ORGANIC LAW OF GEORGIA

LABOUR CODE OF GEORGIA

Section I

General Provisions

Chapter I – Introductory Provisions

Article 1 – Scope

1. This Law regulates labour and its concomitant relations in the territory of Georgia, unless they are otherwise governed by other special law or international agreements of Georgia.

2. Labour-related questions not governed by this Law or by other special law shall be regulated by the norms of the Civil Code of Georgia.

3. A labour agreement may not establish norms different from those provided for by this Law that worsen the conditions of employees.

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Article 2 – Labour relations

1. Labour relations comprise the performance of work by an employee for an employer under organised labour conditions in exchange for remuneration.

2. Labour relations shall derive from agreements reached as a result of a free expression of will and based on the equality of parties.

3. Labour relations, and pre-contractual relations, including when publishing a vacancy notice and at a selection stage, shall prohibit any discrimination on the grounds of race, skin colour, language, ethnicity or social status, nationality, origin, material status or position, place of residence, age, gender, sexual orientation, marital status, disability, religious, public, political or other affiliation, including affiliation to trade unions, political or other opinions, or on any other grounds.

4. (Deleted – 29.9.2020, No 7177).

4^1. (Deleted – 29.9.2020, No 7177).

5. (Deleted – 29.9.2020, No 7177).

6. (Deleted – 29.9.2020, No 7177).

7. (Deleted – 29.9.2020, No 7177).

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 4279 of 19 February 2019 – website, 25.2.2019

Organic Law of Georgia No 4549 of 3 May 2019 – website, 10.5.2019

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 3 – Subjects of labour relations

1. The subjects of labour relations shall be an employer or an employers' association, and an employee or an employees' association established for the purposes of, and under the procedures provided for by, the Organic Law of Georgia on Trade Unions, and Conventions No 87 and No 98 of the International Labour Organisation ('an employees' association').

2. An employer is a natural or a legal person, or an association of persons, for whom certain work is being performed under a labour agreement.

3. An employee shall be a natural person performing certain work for an employer under a labour agreement.

4. An employer and an employee are the subjects of individual labour relations.

5. One or more employers or one or more employers' associations and one or more employees' associations are the subjects of collective labour relations.

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 3826 of 30 November 2018 – website, 14.12.2018

Article 3^1 – (Deleted)

Organic Law of Georgia No 195 of 28 December 2012 – website, 30.12.2012

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Chapter II – Prohibition of Labour Discrimination

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 4 – Prohibition of labour discrimination

1. For the purposes of this Law, discrimination is the intentional or negligent discrimination or exclusion of a person, or the giving to him/her a preference, on the grounds of race, skin colour, language, ethnic or social affiliation, nationality, origin, property or titular status, employment status, place of residence, age, gender, sexual orientation, disability, health status, religious, public, political or other affiliation (including affiliation to trade unions), marital status, political or other opinions, or on any other grounds, with the purpose or effect of denying or breaching equal opportunities or treatment in employment and occupation.

2. For the purposes of this Law, direct discrimination is where a person is treated less favourably than another is, was or would be treated, in a comparable situation, on any of the grounds referred to in paragraph 1 of this article.

3. For the purposes of this Law, indirect discrimination is where a neutral provision, criterion or practice, would put persons at a

disadvantage compared with other persons on any of the grounds referred to in paragraph 1 of this article, unless said provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

4. Employers shall ensure equal remuneration of female and male employees for equal work performed.

5. Harassment in the workplace (including sexual harassment) is a form of discrimination, in particular, unwanted behaviour towards a person on any of the grounds referred to in paragraph 1 of this article, with the purpose or effect of violating the dignity of the person concerned, and creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her.

6. Sexual harassment shall be conduct of a sexual nature towards a person, with the purpose and/or effect of violating the dignity of the person concerned and creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her.

Note: For the purposes of this Law, conduct of a sexual nature includes uttering and/or addressing a person with phrases of a sexual nature, displaying genitals, and/or any other non-verbal physical conduct of a sexual nature.

7. It shall be prohibited to terminate an employment agreement with an employee, and/or to treat an employee in a negative manner, and/or to attempt to influence him/her, because the employee has filed an application or a complaint with an appropriate body, or has cooperated with such a body, in order to protect himself/herself from discrimination.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 5 – Scope of prohibition of discrimination

Discrimination in labour relations and pre-contractual relations (including when publishing a vacancy and at a selection stage), and in employment and occupation, shall be prohibited. The prohibition of discrimination shall apply, inter alia, to:

a) selection criteria and employment conditions in pre-contractual relations, as well as access to career advancement, at all levels of the professional hierarchy and whatever the sector or branch of activity;

b) access to all types of vocational guidance, advanced training, vocational training and retraining (including practical work experience) at all levels of the professional hierarchy;

c) labour conditions, remuneration conditions, and conditions for the termination of labour relations;

d) membership of, and involvement in, an employees' association, an employers' association, or any organisation whose members carry out a particular profession, including the benefits provided for by such organisations;

e) conditions of occupational social protection, including social security and health care conditions.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 6 – Requirements specific to work

The need to differentiate between persons, which arises from the essence or specific nature of the work in question, or the conditions of its performance, and serves to achieve a legitimate objective, and constitutes a necessary and proportionate means of achieving that objective, shall not be deemed discrimination.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 7 – Burden of proof

In the event of a dispute relating to the prohibition of discrimination, where a job candidate or employee alleges facts and/or circumstances which give rise to a reasonable belief that an employer has violated the prohibition against discrimination, the burden of proof shall rest with the employer.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 8 – Special protection and support measures

Special measures taken to meet the needs of persons who are normally recognised as requiring special protection or support based on their age, gender, disability, family responsibility, and social or cultural status, shall not be deemed discrimination.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 9 – Reasonable accommodation

In order to guarantee compliance with the principle of reasonable accommodation, in particular, the principle of equal treatment in relation to persons with disabilities, employers shall take measures, where needed, to enable a person with a disability to have access to or advance in employment, or to undergo advanced training and vocational training and retraining, unless such measures would impose a disproportionate burden on the employer. This burden shall not be deemed disproportionate where adequate state support programmes, benefits and/or other alternative remedies are available for persons with disabilities in relation to the measure in question.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section II

Individual Labour Relations

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter III – Commencement of Labour Relations

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 10 – Emergence of legal capacity to enter into employment agreements and minimum employment age

1. The legal capacity of natural persons to enter into an employment agreement shall commence from the age of 16.

2. The legal capacity of minors under the age 16 to enter into an employment agreement shall derive from the consent of their legal representative or a custody/guardianship authority, unless the labour relations in question are contrary to the minor's interests, or prejudice their moral, physical and mental development, or limit their right and opportunity to acquire compulsory primary and basic education. Where the consent of a minor's legal representative or custody/guardianship authority validly constitutes legal capacity to enter into an employment agreement, such consent shall be valid with respect to similar types of subsequent labour relations as well.

3. An employment agreement with minors under the age 14 may be concluded solely for the performance of activities in the fields of sport, art, and culture, and/or to do work in advertising.

4. Concluding employment agreements with minors which involve them in work related to gambling, nightclubs, the preparation, transportation, and sale of erotic and pornographic products, and pharmaceutical and toxic substances, shall be prohibited.

5. Employment agreements for performing arduous, harmful or hazardous work shall not be concluded with minors, and/or with pregnant women, or women who have recently given birth or are breastfeeding.

6. Employing a person who was convicted of committing a crime against sexual freedom and inviolability as provided for by the Law of Georgia on Countering Crimes against Sexual Freedom and Inviolability, irrespective of whether or not his/her conviction has been removed or expunged, in institutions defined in the Law of Georgia of Early and Preschool Education or the Law of Georgia of General Education, in institutions providing any educational/training/fostering services for minors (including extracurricular educational institutions and fostering institutions), in service agencies (asylums) for victims of human trafficking, in shelters/crisis centres defined in the Law of Georgia on the Elimination of Violence against Women and/or Domestic Violence, and the Protection and Support of Victims of Such Violence, or in specialised institutions provided for by the Law of Georgia on Social Assistance, shall be prohibited.

7. Employing, in a relevant institution as defined by the legislation of Georgia, a person who was convicted of committing a crime against sexual freedom and inviolability provided for by the Law of Georgia on Countering Crimes against Sexual Violence and Inviolability, or who was deprived of the right to carry out activities in the institution in question on the basis of the same law, shall be prohibited.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 11 – Pre-contractual relations and exchange of information before concluding employment agreements

1. An employer may obtain information about a job candidate, except for information which is not related to the performance of the job or is not designed to evaluate the ability of a candidate to perform a specific job and to make an appropriate decision in respect thereof.

2. A job candidate shall inform an employer about any circumstances that may impede his/her performance of the work in question or that may jeopardise the interests of the employer.

3. Employers may verify the accuracy of information submitted by job candidates.

4. The information obtained by an employer about a job candidate, and the information submitted by the candidate, shall not be available to other persons without the consent of the candidate, except in cases provided for by the legislation of Georgia.

5. A job candidate may request the return of submitted documents if an employer does not conclude an employment agreement with him/her.

6. An employer shall provide a job candidate with the following information:

a) the work to be performed;

b) the form (oral or written) and the period (fixed-term or open-ended) of an employment agreement;

c) the employment conditions;

d) the legal status of an employee in labour relations;

e) the remuneration.

7. Pre-contractual relations with a job candidate shall be considered completed when an employer has concluded an employment agreement with the candidate, or when the candidate has been informed of the refusal of employment.

8. An employer shall not be required to justify a decision on refusing to employ a candidate.

9. In pre-contractual relations, before concluding an employment agreement, an employer shall let a job candidate become familiar with the provisions of the legislation of Georgia regarding the principle of equal treatment between persons and the means of complying therewith, and shall take measures to ensure compliance with the principle of equal treatment between persons in the workplace, and shall include anti-discrimination provisions in its internal labour regulations, collective agreements and other documents, and shall ensure adherence thereto.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 12 – Conclusion of employment agreements

1. An employment agreement may be oral or written, fixed-term or open-ended.

2. An employment agreement shall be concluded in writing if labour relations last longer than 1 month.

3. Except when the duration of an employment agreement is 1 year or longer, an employment agreement shall only be concluded for a fixed term if one of the following circumstances are present:

a) a specific amount of work is to be performed;

b) seasonal work is to be performed;

c) the amount of work has temporarily increased;

d) an employee being temporarily absent from work due to suspended labour relations is being replaced;

e) the employment agreement provides for the subsidising of wages as defined in the Law of Georgia on Facilitating Employment;

f) other objective circumstances justifying the conclusion of an employment agreement for a fixed term.

4. If the duration of an employment agreement is more than 30 months, or if labour relations have continued on the basis of concluding fixed-term employment agreements on two or more consecutive times and the duration of said labour relations exceeds 30 months, an open-ended labour agreement shall be deemed to have been concluded. Fixed-term employment agreements shall be considered to have been consecutively concluded if the current fixed-term labour agreement is prolonged upon the expiry thereof or the next fixed-term labour agreement is concluded within 60 days after the initial agreement expires.

[4. The restrictions imposed under this article on concluding fixed-term employment agreements shall not apply to entrepreneurs under the Law of Georgia on Entrepreneurs if 48 months have not elapsed since their public registration (start-up companies) and if they meet the additional conditions (if any) established by the Government of Georgia, on the condition that, for the purposes of this paragraph, the duration of a fixed-term labour agreement not be shorter than 3 months. ***(Shall become effective from 1 January 2022)***]

5. If a fixed-term labour agreement has been concluded in the absence of any of the circumstances referred to in paragraph 3 of this article, an open-ended labour agreement shall be deemed to have been concluded.

6. The restrictions imposed under this article on concluding fixed-term employment agreements shall not apply to business entities under Article 2(1) of the Law of Georgia on Entrepreneurs if 48 months have not elapsed since their public registration (start-up companies) and if they meet the additional conditions (if any) established by the Government of Georgia, on the condition that, for the purposes of this paragraph, the duration of a fixed-term labour agreement not be shorter than 3 months.

7. Paragraph 6 of this article shall not apply to a business entity established as a result of reorganisation through the transfer of another business entity's assets into ownership or for use, or under a fraudulent agreement.

8. Except in cases where an employment agreement is concluded in any of the circumstances referred to in paragraph 3(a-f) of this article, if labour relations have commenced within the 48-month period prescribed by paragraph 6 of this article, an open-ended employment agreement shall be deemed to have been concluded after the said period expires.

9. An employer shall inform persons employed for fixed terms of available vacancies, so as they have an equal opportunity to hold positions under open-ended employment agreements, like other employees.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Organic Law of Georgia No 899 of 2 August 2021 – website, 4.8.2021

Article 13 – Language of employment agreements

A written labour agreement shall be concluded in a language understandable to the parties. A written labour agreement may be concluded in several languages. If a written employment agreement is concluded in several languages, it shall contain a clause specifying the language of the employment agreement to prevail in the case of a discrepancy between the provisions of the employment agreements.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 14 – Content of employment agreements

1. The essential terms of an employment agreement shall be:

a) information on the parties to the employment agreement;

b) the employment commencement date and the duration of labour relations;

c) the working time and rest periods;

d) the place of work, and information on the different places of work of the employee if his/her regular or primary places of work are not determined;

e) the post (where applicable, with an indication of a rank, a grade, a category, etc.), the type and description of work to be performed;

f) the remuneration (with an indication of a salary and, where applicable, an increment), and the procedure for the payment thereof;

g) the procedure for compensating overtime work;

h) the duration of paid and unpaid leave and the procedure for granting said leave;

i) the procedure for the termination of labour relations by the employer and the employee;

j) the provisions of a collective agreement, provided that the employment conditions of employees are regulated differently under said provisions.

2. Upon the request of an employee, an employer shall issue a certificate of employment. A certificate of employment shall contain the details of the work performed, the remuneration, and the duration of the employment agreement.

3. An employment agreement may determine the internal labour regulations to be part of the employment agreement. In this case, an employer shall make the internal labour regulations (if any) available to a person for reading before concluding an employment agreement. An employer shall make changes made to the internal labour regulations available to an employee for reading within 14 days of making such changes.

4. If several employment agreements are concluded with an employee that only supplement and do not entirely supersede one another, all the employment agreements shall be valid and shall be deemed to be one employment agreement.

5. A preceding labour agreement shall remain valid inasmuch as its provisions are not changed by a subsequent labour agreement.

6. If several employment agreements have been concluded with an employee relating to one and the same term, the employment agreement last concluded shall prevail.

7. A provision in an individual employment agreement concluded with an employee that contravenes this Law or a collective agreement with the same employee shall be void, except where the individual labour agreement improves the conditions of the employee.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 15 – Commencement of labour relations

Labour relations shall commence from the moment of actual commencement of work by an employee, unless otherwise determined by an employment agreement.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 16 – Part-time work

1. A part-time employee shall be an employee whose standard working time is less than the standard working time of a comparable full-time employee on a weekly basis or on average over a period of labour relations of up to 1 year.

Note: For the purposes of this article, a full-time employee shall be an employee who, in an establishment and under the same type of employment agreement, is engaged in the same or a similar work and is employed in the same area or in the same department or office. Where there is no comparable full-time employee in the same area or in the same department or office, the comparison shall be made by reference to a full-time employee in the same establishment. Where there is no comparable full-time employee in the same establishment, the comparison shall be made by reference to a full-time employee in the same field of activity.

2. In respect of employment conditions, part-time employees shall not be treated in a less favourable manner than comparable full-time employees solely because they work part time, unless different treatment is justified on objective grounds.

3. An employment agreement with an employee shall not be terminated by reason of the employee's refusal to transfer from full-time to part-time work, or from part-time to full-time work, unless the employer has the right to terminate the employment agreement with the employee, subject to the relevant preconditions, on the grounds provided for by Article 47(1)(a) of this Law.

4. As far as objectively possible, an employer shall:

a) give consideration to requests by employees to transfer from full-time work to part-time work that becomes available in the establishment;

b) give consideration to requests of employees to transfer from part-time to full-time work or to increase working time where the opportunity arises;

c) provide timely information on the availability of part-time and full-time positions in order to facilitate transfers from full-time to part-time work or from part-time to full-time work;

d) give consideration to measures to facilitate access to part-time work at all levels of the organisation (including leading and managerial positions), and where appropriate, to facilitate access by part-time workers to career advancement, vocational training and occupational mobility.

5. An employee's right to be employed for more than one full-time or part-time job may be restricted by an employment agreement if the person who is to be substituted is the employer's competitor.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 17 – Trial period

1. In order to establish the suitability of a person for the work to be performed, by agreement of the parties, an employment agreement with a person may be concluded only once for a trial period of no more than 6 months. An employment agreement for a trial period shall be concluded only in writing.

2. The work performed during a trial period shall be paid for. The amount of payment and the payment procedure shall be determined by the agreement of the parties.

3. An employer may, at any time during the trial period, conclude a fixed-term or an open-ended employment agreement with the employee, or terminate the employment agreement for a trial period.

4. The requirements of Article 48 of this Law shall not apply to the termination of employment agreements for a trial period, unless otherwise determined by the said employment agreements. If employment agreements for a trial period are terminated, the employees shall be remunerated in proportion to the time worked.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 18 – Internship

1. An intern is a natural person who performs for an employer particular work, whether paid or not, in order to upgrade his/her qualifications and to gain professional knowledge, skills or practical experience.

2. An employer shall not use an intern's labour in order to avoid entering into an employment agreement. An intern shall not replace an employee. An employer shall not have the right to hire an intern to replace an employee with whom labour relations were suspended and/or terminated.

3. The duration of unpaid internship shall not exceed 6 months, and the duration of paid internship shall not exceed 1 year. A person may do an unpaid internship with the same employer only once.

4. The relations between interns and employers shall be regulated by a written agreement. Such agreement shall describe in detail the work to be performed by an intern.

5. All the minimum standards of protection provided for by this Law (except Chapter VII of this Law) shall apply to agreements concluded with interns. The requirements of Article 48 of this Law shall not apply to the termination of employment agreements for a trial period, unless otherwise determined by the said employment agreements.

6. The norms of this article shall apply unless otherwise determined by special law.

7. This article shall not apply to public institutions, including legal entities under public law.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter IV – Work Performance

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 19 – Duty to personally perform work

Employees shall personally perform the work required.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 20 – Change of the terms and conditions of employment agreements

1. An employer may, by notification to an employee, clarify certain details of work performance under an employment agreement, which do not change the essential conditions of the employment agreement.

2. The essential conditions of an employment agreement may only be changed by agreement between the parties. Where an employment agreement does not include any essential condition, it may be specified by the consent of the employee.

3. Changing essential conditions in an employment agreement as a result of amendments to legislation shall not require the consent an employee.

4. The following changes in circumstances shall not be deemed to be a change of essential conditions in an employment agreement:

a) the change by an employer of an employee's place of performing specified work, unless it takes the employee more than 3 hours per day from the place of residence to the new place of work and back by accessible public transport, and unless this involves disproportionate costs;

b) a change in the time of starting or finishing work by not more than 90 minutes.

5. A simultaneous change in both of the circumstances under paragraph 4 of this article shall be deemed a change of essential conditions in an employment agreement.

6. If, according to a medical report, an employee who is a pregnant woman, or a woman who has recently given birth or is breastfeeding, cannot perform the work under an employment agreement due to her health condition, she shall have the right, as part of an obligation to be provided with reasonable accommodation, to request the performance of work in the same establishment that corresponds with her health condition.

7. Where the employment conditions of an employee who is a pregnant woman, or a woman who has recently given birth or is breastfeeding, cannot be made less burdensome, or such an employee cannot be transferred to light work, taking account of the dates specified in the medical report, or of the fact of pregnancy, of having recently given birth or breastfeeding, the employee shall be released from the performance of the duties under the employment agreement. The period of release from the performance of duties shall not be considered as a period of temporary incapacity for work as provided for by Article 46(2)(i) and Article 47(1)(i) of this Law. The issue of remuneration of an employee during the period of release from the performance of duties shall be decided by agreement between the employee and the employer.

8. After the end of a period of maternity leave, parental leave, or newborn adoption leave, the employee shall have the right to return to the same job under the same employment conditions, and to enjoy any improved employment conditions to which the employee would have been entitled if she or he had not taken the respective leave.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 21 – Business trips

1. A business trip shall be a temporary change by an employer of an employee's place of work in the interests of the work.

2. Sending an employee on a business trip by an employer shall not be deemed as a change of essential conditions of an employment agreement, unless the period of the business trip exceeds 45 calendar days annually.

3. Exceeding the period under paragraph 2 of this article by an employer shall be deemed to be a change of essential conditions of an employment agreement.

4. An employer shall fully compensate an employee for the costs of business trips.

5. The norms of this article shall apply, unless otherwise determined by an employment agreement.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 22 – Facilitating professional development

1. Employers shall facilitate the upgrading of the qualifications of employees.

2. After the end of a period of maternity leave, parental leave, or newborn adoption leave, upon the request of the employee, the employer shall ensure that the qualifications of the employee are upgraded if this is necessary for the performance of the work under the employment agreement, and does not impose a disproportionate burden on the employer.

3. If a decision on an employee's participation in a vocational retraining, an advanced training, or other training course, is made by

an employer, the employee's participation in such a course shall be included in working time and shall be paid.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 23 – Internal labour regulations

1. An employer may establish internal labour regulations. An employer shall make internal labour regulations available to an employee for reading.

2. Internal labour regulations shall constitute a written document which may determine:

a) the duration of a working week, the start and end of a working day, and the duration of shifts in the case of shift work;

b) the duration of breaks;

c) the time, place, and procedure for remuneration;

d) the duration of paid leave and the procedure for granting it;

e) the duration of unpaid leave and the procedure for granting it;

f) the rules for observing employment conditions;

g) the types of incentives and liabilities and the procedure for their application;

h) the procedures for reviewing applications/complaints.

3. Based on work specificities, an employer may establish special procedures under internal labour regulations.

4. An employer shall take measures to ensure compliance with the principle of equal treatment between employees at an institution, and shall include anti-discrimination provisions in the internal labour regulations and other documents of the institution, and ensure their observance.

5. An employer shall promote the realisation of the rights of persons with disabilities at the place of employment, including by observing and implementing the mandatory standards/norms provided for by Article 36 of the Law of Georgia on the Rights of Persons with Disabilities within the framework of reasonable accommodation.

6. A provision of internal labour regulations that contravenes this Law, an individual employment agreement, or a collective agreement, shall be void

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter V – Working Time, Breaks and Rest Periods

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 24 – Duration of working time

1. Standard working time shall be any period during which an employee is working at the employer's disposal and is carrying out his/her activities or duties. Working time shall not include breaks and rest periods.

2. Standard working time shall not exceed 40 hours a week.

3. The duration of standard working time in enterprises with specific operating conditions requiring more than 8 hours of

uninterrupted production/work process shall not exceed 48 hours a week. The Government of Georgia shall, after consulting social partners, compile a list of industries with specific operating conditions.

4. The duration of uninterrupted rest between working days (or shifts) shall not be less than 12 hours.

5. Where the working day is longer than 6 hours, an employee shall be entitled to a break. The duration of a break shall be determined by agreement between the parties. Where the working day is no longer than 6 hours, the duration of a break shall be at least 60 minutes.

6. Employees who are breastfeeding infants under the age of 12 months may request an additional break of at least 1 hour a day. A break for breastfeeding shall be included in working time and shall be paid.

7. In addition to the 12 hours' daily rest period referred to paragraph 4 of this article, employers shall ensure that, per each seven-day period, every employee is entitled to a minimum uninterrupted rest period of 24 hours. By agreement between the parties, the employee may enjoy a rest period of 24 hours twice in a row within not more than 14 days.

8. The duration of working time for minors from the age of 16 to 18 shall not exceed 36 hours per week, nor 6 hours per working day.

9. The duration of working time for minors from the age of 14 to 16 shall not exceed 24 hours per week, nor 4 hours per working day.

10. A legal representative or supporter of a person with a disability may, in addition to rest days, enjoy another paid rest day once a month, or agree on working time other than that provided for by the internal labour regulations.

11. Employers shall, in writing and/or electronically, keep a record of the hours worked by employees in the working day, and shall make available to the employee the monthly records of the working time (hours worked), unless this is impossible to do due to the specific nature of the organisation of work. Employers shall store the records of working time (hours worked) for 1 year. The form of records of working time shall be determined by the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia ('the Minister') after consulting social partners.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 25 – Working time for shift work

1. Where an employer's activities require 24 hours of uninterrupted production/work process, the parties may conclude a shift work agreement, without prejudice to the requirements of Article 22(4) of this Law, and subject to the condition that rest periods that are adequate to the hours worked will be granted to the employee.

2. Shift work is a method of organising work in shifts whereby workers succeed each other at the same work stations according to a certain schedule, including in a rotating pattern, so as to enable the production/work process to continue longer than the working week set for the employee.

3. Working two shifts in a row shall be prohibited.

4. Shift work and switching from one shift to another shall be determined by a shift schedule approved by an employer, based on the specific nature of the work. The employee shall be notified of a change in the shift schedule at least 10 days before such change, unless this is impossible to do due to an emergency need.

5. The rules governing working time in the mining sector shall be determined by the Minister after consulting social partners.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 26 – Procedure for summing up working time

Taking into account working conditions, a procedure for summing up working time may be introduced where observing the duration of daily or weekly working time is impossible.

Article 27 – Overtime work

1. Overtime work is work performed by an employee by agreement between the parties for a period of time longer than the standard working time. The total overtime work performed by minors shall not exceed 2 hours per working day, and 4 hours per working week.

2. Overtime work shall be paid for at an increased hourly rate of remuneration. The amount of the said payment shall be determined by agreement between the parties. Overtime work shall be paid for together with monthly remuneration payable after the performance of overtime work.

3. The parties may agree on granting an additional proportional rest period to an employee to compensate overtime work. An employee shall be granted an additional rest period not later than 4 weeks after the work has been performed, unless otherwise determined by agreement between the parties.

4. An employer shall notify an employee of overtime work to be performed 1 week prior to such work, unless such notification is impossible due to the objective need on the part of the employer.

5. An employee shall perform overtime work:

a) without overtime pay, to prevent natural disasters and/or eliminate their consequences;

b) with overtime pay, to prevent industrial accidents and/or eliminate their consequences.

6. Employing pregnant women, women who have recently given birth or are breastfeeding, persons with disabilities, minors, legal representatives or supporters of persons with disabilities, or persons who have children under the age of 3 years, to work overtime without their consent shall be prohibited.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 28 – Limits to night work

1. For the purposes of this Law, night time shall mean the period between 22:00 and 6:00.

2. A night worker shall be any worker who during night time works at least 3 hours of his/her standard working time as a normal course, and any worker who works during night time a certain proportion of his/her annual working time. The proportional rate of night work to annual working time shall be determined by the Minister after consulting social partners.

3. Minors, pregnant women and women who have recently given birth or are breastfeeding, shall not be employed for night work. Persons with disabilities or persons who have children under the age of 3 shall not be employed for night work without their consent.

4. The maximum working time shall not exceed 8 hours per 24-hour period for night workers who perform arduous, harmful or hazardous work. This rule shall not apply to shift work.

5. Upon the request of a night worker, the employer shall, at his/her/its own expense, provide the night worker with pre-employment and subsequent periodic medical examinations in compliance with the principle of medical confidentiality. The frequency and the scope of the medical examinations shall be determined by the Minister after consulting social partners.

6. If a night worker who, according to a medical report, has a health problem due to performing night work, the employer shall, where possible, transfer him/her to a suitable day job.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 29 – Right to medical examinations

1. A pregnant woman shall be granted additional time for a medical examination upon her request if said examination is to be performed during working time.

2. Upon the submission of documents evidencing the medical examination, the hours of absence of a pregnant woman from work due to medical examinations shall be considered as excusable and she shall retain her remuneration.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 30 – Holidays

1. Holidays shall be:

a) January 1 and 2 – New Year holidays;

b) January 7 – Christmas Day, Birth of Our Lord Jesus Christ;

c) January 19 – Epiphany, Baptism of Our Lord Jesus Christ;

d) March 3 – Mother's Day;

e) March 8 – International Women's Day;

f) April 9 – the day of adopting the Act of Restoring Independence of Georgia; the day of national unity, national consent, and commemoration of people who died for the national integrity of Georgia;

g) Easter holidays – Good Friday, Holy Saturday, Easter Sunday – Resurrection of Our Lord Jesus Christ day, Easter Monday – All Souls' Day (movable feast);

h) May 9 – Victory Day over Fascism;

i) May 12 – Day of Georgia as the abode of the Holy Mother, Commemoration Day of St. Andrew the Apostle, Founder of the Apostolic Church of Georgia, Day of Hope;

j) May 26 – Independence Day of Georgia;

k) August 28 – the Assumption of the Virgin Mary day ('Mariamoba')

l) October 14 – 'Mtskhetoba' (Holiday of Svetitskhovloba, Robe of Jesus)

m) November 23 – St. George's Day.

2. An employee shall have the right to request other rest days instead of the holidays provided for by this Law, which shall be determined by an employment agreement.

3. In addition to the holidays provided for by this Law, other days off may be determined by an ordinance of the Government of Georgia. An employer may request that an employee perform the work, instead of the day off determined by an ordinance of the Government of Georgia, on his/her next rest day as referred to in Article 24(7) of this Law.

4. If an employee works during the holidays referred to in paragraph 1 of this article, it shall be deemed overtime work and the terms for its compensation shall be determined in accordance with Article 27(2) and (3) of this Law.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter VI – Leave

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 31 – Duration of leave

1. An employee shall have the right to enjoy paid leave of at least 24 working days annually.

2. An employee shall have the right to enjoy unpaid leave of at least 15 working days annually.

3. An employee working under arduous, harmful, or hazardous labour conditions shall be granted additional paid leave of 10 calendar days annually.

4. An employment agreement may define the terms and conditions different from those provided for by this article. Such terms and conditions shall not worsen the condition of an employee.

5. If an employment agreement is terminated on the initiative of an employer, the employer shall compensate the employee for the unused leave in proportion to the duration of labour relations.

6. A term in an employment agreement that either denies or ignores the right to enjoy paid leave annually shall be void.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 32 – Procedure for granting leave

1. An employee shall have the right to request leave after having worked for 11 months. By agreement between the parties, an employee may be granted leave even before the said period elapses.

2. By agreement between the parties, beginning from the second year of work, an employee may be granted leave at any time during the working year.

3. By agreement between the parties, an employee may use leave in parts.

4. Leave shall not include a period of temporary incapacity for work, maternity or parental leave, newborn adoption leave, or additional parental leave.

5. Unless otherwise determined by an employment agreement, an employer may determine the sequence of granting paid leave to employees.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 33 – Obligation to notify an employer before taking unpaid leave

When taking unpaid leave, an employee shall notify the employer thereof 2 weeks prior to taking the leave, unless such notification is impossible due to urgent medical necessity or family circumstances.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 34 – Commencement of the right to request leave

1. The period for calculating the commencement of the right to request leave shall include the time actually worked by an employee, as well as idle time through the employer's fault.

2. The period for calculating the commencement of the right to request leave shall not include the time of an employee's absence from work without a good reason or a period of unpaid leave of more than 7 working days.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 35 – Exceptional cases of carrying over paid leave

1. If granting an employee paid leave for the current year may have a negative impact on the normal course of the work process, the leave may be carried over to the next year with the consent of the employee. A minor's paid leave shall not be carried over to the next year.

2. Paid leave shall not be carried over for 2 consecutive years.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 36 – Leave pay

An employee's leave pay shall be determined based on the average remuneration for the previous 3 months, and where the time worked by the employee from the start of work or after the last period of leave is less than 3 months, leave pay shall be determined based on the average remuneration of months worked. Where an employee is paid fixed remuneration on a monthly basis, leave pay shall be determined based on the remuneration for the last month.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter VII – Maternity, Parental, Newborn Adoption, and Additional Parental Leave

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 37 – Maternity leave and parental leave

1. An employee shall, upon her request, be granted paid maternity leave of 126 calendar days, and in the case of complications during childbirth or the birth of twins, maternity leave of 143 calendar days.

2. Employees may distribute the period of leave under paragraph 1 of this article at their discretion over the pregnancy and postnatal periods.

3. An employee shall, upon his/her request, be granted parental leave of 604 calendar days, and in the case of complications during childbirth or the birth of twins, a parental leave of 587 calendar days. 57 calendar days of the leave shall be paid.

4. A period of parental leave as provided for by paragraph 3 of this article may be enjoyed in whole or in parts by the mother or the father of the child. Enjoyment of maternity leave as provided for by paragraph 1 of this article is an exclusive right of the mother of the child, although the father of the child has a right to enjoy the days of said leave which have not been used by the mother of the child.

5. When taking a period of parental leave, an employee shall notify the employer thereof 2 weeks prior to taking the leave. The employee shall use the paid part of maternity leave and parental leave in sequence, for 183 or 200 calendar days, respectively.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 38 – Newborn adoption leave

Employees who have adopted an infant under the age of 12 months shall, upon their request, be granted a period of newborn adoption leave of 550 calendar days from the birth of the child. 90 calendar days of the leave shall be paid.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 39 – Payment of maternity leave, parental leave and newborn adoption leave

Maternity leave, parental leave, and newborn adoption leave, shall be paid from the State Budget of Georgia, in accordance with the procedures established by the legislation of Georgia. The cash allowance for a period of paid maternity leave and paid parental leave, as well as paid newborn adoption leave, shall be a maximum of GEL 1 000 in total. Employers and employees may agree on extra pay for said periods of leave.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 40 – Additional parental leave

1. An employee may, upon his/her request, be granted, in whole or in parts, but not less than 2 weeks a year, additional unpaid parental leave of 12 weeks until the child turns 5.

2. Additional parental leave may be granted to any employee who actually takes care of the child.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter VIII – Remuneration

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 41 – Form, amount and time of payment of remuneration

1. Remuneration is the basic or minimum wage or salary, or any other pay, paid in cash or in kind and received, directly or indirectly, by an employee from the employer in exchange for the performance of work.

2. An employment agreement shall determine the form and amount of remuneration.

3. Remuneration shall be paid at least once a month.

4. An employer shall pay an employee 0.07% of the delayed sum for each day of any delayed payment or settlement. This rule shall not apply to compensation for lost earnings as provided for by Article 48(9) of this Law.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 42 – Remuneration during idle times

1. Unless otherwise determined by an employment agreement, an employee shall be fully remunerated during an idle time caused through the fault of an employer.

2. Idle times through the fault of an employee shall not be remunerated.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 43 – Deduction from remuneration

1. An employer may deduct from an employee's remuneration overpayments, or any sums payable by the employee to the employer under labour relations.

2. The total amount of a lump-sum deduction from remuneration shall not exceed 50% of the remuneration.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 44 – Final settlement upon the termination of labour relations

When labour relations with an employee are terminated, an employer shall make a final settlement within not more than 7 calendar days after the termination of labour relations, unless otherwise determined by an employment agreement or by law.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter IX – Observance of Working Conditions

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 45 – Right to safe and healthy working environment

1. Employers shall provide employees with a work environment that is as safe and healthy as possible in respect of the life and health of the employees.

2. Employers shall, within a reasonable time, provide employees with full, objective, and comprehensive information available regarding all factors affecting employees' life and health or the safety of the natural environment.

3. Employees may refuse to perform work, an assignment, or an instruction, that contravenes law or, due to the lack of occupational safety standards, obviously and substantially jeopardises their or a third person's life and health, property, or the safety of the natural environment. Employees shall immediately inform the employer of the grounds for refusing to fulfil their obligations under an employment agreement.

4. Employers shall introduce a preventive system ensuring labour safety and provide employees with relevant information in a timely manner about labour safety-related risks and measures to prevent risks. In addition, employers shall inform employees about the rules for handling dangerous equipment and, if necessary, provide employees with personal protective equipment. According to technological progress, employers shall replace in a timely manner hazardous equipment with safe or less hazardous equipment, and shall take all other reasonable steps for employees' safety and for the protection of their health.

5. An employer shall take every reasonable step to localise and eliminate the effects of an industrial accident in a timely manner, to administer first aid, and to carry out evacuation.

6. An employer shall fully compensate an employee for work-related damage caused by the deterioration of the employee's health and for the costs of any treatment required.

7. Employers shall prevent pregnant women from performing work endangering their or their foetuses' well-being and physical or mental health.

8. A list of arduous, harmful and hazardous jobs and labour safety regulations, including the cases and the procedure for employees' mandatory periodic medical examinations at the employer's expense, shall be determined by the legislation of Georgia.

Chapter X – Suspension of Labour Relations and Termination of Employment Agreements

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 46 – Suspension of labour relations

1. A suspension of labour relations means the temporary non-performance of work under an employment agreement, not resulting in the termination of labour relations.

2. The grounds for suspending labour relations are:

a) a strike;

b) a lockout;

c) exercising active and/or passive suffrage;

d) appearance before an investigative, prosecuting, or judicial authority in the cases provided for by the procedural legislation of Georgia;

e) conscription into compulsory military service;

f) conscription into military reserve service;

g) maternity leave, parental leave, newborn adoption leave, or additional parental leave;

h) placing a victim of violence against women and/or domestic violence in a shelter and/or a crisis centre for a maximum of 30 calendar days annually, if he/she is unable to discharge his/her official duties any longer;

i) temporary incapacity for work, unless the incapacity period exceeds 40 consecutive calendar days, or the total incapacity period exceeds 60 calendar days per period of 6 months;

j) qualifications upgrading, vocational retraining, or training not exceeding 30 calendar days annually;

k) unpaid leave;

l) paid leave.

3. If an employee submits a request for the suspension of labour relations on any of the grounds referred to in paragraph 2 (except for sub-paragraph (b)) of this article, the employer shall suspend labour relations for a reasonable period. Labour relations shall be deemed suspended after submitting the said request until the respective grounds for suspension are eliminated.

4. Where labour relations are suspended, except in the cases referred to in paragraph 2(f) and (l) of this article, an employee shall not be remunerated unless otherwise determined by the legislation of Georgia or by an employment agreement.

5. Expenses related to appearing before an investigative, prosecuting, or judicial authority in cases provided for by the procedural law of Georgia shall be paid from the State Budget of Georgia in accordance with the procedures established by the legislation of Georgia.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 47 – Grounds for terminating employment agreements

1. The grounds for terminating employment agreements are:

a) economic circumstances, and/or technological or organisational changes requiring downsizing;

b) the expiry of an employment agreement;

c) the completion of the work under an employment agreement;

d) the voluntary resignation of an employee from a position/work on the basis of a written application;

e) a written agreement between parties;

f) the incompatibility of an employee's qualifications or professional skills with the position held/work to be performed by the employee;

g) the gross violation by an employee of his/her obligations under an individual employment agreement or a collective agreement and/or of internal labour regulations;

h) the violation by an employee of his/her obligations under an individual employment agreement or a collective agreement and/or of internal labour regulations, if any of the disciplinary steps under the said individual employment agreement or collective agreement and/or internal labour regulations has already been taken against the employee during the last year;

i) long-term incapacity for work, unless otherwise determined by an employment agreement, if the incapacity period exceeds 40 consecutive calendar days, or the total incapacity period exceeds 60 calendar days within a period of 6 months, and, at the same time, the employee has already used his/her leave under Article 31 of this Law;

j) the entry into force of a court judgment or other decision precluding the possibility of performing the work;

k) a decision on declaring a strike illegal that was delivered by a court in accordance with Article 67(3) of this Law and that became final;

l) the death of an employer who is a natural person, or of an employee;

m) the initiation of liquidation proceedings against an employer who is a legal person;

n) other objective circumstances justifying the termination of an employment agreement.

2. The violation of an obligation under the internal labour regulations provided for by paragraph 1(g) and (h) of this article may serve as a basis for terminating an employment agreement only where the internal labour regulations are an integral part of the employment agreement.

3. Where an employment agreement is terminated on the ground referred to in paragraph 1(n) of this article, an employer shall substantiate in the written notification provided for by Article 48(1) and (2) of this Law the objective circumstance justifying the termination of the employment agreement.

4. The legal representatives of minors, or custody/guardianship authorities, may request the termination of an employment agreement with a minor if continuing work endangers the life, health, or other significant interests of the minor.

5. Terminating labour relations shall be inadmissible:

a) on grounds other than those referred to in paragraph 1 of this article;

b) on the grounds of discrimination referred to in Article 4 of this Law;

c) during the period under Article 46(2)(g) of this Law from notification to the employer from a female employee about her pregnancy, except for the termination of an employment agreement on the grounds referred to in paragraph 1(b), (c), (d), (e), (g), (h), (j) or (l) of this article;

d) due to an employee being conscripted into 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 termination of an employment agreement on the

grounds referred to in paragraph 1(b), (c), (d), (e), (g), (h), (j) or (l) of this article;

e) during the period of being a member of a jury in court, except for the termination of an employment agreement on the grounds referred to in paragraph 1(b), (c), (d), (e), (g), (h), (j) or (l) of this article.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 48 – Procedure for terminating employment agreements

1. Where an employment agreement is terminated by an employer on any of the grounds referred to in Article 47(1)(a), (f), (i), or (n) of this Law, the employer shall notify the employee thereof in writing at least 30 calendar days in advance. In such case, the employee shall be granted severance pay in the amount of at least 1 month's remuneration.

2. Where an employment agreement is terminated by an employer on any of the grounds referred to in Article 47(1)(a), (f), (i), or (n) of this Law, the employer may notify the employee thereof in writing at least 3 calendar days in advance. In such case, the employee shall be granted severance pay in the amount of at least 2 month's remuneration.

3. Where an employment agreement is terminated on the initiative of an employee on the ground referred to in Article 47(1)(d) of this Law, the employee shall notify the employer thereof in writing at least 30 calendar days in advance.

4. An employee may, within 30 calendar days from receiving an employer's notification about terminating an employment agreement, request the employer in writing to be provided with a written substantiation of the grounds for terminating the employment agreement.

5. An employer shall provide a written substantiation of the grounds for terminating an employment agreement within 7 calendar days after an employee submits a request.

6. An employee may, within 30 calendar days from receiving an employer's written substantiation, appeal in court against the employer's decision on terminating the employment agreement. Where a court refuses to accept or dismisses a claim filed by the employee, the employee may file again the same claim with a court within 30 calendar days from receiving a ruling on refusing to accept the claim or a ruling on dismissing the claim.

7. If an employer fails to provide a written substantiation of the grounds for terminating an employment agreement within 7 calendar days after an employee submits the request, the employee may appeal in court against the employer's decision on terminating the employment agreement within 30 calendar days after the period of 7 calendar days elapses. In such case, the burden of proof for determining facts of the dispute shall rest with the employer. Where an employee does not request from an employer a written substantiation of the grounds referred to in paragraph 4 of this article, the employee may appeal in court against the employer's decision on terminating the employment agreement within 30 calendar days from receiving the employer's notification about terminating the employment agreement.

8. If an employer's decision on terminating the employment agreement is declared void by the court, the employer shall, under the court decision, reinstate the person whose employment agreement was terminated, or provide the person with an equal job, or pay compensation in the amount determined by the court.

9. An employee may, in addition to being reinstated, or to receiving an equal job, or receiving compensation in exchange therefor, as provided for by paragraph 8 of this article, request compensation for lost earnings from the date when the employment agreement was terminated up to the date when the final court decision declaring void the employer's decision on terminating the employment agreement was enforced. In determining compensation for lost earnings, a court shall take into account any severance pay granted to the employee by the employer in accordance with paragraph 1 or 2 of this article.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 49 – Collective redundancies

1. A collective redundancy shall be deemed to be the termination of employment agreements by an employer for 30 calendar days on a basis that is not conditioned by an employee's person or behaviour, or by the expiry of the employment agreements:

a) with at least 10 employees – in an organisation in which the number of employees is more than 20 but less than 100;

b) with at least 10% of employees – in an organisation in which the number of employees is more than 100.

2. If an employer is planning collective redundancies, he/she/it shall start consultations with the employees' association (or if there is no employees' association, with the employees' representatives) within a reasonable time, with a view to reaching a possible agreement. Consultations shall at least include the ways and means of preventing collective redundancies or reducing the number of employees to be laid off, and the possibility of re-employment in respect of laid-off employees, and support for their retraining.

3. An employer shall send a written notification to the Minister, and to the employees whose employment agreements are being terminated, at least 45 calendar days before the collective redundancy. An employer shall communicate to the employees' association (or if there is no employees' association, to the employees' representatives) a copy of the notification sent to the Minister. A collective redundancy shall take effect 45 calendar days after the notification has been sent to the Minister.

4. Employees shall be granted an opportunity to submit constructive proposals. The employer shall provide the following information to the employees' association (or if there is no employees' association, the employees' representatives) in writing: the reasons for the planned collective redundancy, the number and category of employees to be laid off, the total number and categories of employees in the organisation, the period of time during which the collective redundancy will take place, and the criteria according to which employees to be laid off are selected and paid compensation.

5. An employer shall send to the Minister a copy of the written notification on the information referred to in paragraph 4 of this article sent to the employees' association (or if there is no employees' association, to the employees' representatives).

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 50 – Transfer of an undertaking

1. For the purposes of this Law:

a) 'transfer of an undertaking' shall mean the transfer of an undertaking or business, or part of an undertaking or business, on the basis of a transaction or law, which, inter alia, includes the transfer of an economic activity which retains its identity and/or substantial similarity, meaning an organised grouping of resources which has the objective of pursuing a central or an ancillary economic activity;

b) 'transferor' shall mean any natural or legal person, or a group of persons, who by reason of a transfer of an undertaking ceases to be an employer in respect of an undertaking or business, or part of an undertaking or business;

c) 'transferee' shall mean any natural or legal person, or a group of persons, who by reason of a transfer of an undertaking becomes an employer.

2. The transfer of an undertaking shall not constitute grounds for terminating an employment agreement. This does not preclude the right to terminate an employment agreement on the ground referred to in Article 47(1)(a) of this Law, in compliance with relevant preconditions.

3. The transferor's rights and obligations arising from labour relations existing on the date of a transfer of an undertaking shall, by reason of such transfer, be transferred to the transferee.

4. The failure of the transferor to inform the transferee of the rights or obligations arising from labour relations does not preclude the transfer of said rights or obligations and the transfer of related rights of the employees in respect of the transferor or the transferee.

5. Following the transfer of an undertaking, the transferee shall continue to observe the terms and conditions agreed in a collective agreement until the expiry or early termination of the collective agreement, or the entry into force of another collective agreement. The terms and conditions agreed in a collective agreement shall be applicable to the transferee just as they were applicable to the transferor. This obligation shall be effective for 1 year from the transfer of an undertaking.

6. If the undertaking or business, or part of the undertaking or business, preserves its autonomy, the status and function of the employees' association which represents the employees affected by a transfer of the undertaking shall be preserved for the same term and with the same conditions.

7. The transferor and the transferee shall inform the employees' association, which represents the employees affected by a transfer of the undertaking, of the following: the date of the transfer; the reasons for the transfer; the legal, economic and social implications of the transfer for the employees; and measures envisaged in relation to the employees. Where there is no employees' association, said information shall be provided to the employees and/or employees' representatives in any event before the transfer.

8. The transferor shall provide an employees' association with the information referred to in paragraph 7 of this article 30 days before the transfer of an undertaking. The transferee shall provide said information to the employees' association in good time, and in any event 30 days before the employees are directly affected by the transfer of the undertaking as regards their employment conditions.

9. If the transferor or the transferee envisages measures in relation to its employees, it shall consult the employees' representatives at least 30 days before such measures, with a view to seeking agreement in relation to such measures.

10. If an employment agreement is terminated because the transfer of an undertaking involves a change in employment conditions to the detriment of the employee, the employer shall be regarded as having been responsible for the termination of the employment agreement.

11. This article shall not apply to transfers of undertakings in cases of insolvency under the Law of Georgia on Rehabilitation and the Collective Satisfaction of Creditors' Claims.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Organic Law of Georgia No 100 of 28 January 2021 – website, 29.1.2021

Article 51 – Continuation of work on the instruction of an employer

If an employment agreement has expired but, based on the specific nature of work, the immediate interruption of work can substantially prejudice and/or endanger human health, an employee shall continue working, on the instruction of his/her employer, until the end of the said situation, and the employer shall pay the employee remuneration.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section III

Collective Labour Relations

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XI – Freedom of Association

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 52 – General provisions

1. Employees and employers may form associations and/or join other associations without any preliminary permission.

2. Employers' associations or employees' associations may develop their own charters and regulations, establish management bodies, elect representatives, and administer their activities.

3. Employers' associations or employees' associations may form federations and confederations and may join them. Such association, federation or confederation may join an international employers' association or an international employees'

association.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 53 – Prohibition of discrimination on the grounds of being a member of an employee's association

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

a) hiring employees or retaining jobs for them in exchange for their refusal to join, or withdrawal from, an employees' association;

b) terminating labour relations with or otherwise persecuting employees for being members of an employees' association or for participating in the activities of such association.

2. Employees may participate in the activities of an employees' association during working time in agreement with employers.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 54 – Prohibition of interference in the activities of employers' associations and employees' associations

1. Employers' associations and employees' associations, and their members and representatives, shall not interfere in each other's activities in any way.

2. For the purposes of this article, interfering in the activities of employers' associations or employees' associations includes any act aimed at impeding the activities of such association through financial or other means in order to exercise control over it.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XII – Collective Agreements

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 55 – General provisions

1. A collective agreement shall be concluded between one or more employers/one or more employers' associations and one or more employees' associations.

2. A collective agreement shall:

a) determine employment conditions;

b) regulate relations between an employer and an employee;

c) regulate relations between one or more employers/one or more employers' associations and one or more employees' associations.

3. The parties themselves shall determine the conditions of a collective agreement.

4. Where one of the parties proposes an initiative to conclude a collective agreement, the parties shall bargain collectively in good faith.

5. When bargaining collectively, the parties shall provide each other with information about issues relating to the bargain. A party

may not provide the other party with confidential information, and where confidential and/or other information is/are provided, the party may require that the other party keep the information confidential.

6. State or municipal bodies shall not interfere in the process of concluding collective agreements. An agreement concluded as a result of their interference shall be void.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 56 – Representation

1. In order to conclude or terminate a collective agreement, or change its conditions, or to protect the rights of employees, an employees' association shall act through its representative.

2. Representation shall be confirmed in accordance with a procedure determined by a respective employees' association.

3. A representative of an employees' association may be any legally capable natural person.

4. A representative of an employees' association shall act in the interests of only those employees who granted him/her the right of representation.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 57 – Collective agreements

1. A collective agreement shall be concluded only in writing.

2. A collective agreement shall be fixed-term or open-ended.

3. A fixed-term collective agreement shall include the date it comes into effect and the expiry date.

4. An open-ended collective agreement shall contain clauses for its revision, modification, and termination.

5. The existence of a collective agreement shall not limit employers' or employees' rights to terminate labour relations. That fact shall not result in the termination of labour relations with other employees being parties to the said agreement.

6. A collective agreement shall specify the subjects of the agreement.

7. Obligations under a collective agreement shall apply to the parties to the agreement. If a collective agreement is concluded between an employer and one or more employees' associations, and over 50% of the employees of the enterprise concerned are members of said employees' association, other employees of the same enterprise may submit a written request to the employer to also become a party to the collective agreement. An employer shall grant the said written request within 30 calendar days from receiving it. This paragraph shall not prohibit any other employees' association with less than 50% of the employees of the enterprise concerned from separately negotiating with the employer and from concluding a separate collective agreement.

8. The provisions of a collective agreement shall be an integral part of the individual employment agreements of the employees under the collective agreement.

9. The provisions of a collective agreement that contravene this Law shall be void.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section IV

Liability and Disputes

Chapter XIII – Liability

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 58 – Material liability for damage inflicted

In individual labour relations, the damage inflicted by one party on another shall be compensated in accordance with the procedures established by the legislation of Georgia.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 59 – Written agreements on liability

1. A written agreement may define the type and extent of an employee's individual responsibility, if it arises from the specific nature of the work.

2. A written agreement on full material liability may be concluded with an adult employee who is engaged in storing, processing, selling (transferring), transporting, or using in a production process, valuables transferred to him/her.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 60 – Limitations under employment agreements

1. An employment agreement may provide for an employee's obligation not to use the knowledge and skills acquired in the course of fulfilling the conditions of the employment agreement in favour of an employer competing with his/her employer. This limitation may be extended to 6 more months after terminating labour relations, on condition that during the period of said limitation the employer shall pay the employee remuneration of at least the amount that the employee was paid at the moment when labour relations were terminated.

2. The limitation under paragraph 1 of this article may not be imposed on employees in the field of education, science or culture.

3. Any damage inflicted by violating the requirements under this article shall be compensated in accordance with the procedures established by the legislation of Georgia.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XIV – Disputes

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 61 – Disputes

1. A dispute is a disagreement arising during the course of labour relations. The resolution of disputes is in the legal interests of the parties to an employment agreement.

2. A dispute shall arise following a written notification of disagreement from one party to another.

3. The grounds for a dispute may be:

a) the violation of human rights and freedoms under the legislation of Georgia;

b) the violation of the conditions of an individual employment agreement or a collective agreement, or the violation of employment conditions;

c) a disagreement between an employer and an employee over the essential conditions of an individual employment agreement and/or the conditions of a collective agreement; Such disagreement shall be resolved in compliance with the conciliation procedures provided for by Article 62 or 63 of this Law.

4. Reviewing a dispute shall not entail suspending labour relations.

5. A dispute arising during individual labour relations shall be resolved in compliance with the conciliation procedures provided for by Article 62 of this Law and/or by applying to court or for arbitration.

6. A dispute arising during collective labour relations shall be resolved in compliance with the conciliation procedures provided for by Article 63 of this Law and/or by applying to court or for arbitration.

7. In the case of a respective dispute, an employee being a party to a collective agreement may, without prejudice, individually protect his/her rights with respect to other specific issues.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 62 – Review and resolution of individual disputes

1. An individual dispute shall be resolved under conciliation procedures between the parties; this involves direct negotiations between an employee and an employer.

2. A party shall notify the other party in writing of the initiation of conciliation procedures. The notification shall specify the reasons for the dispute and the claims of the party.

3. The other party shall review the written notification referred to in paragraph 2 of this article and inform the party of its decision in writing within 10 calendar days after receiving the notification.

4. The parties or their representatives shall make decisions in writing, which shall become part of the existing employment agreement.

5. If the parties fail to reach an agreement over the dispute within 14 calendar days after receiving the written notification referred to in paragraph 2 of this article, a party may refer the dispute to a court.

6. If a party avoided participating in the conciliation procedures within 14 calendar days after receiving the written notification referred to in paragraph 2 of this article, the burden of proof for the facts of the dispute shall rest with that party.

7. The parties may agree to refer a dispute to arbitration.

8. In no case shall the parties increase the sum of a claim or change the subject of a dispute while the dispute is pending.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 63 – Review and resolution of collective disputes

1. A collective dispute (a dispute between an employer and a group of employees (at least 20 employees) or an employer and an employees' association) shall be resolved under conciliation procedures between the parties. This involves direct negotiations between an employer and a group of employees, or an employer and an employees' association, or mediation, if one of the parties

sends an appropriate written notification to the Minister.

2. A party shall notify the other party in writing of the initiation of conciliation procedures. The notification shall specify the reason for the dispute and the claims of the party.

3. To reach agreement at any stage of negotiations, a party may apply to the Minister in writing to appoint a dispute mediator to initiate mediation. The notification shall be delivered to the other party to the dispute on the same day.

4. After receiving a written notification as referred to in paragraph 3 of this article, the Minister shall appoint, on the basis thereof a dispute mediator in accordance with the procedure for reviewing and resolving collective disputes under conciliation procedures approved by a normative act of the Government of Georgia. In the case of high public interest, the Minister may, on his/her own initiative, appoint a dispute mediator at any stage of the dispute without a written application from a party. The fact of the appointment of a dispute mediator shall be notified in writing to the parties involved.

5. The Minister may make a decision to terminate conciliation procedures at any stage of the dispute.

6. Parties shall participate in conciliation procedures and attend meetings held by the dispute mediator for that purpose.

7. If the Minister so requests, the dispute mediator shall send him/her a report on the dispute.

8. Parties may agree at any stage of a dispute to refer the dispute to arbitration.

9. A dispute mediator shall be obliged not to disclose any information or documents he/she becomes aware of as a dispute mediator.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 64 – Strike and lockout

1. A strike shall be an employee's temporary and voluntary refusal, in the case of a dispute, to fulfil, wholly or partially, the duties under an employment agreement. Such persons as determined by the legislation of Georgia shall not participate in a strike.

2. A lockout shall be an employer's temporary and voluntary refusal, in the case of a dispute, to fulfil, wholly or partially, the duties under an employment agreement.

3. In the case of a collective dispute, the right to strike and the right to impose lockouts shall arise upon the lapse of 21 calendar days after the Minister is notified in writing in accordance with Article 63(3) of this Law, or after the Minister appoints a dispute mediator on his/her own initiative in accordance with Article 63(4) of this Law.

4. In the case of a collective dispute, the parties to the dispute shall notify each other and the Minister in writing of the time, place, and type of strike or lockout, and the number of persons participating in a strike, not later than 3 calendar days before the strike or the lockout.

5. During a strike or a lockout, the parties shall carry on conciliation procedures.

6. A lockout shall not last for more than 90 calendar days.

7. During a strike or a lockout, an employer shall not be obliged to pay an employee remuneration.

8. A strike or a lockout shall not be a basis for terminating labour relations.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 65 – Postponement or suspension of a strike or a lockout

If human life and health or the safety of the natural environment, or the work of critical service providers, is jeopardised, the court

may postpone, on one occasion only, the start of a strike or a lockout for a maximum of 30 days, or suspend a started strike or lockout for the same period.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 66 – Critical services

1. In no case shall an employee fully exercise the right to strike if he/she performs work to carry out activities which, if completely interrupted, would pose an obvious and imminent threat to the life, personal safety, or health of society-at-large or a certain part of society.

2. The list of critical services (in the narrow sense of this term) involving the activities referred to in paragraph 1 of this article shall be determined by the Minister after consulting social partners. Employees working for critical service providers may exercise the right to strike if they ensure that a minimum service is provided. The limits of a minimum service shall be determined by the Minister after consulting social partners. In determining the limits of a minimum service, the Minister shall only take into account the work processes which are necessary for the protection of the life, personal safety, or health of society-at-large or a certain part of society.

3. Employees who cannot fully exercise the right to strike may request that a collective dispute be resolved through conciliation proceedings, mediation and/or arbitration, in accordance with Article 63 of this Law.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 67 – Illegal strike and lockout

1. During a state of emergency or martial law, the right to strike or the right to impose lockouts may be limited by a decree of the President of Georgia. The decree shall require a countersignature of the Prime Minister of Georgia.

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

3. A court shall deliver a decision on declaring a strike or a lockout illegal. Such decision shall be immediately notified to the parties involved. A court decision on declaring a strike or a lockout illegal shall be executed without delay.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 68 – Guarantees of employees

1. The participation of an employee in a strike shall not be deemed to be a violation of labour discipline and shall not serve as a basis for terminating an employment agreement, unless the strike is illegal.

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

3. An employee who did not participate in a strike but could not perform his/her work because of the strike may, by agreement between the parties, be transferred to other work by the employer or be compensated for the period suspended, based on the hourly rate of remuneration.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 69 – Enforcement of agreements reached as a result of mediation

1. If an agreement has been reached on a collective labour dispute as referred to in Article 63 of this Law as a result of mediation, a party to the dispute may apply to a court for the enforcement of the agreement. The procedures established by the Civil Procedure Code of Georgia shall be applicable to the enforcement of such agreements.

2. A court shall reject the enforcement of an agreement reached as a result of mediation if the content of the agreement contravenes the legislation of Georgia, public order in Georgia, or if, due to the content of the agreement, enforcement is impossible.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section IV[1]

(Deleted)

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XII[1] – (Deleted)

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 52[1] – (Deleted)

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 3114 of 5 July 2018 – website, 11.7.2018

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 52[2] – (Deleted)

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 52[3] – (Deleted)

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 52[4] – (Deleted)

Organic Law of Georgia No 729 of 12 June 2013 – website, 4.7.2013

Organic Law of Georgia No 6857 of 15 July 2020 – website, 28.7.2020

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section V

Information and Consultation in the Workplace

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XV – Provision of Information and Consultation in the Workplace

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 70 – Promoting the provision of information and consultation between the employer and the employee

1. In undertakings regularly employing at least 50 employees, employers shall ensure the provision of information and consultation in accordance with the procedure established by this chapter.

2. The right of employees to information and consultation may be exercised through employees' representatives. For the purposes of this chapter, an employees' representative may be one of the following persons:

a) a representative of an employees' association referred to in Article 3 of this Law, namely a person who is empowered to represent an employees' association under the charter of the employees' association;

b) an authorised employees' representative elected in accordance with paragraph 3 of this article.

3. Employees shall elect an authorised employees' representative for a fixed term, by a majority of votes, at a meeting that is attended by not less than half of the employees of the undertaking concerned. The progress of this meeting and the decisions made at it shall be reflected in the minutes of the meeting. The number of authorised employees' representatives shall be determined directly by the employees in accordance with the following principle: where from 50 to 100 employees are employed in an undertaking, the employees shall elect at least 3 authorised employees' representatives, and where more than 100 employees are employed in an undertaking, the employees shall additionally elect 1 authorised employees' representative per 100 employees. Where there is a written request from at least 10% of the employees employed in an undertaking, the employer shall ensure the possibility of electing authorised employees' representatives.

4. In an undertaking where there is one or more employees' associations and where there are authorised employees' representatives of the employees, for a joint consultation with the employer they shall designate authorised representatives in proportion to the number of the members represented by them, so that at least 1 authorised representative is ensured per such member.

5. In an undertaking where there is both a representative of an employees' association and an authorised employees' representative, the employer shall, if necessary, take appropriate measures to ensure that the presence of an authorised employee's representative does not weaken the position of the employees' association or their representatives, as well as to promote cooperation between the authorised employees' representative and the employees' association on all relevant issues.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 71 – Procedures for the provision of information and consultation

1. Employers shall provide employees' representatives with information and consultation on the following issues:

a) the recent and probable development of the undertaking's activities and economic situation;

b) the situation, structure and probable development of employment within the undertaking and on any anticipatory measures envisaged which might significantly affect the employees' remuneration and employment conditions, and/or pose a threat to the continuation of labour relations;

c) decisions likely to lead to substantial changes in work organisation.

2. An employer shall provide relevant information to employees' representatives within a reasonable time, but not later than 30 days before the employer makes a decision that might affect the interests of the employees. Said information shall be provided in writing. The content of information shall enable employees' representatives to conduct an adequate study and prepare for consultation.

3. The employer and the employees' representatives shall, on the basis of information provided by the employer, hold consultation on issues referred to in paragraph 1 of this article.

Note: For the purposes of this chapter, consultation shall be the exchange of views, and a dialogue, in good faith, between the employer and the employees' representatives, with a view to reaching a possible agreement for deciding a relevant issue to the extent possible.

4. Consultation shall take place through meetings between the director of an undertaking, or a representative of relevant management line (if any), and the employees' representatives. The duration and periodicity of such meetings shall be adequate. Said meetings shall enable employees' representatives to obtain information about the employer's responses to the opinions and recommendations of the employees and on the reasons for such responses.

5. The employer and the employees' representative may agree in writing on practical mechanisms for providing information and consultation. Where this is not already required by special law, a collective agreement may provide for a mechanism to establish a committee on site for the provision by an employer of information and consultation to an employees' representative.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 72 – Confidential information

1. Employees' representatives, and any experts who assist them, shall not reveal to employees or third parties any confidential information which, in the legitimate interest of the undertaking, has been provided to them. This prohibition shall continue to apply, wherever the employees' representatives or experts are, even after the expiry of their terms of office.

2. An employer may refuse to provide information or consultation when the nature of that information or consultation is such that, according to objective criteria, it would seriously harm the functioning of the undertaking or would be prejudicial to it. Employees' representatives may appeal against such refusal in court. If the employer's refusal is not objectively substantiated, the court may order that the employer provide information or consultation.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 73 – Provision of information and consultation in the workplace and other safeguards

1. The rules established by this chapter shall apply without prejudice to the specific information and consultation referred to in Articles 49 and 50 of this Law.

2. Providing information and consultation shall not infringe or deny the freedom of association or the right of employees' associations and of employers to collective negotiations.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section VI

Enforcement

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XVI – Period of Limitation

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 74 – Period of limitation

A person may, in addition to the claim referred to in Article 48 of this Law, file another claim stemming from this Law within 1 year after he/she/it has become aware or ought to have become aware of the violation of the right.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XVII – Labour Inspection Service

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 75 - State supervision over compliance with the labour legislation of Georgia

1. The Legal Entity under Public Law called the Labour Inspection Service under the state control of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia ('the Labour Inspection') shall have the power to ensure the effective application of the Constitution of Georgia, international agreements of Georgia, this Law, the Organic Law of Georgia on Occupational Safety, the Law of Georgia on Public Service, provisions of the legislation of Georgia prohibiting forced labour and trafficking in the workplace, ordinances of the Government of Georgia, orders of Ministers, any other normative acts of Georgia on labour rights and employment conditions, employment agreements, collective employment agreements, as well as agreements reached as a result of mediation in collective disputes, and rules of arbitration awards ('labour norms').

2. Issues related to the effective application of labour norms, and the functions and powers of the Labour Inspection, shall be determined by the Organic Law of Georgia on Occupational Safety and the Law of Georgia on Labour Inspection.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 76 – Power of the Labour Inspection to impose administrative sanctions

1. Administrative liability and administrative penalties for the violation of labour norms shall be determined by this Law and the Organic Law of Georgia on Occupational Safety.

2. The Labour Inspection shall have the right to review cases of administrative offences related to the violation of labour norms and to impose administrative sanctions provided for by Articles 77-80 of this Law and by the Organic Law of Georgia on Occupational Safety.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XVIII – Sanctions

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 77 – Violation of the norms provided for by the Law

1. In the case of the violation of the norms provided for by this Law (except for Articles 47-50 of this Law) or by the Law of Georgia on Public Service (except for Articles 19-24, 53, 72-77, 82 and 85-119 of the Law of Georgia on Public Service), each violation shall result in a warning, or a fine:

a) of not less than GEL 200, but not more than GEL 400, in the case of an employer who is a natural person with income of up to GEL 100 000 during the previous calendar year;

b) of not less than GEL 300, but not more than GEL 800, in the case of an employer who is a natural person with income of up to GEL 100 000 and over during the previous calendar year;

c) of not less than GEL 300, but not more than GEL 800, in the case of an employer registered as a VAT payer (except for a natural person), whose aggregate amount of VAT-taxable transactions carried out during the previous continuous 12 calendar months does not exceed GEL 100 000;

d) of not less than GEL 400, but not more than GEL 900, in the case of an employer registered as a VAT payer (except for a natural person), whose aggregate amount of VAT-taxable transactions carried out during the previous continuous 12 calendar months exceeds GEL 100 000, but does not exceed GEL 500 000;

e) of not less than GEL 600, but not more than GEL 1 000, in the case of an employer registered as a VAT payer (except for a natural person), whose aggregate amount of VAT-taxable transactions carried out during the previous continuous 12 calendar months exceeds GEL 500 000;

f) of not less than GEL 200, but not less than GEL 400, in the case of any other employer, including persons who are not registered as VAT payers (except for natural persons).

2. The violation referred to in paragraph 1 of this article, committed with respect to a minor, a pregnant woman or a person with a disability, –

shall result in a fine of double the amount of the respective fine referred to in paragraph 1 of this article.

3. The commission of the same act within 1 calendar year after the imposition of an administrative sanction for the violation provided for by paragraph 1 or 2 of this article, –shall result in a fine of double the amount of a fine for a respective violation.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 78 – Violation of the principle of prohibition of discrimination

1. The violation by an employer of the principle of prohibition of discrimination covered by this Law, including direct discrimination and indirect discrimination, harassment and sexual harassment in the workplace, and the principle of reasonable accommodation and the provision of equal remuneration for equal work, –

shall result in a warning, or a fine in accordance with the procedure established by Article 77(1) of this Law, in triple the amount of a respective fine.

2. The commission of the same act within 1 calendar year after the imposition of an administrative sanction for the violation provided for by paragraph 1 of this article, –

shall result in a fine of double the amount of a fine for a respective violation.

Note: Imposing liability on the offending employee for harassment and/or sexual harassment shall not release the employer from respective liability. Liability may be imposed on an employer if he/she/it has become aware of the fact of harassment and/or sexual

harassment and has not informed the Labour Inspection of said fact(s) and/or has not taken appropriate measures to prevent same.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 79 – Forced labour

1. Forced labour, or any work that a person would not perform voluntarily and that he/she is required to perform under threat of any sanction, provided that the said action does not contain elements of a criminal offence, –

shall result in a fine in accordance with the procedure established by Article 77(1) of this Law, in triple the amount of a respective fine.

2. The violation referred to in paragraph 1 of this article, committed with respect to a minor, a pregnant woman or a person with a disability, –

shall result in a fine of double the amount of the fine referred to in paragraph 1 of this article.

3. The commission of the same act within 1 calendar year after the imposition of an administrative sanction for the violation provided for by paragraph 1 or 2 of this article, –

shall result in a fine of double the amount of a fine for a respective violation.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 80 – Violation arising from collective labour relations

1. Failure by an employer or an employees' association to:

a) participate in conciliation procedures; or

b) comply with a reached agreement, including as a result of mediation, in a collective labour dispute, –

shall result in a warning, or a fine in accordance with the procedure established by Article 77(1) of this Law, in the amount of a respective fine.

Note: A fine to be imposed on an employees' association shall be determined based on the income of the employer having collective labour relations with the employees' association, in compliance with the procedure established by paragraph of Article 77(1) of this Law.

2. An employer's:

a) refusal to allocate a suitable place for, or hindering, an assembly (meeting) of employees organised by an employees' association; or

b) failure to fulfil obligations relating to the provision of information and consultation as provided for by Chapter XV of this Law, including refusal to provide information or participate in consultation, –

shall result in a warning, or a fine in accordance with the procedure established by Article 77(1) of this Law, in the amount of a respective fine.

3. The commission of the same act within 1 calendar year after the imposition of an administrative sanction for the violation provided for by paragraph 1 or 2 of this article, –

shall result in a fine of double the amount of a fine for a respective violation.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 81 – Civil liability of employers

The imposition by the Labour Inspection of an administrative sanction provided for by this Law on an employer shall not release him/her from any other liability that a court may impose on the employer in civil proceedings initiated by a person.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section VII

Tripartite Social Partnership Commission

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XIX – Tripartite Social Partnership Commission

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 82 – General provisions

1. A Tripartite Social Partnership Commission ('the Tripartite Commission') is a consultative body accountable to the Chairperson of the Tripartite Commission, the Prime Minister of Georgia.

2. The Tripartite Commission, in carrying out its activities, shall be governed by the Constitution of Georgia, international agreements of Georgia, other laws of Georgia, resolutions of the Parliament of Georgia, edicts and decrees of the President of Georgia, ordinances and decrees of the Government of Georgia, orders of the Prime Minister of Georgia, and other legal acts.

3. The parties to the Tripartite Commission shall be the Government of Georgia, and organisations of employers and workers operating in the various sectors of Georgia.

4. In the Tripartite Commission each party shall have 6 members. Said members may represent different organisations. The Chairperson of the Tripartite Commission shall decide on including representatives from the above organisations in the Tripartite Commission.

5. Each employers' association and employees' association being a party to the Tripartite Commission shall make a decision on selecting their own representatives to nominate them as members of the Tripartite Commission.

6. The persons empowered to represent parties shall be nominated as members of the Tripartite Commission. Each nominee, in their turn, shall nominate the remaining 5 members of the Tripartite Commission to the Chairperson of the Tripartite Commission.

7. The representatives from the Government of Georgia, along with the Chairperson of the Tripartite Commission, shall be the top officials of the following state institutions:

a) the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia;

b) the Ministry of Justice of Georgia;

c) the Ministry of Economy and Sustainable Development of Georgia;

d) the Ministry of Regional Development and Infrastructure of Georgia;

e) the Ministry of Education and Science of Georgia.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Organic Law of Georgia No 391 of 16 March 2021 – website, 18.3.2021

Article 83 – Social partnership and principles of the activities of the Tripartite Commission

1. Social partnership is a system of dialogue and cooperation between the representatives of social partners – employers (employers' associations), employees (employees' associations) and state institutions – on issues related to labour relations.

2. The activities of the Tripartite Commission shall be based on the following principles:

a) the equality and independence of the parties;

b) respect for the interests of a social partner;

c) trust and good faith;

d) coordination and responsibility;

e) awareness;

f) the fulfilment of obligations;

g) tripartism;

h) consensus.

3. Social partnership may be developed on national, sectoral, territorial, corporate, or other organisational levels.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 84 – Functions of the Tripartite Commission

The functions of the Tripartite Commission shall be to:

a) facilitate the development of social partnership and social dialogue at all levels in Georgia between employees, employers and the Government of Georgia, and to encourage agreement and consensus among the members of the Tripartite Commission;

b) hold consultations with the Government of Georgia on issues of common interest related to labour, economic and social policy (including reforms and legislative changes related to the State Budget of Georgia, minimum wages and other issues that might affect the interests of employers and employees);

c) draft proposals and recommendations on other issues related to labour and social policy that are important for the members of the Tripartite Commission, and to submit them to the Government of Georgia.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 85 – Powers of the Tripartite Commission

1. Within its competence, the Tripartite Commission shall be empowered to:

a) review issues raised by parties in accordance with the procedures established by the legislation of Georgia;

b) hear information from parties to the Tripartite Commission on issues falling within its competence at the sessions of the Tripartite Commission;

c) request from the executive authorities of Georgia and respective municipal bodies, as well as from other institutions, the materials necessary to review issues, in accordance with the procedures established the legislation of Georgia;

d) invite, if necessary, in accordance with the procedures established by the legislation of Georgia, representatives from different agencies, and specialists and experts in their respective fields, to draft appropriate proposals and recommendations. Conflicts of interests shall be avoided when inviting the said persons;

e) draft and present proposals on issues falling within its competence to interested persons.

2. The tenure of members of the Tripartite Commission shall be 3 years. A new composition of the Tripartite Commission shall be determined before the tenure of the previous composition expires.

3. The statute of the Tripartite Commission determining the composition, structure, and procedures for activities and for approving its composition, shall be approved by an ordinance of the Government of Georgia.

4. The Tripartite Commission shall be empowered to set up permanent or temporary sub-committees and working groups to review specific issues. A permanent sub-committee shall be set up within the Tripartite Commission, whose function shall be to hold consultations on issues related to international labour standards provided for by Convention No 144 concerning tripartite consultations to promote the implementation of international labour standards, adopted at the 61st Session of the International Labour Conference (Geneva, 21 June 1976).

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Section VIII

Final Provisions

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Chapter XX – Final Provisions

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 86 – Application of the Law to existing labour relations

This Law shall apply to existing labour relations irrespective of the time of their commencement.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

Article 87 – Entry into force of the Law

This Law shall enter into force upon promulgation.

Organic Law of Georgia No 7177 of 29 September 2020 – website, 5.10.2020

President of Georgia Mikheil Saakashvili

Tbilisi

17 December 2010

No 4113-რს