



№ 49/11029

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and in response to the letter of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes dated January 17, 2018 has the honour to convey the response of the Government of Georgia for the next annual report to the Human Rights Council on the protection of workers from hazardous substances.

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 19 March 2018

**Office of the United Nations
High Commissioner for Human Rights
Geneva**



Encl. 5 pages.

**Information regarding the Questionnaire on
Protection of workers from hazardous substances**

Question 1. Please provide the existing national laws and regulations that protect workers from hazardous substances and establish the right of workers to safe and healthy working condition

Right to work and other related issues in Georgia are regulated by two main laws depending on the specific types of work. For public service, there is a law "On Public Service" that states that public servant has right to work in safe conditions and public authority is obliged to ensure safe conditions for public servants. For private enterprises foremost one is organic law of Georgia "Georgian Labour Code" stating that employers shall be obliged to provide employees with a working environment that is maximally safe for the life and health of the employees. Also, In June 2017 Government of Georgia initiated draft Law on "Occupational Safety" to the Parliament of Georgia. It passed two committee meetings and plenary hearings. At the first stage, until the 1st September of 2019, law on Occupational Safety will cover critical sector i.e. hard, harmful and hazardous activities as the most dangerous spheres for workers' health and life. The Law will cover all economic sectors of Georgia after September 1 2019. Purpose of this law is to define the general principles of basic requirements and preventive measures that are related to occupational health and safety at workplace. This law regulates the rights, obligations and responsibilities of state authorities, employers, employees, representatives of employees, as well as the others acting within the working environment when ensuring safe and healthy working conditions.

Protection from hazardous substances is also ensured by the following laws:

1. Law of Georgia on Radioactive Waste, №4487-IS of November 11, 2015
2. Law of Georgia on Nuclear and Radiation Safety, №5912 of March 20, 2013
3. Law of Georgia on tobacco Control, №4059 of December 15, 2010
4. Law on Controlling Technical Hazards, №2911, April 8, 2010
5. Law on HIV/AIDS, №2042-II of November 17, 2009

a) Please indicate if there are specific standards in place for the protection of health and safety in particular sectors of economic activity

There are specific standards for protection of workers according to type of works, for example there are standards for radioactive sphere, construction activities, mining, heavy industries, microclimate, vibration and etc.

b) Please indicate if there are specific standards in place for protecting workers against specific risks such as exposure to radiation, toxic substances (including industrial chemicals, pesticides and building materials), and air pollution, among others.

Legislation of Georgia includes specific standards regarding hard, harmful and hazardous working spheres, that unites laws and ordinances of Government on "Radioactive Waste (N

4487-IS)”; on Pesticides (N451) and Ionizing exposures (N450); Building materials, including asbestos and other harmful patterns (N78/N). All of them describe some standards regarding safe keeping, transportation and using of the materials and safe standards for employees and personnel.

- c) **Please provide specific information on permissible exposure levels of workers to such risks, including URL links (or other documentation) on established levels, and information regarding procedures for establishment of such levels**

Also, should be mentioned that, by signing EU-Georgia Association Agreement, Georgia made a commitment to harmonize its legislation to EU *acquis*, including in Occupational safety field. Thus, there are 25 EU directives envisaged in Annex XXX that shall be transposed to Georgian legislation. 8 directives out of 25 are already translated into Georgian language, elaborated and are ready to transpose. These directives are:

- Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile constructions sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- Directive 1999/92/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (Text with EEA relevance);
- Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC);

- Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

Question 2. Please indicate the main authorities tasked with overseeing the implementation of occupational health norms and a description on their mandate.

There have been no inspection system/mechanism in Georgia since 2006. In 2015 Labor Conditions Inspecting Department was established under the Ministry of Labour, Health and Social Affairs of Georgia. Currently department is working in two directions:

- Forced Labour, Labour Exploitation and Human Trafficking;
- Labour Condition Inspecting State Program (pilot).

Pilot program allows inspectorate to visit companies to inspect health and safety norms and labour rights compliance with the labour law (wages, working hours, over time and remuneration, etc.). After adoption of Law on "Occupational safety" health and safety norms will be inspected without any consent of employer covering only critical sector initially. Step by step the law will cover all economic sectors.

Besides, there are other state bodies that carry out inspection visits. For example, there is LEPL Technical and Construction Supervision Agency of the Ministry of Economy and Sustainable Development of Georgia that inspects high risk construction objects. Also, there are supervision departments within the Tbilisi City Hall and other municipalities of Georgia that carry out inspection visits throughout their territories.

Question 3. Please provide the national laws establishing the right to information and the instruments establishing the specific rights of workers to information on issues relating to their occupational health and safety.

Article 35 of the Georgian Labour Code describes specific rights of employees and duties of employers regarding rights to information. According to the Labour Code employers shall be obliged to provide employees, within reasonable time, with full, objective, and comprehensive information available on all factors affecting employees' life and health or safety of the natural environment while employees may refuse to perform the work, assignment, or instruction that contradicts law or, due to the lack of occupational safety standards, obviously and substantially endangers their or third person's life, health, property, or the safety of the natural environment.

Also, new draft Law on Occupational Safety defines general principles of education, informing of and consulting with the employees and their equal involvement in the occupational safety and health protection issues.

Question 4. Please provide the national laws and regulations providing protection of whistleblowers sharing information on their work activity and environment, particularly concerning disclosures on harms to the environment and public health.

Law of Georgia on the Conflict of Interests and Corruption in Public Service, No 4358 of October 2015.

Question 5. Please provide information on the existing laws ensuring workers can realize their right to justice and an effective remedy for occupational exposures to hazardous substances.

There are several possible ways for workers to demand compensation and realize their right to justice and remedy for occupational exposures to hazardous substances and occupational injuries as well. The court and its decision is the way to realizing these rights.

The first and foremost law regarding this is the Civil Code of Georgia, which grants right to person(s), including workers, to demand compensation for hazardous substances exposures and occupational injuries.

Beside this, there is a special Ordinance of the Government of Georgia N45 “regarding compensation for employees for damage caused in the line of duty”, according to which compensation can be granted to the person, who is employed in the company whose 100% of shares are owned by the government of Georgia.

Also, as it's mentioned above article 35 of Labour Code of Georgia states, that “employers shall be obliged to provide employees with a working environment that is maximally safe for the life and health of the employees”. If employee gets injury because of the culpable action of the employer, employee may demand compensation via court decision.

Also, draft law on Occupational Safety considers special regulations regarding life insurance of employees during their working period and if employee gets injury, insurance will have to ensure his/her treatment.

Question 6. Please indicate if public officials periodically analyze the situation of occupational safety and health and how those assessments are publicized.

The Labour Conditions Inspection Department under the Ministry inspects public and private companies regarding the health and safety norms and labour right compliance with the labour law. After the inspection visit, mobile group(s) of inspectors writes report that can be publicized officially upon request of any person and/or company.

Also, Labour Condition Inspecting Department elaborates annual report and makes public press-conference where the statistical and thematic information regarding inspected companies and non-compliance are published.

Question 7. Please indicate if your Government considers revising its existing norm for occupational health and safety and the reasons for this possible revision.

Georgia has obligations to transpose Euro directives into Georgian legislation and harmonize them with EU legislation. The deadline for the transposition is 2019, but Government of Georgia made steps in advance and accelerated the process. In June 2017 Georgian Government initiated draft Law on Occupational Safety to the Parliament of Georgia. The draft law is based on the Safety and Health at Work Directive 89/391/EEC. At the first stage, until the 1st September of 2019, law on Occupational Safety will cover hard, harmful and hazardous activities as the most dangerous spheres for workers' health and life and then, after the mentioned date, it will cover all economic sectors.

There are 25 EU directives envisaged in Annex XXX that shall be transposed to Georgian legislation. 8 directives out of 25 are already translated into Georgian language, elaborated and are ready to transpose