is currently being provided to the Israeli side for its final improvement and to prepare for signature.

In parallel, in the nearest future, a circular migration agreement is to be signed with Bulgaria, Slovenia. The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia received draft agreements from Bulgaria and Slovenia, on which the process of agreement with state agencies of Georgia is underway at this stage.

In addition, works on identifying opportunities for cooperation in the field of temporary legal employment (circular migration) abroad with European countries (Portugal, Hungary, Spain, Cyprus, Czech Republic, Croatia, etc.) are ongoing.

Such agreements will create the basis for real and effective cooperation based on the principle of mutual benefit in the field of labor migration, after which the mechanism of their enactment should be established.

## Article 10§2

### GoG response:

Since 2013 vocational education reform has been implemented within the Vocation Education Strategy (2013-2020) . As a result, deep changes in vocational education system were made which are directed to development of entrepreneurship and employment, promotion of economic and regional development and meet the needs/demands of labour market.

In order to improve the quality of vocational education and increase compliance with labour market demands, with the active involvement of employers, vocational educational standards were renewed in accordance with the new methodology and vocational education reform was launched. Flexible, competence based modular educational programs were implemented, employers were directly engaged in the process of development of educational standards and programs. Implementation of work based learning i.e. dual programs has started.

With this approach, in 2016, Ministry of Education with the support of UNDP and GIZ started implementation of work based/dual learning and piloting programs. Later, tourism, construction and transport directions were added to the agricultural programs. At this stage more that 50 companies operating in Georgia were involved in the piloting process. Overall, more than 20 programs are already implemented.

Within the mentioned reforms, changes were made in terms of improvement of access to the vocational education. Since 2013 the state is fully funding courses at the State VET institutions. Also, new VET colleges were established, college buildings and dormitories and infrastructure were renewed.

Despite the measures taken, challenges still existed. The legislation could not ensure life long learning. In order to meet the challenges, with the active participation of stakeholders a new law was elaborated. New law on Vocational Education entered into force in September 2018. Adoption of the law paved a way to the new wave of reforms – possibility/opportunity of general education within the vocational education through implementation of integrated (general+vocational) programs. Also, vocational education will be connected to the highest education through formation of “short cycle” programs. Based on the new law, mechanisms for recognition of credits will be prepared.

Since 2019, private vocational educational institutions were given possibilities to get state funds (voucher) and from September of the current year recognition of informal education in construction and agriculture will start. It is worth to mention that within the law system of training and retraining for adults is already created and implementation of vocational training and vocational retraining programs have already been started. Mentioned programs are the part of the life long learning system and is connected not only to the opportunities for employment/entrepreneurship but personal developments and self-realisation aspects.

In addition, students get certificates recognized by the state, which is the part of the formal education and has credits. The mentioned approach also allows the credits to be transferred to the qualification programs (diploma) in case of continuation of studies. It is important that business companies are also allowed to participate in these programs (their participation is of voluntary character) which gives opportunities to utilize versatile experience of the private sector in adult education system. A special online platform is operational for gaining the right of implementation of those programs.

**Article 10 §3**

**Article 10§4**

**Article 10§5**

**GoG response:**

All the information on measures taken to ensure that the State ensures skilling and reskilling of almost all types of job seekers, can be found in the responses under article 1 (sub-p[paragraphs) of the charter

**Article 15§1\***

**GoG response:**

The main principle of the law of Georgia on “Social aid” is to: redistribute appropriate resources through the social assistance system to persons with special needs: persons with disabilities, families under the poverty line and the homeless.

Although there is no unemployment benefit in the Country, the state policy is focused on the provision of maximum support to the families who need the help most.

It should be noted that, the several social programs are implemented in the country in purpose of prevention /reduction of the poverty. One of them is a target social assistance program, which is a special cash assistance program aimed of the most vulnerable households in the country. The program is operated since 2006 and is based on the assessment of households using special methodology that uses Proxy Means Testing formula and assesses the households with “wellbeing score”. Since 2015 with the support of World Bank and UNICEF, the revised methodology of assessment and assistance scheme was introduced.

New methodology is oriented on family income (or property bringing income), consequently, beneficiary can become a family having no income or income bringing property. The social agent’s subjective evaluation will not be taken in consideration while calculating rating points connected with long-term appliances for daily usage, in addition the methodology considers the family needs, the family members status (persons with disabilities, persons suffering with chronic diseases, teenagers, pensioners and etc.). Assistance is provided based on the gradation system - families, having lower scores receive more financial support. Also, there was introduced a child benefit.

It should be noted, that social transfers have a great impact on poverty reduction. As UNICEF, the Welfare Monitoring Survey 2017” says, Categorical benefits are more effective on their target groups than on national poverty levels. These benefits reduce national poverty rates by less than three percentage points across all groups. If categorical benefits are removed from household consumption, extreme poverty among households with a disabled person rises from 11.2% to 23.8%. Coverage of categorical benefits is substantially high in the poorest tenth of households, of which 34.2% receive this benefit. Among households that contain a person with a disability, 62.4% receive categorical benefits at an average rate of 75.7 GEL PAE per month.

Since 2019, to avoid the demotivation of the living allowance for the recipients, rejecting or denying employment, the state has taken the number of steps for the activation of families registered in the vulnerable family database, in particular:

The subsistence allowance, for the families, registered in the database as vulnerable, receiving subsidy under 100001 rating score, will not be suspended during next 12 months even of salary existence of the

family member ((which is more than 175 GEL per member for 4 months) Child’s benefit (50 GEL per child) and rating score will remain during 24 months in order to enable families to use non-monetary benefits, attached to the rating score. We believe that the introduction of such mechanisms will promote the activation of people with working abilities in the labor market and will give them a sense of stability.

**Assignments for the targeted social assistance:**

<b>year</b>	<b>budget</b>
<b>2016</b>	295 788 000
<b>2017</b>	279 800 000
<b>2018</b>	282 000 000
<b>2019</b>	345 850 000

**Beneficiaries, registered in the database as vulnerable, receiving social package:**

<b>year</b>	<b>Beneficiaries, registered in the database as vulnerable, receiving subsistence allowance</b>	<b>Beneficiaries, receiving subsistence allowance and social package</b>
2016 (Dec)	476 084	39 671
2017(Dec)	455 813	30224
2018(Dec)	435 450	29608
2019 (Sept)	428 608	26983

**Social package**

On July 23<sup>rd</sup> of 2012, the resolution on, Social package” was approved by the Government of Georgia. The State Disbursement covers persons with disabilities and children, persons existing without breadwinner and the other specific categories.

Since April of 2013, the “Social package” for profound disabled beneficiary, consisted of 125 GEL, and from September 1<sup>st</sup> of 2013, it increased up to 150 GEL. The Social package for the beneficiaries with significant disabilities and children with disabilities consisted of 100 GEL. From September 1, 2015, Social package, for profound disabled beneficiary and children with disabilities, increased up to 160 GEL.

It is worth mentioning, that since July 1<sup>st</sup> of 2016, the social package for profound disabled persons and children with disabilities, has grown and consists of 180 GEL. For the beneficiaries with significant disabilities, the social package remained unchanged and consists of 100 GEL.

Since January 2019, the Social packages for persons with profound and significant disabilities and for children with disabilities have been raised up to 200 GEL.

From September 2016, those residents of mountainous regions, that are entitled to receive state pension/social package, in addition of 20% of the state pension/social package (Law on “Development of mountainous regions”).

Resolution No 279 of 23 July of 2012 of the Government of Georgia on the Determination of the Social Package (Article 6) imposes limitations on receiving the social package, in particular: the right to receive the social package doesn’t arise and the right is cancelled for the persons during working period in public services in an exception of the ones with profound disabilities, and beneficiaries with significant

disabilities, connected with visual impairments.

A similar provision is regulated by the Law of Georgia on the „Social Protection of Persons with Disabilities”, according to which „the pension, got from status, for the persons with profound disabilities, and the beneficiaries with significant disabilities connected with visual impairments, maintained during the working period.“

It’s worth mentioning, that the old age pensioners and persons with disabilities are allowed to work in private sectors without any limitations and get state pension/ social package along with the salary.

There is no income tax for the taxable income in amount of 6,000 GEL per calendar year, received by a person being disabled since childhood and persons with profound and significant disabilities.

### **Foster Care**

According to the Law of Georgia “on Adoption and Foster Care”, the foster care costs are covered by the State Budget of Georgia, in accordance with the Law of Georgia “on Social Assistance”. These costs include the costs necessary to meet the needs of the foster child and the social assistance of the foster carer. The length of foster care of the child is considered as working service for the foster carer.

Since 2019, the amount of foster care has increased, including for children with different needs. In addition, in accordance with the above-mentioned law, the foster care contract is concluded with the foster parent until the foster child reaches the adulthood. This term may be extended until the completion of studies in a school, vocational or higher education institution, but not exceeding 21 years of age.

#### **Children with disabilities in foster care and amount of the money transferred for them**

year	Foster child with disability	Transferred money (GEL)
2016 (dec)	194	108 980
2017 (dec)	216	122 130
2018(dec)	260	147 685
2019 (june)	277	238 876

## **Article 15§2\***

### **GoG response:**

All the information on measures taken to ensure that the State ensures skilling and reskilling of almost all types of job seekers, including PWDs, their employment and non-discrimination measures can be found in the responses under article 1 (sub-paragraphs) of the charter

## **Article 15§3\***

### **GoG response:**

According to the requirements of Article 15 (3) of the European Social Charter, the Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia implements State Program for Social Rehabilitation and Child Care. It is important to mention, that for the realization of the right of persons with disabilities and elderly (women – 60, men – 65) to independence, social integration and participation in public life the government realizes the subprogram of provision with technical Aids.

The above-mentioned subprogram includes the following components:

#### **1. Component of provision with wheelchairs and employment of persons with disabilities (Budget - 800 000 GEL).**

Beneficiaries are given electric-wheelchairs (150 units per year), manual wheelchairs - 500 units per year - under 90% co-financing by the state. For persons under the poverty line, war veterans, beneficiaries of state institutions, and children, they are provided free of charge.

Wheelchairs are customized and delivered to the beneficiary's place of residence, taking into account the individual needs of the beneficiary. Wheelchairs are manufactured after importing parts into enterprises in Georgia where people with disabilities are employed in order to promote the local production.

#### **2. Provision of prosthetic-orthopedic means**

Budget 2 586 000 GEL

Service includes:

- In case of amputation of all levels of the lower and upper limbs - selection, manufacture and adjustment of prostheses;
- Selecting, making and adjusting orthoses;
- Selection / fabrication and adjustment of eye prosthesis (standard or individual) (exophthalmic prosthesis);
- Provide individual training and special training for safe and long-term use of prosthetic-orthopedic products delivered to beneficiaries.

The services are completely free for the persons living under the poverty line, war veterans, beneficiaries of state institutions and penitentiaries and children. The remaining beneficiaries pay 10% of the cost of the prosthesis. Prostheses are made based on prostheses imported to Georgia.

#### **3. Providing hearing aids**

**Budget - 375 000 GEL**

Services include purchasing and delivering 1,500 digital hearing aids and importing them free of charge, free guarantee services for at least 12 months.

#### **4. Providing a video conferencing function (smartphone)**

Includes the purchase of a technical device (smartphone) and free of charge for the deaf and hard of hearing impaired beneficiaries. The component budget is set at GEL 30,000.

## 5. Cochlear implant

Budget - 1 487 900 GEL.

Services include purchase of cochlear implants, postoperative, periodic adjustments (adjustments intraoperatively and postoperatively), rehabilitation and logopedic (speech therapist) services - completely free of charge.

## 6. Providing crutches, white sticks for blind people and moving frames-

Completely free of charge for those who need these aids and those with disabilities.

Under the social rehabilitation and child care state program, the “Deaf Communication Support Subprogram” is implemented, which aims to provide at least 10 interpreter services to deaf people living in Georgia (with the exception of Tbilisi) to promote social integration.

Statistical information on technical aids – ANNEX I.

Implementation of the inclusive vocational education started in 2013. In order to increase access to vocational education for people with different needs, quotas in various vocational educational programs are envisaged (minimum 10% of overall amount of vocational students). Alternative procedure for vocational testing is developed meaning that in individually adapted conditions, people with special needs have opportunities to try selected profession/s in order to support them in making best possible professional decision.

Since 2017, vocational students with special educational needs are provided with additional funds from the State. Mentioned funds can be used based on individual needs of the student during the learning process. Different educational services are provided to the students with disabilities and special educational needs based on their individual needs.

New positions were added to the vocational educational institutions, in particular, inclusive vocational education specialist, assistant to person with special educational need. In addition, in case of necessity vocational students with special educational needs have access to professional/human resources such as gesture language translator, spatial orientation and mobility trainer, special caregiver, etc. If students are in need, they are provided with transport, learning materials and adapted individual learning strategies and plans.

There are ramps and adapted restrooms in the vocational educational institutions; environment in 4 institutions are adapted in accordance with the universal design principles.

In order to promote education of students with special educational needs, special resources are developed, for instance, online bank for Georgian gesture language (special web page) and mobile application of the mentioned bank, audio versions of guidelines/learning materials were prepared. Supporting technical equipment was purchased and teachers and specialists are being constantly trained and strengthened.

With the aim of strengthening professional orientation procedures and aiming at registration for professional orientation, special recommendatory online form was developed for persons with special educational needs and disabilities. Instruments for analysis of professions was created. Work on

introductory videos on professions and instrument for studying professional interest for persons with disabilities and special educational needs has already started.

## **Article 18**

### **GoG response:**

During the reporting period the law of Georgia on the legal Status of Aliens and Stateless Persons has not undergone significant changes concerning the right of Aliens to engage in a gainful occupation in the territory of other States Parties, however on 30th of May of 2019 the Law of Georgia on the Legal Status of Aliens and Stateless Persons has undergone some major changes (The new regulation entered into force on 05th of July of 2019 follow up to the amendment of 30th of May of 2019)as the types of residence permits and issuing grounds were newly regulated by the law.

Within the framework of VLAP (Visa Liberalization Action Plan), Georgia has approximated its legislation with the EU's, based on which residence permits have been divided into types and matched with the relevant categories of the visas. Nowadays, Georgia issues the following residence permits: Work residence permit, Study residence permit, Residence permit for family reunification, Residence permit of a former citizen of Georgia, Residence permit of a stateless person, Special residence permit, permanent residence permit, an Investment residence permit, Temporary residence permit, Short-term residence permit, Residence permit for an Indefinite stay and still the right to be engaged in such kind of occupations is protected by the legislation.

## **Article 20/Article 1 of the 1988 Additional Protocol\***

### **GoG response:**

Every person in Georgia is free to appeal to court when his or her rights violated, including in case of wage discrimination. The burden of proof for the claim submitted in the case possible discrimination shall lie on employers (Labour Code of Georgia). Civil Procedural Code of Georgia defines that when filing a claim, a person shall present to the court those facts and evidence that provide grounds to assume that a discriminating action has been committed.

After this, the burden of proof that that he/she has not committed the discriminative action shall be imposed on the defendant.

The Ministry addressed civil courts of Georgia and Public Defender. There were no cases of wage discrimination discussed by the courts so far, while during the period of 2015-2018, the Office of Public Defender of Georgia discussed 3 cases out of which 2 cases were stopped and in one case, Public Defender issued a recommendation. No ceiling to compensation for pecuniary and non-pecuniary damage that may be awarded to a victim of pay discrimination is established and is determined based on details and characteristics of each case.

Government of Georgia is carrying out a public service reform, which aims to establish fair remuneration system. To this end Georgian, legislation governing remuneration in public service fully determines procedures and rules of granting coefficients to specific positions in the public entity.

Article 57 of the Law of Georgia on “Public Service” defines that the remuneration system for officers shall be based on the principles of transparency and fairness, which means equal pay for equal work performed. At the same time, Article 3 of the Law on Remuneration in Public Service determines that the basic principle of issuing labour remuneration according to which the system of remuneration rests on principles of equality and transparency, which imply the receipt of equal pay for the performance of equal job in accordance with rules, established in advance. Pursuant to the same law, determination of functions for specific positions is based on assessment of each case. Assessment of each case means that the entities evaluate different features such as level of responsibility, stress, relevant competencies, qualification and work experience.

Accordingly, determination of coefficients for each position is based not only essential/principal similarity of functions but above-mentioned factors – responsibility, complexity, relevant competencies, qualifications and work experience. This in aggregate implies evaluation of the value of work, which is the main principle of the Convention.

When it comes to methods of comparison in public sectors this is to highlight the ***Measures Taken in the Context of Civil Service Reform for Developing an Objective Job Evaluation Method to Ensure that Job Classification and Remuneration in the Public Service is Free from Gender Bias.***

In order to implement the activities envisaged by the Decree of the Government of Georgia on approving of the Civil Service Reform Concept<sup>1</sup>, *inter alia*, the new Law on Civil Service (CSL) and the package of secondary legislation, prescribed by the transitional provisions of the CSL, were adopted. The CSL

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<sup>1</sup> The Decree of the Government of Georgia #627 adopted on November 19, 2014 on “Approving Concept for Civil Service Reform and Several Measures Related to its Implementation”

introduces new understanding and scope of civil service system. The provisions of the CSL are dealing with revised rules on transparent selection, equality before the law, equal opportunities, impartiality, promotion and dismissal of civil servants, continuous needs-based professional development of civil servants, etc.

Equality before the law is ensured by new CSL and its section 9 states one of the principles of civil service according to which 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 union, political or other views, or other characteristics.

Secondary legislation, thus, aims at ensuring equal opportunities for gender mainstreaming in civil service through, requiring, for example, involvement of a person responsible for the gender issues of a public institution in the activity of the selection commission.<sup>2</sup> The requirement to permanently have person responsible for gender issues is considered, however at the moment only recommended and heads of HR units instructed accordingly.

In addition, the decree of the Government of Georgia on “Ethics and General Rules of Conduct for Civil Service”<sup>3</sup> requires that public institution facilitates attainment of a gender balance at a public institution and ensures the creation of equitable conditions and opportunities of work to different genders.<sup>4</sup> Also, the article on prohibition of sexual harassment at workplace is introduced.<sup>5</sup> The purpose of it is to emphasize the existence of relevant general or internal procedures for preventing and for resolving allegations of sexual harassment and also to ensure compliance with the international standards regarding this issue. These regulations seek to encourage the equal environment for all employees regardless their gender identity or sexual orientation, keep them informed about the phenomena of sexual harassment and the relevant procedures on disclosure and stress the responsibility of supervisors in handling the unwelcome behavior of the employee by using effective measures.

The new classification system was introduced by the new CSL and secondary legislation prescribed by the CSL. Before the new CSL came into force in 1<sup>st</sup> of July, 2017, all public institutions, including the local self-governmental institutions, rearranged the staff according to the law and new classification system. For this purpose, the functions were categorized into core functions and support functions. The CSB was actively involved in implementation of new classification and ranking system by preparing the guidelines and recommendations for the public institutions. To ensure the systematize completion of ranking process the CSB developed the plan of actions and draft version of change management action plan. The CSB has also prepared the sample of rearrangement of staff by providing the relevant and necessary information for each rank and position.

CSL provides for the obligation to conduct an annual compulsory assessment of professional civil servants, which allows identifying needs for motivation and enhancement of adequate qualification. To this end, it is necessary to establish a unified and systematic performance evaluation system to ensure an objective approach to evaluating civil servants in public institutions at the central and local levels. For this purpose, training sessions and informational meetings were organized in public institutions in regions as well as in the line ministries.

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<sup>2</sup> The decree of the Government of Georgia #204 adopted on April 21st on “Conduct of Competitions in Civil Service”, Article 15

<sup>3</sup> The decree of the Government of Georgia #200 adopted on the April 20, 2017 “General Code of Ethics and Conduct for Civil Service”

<sup>4</sup> *Ibid.*, Article 14

<sup>5</sup> *Ibid.*, Article 15

The CSB has been designated as a principal body to explore and monitor job performance evaluation practices and develop corresponding recommendations. The CSB is committed to provide professional assistance and advice to all government institutions in the implementation of the uniform job performance evaluation methods. Principles of rule of law, fairness, objectiveness, transparency, integrity, conflict of interest, credibility and protection of interest of civil service institution and servant are equally observed in appraisal process.

As to the concrete steps in order to promote the use of objective job evaluation or develop such method in the private sector, methodology is being elaborated with the support of international organizations and active participation of social partners, in particular, trade union confederation. Statistical data showing a gender wage gap of 37.7 per cent is not based on the calculation of monthly wages of both sexes but includes benefits and other wage components, for instance, bonuses. Pursuant to the recently conducted labour force survey (2017) percentage of wage gap decreased from 35% to 18% when different methodology was used, in particular when calculating based on hourly wages. The survey also saying that women work less hour and men mostly overtime. When it comes to gender equality and equal pay, it is worth to bear in mind that Georgia is a country with distinguished traditional values where gender stereotypes and social roles of men and women play a decisive role. The pay gap is not primarily conditioned by legal or regulatory environment but traditional norms and attitude where women are combining their roles in household chores and career development.

37% difference										
Average monthly nominal earnings of employees by economic activity (Nace rev. 2) and sex , 2016-2018										
	2016			2017			2018*			GEL
	Total	of which:		Total	of which:		Total	of which:		
		Female	Male		Female	Male		Female	Male	
<b>Total</b>	<b>940.0</b>	<b>731.2</b>	<b>1116.6</b>	<b>999.1</b>	<b>770.2</b>	<b>1197.4</b>	<b>1124.1</b>	<b>856.2</b>	<b>1360.5</b>	
Agriculture, forestry and fishing	570.2	518.9	584.8	642.8	617.0	651.2	732.4	777.0	718.8	
Mining and quarrying	1154.1	1210.3	1147.0	1260.4	1191.8	1268.3	1344.0	1189.7	1363.4	
Manufacturing	783.2	572.6	894.8	868.1	629.0	994.7	973.3	692.8	1127.9	
Electricity, gas, steam and air conditioning supply	1348.0	1489.8	1315.9	1414.1	1514.0	1391.7	1513.1	1644.7	1485.1	
Water supply, sewerage, waste management and remediation activities	711.5	601.2	760.1	753.4	664.3	789.8	790.5	672.8	838.7	
Construction	1265.9	924.1	1297.8	1465.7	949.5	1523.2	1757.2	1327.5	1802.4	
Wholesale and retail trade; repair of motor	790.4	594.4	957.5	844.2	633.0	1034.0	1045.2	783.9	1271.0	

vehicles and motorcycles									
Transportation and storage	1155.5	869.9	1235.8	1238.1	847.2	1362.8	1356.0	1047.5	1451.5
Accommodation and food service activities	625.6	545.6	747.9	671.9	592.4	785.3	885.5	781.1	1038.3
Information and communication	1339.0	1130.9	1487.3	1425.7	1185.1	1592.2	1759.6	1446.2	1985.8
Financial and insurance activities	1834.9	1287.1	2669.7	2008.3	1394.7	3024.6	2241.2	1498.7	3461.2
Real estate activities	1016.6	771.3	1122.7	1093.3	764.6	1283.6	1110.8	793.1	1266.6
Professional, scientific and technical activities	1463.6	1467.1	1460.7	1594.5	1498.7	1671.6	1892.5	1421.3	2355.5
Administrative and support service activities	739.6	571.9	830.8	767.9	627.8	844.4	1006.0	1072.8	968.7
Public administration and defence; compulsory social security	1254.7	1201.0	1276.2	1236.1	1185.7	1256.3	1268.3	1178.0	1307.0
Education	534.2	514.7	599.3	577.0	559.0	637.9	600.6	581.8	664.8
Human health and social work activities	914.6	789.0	1253.3	953.3	831.3	1289.1	1000.6	884.9	1313.9
Arts, entertainment and recreation	833.7	703.7	964.0	876.9	754.7	992.1	999.5	864.8	1134.2
Other service activities	729.6	570.6	1001.9	685.5	625.1	780.9	863.2	715.4	1095.5
*Preliminary data. Revised data will be available on 8 October, 2019.									
Source: Statistical survey of organizations and enterprises.									

**Out of reference period** - on February 19 2019, the Parliament of Georgia adopted amendments to the labour legislation. The legislative package was prepared in compliance with EU directives (2000/78/EC, 2000/43/EC, and

2004/113/EC) and includes following organic laws and laws of Georgia: Organic Law of Georgia “Georgian Labour Code”, Law of Georgia on “Elimination of All Forms of Discrimination”, Law of Georgia on “Public Service”, Law of Georgia on “Gender Equality”.

The above-mentioned amendments aim to establish those principles that serve to eliminate and prohibit discrimination in labour and pre-contractual relations, employment and occupation based on religion or faith, disabilities, age, sexual orientation, racial or ethnic origin and apply to all persons employed in public and private sectors. To highlight, the Law of Georgia on “Elimination of All Forms of Discrimination” defined sexual harassment as any form of unwanted physical, verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. While Law on “Gender Equality” defines that harassment and sexual harassment in labour relations/at workplace are prohibited.

In addition to above-mentioned work, the Government of Georgia is continuously working on expansion of Organic Law of Georgia “Georgian Labour Code”. Numerous changes have been made to the Labour Code since 2013, targeted towards strengthening the rights of workers at the workplace. GoG will continue to sophisticate Organic Law of Georgia “Georgian Labour Code”, thus introducing international labour standards into Georgian labour market, as per Georgia’s Association Agreement with EU, Annex XXX. The amendments will be covering issues, such as implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, part-time work , fixed-term work, progressive implementation of the principle of equal treatment for men and women in matters of social security, collective redundancies, transfer of undertakings, fixed-duration or temporary employment relationship, certain aspects of the organization of working time. In terms of equal pay for work of equal value it is important to mention EU DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation which is the part of legislative package to be submitted to the Parliament. The directive defines, that for the same work or for work to which equal value is attributed, and direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration shall be eliminated.

Apart from that, “National Strategy of Labour Market and Employment Policy of Georgia 2019-2023” was adopted. One of the tasks of the strategy is to promote gender equality and women’s participation in the labour market. Pursuant to the strategy legislation on discrimination and gender inequality will be improved which will play an important role in safeguarding the equality principle, improving the mechanisms to protect women's labour rights as well as taking measures to ensure that pregnant, newly given birth and breastfeeding women enjoy better measures of safety and healthcare and that their social guarantees are improved. Ensuring that employees receive equal remuneration for equal work will be guaranteed on the legislative and practical levels alike, guidelines on methodology will be elaborated so that the principle of equal remuneration is ensured and guaranteed. These issues are also incorporated in the strategy realization action plan 2019-2021.

## **Article 24\***

### **GoG response:**

The Georgian Labour Legislation i.e. Organic Law of Georgia “Georgian Labour Code” determines suspension of labour relations and termination of labour agreements by the separate chapter.

Article 37 of the Labour Code defines grounds for terminating labour agreements. In particular, grounds shall be:

- a) economic circumstances, technological, or organizational 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 obligations under an individual labour agreement or a collective agreement and/or of internal labour regulations;
- h) violation by an employee of his/her obligations 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 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 the Code;
- 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 the Code;
- 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.

Violation of an obligation under the internal labour regulations provided for in paragraph 1(g)(h) of this article may serve as a basis for terminating a labour agreement only when the internal labour regulations are an integral part of the labour agreement. Terminating labour relations shall be inadmissible:

- a) on the grounds other than those laid down in paragraph 1 of this article;
- b) on discrimination grounds under Article 2 of the Code;
- c) during the period under Article 36(2)(g) of the Code from notification to the employer from a female employee about her pregnancy, except for the grounds under paragraph (1)(b-e, g, h, j, l) of this article;
- d) due to an employee being called to compulsory military service or military reserve service and/or during an employee’s period of compulsory military service or military reserve service, except for the grounds under paragraph(1)(b-e, g, h, j, l) of this article;
- e) during the period of being a jury in court, except for the grounds under paragraph (1)(b-e, g, h, j, l) of this article;

Procedures for terminating labour agreements is also determined by the Code. For instance, article 38 defines the following:

When terminating a labour agreement on any of the grounds under Article 37(1)(a, f, i, n) of the Code, 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 in the amount of at least one month's 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 the Code, 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 in the amount of at least two months' salary within 30 calendar days after terminating the labour agreement.

If a labour agreement is terminated on the initiative of an employee on the grounds under Article 37(1)(d) of the Code, the employee shall be obliged to notify the employer about it in writing at least 30 calendar days in advance. Within 30 calendar days after receiving an employer's notification about terminating a labour agreement, an employee may request the employer a written substantiation of the grounds for terminating the labour agreement. An employer shall be obliged to provide a written substantiation of the grounds for terminating a labour agreement within seven calendar days after submitting the request by an employee. Within 30 calendar days after receiving an employer's written substantiation, an employee may appeal in court against the employer's decision on terminating the labour agreement. If an employer fails to provide a written substantiation of the grounds for terminating a labour agreement within seven calendar days after an employee submits the request, the employee may appeal in court against the employer's decision on terminating the labour agreement within 30 calendar days. In this case, the burden of proof for determining facts of the dispute shall lie on the employer. If employer's decision on terminating the labour agreement is declared void by the court, the employer shall be obliged, under the court decision, to reinstate the person whose labour agreement was terminated, or to provide the person with an equal job, or pay compensation as defined by the court.

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 the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia in writing and the employees whose labour agreements are terminated, at least 45 calendar days before the massive layoffs.

Legal representatives of minors or custody/guardianship authorities may request for termination of a labour agreement with minors, if continuing work endangers the life, health, or other significant interests of minors.