

საია-მ საქართველოს  
პარლამენტს შრომის  
კოდექსში  
ცვლილებების  
პაკეტთან  
დაკავშირებით  
მოსაზრებები  
წარუდგინა



## GYLA submitted to the Parliament of Georgia its opinions regarding the package of amendments to the Labor Code

GYLA submitted its opinions on the package of amendments to the Labor Code initiated by the members of the Parliament<sup>1</sup> to the Committees on Health Care and Human Rights of the Parliament of Georgia.

GYLA positively assesses the amendments to the draft Labor Code, such as: improving the legal framework for the protection of employees from labor discrimination and defining the concept of reasonable accommodation, introducing the obligation to enter into a written employment contract and regulating overtime work, arranging the internship issues, developing a new formulation for the concept of maternity leave, determination of paid leave due to paternity and so on. In addition, GYLA welcomes the draft law on Labor Inspection, according to which the Labor Inspection Service shall be established as a Legal Entity under Public Law (LEPL) under the subordination of the Ministry of Labor, Health and Social Affairs and its powers shall be increased to

oversee the introduction of labor legislation.

GYLA was actively involved in the activity of the working group created in the Parliament of Georgia working on the draft Labor Code, where some of the remarks made by the organization were taken into account, including the following: possibility of concluding an employment contract in oral form in exceptional cases, unconstitutional nature of the threshold amount of idle time salary determined for an illegally dismissed employee, increasing the supervisory powers of the Labor Inspectorate and so on.

Although the amendments to the Labor Code and the draft law on Labor Inspection of Georgia increase the guarantees of legal protection for employees, GYLA considered it necessary to submit additional remarks to the Parliament of Georgia to promote project improvement and eliminate the existing shortcomings.

The remarks submitted on the draft amendments to the Labor Code concern the following issues:

- Expansion of the existing definition of labor relations and to include in it the period of unpaid internships;
- Detailed writing down of the relevant measures for effective implementation of the principle of reasonable accommodation and proportional distribution of a burden between the public and private sectors. Also, recognition of reasonable accommodation as one form of discrimination;
- Creation of additional safeguards to avoid annulment of an orally concluded contract for more than one month term;
- Creation of additional safeguards in order to avoid bypassing the derogations established by the law when concluding a contract for a specified period of time;
- Determination of the amount of maternity leave, paternity leave and parental leave to be paid as 80% of the average monthly salary of the employee, which has been presented in the first version of the draft Labor Code;

- Determination of the essential services based on the law, according to which the court is given the authority in a single time to postpone the start of a strike and/or suspend it;
- Identification of a comprehensive list of grounds for termination of employment relationship and removal of the "other objective circumstances" from the grounds for dismissal;
- Problematic nature of the reduction of the general 3-year statute of limitations on disputes arising from the employment relationship to 1 year, especially on the issue of salary arrears compensation;
- Clear definition of the mandate of the authorized bodies in connection with the establishment of labor discrimination, in order not to overlap the powers between them and to create a different practice;
- Timely commencement of the work on the draft law of Georgia on Minimum Wage with the broad involvement of the society.

The remarks submitted regarding the draft law of Georgia on Labor Inspection are as follows:

- The legal status of the labor inspector shall be in compliance with the legal status of a person employed by legal entities under public law based on the legislation of Georgia;
- Reducing the scope of discretionary powers granted to the labor inspectorate in order to select a proportional administrative penalty, in particular: determination of the general and basic principles for the imposition of a penalty, as well as the list of circumstances to be considered when selecting a penalty;
- Detailed regulation of the grounds for the origin of the conflict of interest for the labor inspector, in particular the definition of direct and indirect interest, as well as the regulation of the issue of incompatibility of position duties;

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- Determination of the deadline for submitting the annual report of the Labor Inspection Service within 3 months after the end of the calendar year and giving it analytical content.

GYLA hopes that the Parliament of Georgia will take into account the presented opinions and reflect them in the final version.