— Georgia and the European Social Charter —

Ratifications


Georgia has not yet ratified the Additional Protocol providing for a system of Collective Complaints.

Table of accepted provisions

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Grisé = Dispositions acceptées

Reports *

Between 2007 and 2013 Georgia has submitted 7 reports on the application of the Revised Charter.

The 6th report, submitted on 27 August 2013 concerns the accepted provisions relating to Thematic Group 2 “Health, social security and social protection” (Articles 3, 11, 12, 13, 14, 23 and 30 of the Charter). Conclusions in respect of these provisions were published in January 2014.

The 7th report submitted on 21 November 2013 covers the accepted provisions relating to the Thematic Group 3 “Labour rights”, i.e.:

- The right to just conditions of work (Article 2)
- The right to a fair remuneration (Article 4)
- The right to organise (Article 5)
- The right to bargain collectively (Article 6)
- The right to information and consultation (Article 21)
- The right to take part in the determination and improvement of the working conditions and working environment (Article 22)
- The right of dignity at work (Article 26)
- The right of workers’ representatives to protection in the undertaking and facilities to be accorded to them (Article 28)
- The right to information and consultation in collective redundancy procedures (Article 29)

Conclusions in respect of these provisions will be published in December 2014.

* Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years. As from 2014 State Parties having accepted the complaints procedure have to provide a national report every two years only.
Situation of Georgia with respect to the application of the Revised Charter

Cases of non-conformity

Thematic Group 1 "Employment, training and equal opportunities"

► Article 1§1 - Right to work - Policy of full employment
It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.
(Conclusions 2012)

► Article 1§2 - Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)
1. It has not been established that there is adequate protection against all forms of discrimination in employment
2. It has not been established that a worker’s right to earn his living in an occupation freely entered upon is adequately protected.
(Conclusions 2012)

► Article 1§4 - Right to work - Vocational guidance, training and rehabilitation
1. It has not been established that the right to continuing vocational training for workers is guaranteed;
2. It has not been established that specialised guidance and training for persons with disabilities is guaranteed.
(Conclusions 2012)

► Article 10§4 - Right to vocational training - Long term unemployed persons
It has not been established that the right to vocational training is guaranteed for the long-term unemployed.
(Conclusions 2012)

► Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community - Integration and participation of persons with disabilities in the life of the community
It has not been established that persons with disabilities enjoy effective protection against discrimination in the fields of housing, transport, telecommunications and culture and leisure activities.
(Conclusions 2012)

► Article 20 - Right to equal opportunities and equal treatment in employment and occupation without sex discrimination
It has not been established that there is adequate protection against gender discrimination in employment.
(Conclusions 2012)

Thematic Group 2 “Health, social security and social protection”

► Article 11§1 - Right to protection of health - Removal of the causes of ill-health
The measures taken to reduce infant and maternal mortality rates have been insufficient;
It has not been established that there is a public health system providing universal coverage.
(Conclusions 2013)

► Article 11§2 - Right to protection of health - Advisory and educational facilities
Measures for counselling and screening of pregnant women and children are not adequate;
It has not been established that prevention through screening is used as a contribution to the health of the population
(Conclusions 2013)
Article 11§3 - Right to protection of health - Prevention of diseases and accidents
it has not been established that adequate measures have been taken to ensure access to safe drinking water in rural areas
(Conclusions 2013)

Article 12§1 - Right to social security - Existence of a social security system
The number of risks covered by the system of social security is inadequate;
The minimum level of old age benefit is inadequate;
The minimum level of maternity benefit is inadequate
(Conclusions 2013)

Article 12§3 - Right to social security - Development of the social security system
Inadequate measures were taken to raise the system of social security to a higher level.
(Conclusions 2013)

Article 14§2 – Right to benefit from social services - Public participation in the establishment and maintenance of social welfare services
It has not been established that measures are taken to encourage individuals and voluntary organisations to participate in the establishment and running of social welfare services.
(Conclusions 2013)

Thematic Group 3 "Labour rights"

Article 2§1 – Right to just conditions of work – Reasonable working time
The Labour Code permits employers and workers to agree on working time without fixing a maximum limit on weekly working hours.
(Conclusions 2010)

Article 4§2 - Right to a fair remuneration – Increased remuneration for overtime work
The Labour Code permits employers and workers to agree on overtime hours without limitations and does not guarantee workers the right to an increased remuneration or a longer rest period in compensation for overtime work.
(Conclusions 2010)

Article 4§4 - Right to a fair remuneration – Reasonable notice of termination of employment
The Labour Code does not specify any period of notice for termination of employment nor does it make any provision for a reasonable period of notice for employees during their probationary period.
(Conclusions 2010)

Article 5 - Right to organise
An excessive number of members is required to establish a trade union, there are restrictions on the right to organise that may be included in employment contracts and protection against discrimination based on trade union membership in the context of recruitment and dismissal is insufficient.
(Conclusions 2010)

Article 6§2 – Right to bargain collectively – Negotiation procedures
It has not been established that an employer may not unilaterally disregard a collective contract and that the conclusion of collective agreements is promoted.
(Conclusions 2010)

Article 6§3 – Right to bargain collectively – Conciliation and arbitration
There is no effective conciliation, mediation or arbitration service.
(Conclusions 2010)

Thematic Group 4 "Children, families, migrants"

Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training
Corporal punishment of children is not explicitly prohibited in the home.
(Conclusions 2011)
► Article 19§10 and 19§12 – Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed - Teaching mother tongue of migrant

No measures to promote the teaching of the migrant worker’s mother tongue have been taken. *(Conclusions 2011)*

The European Committee of Social Rights has been unable to assess compliance with the following provisions and has invited the Georgian Government to provide more information in the next report:

**Thematic Group 1 “Employment, training and equal opportunities”**
(Report to be submitted by 31/10/2015)

► Article 1§3-Conclusions 2012
► Article 10§2-Conclusions 2012

**Thematic Group 2 “Health, social security and social protection”**
(Report to be submitted by 31/10/2016)

► Article 14§1 - Conclusions 2013

**Thematic Group 3 “Labour rights”**
(Report to be submitted by 31/10/2013)

► Article 2§§2 and 5 – Conclusions 2010
► Article 6§§1 and 4 – Conclusions 2010
► Article 26§§1 and 2 – Conclusions 2010
► Article 29 – Conclusions 2010

**Thematic Group 4 “Children, families, migrants”**
(Report to be submitted by 31/10/2014)

► Article 7 – Conclusions 2011
► Article 8§5 – Conclusions 2011
► Article 19§§1, 2, 3, 4, 5, 6, 7, 8 and 11 – Conclusions 2011
► Article 27 – Conclusions 2011