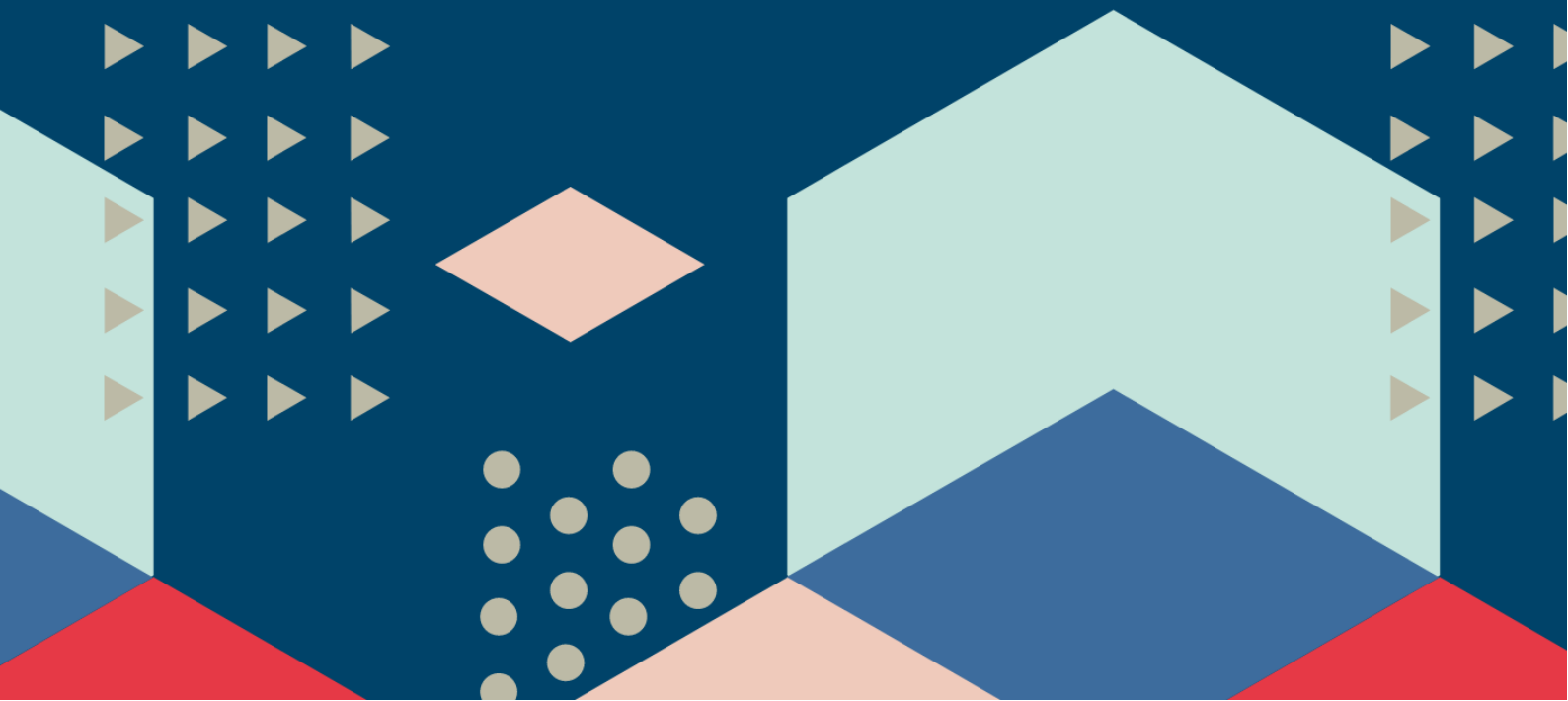




PARLIAMENT OF GEORGIA

**THEMATIC INQUIRY REPORT OF THE PERMANENT
PARLIAMENTARY GENDER EQUALITY COUNCIL**

**RIGHTS OF WOMEN IN THE INFORMAL
ECONOMY AND COVID 19 IMPACT**



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2021



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I N S T I T U T E
*Promoting Rule of Law
in Georgia (PROLoG)*

The present thematic inquiry on the rights of women in the informal economy and Covid 19 impact has been carried out by the Permanent Gender Equality Council of the Parliament of Georgia, with the generous support of the American People through the United States Agency for International Development (USAID). The contents of this publication are the responsibility of the Permanent Parliamentary Gender Equality Council and it does not necessarily reflect the views of the United States Government, the United States Agency for International Development or the East-West Management Institute (EWMI).

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Thematic inquiry working group – Rights of women in the informal economy and Covid 19 impact – created under Article 155 of the Parliament of Georgia Rules of Procedure.

PROPOSE OF THE THEMATIC INQUIRY

Purpose of the present thematic inquiry is to study and analyse women’s rights and gender equality in the informal economy. For the purposes of this inquiry, informal workers are considered to be domestic workers.



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I Introduction

„Identification of workers in the informal sector and their needs and formalization of the sector is a challenge for many countries. International Labour Organization defines informal economy as activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements.“¹

The problem of domestic/household employment further intensified amid the worldwide coronavirus pandemic. In view of specific characteristics of such work, domestic workers „have found themselves on the frontlines of high-risk groups for Covid-19“. In absence of employment contracts, workers were unable to obtain medical certificates to request sick leave, and they did not have access to safeguards for occupational safety or for protection from wrongful termination of employment. As of July 21, 2021, nearly 220,000 informal workers have applied for unemployment assistance from the government, while only 55% received such assistance.“²

ILO Convention No. 189 (2011) provides a legal framework for rights of all domestic workers, while mechanisms for effective enforcement of the Convention provisions are provided in ILO Recommendation No. 201 (2011). Currently the Convention has been ratified by 35 countries, which does not include Georgia, however during the thematic inquiry period it became known that the government is planning to commence work and make concrete steps in that regard.

The Association Agreement between Georgia and the European Union prescribes a number of obligations, including implementation of regulations that comply with ILO standards in labour relations, which also entails identification of the informal sector and the state’s aspiration to formalize it.³

Harmonization of national laws with applicable conventions and international standards and their implementation is a significant challenge for many countries. Convention No. 189 implies drafting certain bills and acts on the one hand and on the other hand, it addresses the need to create and develop adequate mechanisms for enforcement.⁴

Challenges associated with domestic work include: insufficient and ineffective legal remedies available to workers; lack of bargaining powers; informal nature of the work; lack of workers’ awareness about civil and labour rights.⁵

¹ Informal domestic work in light of international standards and good practices, EMC study, p. 4, 2020. Further reference to: Transition from the Informal to the Formal Economy Recommendation, ILO 2015, №204. Art.1 – See the link: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R204

² Ibid, p. 5

³ Ibid, p. 6, further reference to: <https://matsne.gov.ge/ka/document/view/2496959?publication=0> – art.349.

⁴ Ibid, p. 7

⁵ RIA UN Women, p. 6; Regulatory Impact Assessment of ILO C189 – Domestic Workers Convention (hereinafter, RIA)

Research goal and methodology

Purpose of the thematic inquiry is to study and analyse rights of women in the informal economy. The inquiry:

- provides an overview of female workers in informal sector (e.g. nannies, domestic help, etc.);
- examines challenges faced by women workers in informal sector;
- analyses national legal framework that regulates their rights, according to international standards;
- outlines legislative and policy recommendations, in response to issues identified. The present report also addresses Covid 19 impact on women workers in informal sector.

The thematic inquiry on the Rights of Women in the Informal Economy and Covid 19 Impact has been carried out under Article 155 of the Parliament of Georgia Rules of Procedure. Members of the thematic inquiry working group have been selected from the Parliamentary Gender Equality Council and include Khatia Tsilosani, Ramina Beradze and Mariam Lashkhi. The thematic inquiry working group is led by Khatia Tsilosani.

The following organizations expressed their interest to participate in the thematic inquiry process: Georgian Trade Unions Confederation (GTUC), UN Women, Social Justice Centre, Solidarity Centre, Domestic Workers Initiative Group, Georgian Young Lawyers' Association (GYLA). This was followed by drafting a questionnaire and sending it to all interested organizations. The questionnaires, international regulations and practices, as well as national legislation was processed and analysed during the research.

The thematic inquiry working group invited public sector representatives to receive information about the issue in question. At the final stage, the working group prepared findings and recommendations plan and submitted them to the permanent parliamentary Gender Equality Council.

For the purposes of this inquiry, informal workers are considered to be domestic workers.

II Main Findings

Regulation of domestic work is a serious challenge worldwide, including in Georgia. The inquiry has clearly revealed that majority of domestic workers are women. Their rights remain beyond the scope of the State control and these workers lack adequate legal frame or appropriate knowledge to protect their rights.

Covid 19 pandemic has highlighted these challenges even more, as many people lost their jobs and those who were able to maintain employment had to accept exploitative terms.

The inquiry has revealed the need to design a strategy and vision in the field of domestic work, with involvement of social partners and agencies.

Steps to improve labour/legal rights for domestic workers:

1. Designing a legal/tax/social frame for employers and employees that will incentivize and motivate them to become involved in formal employment, for example by setting a preferential tax rate, enrolling such workers in social security schemes (including in pension schemes), providing entitlement to maternity leave, etc.
2. It is important for the state to mobilize resources, donors and agencies and to involve them in far-reaching campaigns, create professional associations and promote development of existing ones, to teach, train and raise awareness. Involvement of Labour inspectorate in such campaigns may be important.
3. To promote formalization of domestic work, it is important to determine, clarify and adapt labour laws and other relevant legal norms for effective protection of domestic workers' rights. Effective mechanisms should be designed, implemented and enforced to protect workers' rights.

Formalization of domestic work may be valuable and interesting for the state, as this will create an opportunity to increase sources of revenue for the state and to promote relevant fields/individuals. „Recognition“ of rights of persons that remain beyond legislation, raising public awareness and incorporating domestic workers in different systems will increase trust and motivation to become involved in the formal economy.

For domestic workers, involvement in the formal economy would mean access to employment and social security guarantees and a stable employment. They will therefore be incentivized to become involved in the state's social security and pension schemes, to have access to remedies that will enable them to protect their right to decent working conditions. Access to social security system guaranteed by the state will create trust toward the state. Raising awareness of workers and creating/strengthening relevant legal mechanisms will enable workers to protect their rights by accessing appropriate remedies, in cases of violation of labour rights by the employer, harassment and poor working conditions.

Employers too should be incentivized and motivated to become involved in the formal employment system. By doing so, employers may have more opportunities to attract highly-qualified personnel. At

the same time, employers should be able to benefit from applicable legal regulations – more specifically, once domestic work becomes subject to the legal frame, employers will have the right to demand qualified services and the ability to fully utilize applicable legal remedies to protect these rights. Currently employers tend to avoid such disputes, fearing that this may raise questions about legality of such relations. After formalization of labour relations, employers will be entitled to legal remedies to protect their rights in case of inappropriate performance/non-performance of duties by the worker or in case of other misconduct.

Steps to help formalize domestic work/informal employment:

1. The State should prepare a vision/action plan/guide with involvement of social partners, elaborate a detailed activities plan within a specific timeframe;
2. Prepare concrete recommendations about creating incentives for formalization of domestic work/informal employment and for offering tangible benefits both to employees and employers. In particular, it will be especially valuable to:
 - Conduct large-scale information campaigns, help empower trade unions/associations of domestic workers (especially women);
 - Establish a legislative framework, adapting existing regulations in some cases and making them responsive to specificities of domestic work; apply the existing regulations to a full extent in some cases and prepare new regulations in other cases; adopt tax policy that will respond to the existing needs and opportunities and create appropriate regulations;
 - Labour inspectorate, other relevant/competent agencies as well as the Public Defender and the judiciary should create effective mechanisms for enforcement. Access to legal consultations and services should be ensured (including with assistance from Legal Aid Service).

III Underlying causes of informal employment and challenges to formalization

1. Underlying causes of informal employment/domestic work

Compensation for domestic workers is quite low. Additionally, employers include private/natural persons that often do not earn a lot of income themselves. In that regard, tax obligations that will be created as a result of formalization of labour relations in informal employment will be disproportionately high⁶ and it may be unreasonable to impose such burden on the employer or the employee. This will lead to unreasonable price increase for services concerned and if domestic work is formalized, interest in hiring domestic workers and access to their services may decrease.

Additionally, both employers and employees lack awareness about rights and benefits that they will be entitled to if such employment is formalized, or any responsibilities associated with formalization. Informing them about specific legal safeguards that they will have access to may motivate both employers and employees. (For example, employers will be entitled to a leave, a paternity leave, standard working hours, occupational safety or stable relations, they will be also protected against

⁶Compare: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_735630.pdf, p. 15

wrongful termination of employment. Employers will be able to demand adequate performance of duties per instructions, they will be entitled to legal remedies that they can use in case of bad faith employee conduct or other misconduct).

The following has been identified as underlying reasons of informal employment: low compensation and lack of employment opportunities in formal sector, domestic workers' lack of qualifications, the state and workers' rights institutions lacking the strategy, relevant mandate, and ignoring the issue.

Informal employment/domestic work is not regulated by the national legislation, while application of the Labour Code to this area is ambiguous and it creates many questions in practice. The Labour Code of Georgia (LCG) provides a definition of labour relations and stipulates that labour relations comprise the performance of work by an employee for an employer under organised labour conditions in exchange for remuneration. Additionally, labour agreement must be concluded in writing. Therefore, scientists and practitioners have conflicting views on whether domestic work can be viewed as performance of work under organized labour conditions,⁷ especially considering that such agreements are not concluded in writing.⁸ Extending the Labour Code to domestic work will raise a question of whether these protective rules should apply to a full extent or with a limited scope.

Taking into account such ambiguity, naturally, there is no known precedent establishing protection of domestic worker's labour rights through legal means. Protection of their rights by domestic workers is also associated with certain procedural difficulties (opportunities for proving existence of labour relations and agreed terms of employment are limited). In addition, often workers are unaware of even the limited opportunities that exist and therefore, their rights are essentially not protected.

2. Challenges of informal employment/domestic work for the State

Main challenge related to informal employment/domestic work for the state is absence of regulations and enforcement mechanisms. **As a result, these relations fall outside the state's control and oversight and the State has no mechanism of control or ability to offer to domestic workers social security guarantees or legal safeguards.** This became especially evident during the Covid-19 pandemic and associated restrictions.

Another challenge for the State is the fact that it cannot generate any income from this sector – **it is impossible to keep the record of and receive tax revenues from informal employment field.** This is also due low level of public awareness about these relations and legal frames, guarantees or responsibilities. This segment of population (**domestic workers**) **has no safeguards, while the State lacks opportunities or leverage for protecting their interests,** which is also due to the fact that **accurate and comprehensive data about workers holding informal jobs** are not maintained. Due to absence of relevant legal framework, redress mechanisms and state services for informal employment, they too cannot be used as a source of information about these individuals. According to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia (MOH), another challenge for the state is the fact that informal employment has broadened the circle of recipients of social benefits as informal workers have easier access to social assistance since source of their income is unknown. This serves as an incentive to remain in informal employment.⁹

⁷ UN Women, ISET (2021), Regulatory Impact Assessment of ILO C189 – Domestic Workers Convention (hereinafter, RIA). p. 15

⁸ According to the Legal Aid Service, in practice they have had a number of cases when court recognized domestic workers as employees despite absence of any written contract.

⁹ MOH questionnaire

3. Gender-disaggregated statistics about informal workers

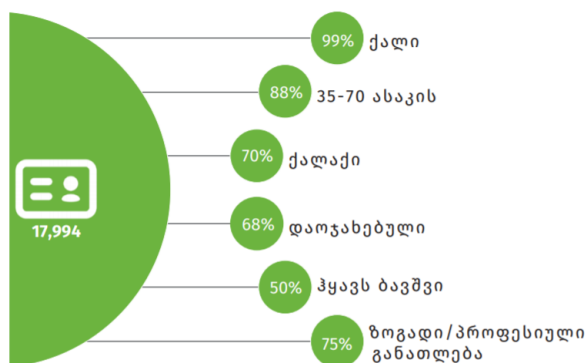
Notably, in developing countries the rate of informal employment is 5-6 times higher than in developed countries, however in both cases the rate of women's informal employment is higher than that of men's. The share of informal employment in non-agricultural employment is within 90-70% in Africa, Asia and Middle East, and up to 30% in Europe.¹⁰

According to the [National Statistics Office of Georgia](#), the share of informal employment in non-agricultural sector is 31.7%, while 26.2% of workers are women and 36.4% are men. 30.2% are employed in urban areas, 35.6% in rural.

It is impossible to accurately estimate the share of domestic work and the share of women, as GeoStat does not gather or analyse data broken down by different sectors, areas, sex or age. GeoStat has explained that „a questionnaire is used to gather data according to sectors, sex, age, etc. As we use a sampling method for the survey (sample size is about 6400 households per quarter), for some groups (e.g. for a concrete sex or age groups in a particular field of work), data is not representative of the population (statistically reliable).“¹¹ However, according to information provided by GeoStat, in informal employment 33.5% of workers are employed in the industry field, 31.4% in services field. 25% of the latter are women.

UN Women refers to statistics of domestic workers, according to which in 2019, domestic workers constituted 1.1% of employees in Georgia and their 99% were women.¹² Among them, 88% were women between the ages of 35 and 70.

Infographic #1: General characteristics of domestic workers



According to the study by UN Women, GeoStat data shows that among non-agricultural workers in informal employment in 2019, 33,8% were in urban areas, 36,8% in rural.

According to those surveyed, Georgia continues to lack credible statistical data broken down by gender or age about employees in the informal sector. According to the available data, their share ranges from 31% to 34%.¹³

¹⁰ Women and Men in the Informal Economy: A Statistical Brief, 2019

¹¹ GeoStat explanation

¹² UN Women, RIA p. 27

¹³ UN Women, questionnaire

IV Women's labour rights in the informal economy and in the context of Covid-19 pandemic in general

1. Women's rights and challenges in the informal economy

Globally the share of women employed in the informal economy is substantially higher than the share of men.¹⁴ For example, women's employment is up to 90% in African countries, 89% in South Asian countries and 75% in countries of Latin America. Women in the informal economy, unlike men, are mostly employed in a vulnerable environment – in particular, in a family, household or in jobs that entail household chores.¹⁵ The share of women's employment in families and households is three or more times higher than men's.¹⁶ Also, notably in developing countries the rate of informal employment is 5-6 times more than in developed countries, and absolute majority of those employed in families and households are women.¹⁷ Further, informally employed women are paid substantially less than informally employed men.¹⁸

On the most part, women employed in families perform household/domestic chores – these women work as nannies, care-takers, do different types of domestic chores (washing, tidying up, cleaning, cooking, taking care of children, taking care of the elderly and persons with disabilities, gardening, driving); they also work as tutors and so-called maids, while in rural areas, women are involved in activities of rural households.

Informally employed women usually have no access to social security guarantees,¹⁹ paid leave, sick leave,²⁰ maternity leave and a number of benefits related to pregnancy and childcare.

In Georgia too, female domestic workers are not entitled to rights provided by the Labour Code and they accept it as the norm, including entitlement to paid leave; maternity leave; overtime compensation; standard working hours; paid leave for temporary incapacity; breaks, etc. They are also not entitled to basic social guarantees and state programs and cannot participate in pension scheme. Their working conditions are often inadequate and due to their vulnerability, they are at a higher risk of violence and harassment.

In individual cases, domestic workers may also be working in inadequate and/or dangerous environment, putting their wellbeing and health at risk, and they do not receive equal pay. Due to ambiguity of contract terms and constant struggle to find new income sources these workers constantly experience instability, vulnerability and stress. This may worsen their mental and physical health, which will in turn reduce their productivity and eventually diminish their income-generating abilities. As a

¹⁴ Compare: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_735630.pdf, also, compare: Women and Men in the Informal Economy: A Statistical Brief, 2019 p. 5

¹⁵ <https://www.endvavnow.org/en/articles/1957-women-in-the-informal-economy.html> with further reference (ILO, 2018e, p. 21).

¹⁶ Also compare: women's dire position in the informal economy, p. 6, 2020

¹⁷ Women and Men in the Informal Economy: A Statistical Brief, 2019

¹⁸ Also compare: women's dire position in the informal economy, p. 6, 2020

¹⁹ Compare, *ibid.*

²⁰ Women and Men in the Informal Economy: A Statistical Brief, 2019, p. 4

result, these workers face even bigger threat of poverty. Majority of domestic workers are women and their exclusion from the pension scheme also increases gender inequality in old age.²¹

2. Women's rights in the context of the pandemic

2.1. Effects of the pandemic on informally employed women

Against the background of the pandemic and associated restrictions, female domestic workers worldwide have come to face particular difficulties.²² Women that represent employer families were also affected by these challenges. With regard to female domestic workers, several types of challenges were identified amid coronavirus-related restrictions, such as: 1. Employers started working remotely and in an attempt to reduce the risk of infection, they decided not to keep their domestic workers and take care of housework themselves; 2. Employers themselves were now facing economic hardships and they could no longer afford to keep their domestic workers;²³ 3. Employers wanted to continue receiving domestic worker services but to reduce the risk of infection, they were against their domestic workers using public transport, even when public transport was working. Employers themselves could not provide their domestic workers with transportation on a regular basis; 4. Employers wanted to continue receiving domestic worker services, however as public transport was suspended domestic workers were unable to get to work because they could not afford to take a taxi or stay overnight, due to needs of their families and/or the employer's domestic situation; 5. Employers wanted to continue receiving domestic worker services but domestic workers were unable to go to work as their small children had to stay home for online learning and they needed someone to take care of them; 6. Employers wanted to continue receiving domestic worker services and while public transport was working, domestic workers continued to do their jobs but at the expense of taking risks on a daily basis, as their safety was not protected, minimum insurance or guarantees for protection of health were not provided.

Amid such challenges, income of women in informal employment became completely unstable and unpredictable, and there was an immediate need to ensure at least a basic level of income security.²⁴ Majority of domestic workers depend on low-paying jobs, they don't have access to minimum social guarantees and they have found themselves completely vulnerable amid the pandemic.²⁵

The pandemic has especially highlighted the challenges related to health and occupational safety. Domestic workers often cannot afford frequent changing of their face masks, they cannot purchase or use disinfectants.²⁶ Immediate testing of domestic workers after a possible exposure to the virus or when they show symptoms of the virus has proven to be a serious challenge. Under these circumstances, domestic workers remain beyond the scope of protection of labour rights. They are unable to take a sick leave if they are infected and/or if they need to be (self-) quarantined. Absence of such protection and support may prompt domestic workers to hide that they have been in contact with an infected individual, posing a threat to others and creating the risk of spreading the virus.²⁷ Since domestic workers have no way of satisfying their basic needs, regulating these issues, providing support

²¹ UN Women, questionnaire

²² COVID-19 crisis and the informal economy Immediate responses and policy challenges, p. 1, May 2020

²³ Domestic Workers' Initiative, GYLA, questionnaires

²⁴ COVID-19 crisis and the informal economy Immediate responses and policy challenges, p. 5

²⁵ Ibid, p. 1

²⁶ Ibid, p. 2, Compare, also: Assessment of Covid-19 Impact on Women Employed as Domestic Workers in Georgia, p.27

²⁷ COVID-19 crisis and the informal economy Immediate responses and policy challenges, p. 2

and oversight would create more guarantees for individuals involved in such relations, as well as for society at large.

As the Georgian Trade Unions Confederation (GTUC) explained, the pandemic had the biggest impact on women in informal employment. A total of 54 thousand jobs were lost, including 42 thousand jobs (77.7%) that employed women. Stalled economy and distance working reduced demand for women employed in the economy of care. On the other hand, closed kindergartens and the shift to online learning forced employed women to take care of their own families, instead of working. Economic activity of women fell to 43-40%.²⁸

The State's anti-crisis plan did not include women that worked without contracts. These women had to register in the single system of the Internal Revenue Service but majority were unable to do so. [According to the May 2020 estimates of the International Labour Organization](#), 73.7% of domestic workers were significantly impacted by the pandemic and this estimate captures the impact in terms of loss of jobs and income, reduction of working hours, etc.²⁹

Social Justice Centre (SJC) explained that COVID 19 first of all reduced daily income of those in informal employment and increased their daily financial needs. Most of them have no minimum savings, while informal workers that remained beyond the social security system and labour law safeguards were unable to work due to stay-at-home orders of the government and suspension of public transport. On the most part, it was impossible to request compensation for job loss, due to informal employment.³⁰

According to **UN Women**, domestic workers remained beyond the State's assistance as they were unable to provide a proof of employment and/or receive a compensation package. According to the Government of Georgia, „A person who works as a nanny, craftsman, maid or holds other similar position will receive a compensation if s/he submits a certificate from a service provider registered as a taxpayer or an intermediary company that put him/her in touch with the employer before April 1, 2020.“ Therefore, none of the domestic workers that had direct labour relations with a household would be able to receive a lump-sum subsidy of 300 laris. Workers placed by employment agencies only were able to receive the assistance. In addition, it has been found that domestic workers seek medical help when symptoms are severe and harm caused by a disease is more serious. This negatively affects public healthcare also, by reducing effectiveness and timeliness of activities that aim to avoid spread of potentially dangerous communicable diseases.³¹

The restriction on public transport left most domestic workers unemployed, while those who were able to continue their employment explained that working hours increased without it being reflected in their compensation, and their working conditions depend on the goodwill of their employers. Domestic workers are finding it hard to follow the most basic health recommendations during the pandemic. As most of them cannot afford protective equipment, their health and well-being are entirely up to their employers.³²

²⁸ GTUC questionnaire

²⁹ Domestic Workers' Initiative, questionnaire

³⁰ SJC, questionnaire

³¹ UN Women, ISET (2021), RIA

<https://georgia.unwomen.org/en/digital-library/publications/2021/05/regulatory-impact-assessment-of-ilo-c189-domestic-workers-convention>

³² UN Women, WeResearch (2021), Assessment of Covid-19 Impact on Women Employed as Domestic Workers in Georgia

2.2. Steps made and additional needs

According to **Solidarity Centre**, as a result of the existing harsh conditions, women's economic viability and their financial dependence has been greatly harmed. It is clearly important to prepare recommendations in that regard that will focus on reducing harm caused by the pandemic and maintaining economic viability of women in informal economy.³³

According to UN Women, majority of those surveyed in a household survey positively assessed financial assistance for job loss, subsidies for utility payments, postponement of loan repayments and assistance for children amounting to 200 laris. Some participants, due to informal employment status, found it difficult to access these programs. Their majority learned about the State programs from TV or social media. Nevertheless, some respondents were insufficiently aware of the State's anti-crisis strategy and assistance programs, and it was hard for them to understand which type of assistance they were entitled to.³⁴ Georgian Young Lawyers' Association has positively assessed an assistance of 300 laris provided according to the Government's anti-crisis plan for informally employed or self-employed workers that lost their jobs, but it also believes³⁵ that unfortunately, the anti-crisis plan did not take into account workers in certain categories of informal sector that were affected the most by the crisis, such as: nannies, cleaning persons, care-takers.³⁶

Challenges associated with Covid-19 may accelerate the process of formalization of domestic workers. It has been identified that amid the pandemic domestic workers started thinking for the first time about employment formalization and its importance.³⁷ They also started thinking about joining trade unions. With regards to conclusion of labour contracts, it has been identified that domestic workers are mostly afraid of and hindered by additional expenses.³⁸ This should be taken into account in the process of elaboration of relevant strategy.

It should be understood that certain minimum safety and protection standards should be immediately established for domestic workers, as one of the most vulnerable groups amid the pandemic. It would be quite valuable to broaden the mandate of Labour inspectorate or identify an additional competent agency to establish a safety protocol and accept complaints from domestic workers about violation of occupational safety rules³⁹ This may help initiate the process of declaration and/or formalization of relations by domestic workers.

The idea of encouraging identification of domestic workers (natural persons) and helping them transition from informal sector to formal relationships by offering them the status of a „micro business“ is worth considering.

According to representatives of the Ministry, this will not increase their tax burden and they will not have to pay any income tax;

<https://georgia.unwomen.org/en/digital-library/publications/2020/12/assessment-of-covid-19s-impact-on-women-employed-as-domestic-workers-in-georgia>

³³ Solidarity Centre, questionnaire

³⁴ UN Women, questionnaire

³⁵ GYLA's assessment of the human rights situation in Georgia in 2020, p.2. available at: <https://bit.ly/3wUt9Rq>.

³⁶ GYLA, questionnaire

³⁷ Assessment of Covid-19 Impact on Women Employed as Domestic Workers in Georgia, p.25

³⁸ Assessment of Covid-19 Impact on Women Employed as Domestic Workers in Georgia, p. 26

³⁹ Ibid, p. 35

If there will be a need for the State to offer certain assistance (such as, assistance during the pandemic, when these workers were unable to provide any proof that they used to be employed, used to earn income and as a result of certain circumstances they lost their income), these workers will no longer have a problem receiving the assistance as they will have corresponding status.⁴⁰

3. Summary

The pandemic has turned out to be the unprecedented challenge for the world. It may however create an opportunity to encourage and accelerate the process of initiation of social dialogue about domestic workers' rights. It is important that full involvement of all stakeholders is ensured in the process, including active participation of women, and the importance of protecting women's labour rights is highlighted and prioritized.⁴¹ In order for challenges related to women's labour rights to be heard and understood, especially in cases when they face violence, workplace harassment, it is important to design corresponding strategy. Women's representation should be ensured at managerial positions; training programs for empowering and raising awareness of women should be introduced; forums or committees of women in the informal economy should be created.⁴² Research shows that there is a clear correlation between the level of workers' education and informal employment reduction rate.⁴³

V Local and international regulations, challenges and recommendations

International standards for workers in informal sector

Issues of domestic workers are regulated at the international level by ILO Convention No. 189 and Recommendation No. 201, ILO Recommendation No. 204 on Transition from the Informal to the Formal Economy.

Individual aspects of domestic work are also regulated and covered by ILO Labour Inspection Convention 1947, Employment Policy Convention 1965 (N. 122.), Tripartite Consultation Convention 1976 (No. 144.); ILO 2002 Resolution on Decent Work, as well as guides published by ILO in 2010 and 2016, containing recommendations about how to extend the scope of application of labour laws to informal employment sector;⁴⁴ It is important to also consider ILO 190 Convention on gender-based violence and harassment in the world of work, ILO 189 Convention and its fundamental principles, ILO 1998 declaration on Fundamental Principles and Rights at Work, which extends to all workers irrespective of their labour relations or employment status.⁴⁵

Brief overview of Georgian legislation in light of international experience and regulations

⁴⁰ Comments of the Ministry of Finance and Revenue Service of Georgia.

⁴¹ Compare: Women and Men in the Informal Economy: A Statistical Brief, p.7, 2019

⁴² <https://www.endvawnow.org/en/articles/1957-women-in-the-informal-economy.html>

⁴³ Women and Men in the Informal Economy: A Statistical Brief, p.18, 2019

⁴⁴ „ Expanding the scope of application of labour laws to the informal economy” https://www.ilo.org/wcmsp5/groups/public/--ed_norm/---normes/documents/publication/wcms_125855.pdf and “Formalizing domestic labour” https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_536998.pdf .

⁴⁵ Ibid.

1. Domestic work as employment relationship

Article 1 of ILO Convention 189 provides a definition of domestic work.

For the purpose of this Convention:

- (a) the term domestic⁴⁶ work means work performed in or for a household or households⁴⁷;
- (b) the term domestic worker means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis⁴⁸ is not a domestic worker.

Article 2 of the Labour Code of Georgia provides the following definition of labour relations:

1. Labour relations comprise the performance of work by an employee for an employer under organised labour conditions in exchange for remuneration.
2. Labour relations shall derive from agreements reached as a result of a free expression of will and based on the equality of parties.

Performance of work under organized labour conditions provided in Article 2.2 of the Labour Code of Georgia implies that work is performed in a subordinated condition, under a special regime – in particular, on the most part it is the employer that determines time, place, condition, substance of work and provides instructions. When the bargaining powers between the employer and the employee are unequal and the employer has a dominant position, terms and contents of the employment contract are mainly determined by the employer.⁴⁹

According to this definition, legal status of domestic workers may differ in individual cases, however on the most part they have a subordinated role, where the employer determines terms, substance and special rules of employment and provides instructions, which is indicative of existence of labour relations.

A person that performs certain work on a periodic basis, without being in a subordinated position with the employer may not be considered to be working under organized labour conditions and therefore, „an employee“ for purposes of the Labour Code of Georgia as well as Article 1(c) of ILO Convention No. 189.

Pursuant to LCG Article 12 (Conclusion of employment agreements):

1. An employment agreement may be oral or written, fixed-term or open-ended.
2. An employment agreement shall be concluded in writing if labour relations last longer than 1 month.

Further, pursuant to LCG Article 15, labour relations shall commence from the moment of actual commencement of work by an employee, unless otherwise determined by an employment agreement.

LCG Article 12(1) determines that an employment agreement with a duration of over 1 month should be concluded in writing, while LCG Article 15 specifies that labour relations commence from the moment of actual commencement of work by an employee.

⁴⁶ “domestic“

⁴⁷ “household“

⁴⁸ „on occupational basis“

⁴⁹ Compare: Georgian labour law and international labour standards, Shvelidze, p.37, 2017, with further references. Chachava, p.98, Kereselidze, Adeishvili 10-16, Shvelidze Z., p.94

These two articles, taken together, suggest that labour relations with a duration of less than 1 month, in absence of a written employment agreement, commence from the moment of actual commencement of work by the employee. Interpreting LCG Article 12, in conjunction with Article 59 of the Civil Code of Georgia (CCG) in a way that suggests that violation of the required form of labour relations will lead to invalidation is clearly against the goal of the amendments introduced in the Labour Code in 2013 and creates a risk of abuse of these regulations by the employer. In this context, the required form serves the purpose of ensuring burden of proof and its use to harm interests of an employee is unjustified.⁵⁰

Therefore, existing factual labour relations with a domestic worker that has not been concluded in writing does not call into question existence of worker-employer relations, despite the lack of formalization. Clearly, in case of a dispute, the employee's burden of proof with regard to existence of factual labour relations will be heavier, especially if the payment is provided in cash.

International experience: e.g., in the Philippines, following ratification of ILO Convention No. 189, a law on domestic workers was adopted, which requires that domestic workers have written contracts and they must contain dispute settlement mechanisms. The law also establishes minimum wages for domestic workers that may be increased periodically, a rest period and regularity, and mandatory social protection. In addition, domestic workers are now covered by maternity leave.⁵¹ In individual cases, collective agreements make certain provisions of the Labour Code applicable to domestic workers.⁵² For example, in France, domestic workers' rights are established by collective agreements. These agreements regulated terms of the employment, as well as termination of employment, paid annual leave, maternity leave and all other substantial terms. These collective agreements have universal application.⁵³

Challenge: proving existence of relations is the main obstacle for recognizing domestic work as labour relations and ensuring that it is fully covered by the Labour Code. In that regard, the following should be taken into account: a) burden of proof with regard to labour relations, which is difficult in absence of a written contract and payments in cash; b) employees themselves are unaware of their rights and therefore, they tend not to initiate disputes in most cases; c) employers are also unaware of their obligations and lack understanding that they are entering labour relations, which places certain responsibilities on them.

8% of respondents in informal employment have said that they have signed a written contract with their employers, which confirms that majority of domestic workers in Georgia have informal agreements.⁵⁴ This underlines the fact that only a very small share of domestic workers have signed a written contract. Majority of domestic workers therefore may have difficulty proving existence of labour relations.

⁵⁰ Ibid, Khajomia, p. 170- 172

⁵¹ Reference made according to GYLA questionnaire - ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>.

⁵² There are 3 collective agreements for domestic workers. Among other issues, these agreements regulate wage rates, hours of work, paid leave, maternity leave, etc. According to one of the agreements, certain provisions of the Labour Code were extended to domestic workers. Reference made according to GYLA questionnaire: ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>, p. 104.

⁵³ For details see *ibid*, p.104

⁵⁴ UN Women, Assessment of Covid-19 Impact on Women Employed as Domestic Workers in Georgia, p. 10, 2020, with further reference: UN Women Georgia and ISET-PI, Regulatory Impact Assessment C189

Recommendation:

- The inquiry confirms that it is important to organize information campaigns, create and support trade unions, conduct trainings and large-scale information campaigns, stimulate signing of collective agreements, in order to ensure that both employers and employees have more information about their rights and obligations.⁵⁵
- It is important to introduce the definition of a domestic worker in law and specify the extent to which they will be subject to LCG norms and exceptions that may extend to them. It is also recommended to specify in the LCG that irrespective of the form of an employment contract, labour relations will be considered as commenced from the moment of their factual commencement, and with regards to terms of employment, the burden of proof will shift to the employer if there is no written contract.⁵⁶

2. Awareness about basic rights of domestic workers

2.1. General awareness

Article 3 of ILO Convention No. 189 prohibits forced or compulsory labour (including child labour) and discrimination, and it requires Members to ensure effective recognition of the right to collective bargaining and the freedom of association, in relation to domestic workers.⁵⁷ It is also important to ensure awareness of domestic workers about these rights. Georgian legislation provides for the rights guaranteed by this article, however in consideration of the informal nature of domestic work, it is arguable and domestic workers are completely unaware if and to what extent these guarantees apply to them.

International experience: For example, in Argentina, in 2006 a special school was created for training domestic workers, with the aim of increasing effectiveness of their services, as well as empowering them by providing information about conditions of employment. Status of domestic workers was formalized through this school. Further, the school is actively cooperating with relevant trade unions.⁵⁸ Based on international experience, involving informal workers in formal work has been made possible through large-scale training, awareness raising campaigns, access to free legal services and stimulating collective bargaining.⁵⁹

⁵⁵ International experience confirms that the State's support to creation of professional organizations, promotion of collective agreements, and conduct of large-scale campaigns has proven to be effective for transition from informal to formal employment. For more information, see: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_735630.pdf for example, pages 27, 31, 33, 36, 38, 45, 51, 64, 73, 74, 89, 91, (same applies to social guarantees).

⁵⁶ According to international experience, extending the labour law or creating a special law has played a positive role in ensuring protection and implementation of basic rights of workers. Compare: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_735630.pdf p.42 Malawi, p.60 the Philippines, p.64 Thailand, p.82 Brazil

⁵⁷ „Each Member State shall ensure:

freedom of association and the effective recognition of the right to collective bargaining;

the elimination of all forms of forced or compulsory labour;

the effective abolition of child labour; and

the elimination of discrimination in respect of employment and occupation.“

⁵⁸ According to GYLA questionnaire, ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>. 72-73.

⁵⁹ For more information, see: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_735630.pdf For example, pages 27, 31, 33, 36, 38, 45, 51, 64, 73, 74, 89, 91.

Creating specialized unions and human rights offices (ombuds offices) within these unions has promoted awareness of domestic workers, making of informed decisions and protection of their rights.⁶⁰

2.2. Informing domestic workers about terms of a particular employment contract

Article 7 of ILO Convention N189 requires Members to ensure that domestic workers are informed of their terms and conditions of employment, preferably through written contracts. Domestic workers should be informed about essential aspects of the employment relationship, including their rights in an appropriate, verifiable and easily understandable manner. In particular, domestic workers should be informed about the following, preferably, in written form: a) the name and address of the employer and of the worker; b) the address of the usual workplace or workplaces; c) the starting date and, where the contract is for a specified period of time, its duration; d) the type of work to be performed; e) the remuneration method of calculation and periodicity of payments; f) the normal hours of work; g) paid annual leave, and daily and weekly rest periods; h) the provision of food and accommodation, if possible; i) the period of probation or trial period, if applicable; j) the terms of repatriation, if applicable; and k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

Most of the terms and conditions of employment contract provided in Article 7 of the Convention are regulated by LCG Article 14. This article may have to be amended in order to include other terms and conditions provided in the said article of the Convention with regard to domestic workers (e.g. terms and conditions relating to the termination of employment, the terms of repatriation, if applicable). Article 14(2) may also be amended. In addition, LCG Article 11(6) that requires informing candidates also somewhat echoes Article 7 of the Convention.

With regard to the period of probation, LCG Article 17 clearly stipulates that such condition can only be established in writing. The framework for concluding a contract for a probationary term is thoroughly regulated and this rule can also apply to the domestic employment sector.

Challenge: realization of the employer's duty to inform the employees depends on the employee's awareness and motivation.

Employers' awareness in this situation is very low. Labour relations in the context of domestic work are quite specific, as the employee-employer imbalance from economic, resource and information perspective is substantially less than in other labour relations. Therefore, the burden associated with entering formal relations is important. In light of this, main challenges include lack of employers' motivation, awareness and ambiguity of the scope of legal regulations.

Recommendation:

- It needs to be specified that these regulations apply to domestic workers. Relevant amendments should be made in the Labour Code and effective mechanism should be created for realization of these rights. Further, relevant steps should be made to actively promote realization of freedom of association;

⁶⁰ For more information, see: ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>. p. 105, 106

- Employers' obligation to inform workers should be regulated. It is also important to organize far-reaching information campaign to inform both employers and workers. Both should be incentivized and motivated to get involved in formal employment. In that respect, measures such as tax benefits will be an important motivator (see below for details).

3. Hours of work, paid leave, rest periods

Article 10 of ILO Convention No. 198 requires Members to take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work. Para.2 of the said article indicates that weekly rest should be at least 24 consecutive hours.

It is also important to determine the notion of hours of work, including standby hours⁶¹, taking into account the special characteristics of domestic work. A period during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls, should be regarded as hours of work.

LCG Article 14 provides 40 hours a week as normal working hours. It also provides for a weekly period of rest of 24 hours and a daily period of rest of 12 hours, as well as break time. LCG Article 27 regulates overtime work and compensation issues, while LCG Articles 31-36 provide detailed regulations for annual paid leave. LCG does not provide detailed regulations as to what will be regarded as hours of work in case of non-standard employment.

International experience: Article 10 of the Convention that concerns overtime work, periods of daily and weekly rest and paid annual leave was incorporated in **Paraguayan** legislation the following way: weekly hours of work were determined – in particular, the existing framework of hours of work was extended to include domestic workers that do not reside on the employer's premises permanently, while a working day of 12 hours and the requirement to provide a weekly rest period of 24 hours were determined for workers that reside on their place of work.

In Chile, to ease transition to new regulations, reducing the number of working hours over a two-year period was proposed. During the first year, domestic workers could work no more than 60 hours per week, and during the following year, no more than fifty-four, in order to gradually implement the general regime of 45 hours per week. However, considering special characteristics of domestic work, it was determined that domestic workers would receive 50% more for up to 15 additional hours per week. The law also granted domestic workers at least one day off each week.

In Argentina, domestic workers that reside on the employer's premises are entitled to at least 3 hours of break and 9 hours of sleep a day and 35 hours of continuous weekly rest, while domestic workers that do not reside on the employer's premises work no more than 9 hours a day 5 days a week.

In addition to legislative reforms for formalization of domestic work, creating mechanisms for monitoring and enforcement of the law is a particular challenge.⁶²

⁶¹ „stand by“

⁶² Informal domestic work in light of international standards and good practices, EMC study, pp.7-8, 2020. Further reference to: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:2551502 - articles 9, 10,

Challenge: domestic workers often work over 40 hours per week.⁶³ Majority of these issues are regulated by the Labour Code and if we recognize that it also applies to informal employment sector, on the most part, the issues in question will be regulated. It may be a challenge to identify where is flexibility with regards to extending the scope of regulations and how these norms can be extended to cover domestic employment relationship. For example, full coverage of domestic work by the rule on paid annual leave may create a disproportionate burden for employers and this may lead to a high likelihood of violating this right. It is important to think about ways of balancing this burden of relationship.

The law does not regulate the case of live-in domestic workers. Another challenge is lack of effective mechanism of control if regulations of normal working hours, overtime compensation and rest periods will also be applied to domestic workers. In addition, it needs to be addressed which period will be regarded as hours of work, when worker is required to be on standby.

Recommendation:

- If it is directly specified/determined that LCG also applies to domestic workers, norms about normal working hours and overtime compensation, as well as periods of rest will automatically apply. It is important to regulate the issue of paid leave by taking into account the special characteristics of domestic employment;
- It is also important to determine what is regarded as hours of work for domestic employment, including for workers that are required to be on standby and for live-in workers.

4. Terms of employment contract – remuneration, safety/conditions of work and other social guarantees

Article 12 of ILO Convention No. 189 stipulates that domestic workers should be paid at least once a month. A limited proportion of the remuneration of domestic workers may be paid in the form of payments in kind, provided that such payments are fair, reasonable and for the personal use and benefit of the worker.

According to Article 13, every domestic worker has the right to a safe and healthy working environment. Each Member must take, in accordance with national laws, regulations and practices, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

Pursuant to Article 14, each Member is required to take measures, with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

11, 15.

https://www.researchgate.net/profile/Lorena_Poblete/publication/326029446_The_influence_of_the_ILO_Domestic_Worker_s_Convention_in_Argentina_Chile_and_Paraguay/links/5e0d0e2d4585159aa4ab5c11/The-influence-of-the-ILO-Domestic-Workers-Convention-in-Argentina-Chile-and-Paraguay.pdf - p. 16.

⁶³ UN Women Ria. p. 33

4.1. Remuneration

LCG Article 41 determines form, amount and time of payment of remuneration. Pursuant to para.1, remuneration can be paid in cash or in kind, while para.3 stipulates that remuneration must be paid at least once a month.

LCG Article 43 provides an important guarantee for workers. In particular, **it provides prerequisites and limits of deduction from remuneration.**⁶⁴ The norm should be more detailed and it should cover especially vulnerable, low-paid workers, to ensure that deductions from subsistence minimum are strictly controlled and allowed only in abundance by strict legal frames. There should also be a strict mechanism of control.

Recommendation:

- To ensure compliance with Article 12 of the Convention, substance and proportion of in-kind payments should be determined.

4.2. Safety and health

LCG Article 45 establishes rules and conditions of occupational safety and echoes Article 13 of the Convention. With regards to health, we must address LCG Article 46(i), as well as issues related to sick leave and relevant by-laws. Issues of protection of personal data should also be taken into account.⁶⁵

Recommendation:

- It is important to address the issue of sick leave, as well as special characteristics of occupational safety.

4.3. Parental leave, other social rights and guarantees, tax benefits

Pursuant to **LCG Article 29**, hours of absence of a pregnant woman from work due to medical examinations must be considered as excusable and she must retain her remuneration. LCG Article 30 provides for holidays and relevant remuneration rules, while Articles 31-36 address issues of paid leave. Articles 37-40 provide for parental leave for pregnancy and childbirth, as well as for childcare. LCG Article 46(g) provides for a suspension of labour relations and Article 42 regulates remuneration during idle times through the fault of an employer.

Rules and conditions of paid leave are provided in the Order №01-133/n of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia (MOH), concerning „Paid leave for pregnancy, childbirth and childcare, as well as adoption of a new-born“. LCG Articles 81 and 82 provide for tax income tax rates and exceptions.

International experience: domestic workers have been entitled to social security in Uruguay for a long time. They have had access to a range of services since 1942, including maternity benefits. Uruguay was the first country to ratify ILO Convention No. 189.⁶⁶

Comments: with regards to each issue, it needs to be discussed and evaluated to what extent and to what degree will these protective norms apply to domestic workers⁶⁷ (especially the scope and

⁶⁴ ILO 201 Recommendation 14 e.d.

⁶⁵ Ibid, Recommendation 4

⁶⁶ According to GYLA questionnaire, ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>. 100-102.

application of LCG Articles 20.8 and 22.2). A particular attention should be paid to regulating the issue of parental leave for domestic workers, in case of live-in domestic workers.⁶⁸

Article 14 of the Convention especially underlines the importance of covering domestic workers by maternity leave. This issue can be viewed comprehensively, in the context of tax regulations.

International experience: experience of Dominican Republic is quite interesting, where social protection system was created in 2001 and it gradually contemplated universal coverage for all workers. In the case of independent workers, the Subsidized Tax Regime was created. Further, Mutual Association of Solidarity Services was created in 2003, to represent workers in the informal sector. By joining the Association, workers were able to access social security. Members pay their monthly contributions to the Association, which channels the money to the National Treasury.⁶⁹

Recommendation:

- LCG should regulate issues of remuneration of domestic workers. A particular attention should be paid to in-kind payments and deductions from remuneration and these rights should be limited according to international standards;
- With regards to occupational safety and health, special recommendations should be developed that should be followed and taken into account in view of special characteristics of domestic work (occupational safety issues identified against the background of Covid-19 pandemic should be immediately analysed – see IV chapters 2 and 3). The State should determine mechanisms of facilitation and oversight.

5. Dispute resolution

Pursuant to Article 16 of ILO Convention No. 189, Member States should take measures to ensure that domestic workers have effective access to courts, tribunals or other dispute resolution mechanisms.

Recommendation:

- By recognizing that LCG applies to/covers domestic employment, access to court or alternative dispute resolution methods and institutions will become available to domestic workers;
- Workers should be informed about remedies available to them and provided with access to legal consultation. In addition, Civil Procedure Code of Georgia prescribes mandatory mediation for labour disputes (compare Article 187³). Domestic workers having access to such dispute resolution mechanisms is acceptable, time-saving, affordable and effective. It is especially important that if a contract of employment includes provisions about arbitration, the worker is informed about it in advance.

⁶⁷ In France, there are three collective agreements for domestic workers. Among other issues, these agreements regulate maternity leave, etc. According to one of the agreements, individual provisions of the Labour Code apply to domestic workers. Reference made according to GYLA questionnaire: ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>. 104.

⁶⁸ Comments of the Public Defender of Georgia

⁶⁹ ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>. p. 92.

6. Termination of employment agreement

LCG Article 47 provides a list of grounds for terminating employment agreements, while LCG Article 48 prescribes relevant procedure. The Convention pays a particular attention to relevant procedure and in particular, to regulation of terms and conditions relating to the termination of employment, including any period of notice by the domestic worker or the employer (compare: Article 7 of ILO Convention No. 189). Regulations that exist in that regard can be fully used, provided that in case of termination of employment on any grounds, the period of notice by the employer is reasonable, gross misconduct should be the only exception.⁷⁰

Comments: LCG is slightly inconsistent with the Social Charter and ILO Recommendation No. 201 requirements. It is desirable that in case of domestic workers, the Social Charter and the ILO Recommendation are used as guidelines.⁷¹

7. Social guarantees, the State

Pursuant to Article 14 of the Convention, it is important that domestic workers can enjoy social protections and guarantees, including involvement in pension scheme, compensation of maternity leave by the State (regarding the latter, please see Chapter V, subchapter 4.3 of the present document). Social protection guarantees and a special need and importance of protection for domestic workers was clearly illustrated in the period of the Covid-19 pandemic (Chapter IV, subchapter 2).

International experience: notably, Argentina, Chile and Paraguay have implemented Article 14 of the Convention, which concerns social protection of domestic workers. As a result, national legislation regulates access of domestic workers to social security systems, including pension fund and mandatory insurance system.⁷²

In Uruguay, domestic workers are entitled to social security. They have had access to a range of services since 1942, including maternity benefits. In 2009, the Social Security Bank (BPS) launched an innovative advertising campaign to raise public awareness about the rights of domestic workers and to increase their registration with the social security system. In 2010 and 2011, labour inspectors visited 9,000 homes to investigate whether domestic workers were registered with social security. In recognition of these and other policies, Uruguay was chosen by the ILO as a model of good government practices related to domestic work. Uruguay was the first country to ratify the ILO Convention No. 189.⁷³

⁷⁰ ILO 201 Recommendation 18, also, European Social Charter https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=139_2164&lang=ge ratified under the Resolution N 1876 of the Parliament of Georgia, dated 1 Jul 2005; For more information, see Legal aspects of most recent changes in the labour law, 2014; Termination of labour contract according to and against the will of the parties – new classification introduced by the June 12, 2013 amendments, Chachava, pp.126 - 129

⁷¹ Ibid.

⁷² EMC research, p. 7

⁷³ According to GYLA questionnaire, ILO, INTERACTIONS BETWEEN WORKERS' ORGANIZATIONS AND WORKERS IN THE INFORMAL ECONOMY: A Compendium of Practice, 2019, 59-60, available: <https://bit.ly/2TWNQxA>. 100-102.

8. Tax regulations

Pursuant to Article 81(1) of the Tax Code of Georgia, personal income is subject to a tax rate of 20%. Paragraphs 2 and 3 of the said article provide for exceptions when personal income is subject to 5%.⁷⁴

Articles 83-84 of the Tax Code of Georgia provide special regulations for individuals with a status of a micro business. According to these regulations, a person with a gross receivable income of no more than GEL 30,000 a year can request the status of a micro business and receive corresponding certificate from a tax authority.

A natural person is not required to confirm in advance that his/her gross receivable income will not exceed GEL 30,000 a year. A natural person with the status of a micro business is exempt from income tax.⁷⁵

Alternatives to the recommendation/challenges:

a) After introducing the exception of domestic workers in Article 81 of the Tax Code, domestic workers will have to pay at least 5% income tax. This amount is reasonable and with the right information campaign, employers and workers may find it acceptable.

Individual payment of income tax and submission of monthly declarations by the worker will remain a **challenge**.

b) Use of the status of a micro business for natural persons that are involved in informal domestic work can be viewed as an alternative way to promote the process of formalization of domestic employment. Against the background of the existing tax regulations, it is possible to regulate labour relationship in a way to ensure that income of domestic workers is not subject to income tax. In particular, informal domestic workers (nannies, housekeepers) with gross receivable income of no more than GEL 30,000 per year may request the status of a micro business and receive corresponding certificate from a tax authority. A person with the status of a micro business is exempt from income tax.

Natural persons with the status of a micro business have to submit a simplified income tax declaration no later than April 1.⁷⁶

Determining an employee status of a domestic worker for the Labour Code purposes will remain a **challenge**. In that regard, it needs to be also analysed if receiving the status of a „micro business“ will exclude the possibility of receiving the status of an employee and being covered by protective norms provided in the labour law. It is also important to consider how this status will affect the individual's right to maternity leave.

9. Labour Inspectorate, Public Defender

9.1. Inspection

Feedback received through the questionnaires, research and international acts that have been analysed clearly suggest that labour inspectorate is an important instrument to ensure enforcement of labour laws. Effective labour inspectorate should be the foundation of a successful social reform, including identification of informal sector.

⁷⁴ As a result of renting out the residential space to an organisation, legal or a natural person for residential purposes, the income received by a natural person who makes no deductions from this income shall be taxed at the rate of 5%.

3. Surplus income gained by a natural person from the provision of a residential apartment (house) and of the land attached to it, or from the provision of a vehicle, shall be taxed at the rate of 5%.

⁷⁵ Comments of MOF and Revenue Service

⁷⁶ Comments of MOF and Revenue Service

Pursuant to ILO Labour Administration Convention No. 150, when national conditions so require, Member States should promote the extension of the functions of the system of labour administration and the possibility to carry out inspections in all fields of employment.⁷⁷

ILO Convention No. 81 covers the scope of labour inspections and specifies the legal nature of inspection. According to international standards, labour inspectorate should have a legal basis in order to be able to verify full spectrum of enforcement of labour laws in any sector and at any time of the day, including workers' rights to occupational safety, hours of work, rest periods and rest breaks, adequate remuneration and anti-discrimination standards. ILO Convention No. 189 also specifies the mandate and the role of labour inspectorate in the process of formalization of domestic work.⁷⁸

Labour inspectorate also plays an important role with regards to increasing awareness on social rights. Regular trainings and learning opportunities offered by labour inspectorate to both sides and its active involvement is important to address these issues. Law should provide solid guarantees for labour inspectorate to be able to verify, inspect domestic employment relations, and ensure broad dissemination of information about labour rights. Notably, labour inspectorate should provide adequate guidance and trainings to raise awareness of workers and employers, to help workers create and register trade unions.⁷⁹

International experience: notably, in Peru norms introduced in the Labour Code in 2001 provide that inspectors must give preventive technical guidance to employers and workers in the informal sector.

In Costa Rica in 2013 labour inspectors conducted a massive information training for domestic workers to provide them with information about basic labour rights.⁸⁰

Recommendation:

- It is important to initiate discussions about expanding the mandate of Labour Inspection Office. In consideration of best practice, labour inspectors should first and foremost become actively involved in a campaign for raising awareness of workers and employers. It is also important to think about how to expand the mandate of Labour Inspection Office to ensure that it is able to inspect domestic employment and monitor workers' rights while respecting privacy.
- It needs to be analysed, in consideration of a particular form of violation, if court's prior permission or subsequent confirmation can be a balanced solution in cases of entering someone's property.⁸¹

9.2. Public Defender

„Domestic workers can apply to the Public Defender's Office based on the anti-discrimination legislation. Moreover, the Office assesses any situation that could be seen as a violation of any right

⁷⁷ EMC study, p. 8-9, Further references: Labour Administration Convention №150, 1978 - - https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312295, art. 7.

⁷⁸ Ibid, Labour Inspection Convention №81, 1947 - see the link - https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C081
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189 – art. 17.

⁷⁹ Ibid, The Regulatory Framework and the Informal economy, capacity building and education – see the link - https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210455.pdf

⁸⁰ Ibid, The Regulatory Framework and the Informal economy, capacity building and education - see the link - https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210455.pdf

⁸¹ Comments of the Public Defender of Georgia

enshrined in the Constitution of Georgia. Domestic workers also have the court platform to defend their rights (however, mostly it includes filing a lawsuit based on the Civil Code of Georgia or the Law of Georgia on the Elimination of All Forms of Discrimination). As the Public Defender can only issue recommendations, domestic workers could not direct a claim for compensation to the Public Defender.⁸² According to the Public Defender of Georgia, „within its anti-discrimination mandate, the Public Defender examines and considers cases of harassment. As specified in the document also, female domestic workers are more vulnerable in that regard. Within the existing legal framework, any domestic worker has an opportunity to apply to the Public Defender. However, it is very important to raise awareness in that regard. This may also encourage the process of formalization and help the Public Defender effectively protect rights of domestic workers (more people will apply to the Public Defender; employers will avoid such actions).

In addition, with regard to domestic employment, since this practice encourages inequality between women and men and their exclusion from labour guarantees/markets, in the future the role of the Public Defender may include involvement in drafting of relevant legal amendments.“

Recommendation: discussions may continue about expanding the Public Defender’s mandate, especially with regards to its involvement in information campaigns. International best practice contains examples of including appeal or dispute resolution mechanisms in the Public Defender’s mandate. It is important to ensure that the Public Defender’s mandate and Labour inspectorate’s powers do not interfere with one another, and to establish a unified practice.⁸³

VI Conclusions, Recommendations

Based on the questionnaires, studies and international regulations analysed, the following important points have been identified:

1. The State should prepare a policy document transitioning workers in the informal sector to formal employment. It is important to prepare the policy document and conduct social dialogue **with involvement of women.**⁸⁴ **Tax benefits and needs-based regulations should be introduced.** In sectors with higher levels of informal unemployment, income tax should be lowered in order to encourage formalization of informal employment.⁸⁵ Tax rates may be set at **up to 5%**, which will remove or reduce the main obstacles to formalization of domestic work.⁸⁶

2. It is important to start maintaining sex- and age-disaggregated statistical data. ILO Convention No. 189 pays a particular attention to maintaining data broken down by sex and age. Law of Georgia on Gender Equality contains provisions about this topic but it is not fully harmonized with the standard, as

⁸² UN Women RIA, p.17 (The ISET Policy Institute (ISET-PI) – in collaboration with UN Women in the scope of the project “Women’s Economic Empowerment in the South Caucasus” (WEESC), funded by the Swiss Agency for Development and Cooperation (SDC) and the Austrian Development Cooperation (ADC) – has implemented a Regulatory Impact Assessment (RIA) to study the prospects and organize a policy dialogue towards the possible ratification of Convention No. 189).

⁸³ Comments of the Public Defender of Georgia

⁸⁴ COVID-19 crisis and the informal economy Immediate responses and policy challenges, p. 7

⁸⁵ Domestic Workers’ Initiative Group, GTUC, Solidarity Centre, GYLA questionnaires

⁸⁶ Compare: UN Women, ISET (2021), RIA, pp.47-48 <https://georgia.unwomen.org/en/digital-library/publications/2021/05/regulatory-impact-assessment-of-ilo-c189-domestic-workers-convention>

it only requires sex-disaggregated information (information should be broken down by age, as well as by age/sex⁸⁷).⁸⁸

3. Coverage of domestic workers by the Labour Code and the scope of coverage should be established. Definition of domestic worker should be provided.

Professional organizations and collective agreement should be established for effective protection of and consultation with domestic workers, for empowering and raising awareness of domestic workers.⁸⁹ It will be important to **create and empower** associations of those employed in informal areas, in order to raise awareness of workers and protect their rights, and encourage the process of development of collective agreements. This will require large-scale information campaigns for workers as well as employers.⁹⁰ It is important to create free legal aid services to protect rights of domestic workers.⁹¹ In that respect, it is possible to involve not only the Labour inspectorate and the Public Defender but also Free Legal Aid Service.

Legal Aid Service can play an important role in early stages, by getting involved in the information campaign, including in the needs assessment process in different regions (Tbilisi, Kutaisi, Batumi, Zugdidi, Telavi). It will also be very important to further identify and clarify what additional resources are needed to make it possible to provide consultation to domestic workers and represent them/protect their interests.⁹²

4. The State should ensure that domestic workers understand terms of employment contract, as the obligation to inform domestic workers is provided in Article 7 of ILO Convention No. 189 (6.2). Here it is also specified that the model contract should at all times be made available free of charge to domestic workers, employers, representative organizations and the general public (Recommendation 6.4)⁹³. Terms and conditions of employment should include issues that are not provided in the Labour Code of Georgia, such as: a. the remuneration, method of calculation and periodicity of payments; b. the provision of food and accommodation, if applicable; c. the terms of repatriation, if applicable; and LCG regulations should be fully applicable to domestic employment relations, such as⁹⁴ d. the rule about the period of probation; e. terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

⁸⁷ According to GeoStat: main indicators available to GeoStat are broken down by sex and age. Labour force survey is the source of information. The survey was conducted based on sampling. As a result, the information is not representative at all levels (for smaller groups of population) and cannot be generalized.

⁸⁸ UN Women questionnaire

⁸⁹ ILO 201 Recommendation, art. 2

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

⁹⁰ Compare: GYLA questionnaire

⁹¹ Compare, RIA report, p.49 <https://georgia.unwomen.org/en/digital-library/publications/2021/05/regulatory-impact-assessment-of-ilo-c189-domestic-workers-convention> Assessment of Covid-19 impact on women employed as domestic workers in Georgia, <https://georgia.unwomen.org/en/digital-library/publications/2020/12/assessment-of-covid-19s-impact-on-women-employed-as-domestic-workers-in-georgia>

⁹² Interview with a representative of Legal Aid Service

⁹³ ILO 201 Recommendation, art. 6.4

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⁹⁴ UN Women questionnaire

5. Encourage the training and learning opportunities, address the work-life balance needs of domestic workers (ILO Recommendation No. 201, Article 25)⁹⁵. It is also important to ensure protection of migrant workers (ILO Recommendation No. 201, Article 26)⁹⁶.

6. Legislative regulation of domestic workers' labour rights and coverage of these rights by the legal framework. Rules about hours of work should extend to domestic workers, including rules about normal working hours, overtime compensation, holidays, weekly periods of rest (at least 24 consecutive hours). The latter was introduced in the Labour Code following the September 29, 2020 amendments. The issue of working hours in cases of non-standard employment should also be regulated (in cases of live-in domestic workers).

Working hours should be strictly recorded, controlled and the records should be available to workers (Recommendation 8)⁹⁷. It is also important to provide definition of working hours by taking into account special characteristics of the work, including to regulate remuneration rates for standby hours (Recommendation 9)⁹⁸. Daily breaks should also be determined and time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave (Recommendation 13)⁹⁹.

For workers who are under the age of 18, hours of work should be strictly limited to ensure adequate time for rest, education and training; night work should be prohibited; mechanisms to monitor their working and living conditions should be established or strengthened; restrictions should be placed on work that is excessively demanding, whether physically or psychologically (Recommendation 5.2)¹⁰⁰.

Special framework provisions should be determined about periodicity of payments, in-kind remuneration and involvement in pension scheme. The regulation on remuneration should apply. In addition, overall limit on the proportion of the remuneration that may be paid in kind should be established (e.g. up to 25 or 50 per cent). Terms and conditions for enrolling in the pension system should also be established.

It is important to exclude arbitrary deductions from the remuneration of the domestic worker. It is especially important to ensure that accommodation expenses are not deducted from the remuneration and protective equipment is not considered as payment in kind (Recommendation 14 .e, d).

In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, workers should be given a reasonable period of notice, according to the contract of employment (Recommendation 18)¹⁰¹.

⁹⁵ ILO 201 Recommendation art. 25

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

⁹⁶ ILO 201 Recommendation art. 26

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

⁹⁷ ILO 201 Recommendation art. 8

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

⁹⁸ ILO 201 Recommendation art. 9

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⁹⁹ ILO 201 Recommendation art. 13

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¹⁰⁰ ILO 201 Recommendation art. 5.2

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¹⁰¹ ILO 201 Recommendation art.18, also European Social Charter
https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=139_2164&lang=ge ratified by the Parliament

7. Entitlement to maternity leave, parental leave should equally apply to domestic workers. It is of the utmost importance that domestic workers have the opportunity to take parental leave for those purposes, exclusively for childcare needs.¹⁰²

The State should prevent any discrimination against domestic workers, especially with regard to medical testing requirements. In such cases, protection of personal data should be ensured, especially with regard to HIV or pregnancy testing, and workers should not be discriminated against for medical reasons (Recommendation 3)¹⁰³.

Effective mechanisms of protection should be created. Access of domestic workers to medical testing and other basic services should be ensured, by taking into account special characteristics of domestic work; information about work-related medical testing should be distributed among domestic workers (Recommendation 4).¹⁰⁴

For live-in domestic workers, the following should be established: housing conditions, sanitation facilities, adequate lighting, meals of good quality and sufficient quantity (Recommendation 17)¹⁰⁵. It is important to establish a framework for decent living conditions that respect privacy of live-in domestic workers. Workers living in the household should be provided with adequate living conditions, including respect for their privacy. This covers the following issues: construction type, housing conditions, sanitation facilities, health and safety, inspections and consultation. In order to ensure the effective implementation of these standards, the labour inspectorate should be granted access to the private space of the household, and/or other effective measures should be adopted.¹⁰⁶

8. For protection of domestic workers' rights, it is important to minimize or eliminate work-related hazards and risks; control and oversee implementation of occupational safety rules; create a system for collecting statistics; advise on occupational safety and health; provide training programs about occupational safety and health requirements specific to domestic work (Recommendation 19).¹⁰⁷ It is therefore important to establish the role of labour inspectors with regard to overseeing rights of domestic workers (Recommendation 24)¹⁰⁸.

It is important to create effective mechanisms of enforcement: to that end, the Convention supports involvement of labour inspectors and expansion of their mandate. However, in order to find a balance between labour rights and the right to privacy, ILO recommends the following measures: prior consent

of Georgia, under 1 Jul 2005 resolution N 1876; For more information, see Legal aspects of most recent changes in the labor law, 2014; Termination of labour contract according to and against the will of the parties – new classification introduced by the June 12, 2013 amendments, Chachava, pp.126 - 129

¹⁰² UN Women questionnaire

¹⁰³ ILO 201 Recommendation art. 3

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

¹⁰⁴ ILO 201 Recommendation art. 4

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

¹⁰⁵ ILO 201 Recommendation art. 17

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¹⁰⁶ UN Women, questionnaire

¹⁰⁷ ILO 201 Recommendation art. 19

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

¹⁰⁸ ILO 201 Recommendation art. 24

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

of the employer or authorization from the court. Privacy is a fundamental right for every person, and any interference with this right should be appropriate. Such assessment should be done by the court.¹⁰⁹

The State should establish mechanisms to protect domestic workers from abuse, harassment and violence in the workplace, to ensure that all complaints are investigated and prosecuted. The State should also create programs for rehabilitation of domestic workers subjected to violence (Recommendation 7)¹¹⁰.

In that respect, it is important to analyse the role of Public Defender's Office and/or the Labour inspectorate's mandate. Against the background of the Labour inspectorate's broader mandate to oversee/control implementation of labour standards and raise awareness, public should be informed more thoroughly about labour rights, the Labour inspectorate's mandate and the possibility to receive appropriate legal assistance. According to the ILO Expert Committee, the State should ensure that existing complaint mechanisms are effective and accessible, especially for migrant workers. For example, the Public Defender of Georgia and the Labour Inspectorate could work on raising awareness on such issues in Georgia. There are other alternatives – for example, obliging the employer to give information to the employee in a written document.¹¹¹

9. It is very important, especially amid the Covid-19 pandemic, to create social security guarantees and to involve migrant domestic workers in these programs (Recommendation 20)¹¹².

Special measures should be taken to raise awareness of and inform domestic workers, including migrant domestic workers, to create effective mechanisms for appealing. To raise awareness of society at large, relevant measures should be taken, in language that members of public understand (Recommendation 21)¹¹³.

Social protection guarantees like unemployment benefits, minimum wage¹¹⁴, enrolment in the pension scheme can encourage domestic workers to enter formal employment.¹¹⁵

10. Monitoring of employment agencies promote good practices by private employment agencies in relation to domestic workers, 1997 (No. 181), 1997 (No. 188).) (Recommendation 23).¹¹⁶

For example, the State should ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers; adopt all necessary and appropriate measures, within its jurisdiction and in collaboration with other States, to provide adequate protection for and

¹⁰⁹ UN Women, questionnaire

¹¹⁰ ILO 201 Recommendation art. 7

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

¹¹¹ UN Women, ISET (2021), RIA, p. 12-15

<https://georgia.unwomen.org/en/digital-library/publications/2021/05/regulatory-impact-assessment-of-ilo-c189-domestic-workers-convention>

¹¹² ILO 201 Recommendation art. 20

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

¹¹³ ILO 201 Recommendation art. 21

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

¹¹⁴ This opinion is shared by: GTU, Domestic Workers Initiative Group, Solidarity Centre, Social Justice Centre, questionnaires

¹¹⁵ GYLA questionnaire

¹¹⁶ ILO 201 Recommendation art. 23

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:2551502

prevent abuses of domestic workers recruited or placed in its territory by private employment agencies (including fines and sanctions to those private employment agencies that engage in fraudulent practices and abuses); and take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers. (Legal acts: Labour Code of Georgia; Law of Georgia on Labour Inspection; Decree of the Minister of Labour, Health and Social Affairs of Georgia “On the Rules for Compulsory Notification and Reporting of Private Employment Agencies”).¹¹⁷

11. ILO Recommendation No. 204 provides recommendations for implementation of ILO Convention No. 189. In particular, according to these recommendations, States should undertake assessment of factors and causes of informality in the national context.¹¹⁸

According to the Recommendation, States should extend to all workers in the informal economy, social security guarantees.¹¹⁹ They should also take measures to extend coverage of labour inspection¹²⁰, adequately encourage freedom of association and collective bargaining.¹²¹ The Recommendation also underlines the importance of maintaining adequate statistical information disaggregated by sex, age, geographic area of employment,¹²² and other social and economic characteristics.¹²³

¹¹⁷ UN Women, ISET (2021), RIA p. 12-15

<https://georgia.unwomen.org/en/digital-library/publications/2021/05/regulatory-impact-assessment-of-ilo-c189-domestic-workers-convention>

¹¹⁸ ILO, R204 - Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), art.8

¹¹⁹ Ibid, art.18

¹²⁰ Ibid, art.27

¹²¹ Ibid, art.31

¹²² Domestic Workers’ Initiative Group, questionnaire

¹²³ Ibid, art.16

N	Recommendations	Relevant agencies	Timeframe
1.	Annual analysis of factors and underlying causes of informality.	<p>Government of Georgia</p> <p>National Statistics Office of Georgia Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia</p> <p>Labour Inspection Office, Employment Promotion Agency, Ministry of Economy and Sustainable Development</p> <p>Permanent Parliamentary Gender Equality Council</p> <p>Involvement of the Georgian Trade Unions Confederation is desirable</p>	<p>2021- 2026, systematically, annual reporting</p> <p>Also, analysis of 2016-2021</p>
2.	Prepare a policy document with the aim of transitioning workers in the informal sector to the field of formal employment. Prepare for ratification of ILO Convention No. 189.	<p>Government of Georgia</p> <p>Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia</p> <p>Permanent Parliamentary Gender Equality Council</p>	Till the end of 2022
3.	Create professional organizations and/or empower the existing organizations, as well as promote collective agreements for effective protection of and consultation with domestic workers, for empowering and raising awareness of domestic workers. This will require large-scale information campaigns for workers and employers. Create free legal aid services.	<p>Labour Inspection Office</p> <p>Public Defender of Georgia</p> <p>Legal Aid Service</p> <p>Involvement of the Georgian Trade Unions Confederation is desirable</p>	2021-2026

N	Recommendations	Relevant agencies	Timeframe
4.	Informing domestic workers about terms and conditions of agreement	State Employment Promotion Agency Labour Inspection Office Legal Aid Service Public Defender Involvement of the Georgian Trade Unions Confederation is desirable.	2021-2026
5.	Encourage educational programs and trainings for domestic workers, including migrants	State Employment Promotion Agency Labour Inspection Office Legal Aid Service Public Defender Involvement of the Georgian Trade Unions Confederation is desirable.	2021-2026
6.	Create tax benefits and needs-based regulations.	Permanent Parliamentary Gender Equality Council, with involvement of the Government of Georgia, Ministry of Finance of Georgia and Revenue Service of Georgia	Till the end of 2022
7.	Maintain statistics on domestic workers broken down by sex and age.	National Statistics Office of Georgia and Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia	2022-2027

N	Recommendations	Relevant agencies	Timeframe
8.	Introduce definition of domestic worker in the Labour Code and determine the scope of application of the Labour Code.	Permanent Parliamentary Gender Equality Council	Till the end of 2022
9.	Ensure legal regulation of domestic workers' labour rights and coverage of these rights by a legal framework.	Permanent Parliamentary Gender Equality Council Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia	2022-2024
10.	Enrolment of domestic workers in the cumulative pension scheme.	Pension Agency Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia Labour Inspector's Office Public Defender Legal Aid Service Ministry of Finance Permanent Parliamentary Gender Equality Council	Till the end of 2022
11.	Extend entitlements to maternity leave, parental leave to domestic workers. Prevent and/or eliminate any discrimination against domestic workers.	Permanent Parliamentary Gender Equality Council	Systematically, annual reporting

N	Recommendations	Relevant agencies	Timeframe
12.	Create effective safeguards for domestic workers. Access to medical tests or other basic services by taking into account special characteristics of domestic work, informing domestic workers.	Permanent Parliamentary Gender Equality Council Government of Georgia Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia Labour Inspection Office Public Defender Legal Aid Service Involvement of the Georgian Trade Unions Confederation is desirable.	Systematically, annual reporting
13.	Create appropriate legal regulations for live-in domestic workers.	Permanent Parliamentary Gender Equality Council Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia Labour Inspection Office	Systematically, annual reporting
14.	Create a mechanism for enforcement of domestic workers' rights. Determine the role of labour inspectorate with regards to providing an oversight over domestic workers' rights.	Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia Labour Inspection Office Permanent Parliamentary Gender Equality Council	2022-2024
15.	It is recommended to create a rehabilitation program for domestic workers subjected to violence.	Government of Georgia Permanent Parliamentary Gender Equality Council, with involvement of the Public Defender, Legal Aid Service, Labour Inspection Office.	

N	Recommendations	Relevant agencies	Timeframe
16.	It is recommended to monitor employment agencies to promote good practices by private organizations and employment agencies in relation to domestic workers.	Government of Georgia Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia Labour Inspection Office Public Defender Permanent Parliamentary Gender Equality Council	

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