

LAW OF GEORGIA

ON LABOUR MIGRATION

Chapter I - General Provisions

Article 1 - Scope and subject of the Law

1. This Law defines matters, relations and entities within the field of labour migration, and bodies implementing public administration in the field of labour migration, and their rights and obligations, and determines principles and mechanisms for the implementation of public administration in the field of labour migration.

2. This Law regulates relations falling within the field of labour migration which are related to the provision of employment for persons (citizens of Georgia, aliens holding a permit for permanent residence in Georgia, and stateless persons having status in Georgia) and to their paid labour activities outside Georgia.

Article 2 - Legislation of Georgia on Labour Migration

The legislation of Georgia on labour migration comprises the Constitution of Georgia, treaties, this Law, and other legislative and subordinate normative acts of Georgia.

Article 3 - Definition of terms

For the purposes of this Law, the terms used herein have the following meanings:

- a) activity related to the provision of employment outside Georgia - an activity related to the provision of employment and to assistance in the provision of employment for persons outside Georgia;
- b) seasonal job – work performed only during a certain period or at a particular time of the year depending on climate and other natural conditions;
- c) foreign employer – an alien or a foreign company entitled to have labour relations with labour emigrants and to use their labour in the country of employment;
- d) labour contract signed under the assignment of a foreign employer - a labour contract signed with a labour emigrant on behalf of a foreign employer by a legal person, an individual entrepreneur, or a branch (representation, permanent office) of a foreign enterprise or of a non-entrepreneurial (non-commercial) legal entity acting under the assignment of a foreign employer, which carries out activities related to the provision of employment outside Georgia on the basis of registration under this Law;
- e) foreign company – a foreign legal entity or a foreign company without the legal status of a legal entity;
- f) contract for assistance in the provision of employment – a written contract signed between a person and a legal entity, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity carrying out activities related to the provision of employment outside Georgia in accordance with this Law; the contract regulates relations arising between the contracting parties in connection with rendering of service (services) to persons for assistance in the provision of employment outside Georgia;
- g) labour emigrant – a person who intends to leave, or has already left, Georgia to move to a country of employment in order to be employed by a foreign employer and to carry out paid labour activities in the country of employment;
- h) labour immigrant – an alien with no permit for permanent residence in Georgia who enters Georgia in order to be employed by the local employer and to carry out paid labour activities;
- i) labour migration - movement of persons from Georgia to a country of employment in order to be employed by foreign employers and to carry out paid labour activities for foreign employers, or the entry of aliens with no permits for permanent residence into Georgia from another country in order to be employed by and carry out paid labour activities for local employers;
- j) country of employment – a country in the territory of which labour emigrants carry out paid labour activities for foreign employers;
- k) contract on the provision of employment – a written contract signed between a foreign employer and a legal entity, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity carrying out activities related to the provision of employment outside Georgia in accordance with this Law; the contract regulates relations arising between the contracting parties in connection with the provision of employment outside Georgia;
- l) labour relations – labour relations between a person and a foreign employer as defined in the legislation of the country of employment;
- m) labour contract – a contract that regulates labour relations between persons and foreign employers.



Article 4 - Powers of public bodies in the field of labour migration

The principal directions of the uniform national policy in the field of labour migration shall be defined by the Parliament of Georgia, and the public administration shall be carried out by the Government of Georgia, the ministries of Georgia and their administrative bodies, the state ministers of Georgia and their offices and other administrative bodies within the scopes of their authority.

Article 5 - Powers of the Government of Georgia to implement public administration in the field of labour migration

The powers of the Government of Georgia to implement public administration in the field of labour migration shall be to:

- a) develop a uniform national policy in the field of labour migration;
- b) approve state programmes in the field of labour migration and ensure the implementation of the same;
- c) approve subordinate legal acts regulating activities related to the provision of employment outside Georgia and to the implementation of public administration in the field of labour migration;
- d) hold negotiations and sign contracts with other countries on the subject of exchanging labour forces, taking into consideration the state interests of Georgia and the requirements of the national labour market;
- e) develop necessary infrastructure, including an informational system for the management of labour migration, in order to efficiently implement public administration in the field of labour migration;
- f) exercise other powers in accordance with the Constitution of Georgia, treaties, this Law, and other legislative and subordinate normative acts of Georgia.

Article 6 - Rights and obligations of the ministries of Georgia and their administrative bodies, the state ministers of Georgia and their offices, and other administrative bodies, to implement public administration in the field of labour migration

1. The general rights and obligations of the ministries of Georgia, and the state ministers of Georgia and their offices, for the implementation of state administration in the field of labour migration, shall be to:

- a) participate in the development of a uniform national policy in the field of labour migration and ensure its implementation within the scopes of their authority;
- b) prepare proposals in order to improve the legislation of Georgia on labour migration;
- c) participate in the development of state programmes in the field of labour migration and implement state programmes approved by the Government of Georgia within the scopes of their authority;
- d) foster the development of international cooperation and partnership in the field of labour migration;
- f) exercise other powers in accordance with the Constitution of Georgia, treaties, this Law, and other legislative and subordinate normative acts of Georgia.

2. The specific rights and obligations of particular ministries and their administrative bodies to implement public administration in the field of labour migration shall be:

- a) for the Ministry of Labour, Health and Social Affairs of Georgia and/or its administrative bodies, within the scopes of their authority, to:
 - a.a) ensure the provision of information to the public regarding the risks related to persons leaving Georgia independently for the purposes of employment and to carry out paid labour activities outside Georgia and/or the risks related to persons leaving Georgia through the assistance of an entity carrying out activities related to the provision of employment outside Georgia without registration;
 - a.b) prepare proposals and projects for signing the treaties of Georgia in the field of labour migration;
 - a.c) coordinate compliance with the provisions of the treaties of Georgia and the obligations of reporting in the field of labour migration;
 - a.d) promote scientific, and research, informational and analytical activities in the field of labour migration;
 - a.e) develop cooperation in the field of labour migration with social partners and other interested local and international organisations defined by the organic law of Georgia, Labour Code of Georgia;
 - a.f) request, if necessary, documentation produced on the basis of this Law from an entity carrying out activities related to the provision of employment outside Georgia, under procedures and in the cases defined by the legislation of Georgia;
 - a.g) issue subordinate legal acts regulating labour migration;
- b) for the Ministry of Foreign Affairs of Georgia and/or its administrative bodies, within the scope of their authority, to:



b.a) ensure access to relevant data defined by the legislation of Georgia by bodies implementing public administration in the field of labour migration, about aliens receiving Georgian visas and the categories of visas issued to them under the Law of Georgia on the Legal Status of Aliens and Stateless Persons;

c) for the Ministry of Justice of Georgia and/or its administrative bodies, within the scopes of their authority, to:

c.a) ensure access to relevant data defined by the legislation of Georgia, by bodies implementing public administration in the field of labour migration, about aliens receiving a residence permit and the types of residence permits issued to them under the Law of Georgia on the Legal Status of Aliens and Stateless Persons;

c.b) register the activities of a legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise or of a non-entrepreneurial (non-commercial) legal entity carrying out activities related to the provision of employment outside Georgia, and ensure access to relevant data as defined by the legislation of Georgia;

d) for the Ministry of Internal Affairs of Georgia and/or its administrative bodies, within the scopes of their authority, to:

d.a) ensure access to relevant data defined by the legislation of Georgia, by bodies implementing public administration in the field of labour migration, about aliens having entered and stayed in Georgia for a certain period and about their grounds for entering and staying in Georgia;

d.b) register persons leaving Georgia for the purposes of employment and for carrying out paid labour activities outside Georgia and ensure access to relevant data defined by the legislation of Georgia, by bodies implementing public administration in the field of labour migration.

3. The procedures for ensuring access to data referred to in this article shall be defined by the Government of Georgia.

4. The ministries of Georgia and their administrative bodies, the state ministers of Georgia and their offices, and other administrative bodies shall ensure personal data protection of relevant entities and persons when exercising their powers defined under this Law.

Law of Georgia No 5570 of 24 June 2016 - website, 13.7.2016

Article 7 - Registration in the registry of economic activities of a legal person, an individual entrepreneur, or a branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity engaged in the provision of employment and/or assistance in the provision of employment outside Georgia

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

2. It shall not be permitted for subjects defined in paragraph 1 of this article to carry out the provision of employment and/or assistance in the provision of employment outside Georgia without registration of the relevant activity in the registry of economic activities.

3. The procedures and provisions for registering a person as a legal entity carrying out the provision of employment and/or assistance in the provision of employment outside Georgia shall be defined by an order of the Minister of Justice of Georgia.

Law of Georgia No 5570 of 24 June 2016 - website, 13.7.2016

Chapter III - Provision of Employment for Persons Outside Georgia

Article 8 - Provision of employment for persons outside Georgia

Employment of persons outside Georgia shall be provided:

a) by the assistance of a legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity carrying out activities related to the provision of employment outside Georgia;

b) independently by such persons.

Article 9 - Obligations of a legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity

A legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity acting in the field of providing employment and/or assistance in the provision of employment outside Georgia shall be obliged to:

a) be registered under the procedures defined by the legislation of Georgia and comply with provisions for conducting its activities;

b) sign a contract on the provision of employment with a foreign employer, and take measures in order to verify available information about the foreign employer;



- c) sign a contract for assistance in the provision of employment with persons in receipt of the service (services) for assistance in the provision of employment outside Georgia;
- d) ensure the signing of a labour contract with a labour emigrant by a foreign employer;
- e) sign a labour contract with a labour emigrant under the assignment of a foreign employer if it is provided for in the contract for the provision of employment signed between said employer and a legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity;
- f) provide labour emigrants leaving Georgia for the purposes of employment outside Georgia with the following information before they leave:
 - f.a) on the requirements of legal acts regulating labour migration in Georgia and in the country of employment, as well as on the procedures for entering these countries, for staying in these countries and for leaving these countries;
 - f.b) on the location and contact details of administrative bodies (including territorial bodies) of the Ministry of Justice of Georgia and the Ministry of Labour, Health and Social Affairs of Georgia implementing public administration in the field of labour migration;
 - f.c) on the location and contact details of diplomatic missions and consular posts of Georgia abroad (if any);
- g) register persons for whom the service (services) for assistance in the provision of employment outside Georgia has been rendered;
- h) keep documentation (including signed contracts) prepared on the basis of this Law for a period of five years, and if so requested, ensure access thereto by the Ministry of Labour, Health and Social Affairs of Georgia and/or its administrative bodies under procedures defined by the legislation of Georgia;
- i) submit reports on activities implemented in the field of labour migration to the Ministry of Labour, Health and Social Affairs of Georgia from time to time in accordance with established procedures;
- j) perform other obligations in accordance with this Law, and other legislative and subordinate normative acts.

Article 10 - Details of the contract on the provision of employment

1. The following shall be included in the contract for the provision of employment:

- a) the name of a contracting legal person, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity, or the name, surname and personal number of an individual entrepreneur, and the identification number assigned at the time of registration of activities related to the provision of employment outside Georgia, the date of registration and the name of the registration authority;
- b) the name, surname and personal number, and/or passport number of a contracting alien, or the name of a foreign company acting as a foreign employer;
- c) the legal address and bank details of a contracting legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity;
- d) the address and bank details of a contracting foreign employer;
- e) a list and the details of services which are rendered to a foreign employer by a contracting legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity and/or the procedures for rendering such services;
- f) the rights and obligations (including rights and obligations for signing labour contracts with persons under the assignment of a foreign employer) of a contracting legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity and their liability;
- g) the rights and obligations and liability of a contracting foreign company acting as a foreign employer;
- h) the terms and forms of payment for the service (services) rendered under the contract provisions;
- i) the contract term;
- j) provisions for the termination of the contract;
- k) all other provisions which a contracting foreign employer and a legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity agree upon.

2. A contract for the provision of employment shall be made in writing in the Georgian language and if required in other language (languages) as well.

Article 11 - Requirements with regard to a contract for assistance in the provision of employment

1. The following shall be included in a contract for assistance in the provision of employment:

- a) the name of a contracting legal person, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity, or the name, surname and personal number of an individual entrepreneur, and the identification number assigned at the time of registration of activities related to the provision of employment outside Georgia, the date of registration and the name of a registration authority;



- b) the name, surname and the personal number of a contracting person and/or the number of the residence permit, and/or the passport number;
- c) the legal address and bank details of a contracting legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or a non-entrepreneurial (non-commercial) legal entity;
- d) the address of the place of registration and/or the actual place of residence and bank details of a contracting person (if any);
- e) a list and details of the services of assistance in the provision of employment outside Georgia rendered to a contracting person by a contracting legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity and the procedures for rendering such services;
- f) the obligations of a contracting legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity, including:
 - f.a) the obligation to ensure the signing of labour contracts between contracting persons and foreign employers, or the signing of labour contracts upon the assignment of foreign employers;
 - f.b) the obligation to provide objective information to contracting persons on work to be performed for foreign employers;
 - f.c) other obligations provided for in the contract for assistance in the provision of employment;
- g) the liability of a contracting legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity, for breach of the terms and conditions of the contract, and for providing false information to contracting persons;
- h) the preconditions for signing labour contracts (if any) under this Law;
- i) the contract term;
- j) provisions for the termination of the contract;
- k) all other provisions which a contracting person and a legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity agree upon.

2. It shall be prohibited to require any fee (honorarium) from persons under the contract signed for assistance in the provision of employment.

3. A contract for assistance in the provision of employment shall be made in writing in the Georgian language and if required in other language (languages) as well.

Article 12 - Terms and conditions of labour contracts signed in Georgia between labour emigrants and foreign employers

1. Labour contracts signed in Georgia, which regulate labour relations between labour emigrants and foreign employers, shall be based on the labour legislation of the country of employment. Terms and conditions in contravention of the labour legislation of the country of employment may not be included in such contracts.
2. If there are no norms regulating labour relations between labour emigrants and foreign employers in the legislation of the country of employment, the following may be included in the labour contracts signed in Georgia between labour emigrants and foreign employers:
 - a) the name, surname and personal number, or the passport number of the contracting labour emigrant;
 - b) the name, address and bank details of the contracting foreign organisation, or the name, surname, personal number, residential address and bank details of the contracting foreign person acting as a foreign employer;
 - c) in the event a labour contract is entered into upon the assignment of a foreign employer:
 - c.a) the name of a legal person, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity carrying out activities related to the employment outside Georgia, or the name, surname and personal number of an individual entrepreneur signing a labour contract upon the assignment of a foreign employer, and the identification number assigned to the legal person, individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity at the time of registration of activities related to the provision of employment outside Georgia, the date of registration and the name of the registration authority;
 - c.b) the rights and obligations and liability of a legal person, individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity carrying out activities related to the provision of employment outside Georgia that enters into a labour contract upon the assignment of a foreign employer;
 - d) the workplace of a contracting labour emigrant and the description of the work to be performed;
 - e) the date of entry into force of the contract and the contract term;
 - f) the fundamental rights and obligations and liability of contracting labour emigrants and foreign employers under the legislation of the country of employment in the fields of labour relations, and health and social protection;
 - g) all other provisions which contracting labour emigrants and foreign employers agree upon.



3. A labour contract under the first paragraph of this article shall be made in writing in the Georgian language and in the official language of the country of employment.

Article 13 - Provisions for ensuring the protection by Georgia of the rights, freedoms and legal interests of persons leaving Georgia independently for the purposes of employment and to carry out paid labour activities outside Georgia

In order to ensure the protection by Georgia of the rights, freedoms and legal interests of persons leaving Georgia independently for the purposes of employment outside Georgia and to carry out paid labour activities outside Georgia, such persons may:

- a) notify the administrative body of the Ministry of Labour, Health and Social Affairs of Georgia which implements public administration in the field of labour migration of their intentions in order to receive appropriate consultations and submit a copy of the labour contract signed with the foreign employer, and/or a copy of the notarised Georgian contract unless it is made in the Georgian language.
- b) receive information on the addresses and contact details of the public administration bodies in the field of labour migration via the administrative body of the Ministry of Labour, Health and Social Affairs of Georgia which implements public administration in the field of labour migration.

Chapter IV - Liability

Article 14 - Grounds for liability

1. Administrative liability for violation of requirements in the field of labour migration shall be defined by this Law. Matters related to administrative proceedings are also regulated by the Administrative Offences Code of Georgia, and an individual administrative legal act on administrative proceedings issued by an authorised administrative body (an official) on the basis of this Law shall be subject to enforcement in accordance with the procedures established by the law of Georgia on Enforcement Proceedings.
2. The right to review administrative offence defined in this chapter, to impose administrative penalties and, if required, the right to produce a writ of execution and to submit it for enforcement in accordance with the Law of Georgia on Enforcement Proceedings, shall belong to the authorised person of the Ministry of Labour, Health and Social Affairs of Georgia, or to the authorised person of an administrative body of the Ministry.
3. The authorised person of the Ministry of Labour, Health and Social Affairs of Georgia, or the authorised person of the administrative body of the Ministry, shall impose an administrative sanction on the offender onsite for the administrative offence under Article 15 of this Law by issuing a penalty notice, which shall be, at the same time, a protocol of the administrative offence.
4. The form of penalty notice under this chapter, and the procedures for completing and submitting the same, shall be defined by an order of the Ministry of Labour, Health and Social Affairs of Georgia.

Article 15 – Carrying out activity by a legal person, an individual entrepreneur, or a branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity engaged in the provision of employment and/or assistance in the provision of employment outside Georgia without registration in the registry of economic activities

1. Any activity of a legal person, an individual entrepreneur, or a branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity engaged in the provision of employment and/or assistance in the provision of employment outside Georgia without registration in the registry of economic activities -

shall result in the imposition of a fine in the amount of GEL 500 .

2. The same offence committed repeatedly -

shall result in the imposition of a fine in amount of GEL 1000.

Law of Georgia No 5570 of 24 June 2016 - website, 13.7.2016

Article 16 - Withholding information and/or non-submission of a report to the Ministry of Labour, Health and Social Affairs of Georgia on the basis of this Law

1. Withholding information and/or failing to-submit a report to the Ministry of Labour, Health and Social Affairs of Georgia on the basis of this Law by a legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity carrying out activities related to the employment outside Georgia -

shall result in the imposition of a fine in the amount of GEL 300 .

2. The same offence committed repeatedly -

shall result in the imposition of a fine in the amount of GEL 600 .



Article 17 - Transitional provisions

1. Before 1 November 2015:

- a) the Government of Georgia shall ensure the preparation and approval of a subordinate legal act necessary for the performance of requirements under Article 6(3) and Article 9(b) and(i) of this Law;
- b) the Government of Georgia shall approve an appropriate subordinate legal act on the basis of research of the labour market to assess the feasibility of the implementation of labour immigration policy;
- c) the Minister of Justice of Georgia shall ensure the preparation and issuance of a subordinate normative act under Article 7(3) of this Law;
- c) the Minister of Labour, Health and Social Affairs of Georgia shall ensure the preparation and issuance of a subordinate normative act under Article 14(4) of this Law;

2. A legal person, an individual entrepreneur, or the branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity under this Law, acting in the field of providing employment and/or assistance in the provision of employment outside Georgia, shall be obliged to make an appropriate amendment to its registration documentation before 1 May 2016 in accordance with Article 7 of this Law.

3. This Law shall not apply to contractual relations that are in force at the time of the entry into force of this Law, until such relations expire.

Article 18 - Final Provisions

- 1. This Law, except for Articles 1 to 16 of the same Law, shall enter into force upon its promulgation.
- 2. Articles 1 to 16 of this Law shall enter into force as of 1 November 2015.

President of Georgia

Giorgi Margvelashvili

Kutaisi

1 April 2015

No 3418-III

