



18/10/2010

RAP/RCha/GEO/III(2010)Add

REVISED EUROPEAN SOCIAL CHARTER
REPLY TO SUPPLEMENTARY QUESTIONS

3rd National Report on the implementation of
the European Social Charter (revised)

submitted by

THE GOVERNMENT OF GEORGIA

(Article 2§5 and 2§7
for the period 01/01/2005 – 31/12/2008)

Report registered by the Secretariat on 13 October 2010

CYCLE 2010

**Responses of Government of Georgia
on Questions in respect of 3rd Report on
the implementation of the Revised European Social Charter
of Georgia**

Article 2§5

The Committee Comment

The Committee points out that weekly rest periods may not be replaced by financial compensations and that employees may not forfeit their rest. Although the rest period must be weekly, it may be differed until the following week provided that no-one is made to work more than twelve days in succession before being granted a two-days rest period. **The Committee asks for information on exceptions to the rules on weekly rest periods.**

GoG¹ Response

According to the Georgian Law on Public Service, the working days of public servants are defined as 5 days per week and Saturday and Sunday are considered as days off work. It should be emphasized, that also in educational institutions (public as well as private) Saturday and Sunday are considered as days off work.

As for the other sectors, any week day can be defined as a day off work by the labour agreement between employer and employee according to the preferences of the parties of the agreement. Accordingly, weekly day periods are guaranteed by the Georgian legislation.

Article 2§7

The Committee Comment

The Committee asks whether a medical checkup is carried out before an employee is assigned to night work and whether it is possible for night workers to be transferred to day work.

It also whether there is regular consultations with workers' representatives on the use on night work, the conditions in which it is performed and measures taken account to reconcile workers needs and the special nature of night work.

GoG Response

According to Georgian Labour Code the night work is defined from 22.00 to 6.00 (Article 18).

It shall be impermissible to employ a minor, a pregnant woman, a woman in a postnatal period, a breastfeeding woman or a person with limited capabilities, on a night work. A

¹ Government of Georgia

baby sitter who takes care of a child under age of three and/or a person with limited capabilities can be employed on a night job only with consent of this person.

According to requirement of Georgian Labour Code (Article 54), Ministry of Labour, Health and Social Affairs approved in 2007 (Ministerial Order # 215) cases and rules of periodical mandatory medical checkups of employees at the expense of the employer. The order specifies types of workers (including night workers) which must be provided regular medical examinations.

According to the Georgian legislation the medical checkup is carried out an employee is assigned to night work or hard, hazardous and harmful work. It should be emphasized, that Georgian legislation provides possibility for night workers to be transferred to day work.

It should be emphasized, that according to the Georgian legislation, the employer is obliged to fully remunerate to the employee any expenses due to damage caused by deterioration of health because of fulfilling the work and for treatment.

As for the consultations with workers' representatives on the use of night work, it should be emphasized, that in the framework of tripartite cooperation between the members of recently established Tripartite Social Partnership Committee², all issues regarding labour relations, work safety, etc can be discussed on the request of any party (including worker's representatives).

² Tripartite Social Partnership Committee was established in March, 2010.

APPENDIX

SECRETARIAT GENERAL

DIRECTORATE GENERAL OF HUMAN RIGHTS
AND LEGAL AFFAIRS

DIRECTORATE OF MONITORING

DEPARTMENT OF THE EUROPEAN SOCIAL CHARTER
THE HEAD OF DEPARTMENT
EXECUTIVE SECRETARY OF THE EUROPEAN COMMITTEE
OF SOCIAL RIGHTS

ESC 76
NC / SF



Mr George Kakachia,
Head of Social Protection Programmes
Division,
Social Protection Department,
Ministry of Labour, Health and Social
Affairs,
Pekini ave. 30,
TBILISI 0160
Georgia

Strasbourg, 4 May 2010

Dear Mr Kakachia,

The European Committee of Social Rights is currently examining the third Georgian report on the Revised European Social Charter and has instructed me to forward to you the enclosed questions concerning Articles 2§5 and 2§7.

The Committee would be grateful if you could reply to these questions before 18 June 2010 in order to allow the information to be taken into account in Conclusions 2010.

Yours sincerely,



Régis Brillat

Council of Europe
F-67075 Strasbourg Cedex

Tel.: +33 (0)3 88 41 22 08
Fax: +33 (0)3 88 41 37 00

E-mail: regis.brillat@coe.int
Social.charter@coe.int
http://www.coe.int/T/E/Human_Rights/Esc/

4 May 2010

Questions in respect of the 3rd report of Georgia

Article 2§5

The Committee points out that weekly rest periods may not be replaced by financial compensation and that employees may not forfeit their rest. Although the rest period must be weekly, it may be deferred until the following week provided that no-one is made to work more than twelve days in succession before being granted a two-day rest period. The Committee asks for information on exceptions to the rules on weekly rest periods.

Article 2§7

The Committee asks whether a medical checkup is carried out before an employee is assigned to night work and whether it is possible for night workers to be transferred to day work.

It also asks whether there is regular consultation with workers' representatives on the use of night work, the conditions in which it is performed and measures taken to reconcile workers' needs and the special nature of night work.