

## EUROPEAN INTEGRATION AND THE LABOUR LAW REFORM IN GEORGIA. ACHIEVEMENTS AND CHALLENGES

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### Abstract

This paper describes the way of legal harmonization for the purposes of labour safety and health in Georgia and is based on those historic decisions, which have been rendered by Georgia within the framework of the labour law reform. In order to have a full image of the processes, the waves of radical reforms are described, which began in 2006 in Georgia and the outcomes of the mentioned are analysed. The paper aims to analyse the reforms implemented on the path to European Integration and evaluate the results and challenges faced by Georgia standing on its path to European Integration. The paper also covers the analysis of the labour safety obligations undertaken by Georgia under the Association Agreement and the importance of informing the society, as a certain key on the way to effective enforcement of the taken measures.

**Keywords:** labour safety, labour legislation, labour norms, labour law, European Integration, Association Agreement, decent labour culture, labour safety culture.

### Introduction

In order to observe labour safety and health, the legal harmonisation with European Law is carried out effectively in Georgia within the last decade, grounded by the Associate Agreement executed with the EU. According to the Article 254 of Chapter 14 of Section VI “Employment, Social Policy and Equal Opportunities” of the Association Agreement, Annex XXX provides for 26 directives and their respective implementation time limits, which started to be calculated from the date on which the Association Agreement became effective, i.e. from September 1, 2014.<sup>1</sup>

Important and at the same time, initial, progressive steps in this direction were taken back in 2015, when the Labour Conditions Inspection Department was established in the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia. Since then, the system of monitoring and inspecting the labour conditions at the workplace has been improved and formed in the country. Consistent steps have been taken in terms of raising the awareness of employers and employees, which have promoted the development of the systems of observance of labour norms at workplaces.<sup>2</sup>

The very important reform with the purpose of labour safety and health protection was implemented in 2018, when the Parliament of Georgia adopted the Law of Georgia On Labour Safety upon the third Reading. The Law was partially in line with the framework directive – Directive 89/391/EEC of June 12, 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

It is noteworthy that at the first stage, the Law of Georgia On Labour Safety stipulated a compulsory mandate of inspecting the facilities with excessive hazard, and after the legislative amendment adopted in 2019, the Law On Labour Safety gained the status of an Organic Law, which means that from September 1, 2019, the labour safety standards came closer to the standard established in the EU states, the mandate of the labour inspection was increased and it started to cover all fields of economic

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<sup>1</sup> ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, 30.8.2014: [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02)) [L. s. 12.03.2024].

<sup>2</sup> Analysis of the Reports on Annual Activities of the Labour Inspection: <https://lio.moh.gov.ge/report.php?lang=1&id=2> [L. s. 12.03.2024].

activities. The Labour Inspection Department became authorized to conduct the inspection, searching and checking of a workplace at any time of the day and night, without prior notice, in order to ensure the efficient enforcement of the labour safety norms. The mentioned amendments and the gradual enforcement of the obligations undertaken under the Association Agreement were positively evaluated by the European Commission.<sup>3</sup>

Apart from the inclusion of the Framework Directive in the legislation of Georgia, as of 2023, based on the analysis of the action plans and annual reports of the Deep and Comprehensive Free Trade Agreement (DCFTA) under the European directives determined under the Annex xxx of the Association Agreement in the direction of labour safety and healthcare, it is revealed that the approximation index of the legislation of Georgia has equalled to 31%, and totally, the number of directives prepared for harmonisation purposes has equalled to 62%.<sup>4</sup>

The significant legislative amendments also need to be highlighted, which were made within the framework of the labour legislation reform of 2020. Herewith, the Law of Georgia On Labour Inspection has been adopted, which became the basis for the establishment of the Labour Inspection Service. Since January 1, 2021, the LEPL Labour Inspection Service has been granted a mandate for performing the supervision on labour norms. The agency became authorized to carry out the control of observing the labour safety norms, as well as, the ensuring of labour rights for employed persons, which is the outcome of the important changes made to the Labour Code. As a result of the above reform, the service has turned into an agency, which is authorized to inspect the performance of labour norms at any time of the day, applying both – preventive and controlling mechanisms to the cases of violation of the labour rights determined under the Organic Law of Georgia On Labour Safety, the Labour Code of Georgia and the Law of Georgia On Public Service. Within the increased mandate, the Labour Inspection Service was granted the full mandate to perform the supervision on such sensitive issues, as: direct and indirect discrimination, sexual harassment, forced labour and labour exploitation, enforcement of the agreements reached through labour mediation and other fundamental labour rights guaranteed by the legislation, whose proper observance ensures the creation of a healthy and safe work environment for employees.<sup>5</sup>

As a result of the amendments, the labour conditions supervision system in Georgia in line with the obligations undertaken by the Association Agreement, has come closer to the international labour norms, namely, the 81st Condition on Labour Inspection, which is among the priority conventions and the EU calls Georgia for its ratification together with other important conventions (among them, the Fundamental Convention on Occupational Safety and Health (C155) and the Protocol to the Forced Labour Convention (P29)).<sup>6</sup>

As a result of the proactive and reactive activities increased in line with the increase of the Labour Inspection mandate, the number of persons killed by industrial accidents in 2022 has reduced by 41% compared to 2018, that is, after the Law of Georgia On Labour Safety had been adopted.<sup>7</sup>

Despite numerous successful steps taken by the state, a number of issues in the direction of labour conditions, among them, labour safety and healthcare, still remain a challenge, which was the consequence of the collapse of the labour conditions supervision system and the annulment of the number of norms/technical regulations in the country from 2006 to 2015, which brought significant damage to the labour safety culture in Georgia.

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<sup>3</sup> COMMISSION STAFF WORKING DOCUMENT, Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on EU Enlargement policy, Brussels, 8.11.2023. [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_697%20Georgia%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf) [L. s. 12.03.2024].

<sup>4</sup> DCFTA implementation, Action plans and Annual Reports: <https://dcfta.gov.ge/en/implimentation> [L. s. 12.03.2024].

<sup>5</sup> Law of Georgia On Labour Inspection, Organic Law of Georgia Labour Code of Georgia.

<sup>6</sup> COMMISSION STAFF WORKING DOCUMENT, Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on EU Enlargement policy, Brussels, 8.11.2023: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_697%20Georgia%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf) [L. s. 12.03.2024].

<sup>7</sup> Report on 2022 Activities of the Labour Inspection Service, the number of the injured and dead persons due to the accident happened at workplace: <https://lio.moh.gov.ge/stat.php?lang=1&id=202212271826086439640835> [L. s. 12.03.2024].

## 1. The Labour Law Reform and the Results Achieved

Within the last two decades, the labour law underwent the waves of different important changes, among them, the following stages are noteworthy:

- The changes made in 2006 within the framework of the State Regulation Policy;
- The historic stage of development of Labour Law – 2013;
- The stage of intensive development/renewal of labour law between 2017-2023.

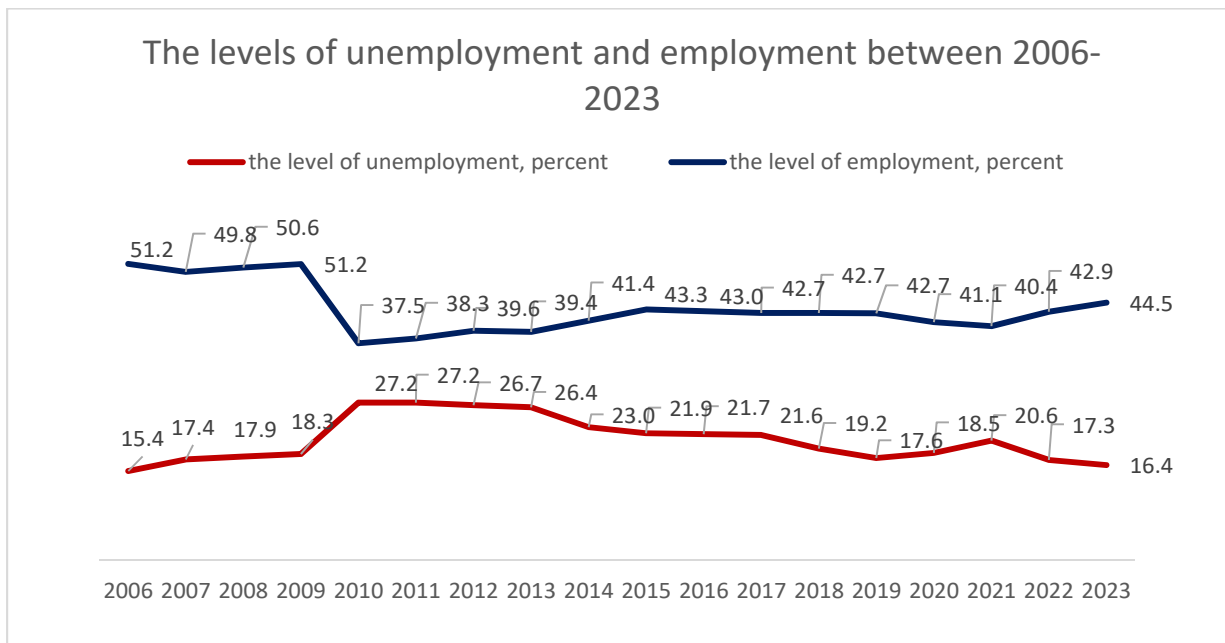
### 1.1. Review of the changes made in 2006 within the framework of the State Regulation Policy

In 2006, neoliberal reforms were started in the labour legislation. Within the framework of the State Regulation Policy different supervisory agencies were abolished, among them was the system of supervision on the enforcement of the labour norms. Its abolishment significantly worsened the labour rights of the employees. The balance between the existing parties was breached in labour relations. In particular, the employees turned out to be under unfavourable and unequal conditions compared to the employers. The mentioned neoliberal economic approaches, the selection of the management methods of non-interference and the “hidden hand” of the market resulted in the situation, when the country turned out to contradict the international labour norms and the main principles of the European Social Charter.<sup>8</sup> The new Labour Code adopted in 2006 was widely reviewed as one of the most unilateral codes in the world, which left the employees without any protective mechanisms, violated and contradicted with the fundamental principles of the International Labour Organisation (ILO),<sup>9</sup> and Georgia has been its member since 1993. The collapse of the principles of regulating labour relations by means of labour agreement, including, using revocation of the system of overtime labour and remuneration of labour, mechanisms for the protection of the employees at night shift and the supervision system<sup>10</sup> was followed by absolutely different outcomes compared with those ideological approaches, which were implied under the liberal vision of that time. Apart from hindering the European Integration processes significantly, the mentioned decisions also significantly damaged the culture of decent labour, among them, safe labour, the level of unemployment was increasing steadily (see Diagram N1), which gradually caused the increase in the level of poverty and the socially unstable environment. In 2012, the mentioned approaches were revised due to the change of the authorities. The altered policy of the new government implied more balance, also, the development of the country’s economy and advancement forward on the path to European Integration based on more centrist and social approaches.

<sup>8</sup> Commission staff working document accompanying the Communication from the Commission to the European Parliament and the Council - Implementation of the European Neighbourhood Policy in 2008 - Progress Report Georgia: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52009SC0513> [L. s. 12.03.2024].

<sup>9</sup> Matthias Jobelius: Economic Liberalism in Georgia. A challenge for EU convergence and trade unions, 2011: <https://library.fes.de/pdf-files/id/08135.pdf> [L. s. 12.03.2024].

<sup>10</sup> Zakaria Shvelidze: Transition from Soviet to Liberal Law. Labour Standards in Georgia, 2012: [https://adapt.it/contributions\\_6.pdf](https://adapt.it/contributions_6.pdf) [L. s. 12.03.2024].



Source: Georgian National Statistics Service

### 1.2. The historic stage of development of labour law-2013

The change of the Labour Code status and its formation as an organic law due to the constitutional reform implemented in Georgia in 2010, was followed by important changes in 2013, which were caused by the very significant errors stated by international organisations and the respective recommendations due to the Labour Code, that was effective until 2013 and which was a normative document adapted to the interest and priorities of an employer, based on its dispositional nature<sup>11</sup>.

According to the legislative changes of 2013, which were prepared based on the recommendations and expert support of the international labour organization, also, the participation of the civil society, the legal framework with the purpose of protecting employee rights was developed in a new manner, but, at the same time, the interests of employers and their dominant position in labour relations were limited at a certain extent.<sup>12</sup>

The essential terms of a labour agreement and the opportunity of their amendment upon the agreement of the parties, the obligation to inform the employee (candidate) on the work to be performed, the form and the duration of a labour agreement, the grounds of a fixed-term and an indefinite-term agreement, duration of the working time and the overtime work, including the working time for the enterprises of the specific working regime and others were determined under the mentioned legislative changes. Based on the changes, the grounds for the termination of labour agreement and the procedure for termination were determined in a new manner, also, the issues of taking a leave due to pregnancy, childbirth and childcare and their remuneration, the regulatory norms for the reviewal and solution of collective and individual labour disputes.<sup>13</sup>

The mentioned reform, to some extent, regulated the very substantial discrepancy of the Labour Code that was effective until 2013 – the disbalance in labour relations and the dispositional clauses in

<sup>11</sup> Shvelidze, Z., Chapter I, Labour Law of Georgia and International Labour Standards: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_627047.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_627047.pdf) [L. s. 12.03.2024].

<sup>12</sup> Sanikidze, Z., Review of the Amendments Made to the Labour Code of Georgia on July 4, 2013, 2014: [https://lawlibrary.info/ge/books/giz2014-ge-shromis\\_cvlibebebi.pdf](https://lawlibrary.info/ge/books/giz2014-ge-shromis_cvlibebebi.pdf) [L. s. 12.03.2024].

<sup>13</sup> Organic Law of Georgia”, Labour Code of Georgia” (version effective until 2017).

labour norms and promoted the creation of the grounds for balanced labour relations. Based on the mentioned changes, we may conclude that Georgia has started building righteous labour principles.

### 1.3. The stages of intensive development/renewal of the labour code of 2018 - 2023

Very substantial changes in the labour legislation were made in 2018, when the Law of Georgia ‘‘On Labour Safety’’ was adopted in the third reading, which initially covered the facilities with increased risk and after the legislative changes made in 2019, the Law on Labour Safety obtained the status of an organic law, herewith, the scope of the law was increased and it was applied to all fields of economic activities. Based on the mentioned changes, the labour safety standards got closer to the standard established in the EU member states from September 1, 2019, the mandate of the labour inspection was broadened, the labour conditions supervision agency (the Labour Conditions Inspection Department of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, which was established since 2015 within the framework of the state program on the inspection of labour conditions with the mandate having a recommendatory character) became authorized to conduct the inspection, searching and checking of a workplace at any time of the day, without prior notice in order to ensure the efficient enforcement of the labour safety norms.<sup>14</sup>

Herewith, in order to improve labour norms and carry out effective supervision, the Law of Georgia ‘‘On Labour Inspection’’ was adopted in 2020, which became the basis for the establishment of an independent supervisory body in the form of the Labour Inspection Service, which operates as a legal entity under public law under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia since 2021. Besides, the labour safety norms underwent meaningful legislative changes and they were improved significantly according to the directive determined under the Association Agreement, therefore, a number of normative acts were adopted, including:

- by the Resolution №341 of July 1, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace were determined, where the norms determined by the Council Directive 89/654/EEC of November 30, 1989 are fully presented, the norms determined by the Council Directive 90/270/EEC of May 29, 1990 are partly presented;
- by the Resolution №457 of September 16, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of the Placement of the Signs Related to the Observance of Safety and/or Health at Workplace were determined, where the norms determined by the Council Directive 92/58/EEC of June 24, 1992 are fully presented;
- by the Resolution №590 of December 23, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at the Workplace upon Using the Means of Personal Protection were determined, where the norms determined by the Council Directive 89/656/EEC of November 30, 1989 are fully presented;
- Resolution №167 of May 1, 2023 of the Government of Georgia on the Approval of the Technical Regulations on the Minimum Requirements of Observance of Safety and Health while Manual Handling of Loads were determined, where the norms determined by the Council Directive 90/269/EEC of May 29, 1990 are fully presented.

Herewith, it is noteworthy that after the substantial changes in 2013, the Labor Code of Georgia continued the development with the purpose of the establishment of righteous labour standards and up to the present day, 20 amendments have been made to it, among them, the wave of changes implemented in 2020 is noteworthy, after which the directives of international labour law (8 directives) and prohibiting discrimination and gender equality (6 directives) were presented. Based on the implemented changes:

- The scope of the prohibition of discrimination and the list of the essential terms of a labour agreement were broadened;

<sup>14</sup> 2019 Report of Labour Inspection: <https://lio.moh.gov.ge/report.php?lang=1&id=2> [L. s. 12.03.2024].



- The mechanism for the execution of the agreement reached through mediation was regulated;
- The issues related to the internship at the workplace were adjusted;
- The concept of incomplete working hours for the purposes of organization of the working time and the guarantees for the persons employed at such job were determined, in particular, the obligation of the employer to provide the employees with the information on the part-time and full-time jobs existing in the institution and to make it possible for the employees to shift from the part-time job to the full-time job and vice versa. The changes also concerned the working time, the breaks and the holidays, the overtime work and the procedure for its compensation, night work and the periodic medical supervision of the persons employed at night jobs, maternity leave and childcare leave, also, the issues of conducting medical tests for pregnant women and their compensation, massive dismissal procedures and the procedure for calculation of the number of dismissed employees within a determined period of time. Upon the transfer of enterprise, the obligations of the transferor and the receiver (the employer) enterprises; the obligations of the employer in terms of providing information and holding consultation for employees at the workplace; The respective procedures were defined (the content of the information, the terms of providing information, the obligation of the parties to observe confidentiality in terms of the received information); The state supervision body responsible for the enforcement of the labour legislation was determined and the sanctions were stipulated.

## **2. The Association Agreement and the Review of the Obligations Undertaken with the Purpose of Improvement of Labour Norms**

Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (hereinafter referred to as the Association Agreement), signed in 2014, establishes a number of obligations for Georgia, which is on its path towards European Integration. It is noteworthy that the Declaration of 2008 of the World Labour Organisation ‘‘On Social Equality and Fair Globalisation’’ defines decent labour, and respectively, Articles N 227, 229, 231, 239, 348 of the Association Agreement focus on the reinforcement of righteous labour culture in the country observing the international labour standards. Among them, Article 348 underlines the enhancement of the dialogue and cooperation between the parties in order to promote a decent work agenda, employment policy, health and safety, social dialogue, social protection, social participation, gender equality and the prohibition of discrimination at the workplace, also, corporate social responsibility.

Pursuant to Article 354 of Chapter 14 ‘‘Employment, Social Policy and Equal Opportunities’’ of Section VI ‘‘Other Fields of Cooperation’’ of the Association Agreement, Annex XXX determines: Labour Law with 8 Directives; Prohibition of discrimination with 6 Directives; Health and Safety at Workplace – with 26 Directives.<sup>15</sup>

As it was already noted, the 8 European Directives on Labour Law and the 6 European Directives on prohibition of discrimination and gender equality were included in the labour legislation pursuant to the amendments made in the Labour Code in 2020. As for the European Directives on workplace health and safety (26 in total), which include:

- The Framework Directive (89/391/EEC) and the Directive on Minimum Requirements (89/654/EEC);
- 2 Directives regulate the labour safety norms directly in terms of ships;
- 2 Directives regulate the labour safety norms directly with the purpose of extraction of minerals;
- 8 Directives regulate the harmful effects of physical, chemical and biological agents;
- 1 Directive regulates the protection from the risks related to the impact of asbestos;

<sup>15</sup> ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, 30.8.2014: [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\) \[L. s. 12.03.2024\]](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02) [L. s. 12.03.2024]).

- 11 Directives determine the minimum safety requirements according to the specifics of the sector and the hazardous activities/equipment.

Herewith, the Annex XXX of the Association Agreement includes the periods of adoption of each European Directive, and the information prepared in accordance with the analysis of the expert reports for the purposes of its implementation is presented in the Table N1:

Table N1

<b>Adoption Period, Quantity and Review of the Status of the 26 Directives Determined under the Annex XXX of the Association Agreement<sup>16</sup></b>				
<b>Adoption period</b>	<b>Number of directives</b>	<b>Topic of directive</b>	<b>Name of the European Directive</b>	<b>Adoption status</b>
2018	1	Improved medical treatment on ships	Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels	the directive is fully reflected
2019	2 directives	Framework Directive	Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work	the directive is fully reflected
		Working with display screen equipment	Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	the directive is partially reflected
2021 (for existing workplaces)	(also, 2 for new and existing workplaces)	Minimum requirements at the workplace	Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	the directive is partially reflected
		Work equipment	Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was elaborated under the Twinning Project
2020	2 directives (also, 2 for new and existing)	The use of personal protective equipment	Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal	the directive is partially reflected

<sup>16</sup> Annual Reports of LEPL Labour Inspection Service (2021-2022).

	workplaces)		protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	
		Placement of signs	Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	the directive is partially reflected
2022 (for existing workplaces)		Extracting minerals through drilling	Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
2023 (for existing workplaces)		Extracting minerals on the surface and under the ground	Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
2021	2 directives (also, 2 for new and existing workplaces)	On temporary or mobile construction sites	Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eight individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		Potential risk arising from physical agents (vibration)	Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
2022	5 directives (also, 1 for existing workplaces)	The impact of asbestos	Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos	The draft prepared according to the Directive was processed under the Twinning



			at work	Project
		Explosive atmosphere	Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (fifteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		Physical agents (artificial optical radiation)	Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		On ships intended for fishing	Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		Manual handling of loads	Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is fully reflected
2023	10 directives (also, 1 for existing workplaces)	Impact of carcinogens and mutagens	Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive requires full processing and technical expertise
		Biological agents	Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological	

			agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)
		Chemical agents	Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)
		Physical agents (noise)	Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)
		Physical agents (electromagnetic field)	Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)
		Impact of chemical, physical and biological agents	Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work
		The first list of indicative values. Risks related to chemical substances at work	Commission Directive 2000/39/EC establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/E on the protection of the health and safety of workers from the risks related to chemical agents at work
		Indicative limit values	Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and

			amending Directives 91/322/EEC and 2000/39/EC	
		Indicative limit values	Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC	
		The use of sharp medical tools in the hospital and healthcare sector	Council Directive 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU.	

Based on the analysis of the information provided in the above Table, as of 2023, it is ascertained that in the legislation of Georgia:

The following 6 Directives are fully reflected:

1. Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work;
2. Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace;
3. Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace;
4. Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work;
5. Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers;
6. Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels.

2 Directives are partially reflected:

1. Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment;
2. Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites.

3 Directives are ready to be heard:

1. Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work;
2. Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling;
3. Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries.

Draft is prepared based on 5 directives:

1. Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents;
2. Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation);
3. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work;
4. Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres;
5. Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels.

And the 10 Directives to be adopted in 2023 fully require processing and technical expertise.

### 2.1 Review of the Labour Safety Directives Reflected in the Legislation of Georgia

As for the issue of inclusion of the Directives determined under the Annex XXX of the Association Agreement in the direction of observance of labour safety and health at workplace, the review of the mentioned is depicted in the Table N2:

<b>Labour Safety Directives Reflected in the Legislation of Georgia</b>		
	<b>EU legislation determined under the Association Agreement</b>	<b>Comment on the inclusion in the legislation of Georgia</b>
1	Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work	Framework Directive is reflected in the Organic Law of Georgia On Labour Safety
2	Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eight individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is partly reflected in the Resolution N477 of the Government of Georgia, the draft technical regulations and the table of conformity are prepared under the Twinning Project
3	Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels	The directive is fully reflected in the Order N5 of December 13, 2018 of the Director of the Sea Transport Agency of the Ministry of Economy and Sustainable Development of Georgia ‘On the Approval of the Minimum Health and Safety Standards for the Vessels Moving under the State Flag, adopted under the Order of the Director of the Sea Transport Agency.

### Labour Safety Directives Reflected in the Legislation of Georgia

4	Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is partly reflected in the legislation of Georgia, in the Resolution №341 of July 1, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace (Article 13)
5	Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №341 of July 1, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace
6	Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №590 of December 23, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace upon Using the Means of Personal Protection
7	Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №457 of September 16, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of the Placement of the Signs Related to the Observance of Safety and/or Health at Workplace
8	Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	- The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №167 of May 1, 2023 of the Government of Georgia on the Approval of the Technical Regulations on the Minimum Requirements of Observance of Safety and Health while Manual Handling of Loads

Based on the mentioned, we may conclude that the value of approximation of legislation in the direction of labour safety has equalled to 31%.

### 3. Review of the results achieved and the challenges of the enforcement of labour legislation

The following important progressive steps may be highlighted in terms of the approximation of the Georgian legislation with the European legislation on the path to the European Integration:

- The approximation of the legislation of Georgia pursuant to the EU directives on labour safety determined under the Annex XXX of the Association Agreement, which equals to 31% as of 2023, in total, the number of the labour safety directives prepared for harmonization purposes equals to 62 %;



- Along with the obligations undertaken by Association Agreement, it is noteworthy that Georgia has come closer to the international labour norms, namely, the 81st Convention On Labour Inspection, which is among the priority conventions;
- In 2022 the number of the persons killed due to the industrial accidents reduced by 41% compared to 2018, i.e. after the Law of Georgia On Labour Safety was adopted.

Despite the results achieved, based on the analysis of international agreements and the legislation of Georgia, by summing up the supervision system reports in the country, the following challenges are revealed in the direction of enforcement of labour norms:

- Lack of the labour safety culture;
- Low awareness of employers and employees in terms of labour rights and obligations;
- Informal sector, as a global challenge and new forms of labour, as one of the characteristics of the dynamic nature of global economy;
- Violation of the terms of implementation of EU directives;

Herewith, the lack of the modern professional personnel in the country in technical and engineering terms can still be considered as a challenge, which speaks about the need to create respective educational programs. The outdated equipment of the Soviet Union period, which is particularly frequent in the organisations operating in the mining and heavy industries, is also problematic<sup>17</sup>. The situation is complicated by the circumstance that their full removal from the production is related to significant financial factors. The large ratio of the informal sector may also be regarded as a separate challenge<sup>18</sup>, where the disregarded mechanisms for the observance of labour conditions are directly reflected in the legal condition of employees.

### **Conclusion**

The process of harmonisation of labour law with the European law has been actively performed within the last decade, which is based on the international obligations undertaken by Georgia, among them, the Association Agreement executed with the European Union is noteworthy, which resulted in the labour conditions supervision system. The framework directives on the observance labour safety and health were gradually implemented and, on this path, pursuant to the recommendations of the International Labour Organisation, the legislative labour novelties and changes were implemented in Georgia in 2020, which mostly covered the requirements of all directives falling under the labour law. The guarantees of legislative protection and proper enforcement of labour rights were improved by means of creating an independent supervision agency for labour norms, LEPL Labour Inspection Service.

Here we should also mention the fact that the approximation of the labour relations, among them, labour conditions supervision system with the international labour norms played an important role in the process of granting Georgia the status of an EU candidate state and reinforced the opportunities of enforcement of the fundamental principles of decent labour in practice.

Along with the implemented reform, it is noteworthy that the reduction of the number of dead persons due to the accident occurred at the workplace by 41% in 2022 compared to the one in 2018, i.e. after the Law of Georgia On Labour Safety became effective, confirms the fact of effective enforcement of the legislation. Herewith, based on the work process with increased risk, certain violations of labour safety in the mining and construction sector, give the grounds for the analysis that the authorities must ensure the implementation of the remaining directives within the determined terms, also, they must continue active policy by implementing proactive measures, which must have a large scale nationwide and be maximally inclusive, in terms of the participation of both – employees and business representatives. The mentioned approaches will make it possible to maximally enhance the labour safety culture in the country, which will have positive effect in terms of human rights protection, also, it will promote the sustainable development of business and the process of Georgia's European Integration.

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<sup>17</sup> Annual Reports of LEPL Labour Inspection Service (2021-2022).

<sup>18</sup> National Statistics Office of Georgia, Informal Employment Rate (2021-2023).

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