Report to the Committee of Experts on the Application of Conventions and Recommendations (CEACR)

On the implementation of ILO Conventions: #100 on Equal Remuneration and #111 on Discrimination (Employment and Occupation) Convention

This report has been submitted by the Georgian Trade Unions Confederation (GTUC) and by the non-governmental organization Article 42 of the Constitution (Article 42)

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Introduction

This report has been drafted in the framework of the project "Promoting Gender Equality in Employment" which is implemented by "Article 42 of the Constitution" (Article 42) in cooperation with the “Georgian Trade Union Confederation" (GTUC) and with the generous support of USAID[1].

GEORGIAN TRADE UNION CONFEDERATION (GTUC)

The Georgian Trade Union Confederation (GTUC) is an independent, non-profit organization that was registered on 19/11/1998. GTUC is the largest civil society organization in Georgia with 220 000 members. The confederation’s affiliates include 22 field trade unions and GTUC is also a member of the International Trade Union Confederation. One of its main goals is to promote a nondiscriminatory environment for workers as well as gender equality in labor relations. GTUC’s other goals include the promotion of the formation and development of a social and democratic state; the free development of the international trade union movement; Georgia’s integration with Europe; the protection of basic human and democratic rights, including the independence of trade unions; healthy labor market competition; a free nondiscriminatory environment; activities of women and youth organizations.

GTUC’s activities include: drafting legislation; providing legal assistance for employees before domestic courts; analyzing the labor and socio-economic conditions in Georgia; supporting collective negotiations and agreements; organizing strikes and demonstrations; representing Georgia’s labor movement on the international scene.

ARTICLE 42 OF THE CONSTITUTION

Article 42 of the Constitution is a non-governmental and non-political human rights advocacy organization that was founded on 12 September 1997. Article 42 aims to promote the establishment of the rule of law in Georgia by ensuring national legislation and practice conform international standards for the protection of human rights and fundamental freedoms. The

[1] Following people were involved in the drafting of the actual report: Raisa Liparteliani (GTUC), Maka Gioshvili (Article 42)

organization also seeks to increase the general public's awareness about human rights and rule of law issues.

The main activities of Article 42 focus on the protection of human rights. In addition to strategic litigation, Article 42 conducts research and analysis, and implements awareness raising campaigns. The NGO has also been actively involved in law-making processes to encourage the incorporation of high standards regarding the protection of human rights in national legislation and the prevention of human rights violations. We believe that a democratic Georgian society must be based on the principle of the supremacy of the law; that respect for human rights can only be guaranteed through the establishment of the rule of law; that significant results are achieved through coalition-building; and that providing qualified advocacy increases the public's confidence that their human rights will be protected by a democratic government that respects the rule of law.

The main aim of the project is to increase gender equality and women's economic empowerment in Georgia and to ensure economic growth in which women participate in the workforce on an equal basis with men.

The project started in March 2014 and has a duration of 30 months. It includes several components such as research, advocacy, strategic litigation and strong campaigning on women employment rights. It reaches out to the regions of Georgia, where in the most remote areas labor discrimination of women is hidden and not acknowledged. This ensures that all the women, representing different economic and social groups, equally benefit from the anti-discrimination actions targeting the discrimination of women in the workplace.

Employment status of women in Georgia

According to the 2013 Parliamentary report of the Public Defender of Georgia, women's activity and participation in the country's economic life is very low. The Ombudsman reports that, according to the data from the "Global Gender Gap Index"[2] Georgia ranks 64th out of 136

[2] http://www.weforum.org/reports/global-gender-gap-report-2013

countries. According to the same source, instead of progressing, Georgia is regressing compared to previous years; data for 2012 shows that the country was ranked 57th and in 2011 – 54th.

According to the index of equal pay for equal work, Georgia ranks 14th and 114th according to the ratio between annual income of women and men. According to these data, the salaries of women are lower in every sector of the labor market, even in those sectors where the majority of employees are women like education, health care etc.

Women's economic activity is directly linked to the index of their employment. Despite the number of positive steps made towards legislative regulation, the issues of women's promotion, their equal participation in economic development and proper pay remain problematic. The feminization of poverty and high rate of violence against women is caused by low economic activity of women. Despite the fact that more women are employed, their average pay differs from the average pay of men. This is caused by the employment of women in low pay positions and by the so-called "glass ceiling" that prevents their career advancement.

The violation of women's labor rights is a multi-factorial issue and it has to be explored within several cross-cut areas. It deals with the traditional cultures and stereotypes that usually hinder women's participation, the lack of positive actions and excessive gender neutral legislation, the lack of employment opportunities, the lack of legal aid and consulting etc.

The woman's role has always been considered as to take care of domestic tasks. Stereotypes about women's ineffectiveness in the managerial and decision-making positions are still deep-rooted. Unfortunately, the Georgian government has not initiated any important awareness-raising campaigns. Neither have these stereotypes been excluded from the school curriculum and as such persist to influence the context.

Legal frameworks, though undergoing significant changes, are still lacking gender sensitive provisions. Unfortunately, the need for positive actions is not acknowledged; government officials do not take gender quota into consideration and still publicly joke about it.

The lack of employment opportunities has become an excessive barrier for women who are not supported by proper facilities (pre-schools etc.) and who have to deal with both their labor responsibilities and family responsibilities.

The only child care facilities to support working mothers are kindergartens, schools, and day-care centers for children with disabilities. However, kindergartens do not exist in many of the regional centers and villages and while daycare centers are only free of charge for children whose families are registered within the registry of the population living below the poverty level. These two factors are depriving many woman of the chance to exercise their family and working rights simultaneously. As a result, a great number of women with children are unable to engage in labor relations and realize their full potential.

Legal overview: The Labor Code

Georgia has been a member of the ILO since 1993 and has ratified 16 ILO Conventions. It ratified the last ILO convention #163 in 2004. In 2012, the country had one of the lowest levels of ratification of ILO Conventions among Western and Eastern European countries, the Caucasus and Central Asia. Georgia is part of the EU Neighborhood policy and the Eastern Agreement and is moving towards integration with the European Union. In 2005, Georgia also signed the Social Charter as a member of the Council of Europe.

According to an ILO report states[3], the Labor Code of Georgia adopted in 2006 was one of the most deregulated among the countries studied, even in comparison with such liberal countries as USA, Canada and the United Kingdom. Several indicators were criticized: e.g. the probationary period, the regulation of employment contracts, dismissals; and valid reasons for dismissals. In the former Labor Code of Georgia from 2006, no valid grounds had been listed for terminating an employment contract. It should be noted that upon ratification of the European Social Charter in 2005, Georgia accepted only the minimum number of requirements. Article 24 of the Charter, related to the worker's right to protection in case of the dismissal without valid reasons was not ratified by the Georgian government. Nor was Article 3 - the right to safe and healthy working conditions - or Article 8 - the right of employed women to protection of maternity.

[3]International Labour Organization (2012). Employment Protection Legislation in Georgia: A review based on ILO standards, OECD indicators and comparative labour law. http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_202301.pdf

Moreover, the former Labor Code of Georgia authorized the termination of employment by mutual agreement or upon completion of a specified work by unilateral dissolution by either party. The employer had no obligation to justify a dismissal. Consequently, several sources reported cases of discriminatory dismissals in Georgia. The grounds most frequently invoked in national jurisprudence on discrimination are trade union activities, political opinion, sex etc.

One of the objects of criticism was the notice period. According to the former Labor Code, an employer was not required to observe any notice period to dismiss an employee. The only legal requirement for the employer to dismiss a worker was the payment of one month's salary. The former Labor Code of Georgia did not regulate collective dismissals for economic reasons. The only case mentioned as a reason for terminating an employment relationship was the liquidation of an enterprise. Also, verbal and short-term labor contracts that were not restricted by the Code and often led to cases of discrimination.

Changing the Labor Code: First set of changes in 2012

Following the recommendations from the ILO committee and local organizations concerning the application of international labor standards and norms, two amendments were made to Georgia's labor legislation on 22 June 2012. In particular, the Labor Code of Georgia and to the Law on Trade Unions.

Article 49(8) that limited the right to go on strike by 90 calendar days was removed from the Labor Code and as a result of changes to Article 2(9), the requirement of a minimum membership of 100 people to create a trade union was amended to 50 people. It should be mentioned that the involvement of GTUC was not ensured in the design and review by Parliament of the above-mentioned changes and these individual modifications did not even improve the extremely dire environment in the slightest[4].

Second set of changes in 2013

[4]Georgian Trade Union Confederation (GTUC) report for 2012 for ILO.

The legislative initiatives of 2013 aimed at improving the labor rights were most welcomed and adopted by Parliament on 12 June 2013. Both international and local NGOs, as well as the Georgian Trade Union Confederation, were involved in the development of the draft law.

As a result of this cooperation, the document adopted on 16 May 2013 by Parliament at the first hearing was in general in compliance with international labor standards and Georgia's international obligations. However, after this stage, the process developments progressed into a violation of the social partnership format as the government only consulted with employers. This resulted in changes that were disadvantageous for the workers.

GTUC only received information about changes post-factum. The document that was finally adopted, improved the situation of the workers to some extent: discrimination has been prohibited in pre-contract relations (Article 2 Para. 3); the subjects of labor relations have been precisely identified; the obligations of employers have been determined; oral and short-term agreements/contracts have been restricted considerably; the essential conditions of an employment agreement have been defined and they may not be altered under the employer's sole decision; the term of an individual contract would be declared null and void had it run counter to the Labor Code or Collective Agreement, except in the cases where the individual labor agreement improves the workers' conditions. It has also prohibited the dismissal of pregnant women.

The Code determined the maximum weekly threshold of working hours at 40 hours. There is an exception for those enterprises where the working process requires an uninterrupted regime or where the process exceeds eight hours. In the latter cases, the weekly working hours amount to 48 hours. The Government of Georgia was entrusted with the task to identify such enterprises and provide a relevant list by 1 November 2013 (Article 14).

The Code also introduced the following changes: the period of temporary incapability is prolonged (Article 36, lit 'i'); the grounds for the termination of labor relations are identified; the employer is obliged to provide advanced notice in case of termination of labor relations (Articles 37 and 38); special chapters IX^1– "Freedom of Association" - and XII^1 - "Commission of Tripartite Social Partnership" are added; the obligation of honest conduct of collective bargain is established (Article 41 Para. 4).

Despite the progress described above many problematic issues in the Labor Code remain in place, such as loop-holes that open possibilities for employers to use fixed-term employment contracts to restrain/limit/discourage employees from exercising their right to freedom of association and collective bargain; the vague provision that entails the restriction of the right to go on strike on the grounds of collective labor disputes; the discrimination of workers on the ground of working hours (40-hour week versus 48-hour week); the restricted list of grounds for termination of employment relations and allowing the ability to dismiss an employee for "objective" reasons, thus discouraging the effective implementation of the rights to freedom of association and collective bargaining; the insufficient regulation of issues related to collective redundancies; safe work; and the lack of consideration of women rights. A high risk of discrimination during the recruiting process still exists based on Article 5 (8) - "The employer is not required to prove his/her decision on refusal of employment".

Third set of unrealized changes

Soon after the implementation of the above mentioned developments, Parliament initiated a new set of changes on 27 September 2013. However, these new amendments were not in line or agreed upon with the government's third set of gender-sensitive amendments. The new amendments were only partially referring to women's rights issues and did not offer a full picture of the law from a gender perspective. According to these amendments, the term of leave and remuneration for pregnancy, maternity and child care would increase even if Georgia does not ratify ILO Convention #183 on Maternity Protection. Since 1 January 2014, at the employee's request, pregnant women are granted 730 calendar days of maternity leave, out of which 183 calendar days of paid maternity and child care leave of absence. In case of a complicated delivery or twins, 200 calendar days are allowed. These days can be distributed between pregnancy and post-delivery periods, according to the woman's wishes.[5] Employees, who adopt an infant under 12 months, are granted newborn adoption leaves of absence of 550 calendar days out of which 90 calendar days are paid.[6]

[5] Until the amendments of September 27, 2013, at employees' request, they were granted maternity and child care leaves of absence of 477 calendar days. 126 calendar days of maternity and child care leaves of absence were paid, and in case of complicated delivery or twins – 140 calendar days;

[6] Until the amendments of September 27, 2013, employees, who adopted an infant under 12 months, were granted newborn adoption leaves of absence of 365 calendar days. 70 calendar days of the leave was paid;

A cash allowance for the period of paid maternity or child care leave of absence is covered by the state budget. This allowance for the period of paid leave absence constitutes maximum GEL 1000. Employers and employees may agree on extra pays.[7] While for public service employees, the law guarantees for women to receive compensation apart from this GEL 1000.

Despite the government's promise that the third wave of legal amendments to the Labor Code will incorporate gender equality principles and concrete provisions, these have not been adopted so far.

C111- Discrimination (Employment and Occupation) Convention

1. Discrimination in pre contractual and labor relations

Even if Georgia had ratified C111 in June 1993, practice shows that there multiple forms of discrimination of women in labor relations exist. These facts have been researched less due to the following reasons: the gap in legislation, the lack of statistical data, the lack of court cases and the lack of reporting by the victim. Often, the woman does not realize that she has been discriminated and regards these conditions of overt and covert discrimination as normal.

Covert discrimination is related to cultural stereotypes and prejudices which are internalized by many victims. However, it is also happens frequently that the woman is simply afraid to report the discrimination. In case of an ineffective reaction, she will be further discriminated and isolated. Even women who were illegally dismissed are afraid to file the case. In the cases where the victim does apply to the court, other significant barriers include the difficulty of gathering relevant evidence and the burden of proof.

The highest risk of discrimination exists in pre-contractual relations, during the recruitment process. Discrimination during **pre-contractual relations** is common and already starts with the job announcement. It includes the format and the content of the job interview and the conditions

[7] Until the amendments of September 27, 2013, cash allowance for the period of paid maternity or child care was maximum GEL 600.

of the contract. As the report states, there are still numerous cases where women report pre-contract discrimination but do not file a case with the court.

The 2013 changes and amendments to the Labor Code prohibit discrimination in pre-contractual relations. Article 2.3 of the Labor Code says "Any form of discrimination is prohibited in the employment and pre-contractual relationship based on race, color, language, ethnic or social belonging, nationality, origin, economic condition or status, place of residence, age, gender, sexual orientation, disability, membership of religious, public, political or any union, including professional unions, marital status, political or other views". However, Article 5.8 of the Code says that "An employer shall not be obliged to substantiate his/her decision not to hire an applicant". The applicant can never prove the fact of discrimination in such a situation, especially when the burden of proof lies with the applicant. It is especially a problematic issue that the Georgian legislation does not foresee any rules for asking the applicant questions during interview. Pregnancy, marital status and other circumstances are often obstacles to hire someone.

Based on a survey conducted by the Center for Social Sciences (CSS)[8], it can be concluded, that asking questions about the applicant's private life during the job interview is regarded common practice. Over 65% of men and women (64% of women and 67% of men) had been asked questions about their marital status and over 40% as asked about their number of children. More than every fifth respondent who had a job interview, had been asked about their plans to get married and 20% of women and 16% of men have been asked about their plans to have children. Surprisingly, men and women are asked the same questions concerning their private life during their job interviews. Such questions do not refer to a person's qualifications and can be a source for discrimination. Age discrimination is also a prevailing problem on the Georgian labor market.

Respondents who were turned down a job mostly reported their age as a reason for this. Also, advertisements with age as a limiting condition for applying were mentioned the most.

[8]To study the gender discrimination in workplace, the representative survey has been conducted in entire Georgia [excluding the separated territories of the South Ossetia and Abkhazia]. The survey has included the individuals who reported themselves as employed formally or informally in urban areas of Georgia. It has not included the self-employed individuals or employed individuals residing in the rural 23 areas. Totally, 1364 full interviews were collected, reflecting the specified target group with the 95% confidence interval.

2. Sexual harassment

One of the most covered and unreported form of discrimination is **sexual harassment**. The Labor Code and the Gender Equality Law of Georgia contain some elements of prohibition of sexual harassment, however, these laws do not give a flexible enough definition for women to be able women to name certain behavior as a manifestation of sexual harassment. For example, the Labor Code only refers to "harassment" but it does not say anything about sexual harassment (Article 2.4) specifically. The Gender Equality Law, on the other hand, does give a definition of "sexual behavior" (Article 6-1 "b") but does not foresee any sanctions. Reports on sexual harassment are not investigated by a qualified unit/mechanism and the regular mechanisms for administrative complaints cannot guarantee the privacy requested by the character of the violation. The victim cannot independently investigate the case either, since colleagues in general do not show any solidarity with the victim and usually even blame her.

According to the CSS survey, approximately 3% of the respondents claimed that they have been harassed in their workplace. However, based on more specific questions with descriptions of different harassing situations, this number is probably higher. On the one hand, certain situations are not regarded as harassment by the employees and on the other hand, people may not think of such unpleasant situations as harassment. During the questions in which different situations of harassing behavior were described, men perceived these situations in most cases less unpleasant than women. Men also chose answer "I can't imagine" more often. This refers to the fact that women are more vulnerable to become a victim of harassment. Harassment is still regarded as a situation that should be dealt with individually. The share of men and women who responded to the harassment chapter in the questionnaire was rather low and a comparison between men and women is therefore difficult to make. Also, women felt uncomfortable responding to such questions in their home environment whenever their husbands were near.

3. "The glass ceiling"

"**The glass ceiling"** also represents a common form of discrimination, however, one of the most difficult to prove. Women and women's rights organizations do not have much practice in gathering relevant data and evidence to qualify an action as discrimination due to the "glass

ceiling". The “glass ceiling” presents an invisible wall which obstructs women and other minorities to get promoted and/or receive a higher salary.

The existence of vertical segregation is supported by the observation that on average 65% of the respondents reported having a male manager and 31% reported having a female manager. This number is close to the Global Gender Gap Report data on female managers and legislators in Georgia – 34% (WEF 2014). 13% of male respondents say that they have a female manager and 51% of women reports having a male manager - implying that even in women-dominated organizations the managerial positions are likely to be occupied by men. The same argument is supported by the social stereotypes existing in Georgia - 58% of the general population believes men are better business leaders than women (UNDP 2013, p. 42)[9].

The Georgian legislation does not regulate issues related to promotion and trainings, the only relevant article in the Labor Code refers to the right of workers to receive maximum 30 consecutive calendar days of vacation per year for the improvement of their professional skills, vocational training and education that is not reimbursed by the employer.

According to the survey of CSS[10], approximately 31% of Georgian men and women have been promoted in their current job which means that Georgians tend to work in the same organization for a long time. 82% of the respondents, who had been promoted in their current job, were offered the higher position by their employer while 11% applied for the job or promotion.

The employees were also asked whether they felt their employer provided them with enough work tasks which would help them to prove themselves and help them to get promoted. Although more than half (56%) felt their employer provided them with enough work tasks, almost a third (32%) of the respondents felt that they did not have the chance to prove themselves through such work tasks. Among male employees (34%), this feeling is slightly more prevalent than among female employees (31%).

[9]REPORT PAPER OF THE STUDY „GENDER DISCRIMINATION IN GEORGIAN LABOUR MARKET“ page:33

[10]REPORT PAPER OF THE STUDY „GENDER DISCRIMINATION IN GEORGIAN LABOUR MARKET“ page:40,21

60% of the employees who responded to the survey received a pay raise. There are no significant differences between men and women. 37% of women and 32% of men say the raise was initiated by the employer because it constituted a general pay raise for the entire staff. Although a general pay raise was the most frequent reason for all of the respondents, the percentage was 5 percentage points higher for women. An explanation for this could be that women are more often employed in the public sector where wage promotion is more coordinated and human resource policies more regulated. For male employees, wage promotion was more often initiated by their manager - 23% of men and 17% of the women chose the answer "It was my manager's initiative". Only 2% of female and 3% of male respondents asked for the raise themselves.

The majority - 79% - of those who did not receive a raise in their current work had not asked for one either. More than every fifth (21%) person who had not been offered a pay raise did ask for it. The percentage of women who had asked for a promotion was slightly higher than the share of men.

4. Training opportunities: women take the lead

The respondents were asked whether they were provided with training opportunities by their current employer. It is remarkable that much more women had received training opportunities than men - 59% of women compared to 41% - have participated in training.

The majority of respondents, who got the chance to participate in training, also actually went to the training. 14% of the women and 10% of men would like to participate in trainings, but their employer does not provide such activities for the employees. Significantly, 27% of men claimed that there are no trainings in their field and thus they cannot participate. Only 15% of women answered that "there are no trainings in the field they are working in". This aspect, again, refers to the labor market segregation which was already described in the previous chapters – the sectors as well as fields of work are segregated by women's and men's jobs and areas.

5. "The objective circumstances"

The Georgian Labor Code includes some vague and unclear regulations where a high risk of discrimination exists. For example, the Code states that in case of "objective circumstances" a labor contract can be concluded for a fixed-term for less than one year (Article 6, Para.1[2] lit 'e') and also that labor relations can be terminated in case of "objective circumstances" (Article 37-1 "0") .

"Objective circumstances" represent a category that fully depends on the subjective interpretation of the employer and such a provision may encourage dishonest employers to abuse this right through deliberate misinterpretation. It will also increase the number of cases appealed to in court; however the case will depend on the judge's interpretation. It should be mentioned that short-term contracts have already turned into effective weapons of employers as tools of discrimination based on sex (the Code allows employers to dismiss pregnant women if a short-term labor contract is expired), trade union activities, political views etc. According to the Labor Code, an employer is under no obligation at all to justify the reason for not prolonging/renewing a labor contract.

6. Maximum working hours per week

The Labor Code determined the maximum weekly threshold of working hours at 40 hours. There is an exception of those specific enterprises where the working process requires an uninterrupted regime or where the working process exceeds eight hours per day. For these latter cases, the weekly working hours amount to 48 hours (Article 14). This is a clear discrimination. The Code obliged the government to approve a list of the economic branches with a specific working regime (despite the fact that the Code itself refers to "enterprises" with specific working regimes and not to "branches") within three months after the enactment of the amended Labor Code. The GTUC refused to take part in the elaboration of this list, because it does not approve of the differentiated and discriminative treatment toward the employees. The GTUC addressed the Constitutional Court of Georgia on 15 October 2013 with the request to recognize paragraph 1 of Article 14 of the Code as an unconstitutional provision. We believe that the mentioned provision contradicts with the norms stipulated in Articles 14 (Restriction of Discrimination) and

30 (Freedom of Labor). Based on the Code, employees working under a so-called “specific regime” are obliged to work more than eight hours per day, (i.e. one extra working day per week without any additional compensation). Besides, their overtime is only reimbursed after the limit of 48 hours/week as long as the 48-hour limit is considered their normal weekly working hours. These employees become the victims of a violation of the equal reimbursement principle for equal work. Such treatment is incompatible with the Constitution and the following international documents: the EU Social Charter (Chapter 2); the Universal Declaration of Human Rights (Chapter 23); the Convention on Human Rights and Fundamental Freedoms (Chapter 14); the International Covenant on Economic, Social and Cultural Rights (Chapter 7); ILO Convention #111 of 1958 on "Discrimination in the Labor and Employment Spheres"; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; and Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organization of working time. On 11 December 2013, the Georgian government adopted the Ordinance #329 on "Approval of the list of the branches with specific working regimes" which covers almost all economic spheres. The 48-hour working week became a normal threshold instead of an exception.

The Constitutional Court of Georgia held substantive hearings of the case during June- July 2014. This was the sole case in the practice of the Constitutional Court of Georgia where the Ombudsman, at the request of the GTUC considering the significance and urgency of the matter, addressed the Court as amicus curiae. He fully supported the claim and shared the GTUC’s position. Currently, we are waiting for the decision of the Constitutional Court. It should also be stressed that neither the Code itself nor the Ordinance #329 by the government provide effective mechanisms for the resolution of the situation when the parties to the employment relations disagree over whether the work regime is specific or not and what working time (40 or 48 hours per week) should apply. The Ordinance #329 only stipulates that in case of disagreement between the employee(s) and the employer over “the specificity of the work regime”, the case could be referred to the Tripartite Social Partnership Commission (TSPC) for consideration. Taking into account the fact that the TSPC’s mandate is limited to only issuing a recommendation (which is not binding), the case of disagreement will not be resolved at all and it will be the workers who will suffer in the end. They might be dismissed if they do not agree with the contract proposed by the employer.

C100 – Equal Remuneration Convention

The Georgian legislation does not give full expression to the principle of equal remuneration for men and women for work of equal value. Neither does it give any definition of remuneration. The principle of the Convention #100 is not reflected explicitly in the Labor Code, even if Georgia had ratified it in 1993. Article 2(3) of the Code contains a general prohibition of discrimination in labor relations.

The CEACR recalls that even though general non-discrimination and equality provisions are important, they are not sufficient to give effect to Convention #100 if they do not capture the key concept of "work of equal value". This concept lies at the heart of the fundamental right of equal remuneration for men and women for work of equal value, and the promotion of equality.

Due to historical attitudes and stereotypes regarding women's aspirations, preferences and capabilities, certain jobs are held predominantly or exclusively by women (caring professions) and others by men (construction). Often, "female jobs" are undervalued in comparison with work of equal value performed by men when determining wage rates. The concept of "work of equal value" is fundamental to tackling occupational sex segregation because it permits a broad scope of comparison, including, but going beyond equal remuneration for "equal", "the same" or "similar" work, and also encompasses work that is of an entirely different nature which is nevertheless of equal value.

The Committee, once again, urges the government to take concrete steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value, with a view to ensuring the full and effective implementation of the Convention.

After the abolition of the Labor Inspection Service in 2006, no labor supervisory body was put in place which means that there is no adequate and effective enforcement mechanism to ensure that the principle of equal remuneration between men and women for work of equal value is applied into practice and to allow workers to avail themselves of their rights. Without the

creation of a labor supervisory body, the existing and future provisions ensuring workers' labor rights, the prevention of discrimination will stay unattended and unreported.

The Georgian Bureau of Statistics provides annual gender-disaggregated data on market participation, average salaries and average education. According to official statistics, the average salary of women is falling behind that of men. In 2013, the average monthly nominal salary of men constituted GEL 920, while GEL 585 for women. Respectively, women earned on average 63% of men's salary in 2013, and 60% in 2012 and 2011 (Georgian Bureau of Statistics).

The presented study of CSS also depicted the inequality among the average salary distribution among men and women, regardless of similar education. Women's average salary ranges between GEL 251-400 whereas for men the average salary is between GEL 401-700. The educational level does not affect men's salary (except in the case of a PhD degree), while women need an undergraduate or graduate degree to earn as much as a man with a secondary education degree. The unequal average salaries can be influenced by the fact that more men (65%) work in the private sector, whereas women are working in private and public sectors in equal shares (47% respectively).

Horizontal and vertical segregation also contributes to wage inequality and the study found evidence of both horizontal and vertical segregation in Georgia. Vertical segregation is manifested by the fact that 65% of respondents reported having a male manager, whereas 31% reported having female direct managers. Horizontal segregation is reflected in findings that 79% of employees working in health and social sectors and 78% of employees in education sector are women, compared to 96% of employees in construction sector, 91% of employees in transportation and storage sectors and 47% of employees in public administration and defense, compulsory social security sectors are men.

Gender disparity exists in benefits and other wage components: 66% of men (who have been eligible for bonuses/compensations) got bonuses, compared to 34% of women. 60% of men got premiums, compared to 41% of women (who responded that they were rewarded compensations/benefits by their employer). There is also a wide gender gap regarding health insurance: 67% of men and only 33% of women claimed having health insurance provided by their employer.

Despite the fact that national health insurance does exist in Georgia, private health insurance often provides better or extra coverage of health-related expenses. Many gender differences regarding bonuses, benefits and compensations may be also explained by the gender segregation in the Georgian labor market. However the gender gap concerning bonuses, premiums and compensations was significantly large which may also point to gender discrimination.

Recommendations

- Adopt and implement specific regulation, based on the principle of positive discrimination, aimed at ensuring de facto equality between women and men at work.

- Changes and amendments in the Labor Code to ensure implementation of ILO Conventions #100 and #111, aiming at the prevention of discrimination in pre-contractual and contractual relations.

- Specifically express the principle of equal remuneration for men and women for work of equal value in the law in respect of fully and effectively implementation of ILO Convention #100.

- Implement effective enforcement mechanisms (labor regulatory body) to guarantee the principle of equal remuneration between women and men for work of equal value is put into practice.

- Provide a flexible definition of sexual harassment and associated sanctions in the Labor Code and implement specific mechanisms of administrative complaints which guarantee the victim's privacy.

- Adopt urgent measures for improving the pre-school child care system and establish pupil care systems (after school) in order to support working mothers.