



Labor Law Reform in Georgia

The Parliament of Georgia passed amendments to the labor legislation in Georgia on September 29, after 18 months of discussions with different social partners. The reform greatly expands women's labor rights and includes significant contributions from USAID/PROLoG experts. Highlights of the changes, which are detailed on the following pages, include:

- ◆ Prohibition of discrimination on the grounds of health condition
- ◆ Expanded protections for employees, pregnant women and mothers
- ◆ Support for professional development of women
- ◆ Effective enforcement mechanism of the law

Summary of Legal Changes

Expanding the Definition of Discrimination

- ▶ Prohibition of discrimination on the grounds of health condition has been added to the list of definitions of discrimination

Prohibition of Labor Discrimination

- ▶ The scope of prohibition of discrimination in employment and in professional activities within labor and pre-contractual relations, including announcing a vacancy and at the selection stage, has been expanded, and it will also apply to pre-contractual selection criteria and employment conditions, as well as access to promotion on all levels of professional hierarchy, regardless of the sphere of activity
- ▶ The burden of proof on disputes related to the prohibition of discrimination will be imposed on the employer if the candidate or employee points to facts or circumstances which bring on a reasonable assumption that the employer was acting against the requirement of prohibition of discrimination

Labor Agreement

- ▶ An employment agreement must be finalized in writing if the employment relationship lasts for more than one month

Enhanced Rights of Women

- ▶ If during pregnancy or breastfeeding, or in the case of a woman having recently given birth, the employee's condition on the basis of a medical conclusion does not allow performance of the work specified in the employment agreement, she shall have the right to request to perform work appropriate to her health, within a reasonable accommodation

- ▶ The employee will have the right to return to the same job under the same working conditions after maternity and child care leave or leave due to adoption of a newborn, as well as to enjoy any improved conditions that she would have been entitled to if she had not taken the appropriate leave
- ▶ A pregnant woman, upon her request, will be given extra time for medical examinations, if such examination shall be conducted during the working hours
- ▶ Idle working hours due to medical examinations during pregnancy will be considered a legitimate reason and will be remunerated on submission of relevant medical documentation
- ▶ The employer shall not have the right to employ overtime a pregnant, breastfeeding or woman having recently given birth to a child, a person with disabilities, or a minor, as well as an employee who has a child under the age 3, or the legal representative or appointed supporter of person with disabilities, without their consent
- ▶ The legal representative or appointed supporter of a person with disabilities, in addition to official days off, shall have the right to take a paid day off once a month or to agree with the employer on working hours different from the internal regulations

Supporting the professional development of employed women

- ▶ After maternity and child care leave, or leave due to adoption of a newborn, upon employee's request, the employer will be obliged to provide the employee with qualification professional development training as long as it is necessary to perform the work envisaged in the employment agreement and does not incur disproportionate financial costs for the employer
- ▶ If the employer makes decisions regarding participation of the employee in professional trainings or qualification upgrading courses, participation of the employee will be considered as working time and will be remunerated

Enforcement Mechanism

- ▶ Violation of the provisions of the law will result in a warning or a fine in the amount of 200 to 1000 GEL, and in cases involving a minor, a pregnant woman or a person with disabilities, the fine will be doubled
- ▶ Violation of the principles of discrimination will result in a fine triple the amount envisaged for violating provisions of the law
- ▶ Forced labor will result in a fine of triple the amount envisaged for violating provisions of the law, and in cases involving a minor, pregnant woman or person with disabilities the fine will be doubled