

LAW OF GEORGIA ON LABOR SAFETY

On 7 March 2018 Georgian Parliament has adopted a Law on Labor Safety to define basic requirements and preventive measures in terms of workplace safety for the employers.

The law applies to a hazardous, hard, harmful and dangerous works, and the list of such works shall be determined by the Government of Georgia within 3 months after the enactment of this Law

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After determination of the list above, first of all if the Company carries out a specific activity, according to legislative requirements it shall be obliged to register in the Registry of Economic Activities as an entity which carries out such activities. Many different obligations are laid upon the employer, including:

- ▶ Ensure registration, inquiry and reporting of the accidents and occupational diseases in the work space
- ▶ Regularly ensure the inspection of the safety conditions of the equipment, maintenance of the means of protection, control of the proper use of the equipment and fulfilment of all other relevant obligations in that specific case
- ▶ Provide employees with training on security issues, technological processes and methods related to them
- ▶ For the effective cooperation and communication of the employer with the employees regarding the labor safety issues in the enterprise/institution which has 20 or more employees, employer shall select one of the employees to work as a representative of the employees regarding issues of labour safety. A person may be elected and appointed as a representative of the employees only in case of his/her consent
- ▶ To reimburse all expenses incurred regarding to labor safety and sanitary-hygienic measures in the workplace
- ▶ Fulfil other obligations related to regular medical examinations, risk assessment and prevention of the accidents, and etc.



AUTHOR'S COLUMN

This publication covers important new law on labor safety that business should take into consideration for their daily operations and governance.

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LABOR SAFETY SPECIALIST

The law obliges the employer to appoint the labor safety specialist. In case the company has 20 or less employees, employer (owner/director) may represent a labor safety specialist, in case the company has 20 to 100 employees, it is obliged to appoint at least 1 specialist and in case the amount of employees is more than 100, it is necessary to create a suitable service (department) with at least 2 specialists. The law allows the representative of the employee to be the labor safety specialist as well.

SPECIALIST'S QUALIFICATION

The person/specialist responsible for labor safety should have the relevant professional experience and qualification - abilities and technical skills that shall be confirmed by the certificate of attendance of the relevant accredited program. The capacity, the

procedure of the implementation and the terms and conditions of the program are to be determined by the administrative-legal act of the Minister of Labor, Health and Social Affairs within 3 months after the enactment of this Law.

RESPONDING TO ACCIDENTS

In addition, the law classifies the accidents that might occur on working site (light, medium, heavy, fatal and mass), and obliges the employee to inform the employer about the accident immediately. The employer is obliged to implement the measures envisaged under the law, including recoding the accidents.

If the Employer appoints the Labor Safety Specialist in accordance with the norms under legislation, or invites other authorized person (external service) to perform appropriate services, it does not exempt the employer from responsibilities under this law

INSURING THE ACCIDENTS

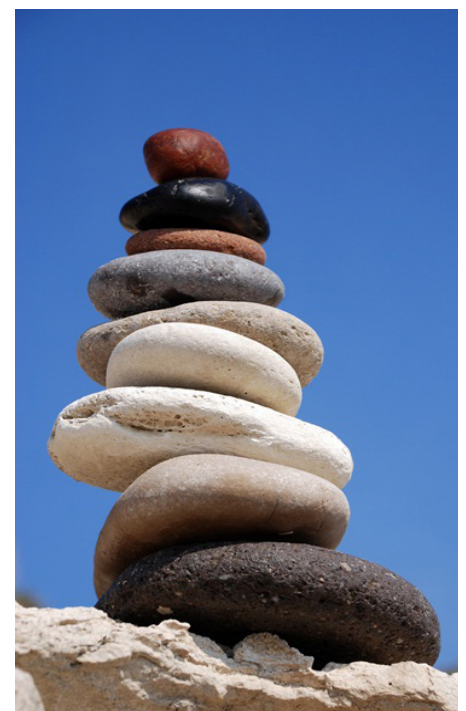
According to the law, the employer is obliged to provide accident insurance for the employees at its own expenses, although this norm will be effective from 1 January 2019. The norms of appointment of the Labor Safety Specialist or the establishment of the relevant service (department) and general regulatory and management norms shall enter into force from the same date.

RESPONSIBILITY

As for the liabilities, the law provides the following types of liabilities - warning, fines and suspension of the work process, however, all of the provisions concerning the liabilities shall

come into effect from 1 August 2018.

The supervision of the implementation of the regulations under the Law is undertaken by the Agency of Ministry of Labor, Health and Social Affairs of Georgia for Supervision of Implementation of Labor Safety Norms. Different types of penalties are defined by the law, for example, implementation of heavy, harmful and dangerous works with increased risk without registering these activities shall result in imposition of 1,000 GEL fine and in case of repetition of the same action - 2,000 GEL fine. If there are no critical inconsistencies with the legislation, the first response to the violation shall be a warning. In case of further non-fulfillment of the instructions of the Supervision Agency, fines depend on the offender and the amount of income and VAT taxable transactions of the previous calendar year. Accordingly, the fine might deviate between 10 000 and 20,000 GEL for individual persons, and - between 20,000 and 50 000 GEL in the case of VAT payers.





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