

BGI Law Brief

August 2019 – Labor Safety

This Law Brief summarizes new labor safety requirements established under the Organic Law on Labor Safety dated February 19, 2019 (the “Law”).

The Law currently applies to persons engaged in harmful and hazardous activities with “increased level of danger” and shall apply to all activities, whether in public and private sectors, as of September 1, 2019. Exception is made for the Ministries of Internal Affairs and Defense, the Special Service, Georgian Intelligence Service and State Security Service. Also, the Law shall not apply during a state of emergency.

The Law creates a general legal framework for requirements and preventive measures aimed at ensuring labor safety, protecting individuals from harmful impacts and creating a safe working environment.

Employer obligations vary based on company size, number of employees, employment conditions and nature of risks. Employers have a discretion to assess the listed criteria and make a decision on required protective measures on a case-by-case basis. Risk assessment rules and procedures are to be approved by September 1, 2019.

Employers must comply with statutory safety standards, protect health and safety of employees and third parties from various hazards, including without limitation physical, chemical and biological hazards, provide training for employees, as well as keep proper records of work place accidents, cases of professional diseases and hazardous events.

The Law provides a detailed description of employer obligations related to safety training. Employers in working places with increased level of danger are required to provide insurance for employees.

Probably the most urgent requirement set by the Law is mandatory appointment by employers of a labor safety specialist (for companies with up to 100 employees) or creation of a labor safety service consisting of least 2 labor safety specialists (for companies with over 100 employees). A specialist may be appointed from within the employees provided that he/she undergoes special certification. Subject to certification, the employer may also act as a labor safety specialist if the number of its employees does not exceed 20.

Additional obligations may be imposed on companies depending on their size, field of activities and other factors. These may include ensuring first aid, fire safety and evacuation measures, prompt communication with rescue services, etc. Employers are required to engage employees and employee representatives in development of labor safety measures and changing working process.

The Law prohibits engaging in difficult, harmful and hazardous activities with increased level of danger without mandatory registration with the Registry of Economic Activities. Any changes to registered activities must also be recorded. Exhaustive list of such activities is approved by the Georgian Government. Registration shall be valid for 1 year and must be extended accordingly.

Supervision over compliance with the Law shall be exercised by Labor Inspection Department under the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia and the Ministry itself.

Any breach of the Law shall be subject to civil and/or criminal liability. The regulatory authority may issue a warning, impose a penalty or order suspension of works. The amount of penalty varies from GEL 1,000 to GEL 50,000 based on the type of breach and the amount of revenues of a particular employer. Note also that the Criminal Code of Georgia establishes sanctions for persons responsible for various safety breaches and failures.



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