

# **Employer's challenges and needs with regard to the Organic Law of Georgia on Occupational Safety and Health.**

**The responsibility of the study and analysis rests solely with the author. Any opinion expressed or interpreted does not express the attitude of any organization mentioned in this report.**

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# Foreword

The Georgian Employers Association (GEA), since its establishment in 2000 unifies more than 2000 businesses from all the sectors of industry around Georgia. The Association is the independent, non-governmental, non-profit and self-regulating business union that works in accordance with the recognized international standards for protecting the interests of employers (entrepreneurs) in the free market economy principles. At the same time the Georgian Employers Association recognizes the importance of human resources factor in the economics and in its activities foresees the International Labour Organization (ILO) standards and policies in parallel of business development. The core vector of the Association is solving the problems of business circles for effective and adequate measures for proper coordination of business, Government of Georgia and the third party's close relationships. The Georgian Employers Association is an economic and social partner to the Government of Georgia and the Trade Unions Confederation as a constituent involved in the tripartite social dialogue. Georgia has made excellent progress in the past years in various directions -political, economic, social, environmental and etc...but, the most important and vital for all of us is the Association Agreement (AA) with the EU from 2014. We have to mention that through DCFTA we came even closer to Europe as the process has strengthened the economy of the country influencing the political situation and the governance of it.

Cooperation with the ILO has always been outstanding for the Georgian Employers Association on the way to strengthening of social dialogue together with the constituents and business environment entirely. In the recent years, ILO has implemented various extremally important projects for capacities of social partners and for benefit of Georgia. One of the significant pillars of ILO is Occupational Safety and Health (OSH) the culture of which has strong background and history in any countries of the world. As for Georgia, we have to mention that even after abolishing the Labour Inspection in 2006, GEA was the one that worked in this significant direction via support of ILO through raising awareness campagnas, knowledge, trainings, expertise and etc...Now, that we have the organic law and legislative requirements in the country, GEA is ready to respond to the needs of businesses in this specific sphere. GEA is one of the accredited programme leader for OSH specialists on the market. Still, we also have to confess that the rapid changes in the legislation and filed raised serious problems for businesses that we see and hear via communication and requests of companies. That is why, the assessment analysis supported by ILO – namely, Mr. Leijo Sibbel, Mr. Vladimir Curovic and their team servs as perfect example to further

recommendations to the Government with regard to amendments, attitudes, reforms and etc...toward OSH sphere. This specific analysis is the real picture of what business needs for development the culture and approach of safety at working world.

Mr. Elguja Meladze

President, GEA

Mr. Lasha Labadze

Executive Director, GEA

# Political and Economic review:

Georgia started to build its relations with the EU in 1992 but its efforts and real steps were taken in 2014, when Georgia signed an Association Agreement (AA) and opened a new window of cooperation with the EU. Within this context, the Association Agreement with its Deep and Comprehensive Free Trade Area (DCFTA) has brought Georgia closer to Europe. This process has strengthened the economy of the country influencing the political situation and the governance of the country. The Association Agreement sets rules and obligations to the Government of Georgia (public and private sectors) for fulfillment of AA agenda in various sectors and directions. Along with the AA, the Deep and Comprehensive Free Trade Area agreement with the European Union supports the export and emerging markets to the EU countries for Georgian businesses that is one of the potential and strong opportunity for economic growth. Besides, there is the Free Trade Agreement with China expected to boost trade integration. Moreover, energy, tourism, and agribusiness can potentially help to integrate the country further into the regional and global economies. Trade is one of the fastest growing sectors of the Georgian economy. It is expected that with the signing of the Association Agreement with the EU and by cooperating with other countries, Georgia, more and more will become an important player in trade in the region. Georgia has the potential to become a transit country of transportation for almost all countries in the region. Georgia has seen solid economic growth over the last few years, made possible partly due to ongoing economic reforms which have included overhauling tax collection procedures, fighting against corruption, opening up the country to foreign trade and investment, improving infrastructure and simplifying the business environment. The EU supports Georgia in developing its economic potential through international cooperation. This includes assistance in alignment with EU legislative standards.

According to the World Bank latest data, over the past decade, Georgia's economy has grown robustly at an average annual rate of 4.9 percent (real 5,2). This was despite numerous shocks, including the global financial crisis of 2007-08, the conflict with the Russian Federation in 2008, and the drop in commodity prices since 2014 that has impacted key trading partners. The unemployment rate has declined unemployment rate declined to 12.7 percent in 2019, helping to lower the poverty rate (measured at the national poverty line) to 20.1 percent. The poor have benefited considerably from the Government's social policies, as well as from new economic opportunities. Deep reforms in economic management and governance have earned Georgia a

reputation of “star reformer.” On October 24, 2019 — in the world’s top 20 best places to do business – Georgia received the rate on the 7-th place, meaning Georgia ranking 1st in the region.

## **Occupational safety and Health (OSH) review:**

Along with the huge reforms in Georgia that are mainly connected with the implementation of the Association Agreement between Georgia and EU are focused on approximation and harmonization to the EU legislation in various spheres of economy, social and political aspects. One of the very important issues is the occupational safety and health legislation that went through many discussion and meetings at all levels. According to International Labour Organization (ILO) general review, every day, people die as a result of occupational accidents or work-related diseases – more than 2.78 million deaths per year. Additionally, there are some 374 million non-fatal work-related injuries each year, resulting in more than 4 days of absences from work. The human cost of this daily adversity is vast and the economic burden of poor occupational safety and health practices is estimated at 3.94 per cent of global Gross Domestic Product each year. The ILO aim is to create worldwide awareness of the dimensions and consequences of work-related accidents, injuries and diseases and to place the health and safety of all workers on the international agenda to stimulate and support practical action at all levels. Actually, the GEA through its mandate and as a recognized social partner at national level follows this practice.

The new Georgia Law on OSH as adopted by the Parliament, is an effort to put global OSH principles in practice based on the basis of EU OSH Directives and ILO OSH Conventions and Recommendations. After a profound reform of the labour legislation by the GoG back in early 2000 that dismantled the existing imperfect OSH system, including the dissolution of the corrupt OSH inspection, Georgia remained for years in a vacuum regarding occupational safety and health at work. Efforts to maintain acceptable protection levels of workers were based on voluntarism by companies and/or international standards and certificates. In order to be effective and efficient for businesses, private and public, additional efforts and mechanisms should be put in place through means of a dialogue with all actors concerned, and in the first place the representative organizations of employers and workers. Relationship between businesses and CSOs is yet another challenge. According to the CSO sustainability index businesses perceive CSOs as politicized institutions and

avoid cooperation with CSOs fearing tensions with the government. Still this relationship is essential for CSOs in order to understand benefits of collaboration in economic development and increased business climate and entrepreneurship as well as to develop a good understanding of where and how to engage in various policies. Civil Society has been very vocal on issues relating to democracy, justice and human rights. Reacting to actual developments on a regular basis, CSOs issue statements calling relevant institutions such as Parliament and its committees and government institutions for certain actions. They act as watchdogs over state institutions and trigger political discussions or remind of outstanding issues. Notwithstanding the background it is crucial to strengthen social dialogue among constituents and even with the tripartite social dialogue commission to enable all the key players to be involved in the core topics related to the legislation, application and protecting of human rights through labour and industrial relations.

The Tripartite Commission is functioning in Georgia with employers and employees being represented, and regular meetings are taking place. However, the voice of the CSOs is still weak. The Government and the Parliament are also making steps to involve CSOs into discussions (hearings in Parliament are organized and attended by some CSOs, meetings with the GoG to discuss new legislation), but further efforts needs to be taken to prepare better grounds for discussions (e.g. Regulatory Impact Assessment or similar assessments shall be presented to the CSOs when discussing the legislation) and more consistent follow up of such discussions (the CSOs often do not receive feedback on their specific comments). That is why further development and strengthening of social partners via which the access to their target groups are possible serving to understanding the core international labour standards (ILO) and relevant international agreements. Given the country's aspiration for faster growth via infrastructure, entrepreneurship, and foreign investment, and given the above mentioned agreements, investing in occupational safety and health not only makes a lot of sense but will simply be a necessity. It improves people's lives by preventing work-related illness and accidents and also has a tangible positive effect on the economy of a country. It leads to improved business productivity and performance. Different studies prove that the employer will have a return in double for every euro spent on occupational safety and health. A sound legislative framework is a cornerstone and has to play a key role in shaping national and company level occupational safety and health strategies and in ensuring a level playing field for all businesses, both private and public, big and small. Occupational safety and health measures should reach the widest number of people at hazardous work, no matter the size of company they work for. The latest official data by the Ministry of Labour, Health and Social Affairs Labour Conditions

Inspection Department report 2019, the latest official version considers still many challenges of implementation of the organic law and plans activation of their activities for implementation the local and international, as well as EU directives to be adopted and integrated for 2020 – 2022.

Georgian Employers Association (GEA) as one of the key player on the sphere of OSH with a rich and experienced background in this country conducted the assessment in the 250 companies for revealing the core aspects of the implementation of the OSH organic law from the perspective of business companies, their challenges, needs, requirements, concerns and etc...



## Objective of the assessment:

The analysis of the existing situation, awareness of business and determination of readiness.

The objective of the assessment is the occupational safety and health (OSH) current situation, challenges and needs of business sector, appropriate measures and actions for support from the state and other sides.

## Specific aims:

For obtaining the overall aim of the assessment, the specific aims are listed below:

- Determination of the awareness level of OSH at companies;
- Compliance of businesses to the requirements of OSH legislation;
- Which ways are used by business companies and how they reach compliances to the requirements of the OSH legislation;
- What are the factors to be in compliance with the requirements of the legislation;
- How the companies ensure provision of information on occupational safety and health as well as the regulations to their employees;
- What are the challenges and needs they face;

## Methodology:

The methodology of the assessment for revealing the needs and challenges of employers included direct and online interviews. In total 240 companies were surveyed in various sectors and regions. This methodology ensured determination of the needs, requirements, challenges and etc...of OSH in separate sectors and regions.

## Sampling and survey instrument:

The selected companies for revealing the employers conditions, needs and challenges were determined by small, medium and large companies in the following sectors (in Tbilisi/Capital and regions as it is significant to have the whole country picture):

- Construction;
- Tourism; (hotels/restaurants);
- Service;

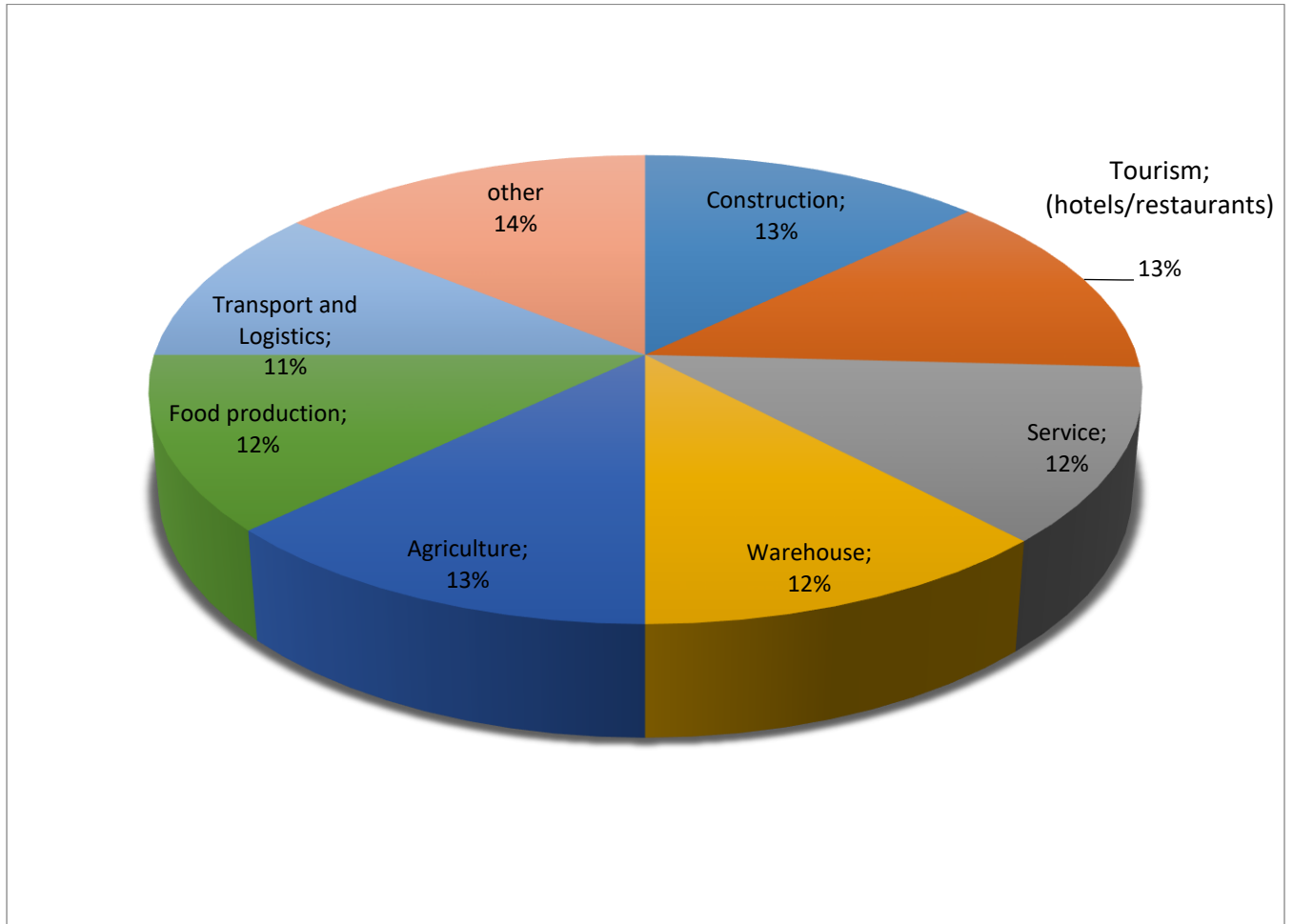
- Food production/processing;
- Warehouse; transport and logistics;
- Agriculture;

Prior to the field works and active interviewing process, a specific questionnaire – instrument of the survey was developed and piloted in 10 companies. The questionnaire included the questions with the aim to reveal the data and level of awareness of employers with regard to the relevant legislation before and after its adoption as the organic one. One of the tasks was to understand about the normative acts to be adopted in 2020-2022 by the Government and level of their understanding from the side of employers/companies. The questions also covered the topics of compliance with the legislation, OSH trainings at organizations, conducted inspections, benefits of OSH systems at companies, challenges and obstacles to be in harmony with the legislation requirements and etc...

## **Data collection:**

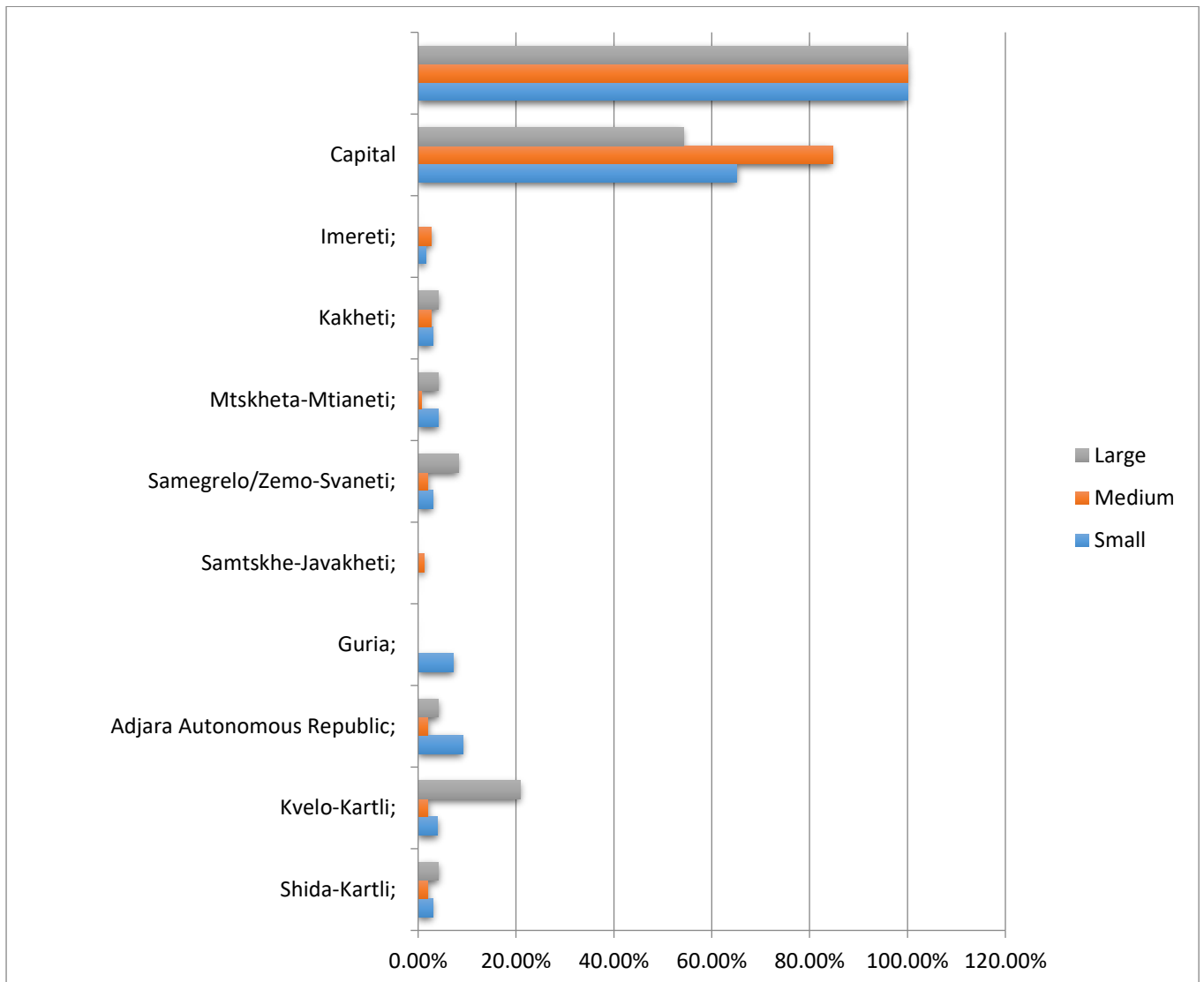
The data collected from the target sectors were disseminated as follows: construction - 13%, service - 12%, Tourism and hotels (hotels/restaurants) - 13%, warehouse – 12%, Agriculture – 13%, food production/processing – 12%, transport and logistics – 11% and other sectors – 14%. The respondents were the persons responsible for occupational safety and health direction at their companies.

## 1. Number of surveyed companies:



The graph covers the allocation of companies by sectors and percentage. As for the number of the companies, we have the following distribution: 31 companies are from Construction sector; 29 companies from Service; 31 from tourism and hotels/restaurants; 29 warehouses; 31 from agriculture; 29 from food production and processing; 26 transport and logistics and 34 companies from other sectors;

## 2. Location of companies interviewed:

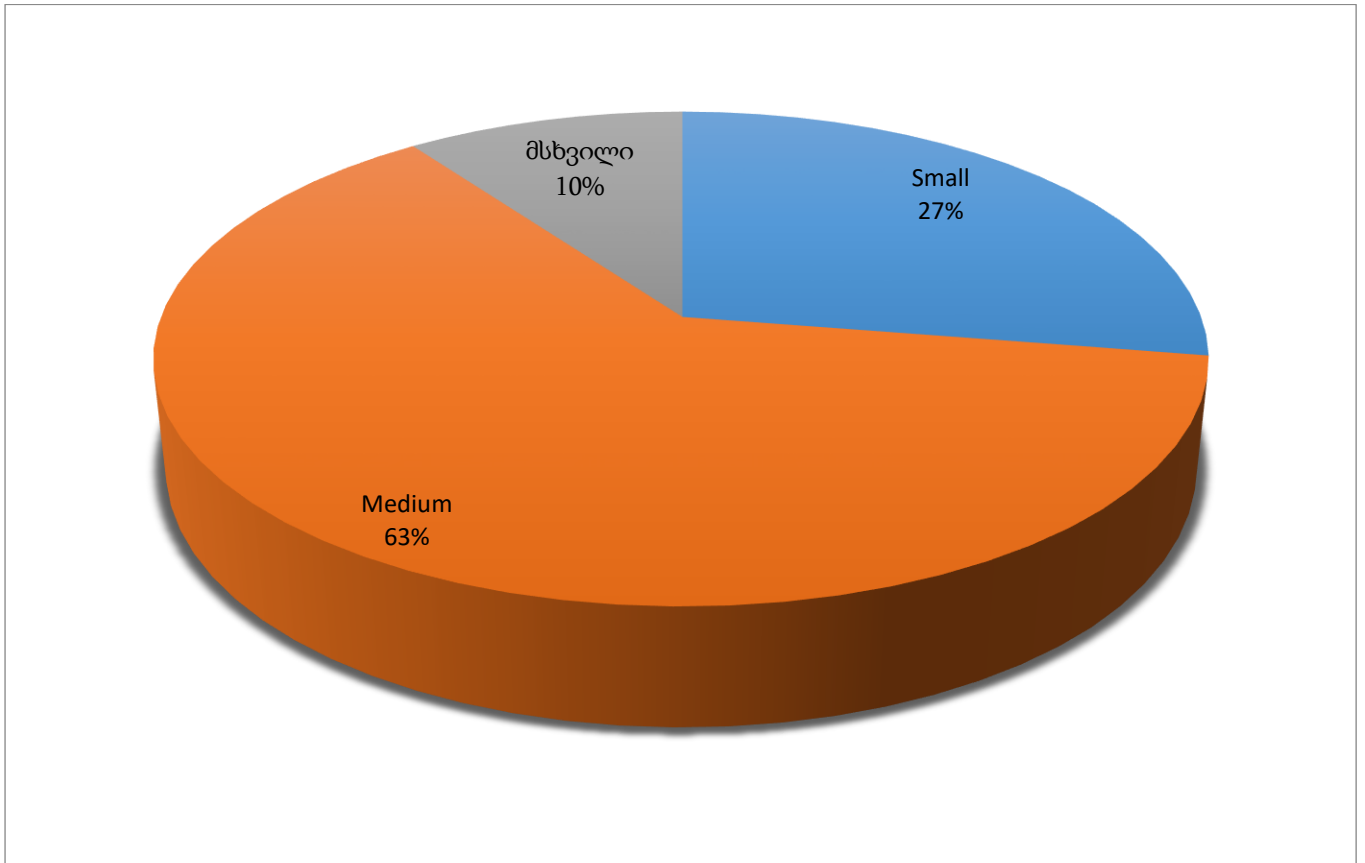


The graph shows the surveyed companies by sizes as small, medium and large by regions. The majority of the interviewed companies are from Tbilisi – 54,2%. The rest regions are disseminated as follows: 4,2% - Kakheti; 4,2% - Mtskheta-Mtianeti; 8,2% from Samegrelo-Zemo Svaneti; 4,2% - Adjara Autonomous Republic; 20,8% are from Kvelo Kartli and the 4,2% - Shida Kartli.

To unify the figures we have the following data: 85% of medium sized companies are from Tbilisi; Imereti and Kakheti are represented by 3-3%; Samegrelo-Zemo Svaneti, Adjara Autonomous Republic, Kvelo-Kartli and Shoda-Kartli by 2-2%; and 1% from Samtskhe-Javakheti;

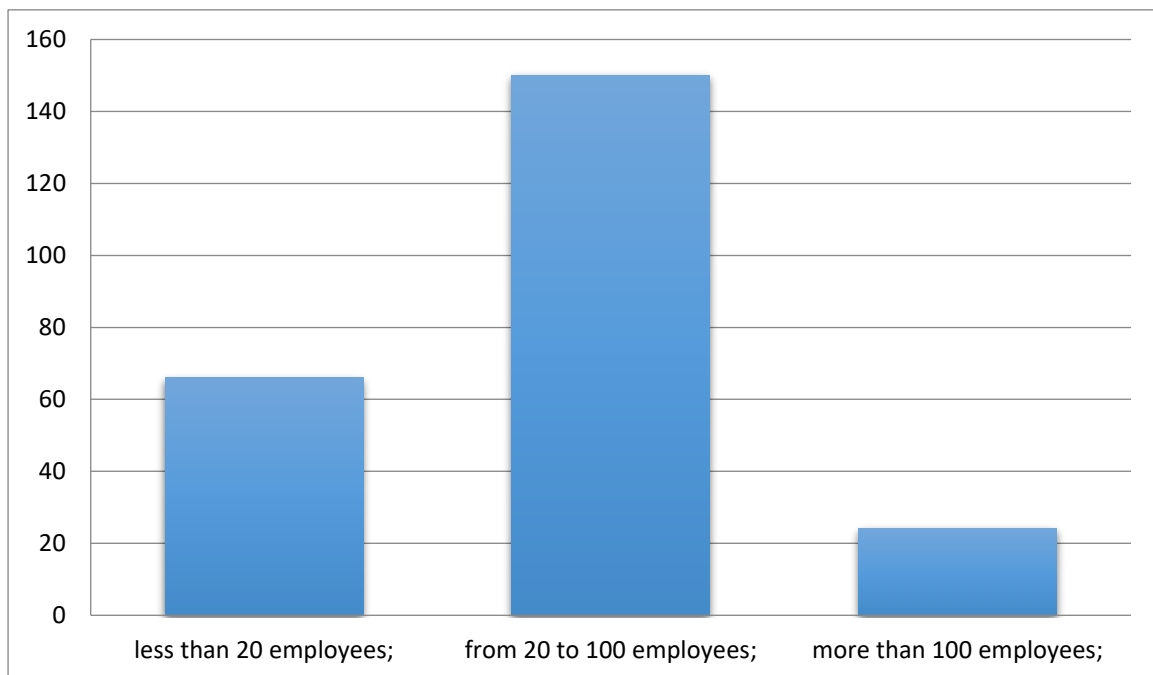
As for the small companies, we have the following regional data dissemination: Tbilisi - 65,1%, 1,5% - Imereti; 3% - Kakheti; 4,1% - Mtskheta-Matianeti; 3%-Samegreli Zemo-Svaneti; 7,2% - Guria; 9,1% - Adjara Autonomous Republic; 4% - Kvemo Kartli and 3% - Shida Kartli.

### 3. Size of companies:



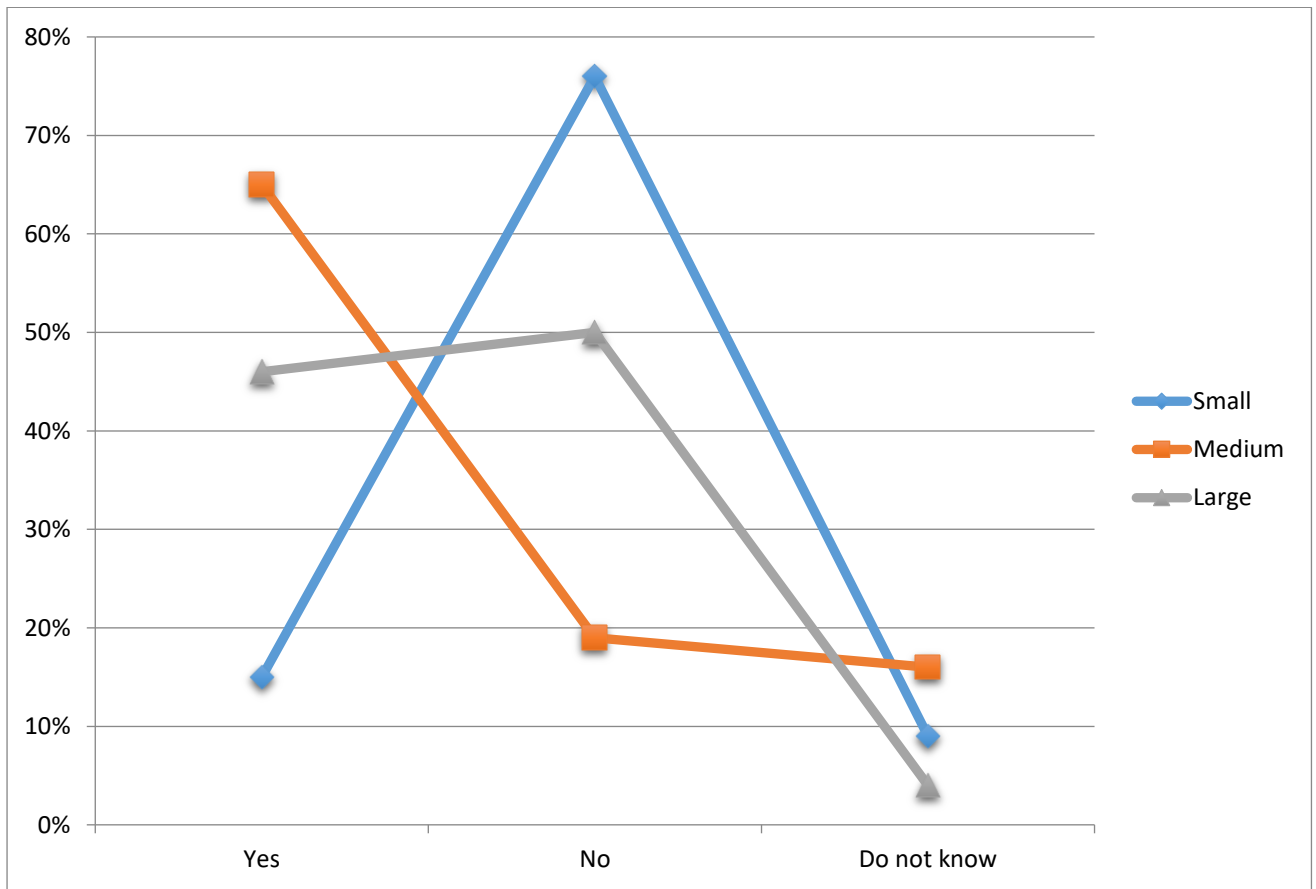
From the 240 interviewed companies - 10% is large, 27%-small and 63% medium sized.

#### 4. Number of employees:



From the 240 companies 10% of the companies have more than 100 employees; 27% of companies have less than 20 employees and 63% prove they have employees from 20 to 100;

**5. Do you think that before the OSH organic Law entered into force you were informed about all the responsibilities required by the law?**



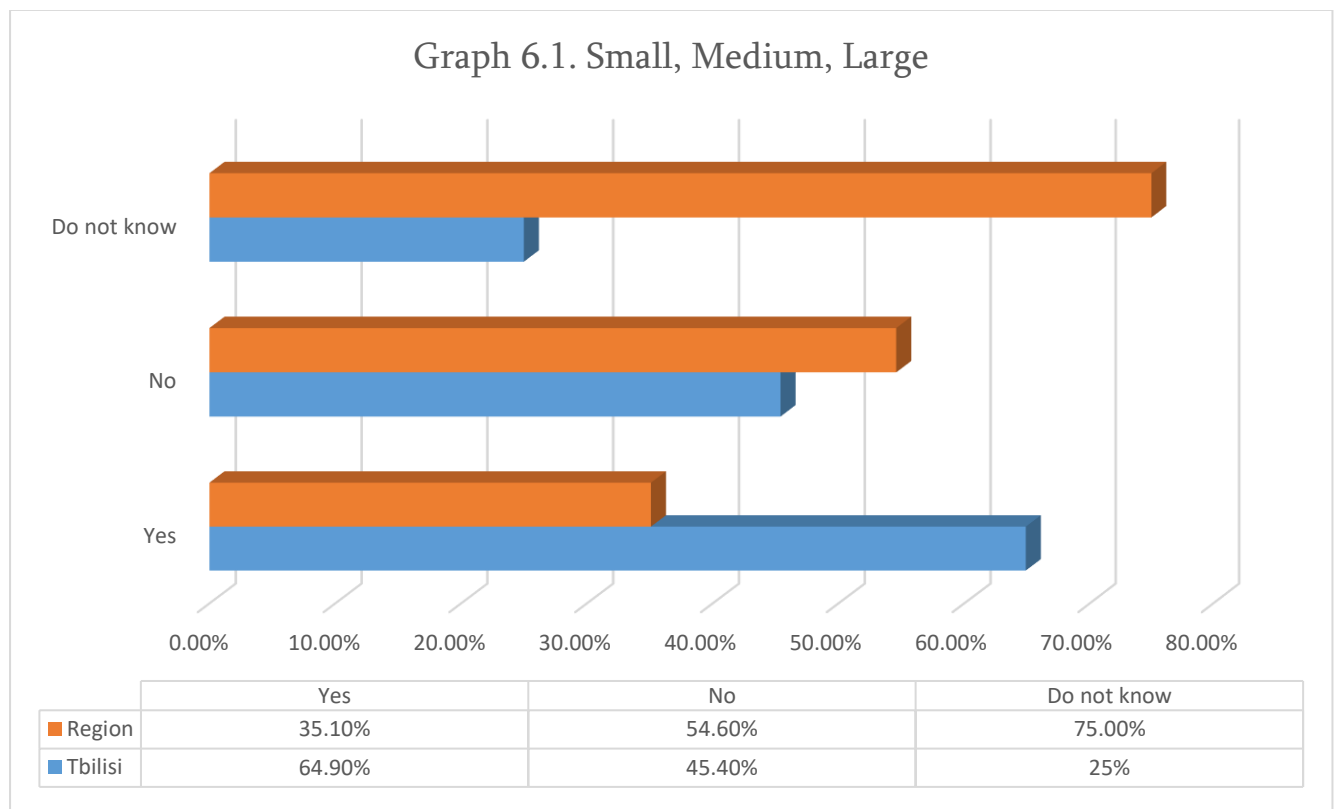
The 15% of the interviewed companies think that they were informed about the requirements and obligations of the OSH law prior to its entering into force. Still, 76% think that they did not have any kind of information about the mentioned and 9% have no response at all.

The 46% of the interviewed large companies consider that they knew all about the OSH legislative requirements and appropriate obligations prior to the enforcements of the law itself. The 50% think that they did not have the thorough information about the law requirements and 4% could not respond to the question;

The 65% of the medium sized companies think that before the law entered into force they were informed about the requirements of the law. The 19% considers that they did not have the appropriate data. As for the 16%, they could not answer the question.

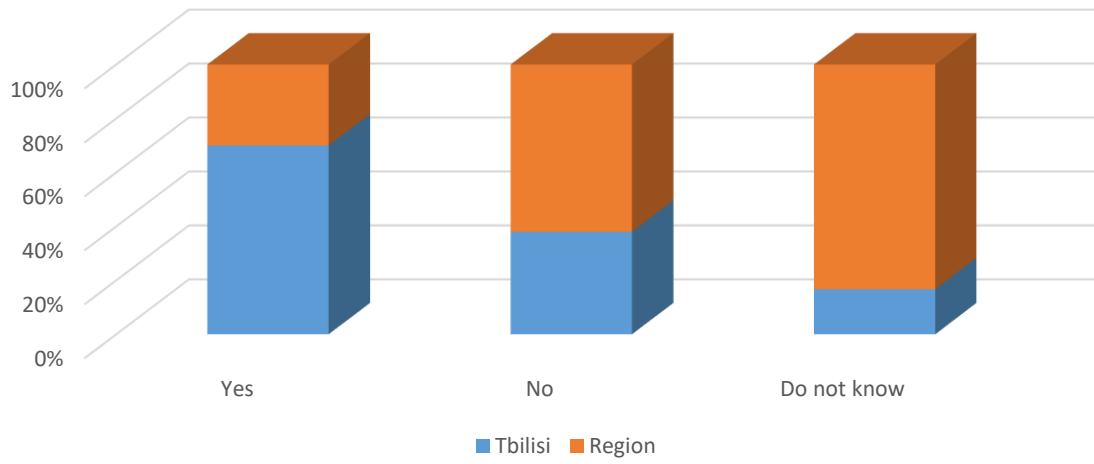
Based on the information given at the graph above, we see that majority of the companies with the sizes as medium and large, had the information about the OSH law requirements prior to the entering into force. This cannot be said about the small sized companies.

**6. In Tbilisi and regions, were you informed about the obligations of the organic law, before it entered into force?**

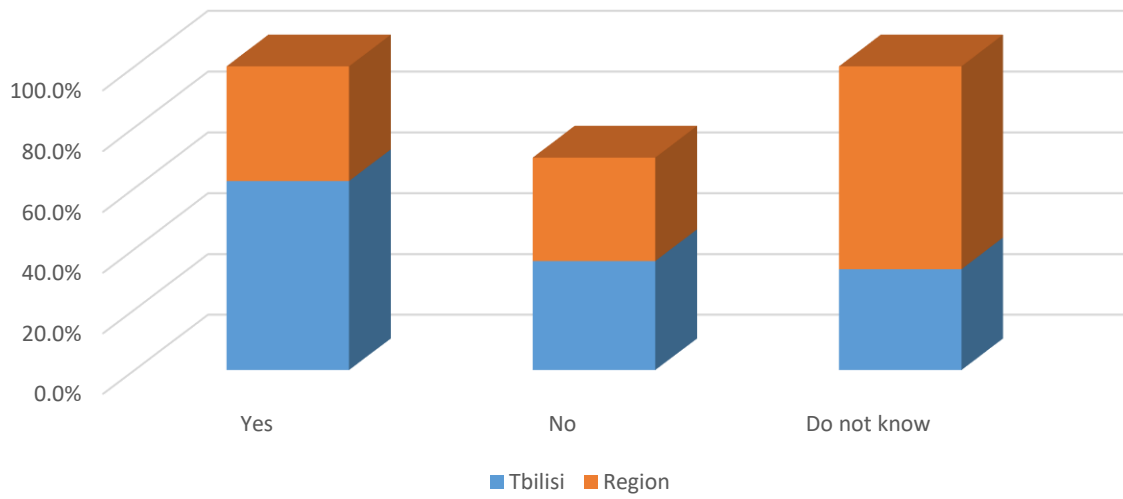


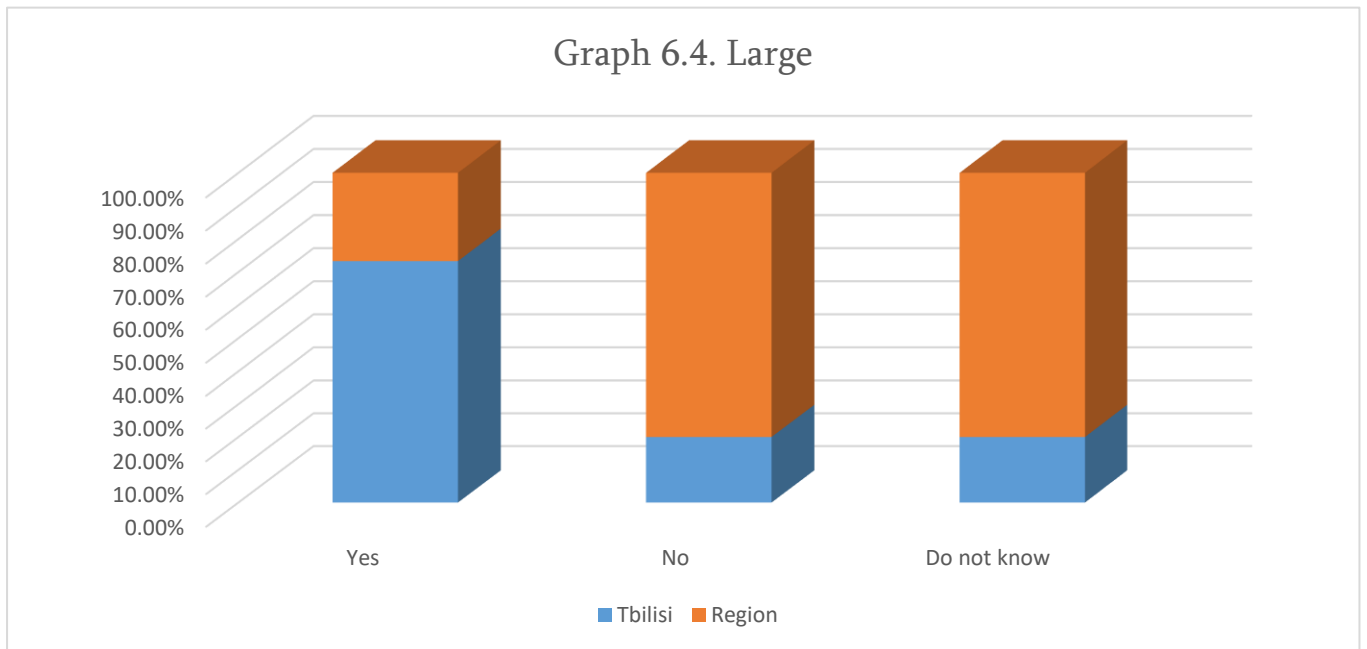


Graph 6.2. Small



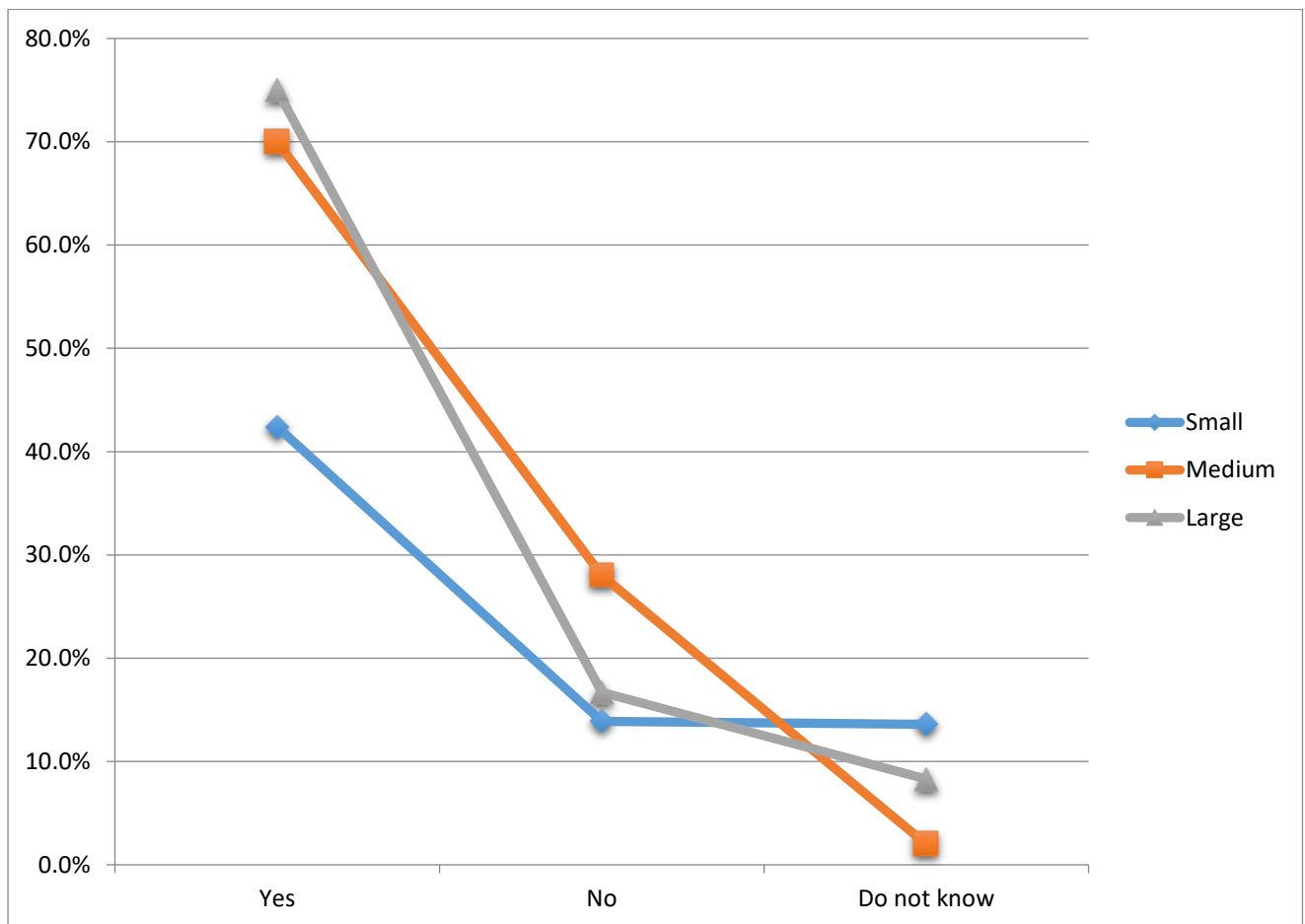
Graph 6.3. Medium





In accordance with the graphs we can say by regions how well the companies were informed about the occupational safety and health law requirements and obligations before it entered into force. This information is important as it reveals the situation in capital and regions and also the sizes of the companies. And so, the graph 6.1. gives the whole picture of Tbilisi and regional companies with regard to information. It is worthwhile to mention that 64,9% of Tbilisi companies declare that they were informed about all the obligations and requirements of the law before it entered into force. As for the regions, the 35,1% of the interviewed say that they did not have information about the mentioned. So, we have the reality that the lack of information is shown and fixed in regions rather than in Tbilisi.

**7. Do you think you have sufficient information about the problems and results that your company may face in case of breaking the legal norms or organic law requirements?**



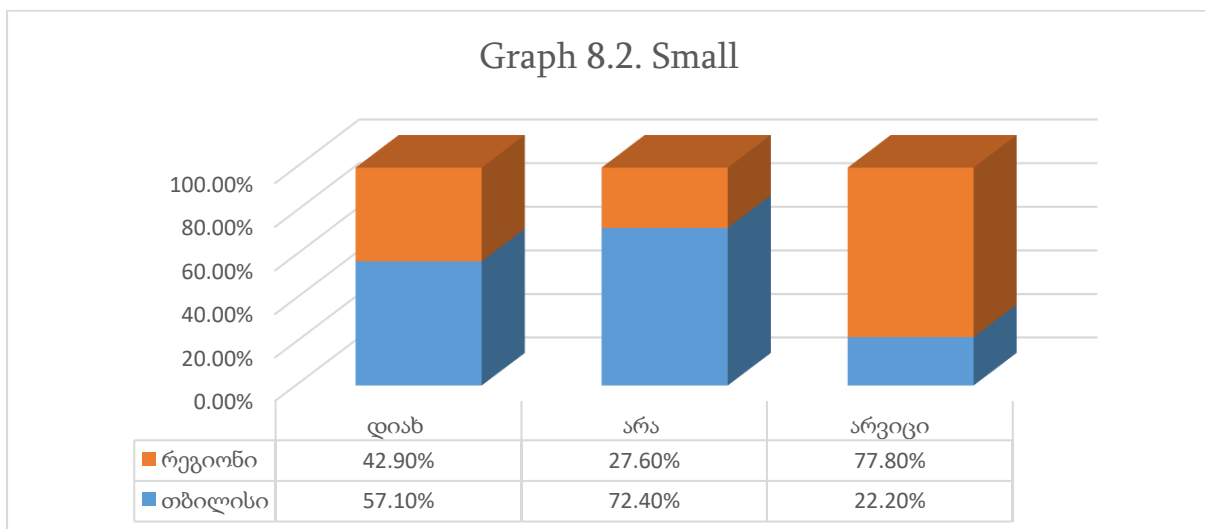
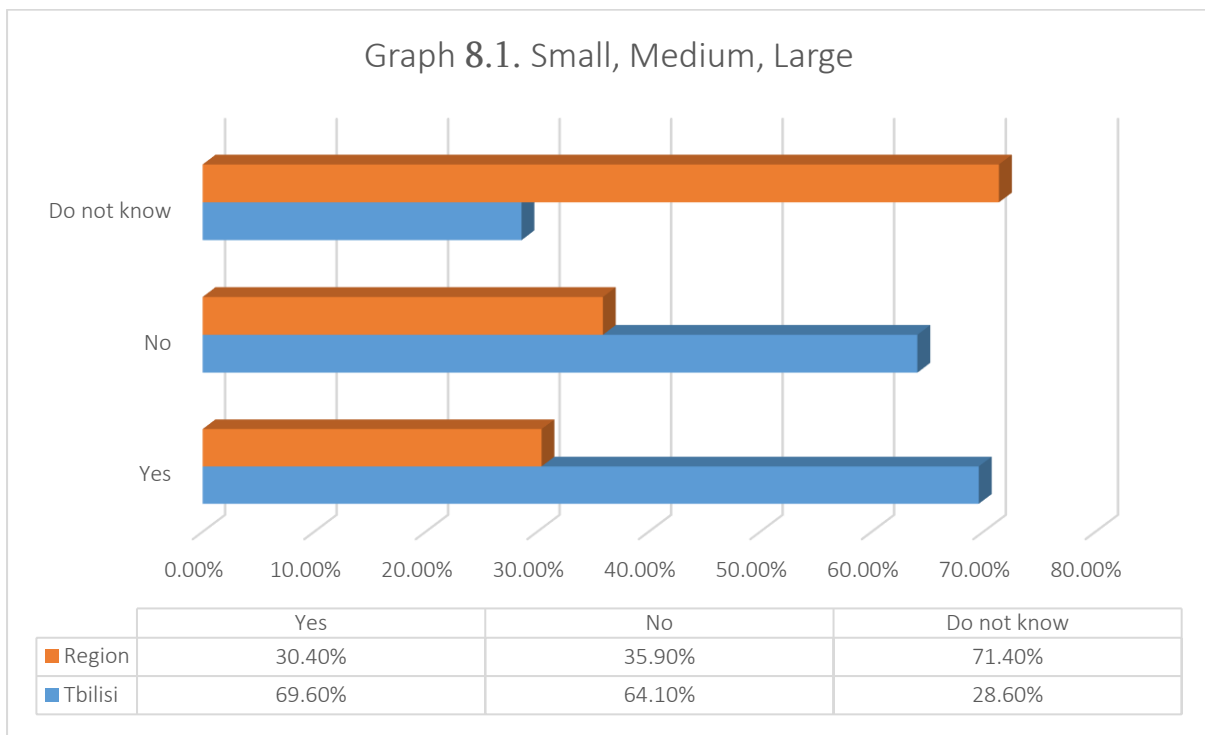
The 42,4 percent of the companies claim that they have sufficient information about those problem that may arise from non-compliance to the requirements of the organic law and relevant legal acts. The 43,9% considers that they have no information about this and 13,6% could not even respond to the question/interview.

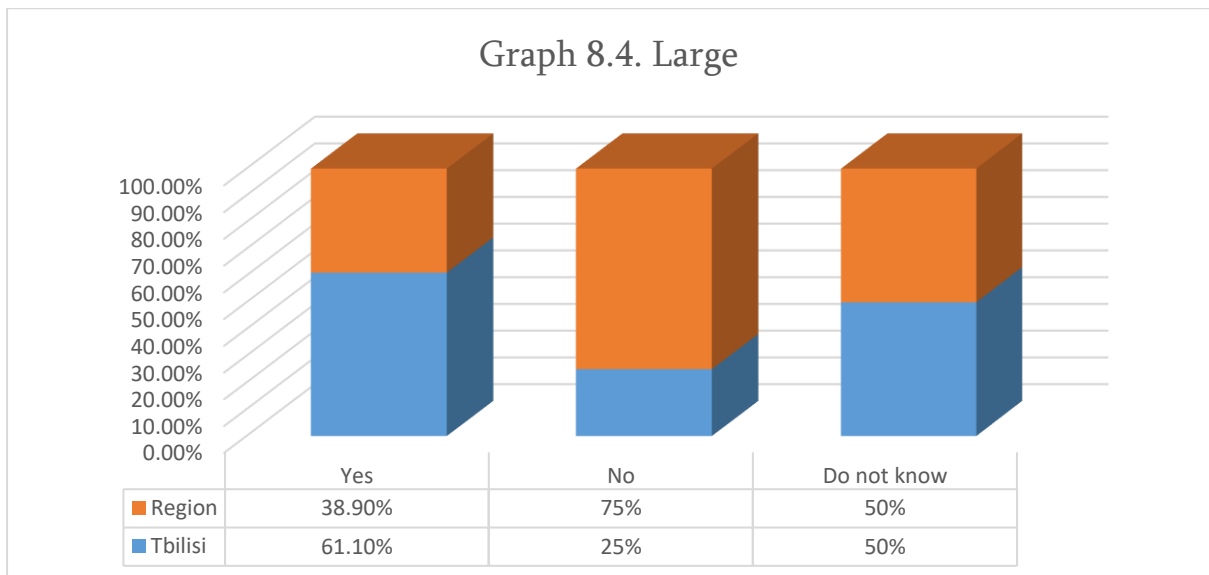
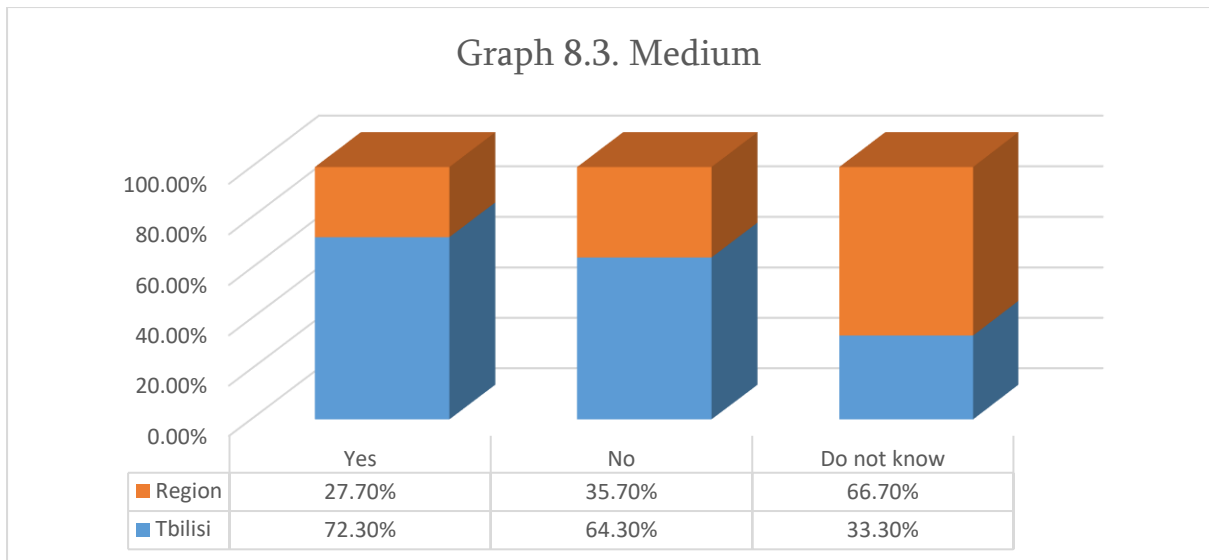
The 70% of the interviewed medium sized companies thinks they have enough information about the problems and results they may face in case of breaking the requirements of the organic law of Georgia or the related legal acts. In case of non-following, the legal norms the 28% of the companies think that do not have sufficient information and 2% could not answer the question.

The 75% of the interviewed large companies consider that they have sufficient information about the problems they can find themselves in case of breaking the requirements of the organic law or any legal norms. 16,7% think they have no relevant information and 8,3% had no answer at all.

The graph reveals clearly that after adoption of the law they were in lack of information. The response “do not know” we see this as “not too good aspect”.

**8. In regional context, information of the employers about the problems and results that your company may face in case of breaking the legal norms or organic law requirements?**

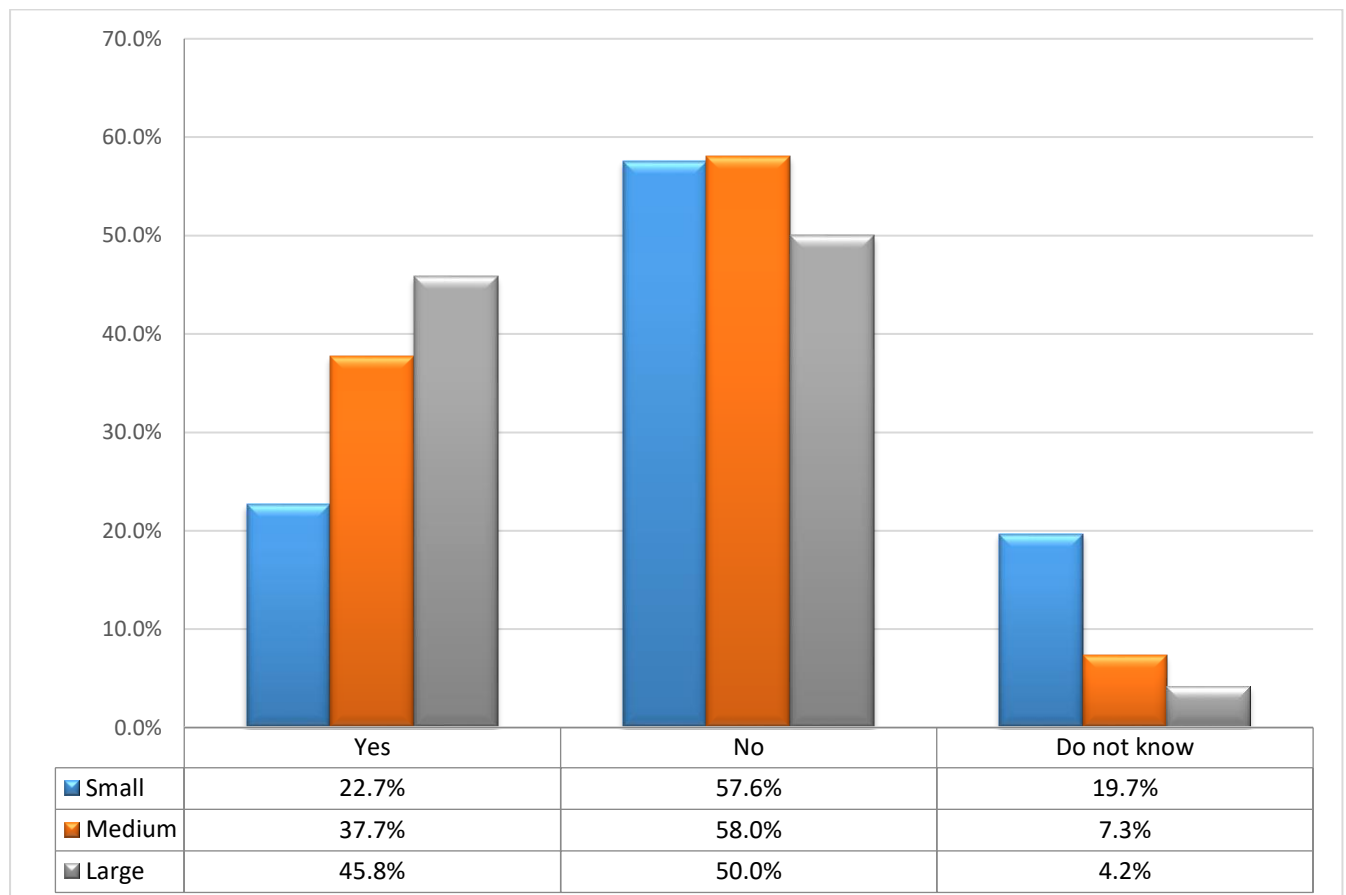




The graphs include the data about the information possesses by the Tbilisi and regional interviewed companies regarding the problems they may face in case of breaking the legal norms or requirements of the organic OSH law. The graph 8.1 shows the general picture of Tbilisi and regional small and medium sized companies awareness level. The graphs as 8.2, 8.3 and 8.4 shows up the dissemination by the sizes of companies by regions and Tbilisi.

The survey results reveal that the companies in the regions of Georgia have less information about the obligations and responsibilities in case of breaking the law or non-compliance with some legal acts. Tbilisi, in this context, is in better situation.

## 9. Do you have information about the normatives to be adopted in 2020-2022 years?



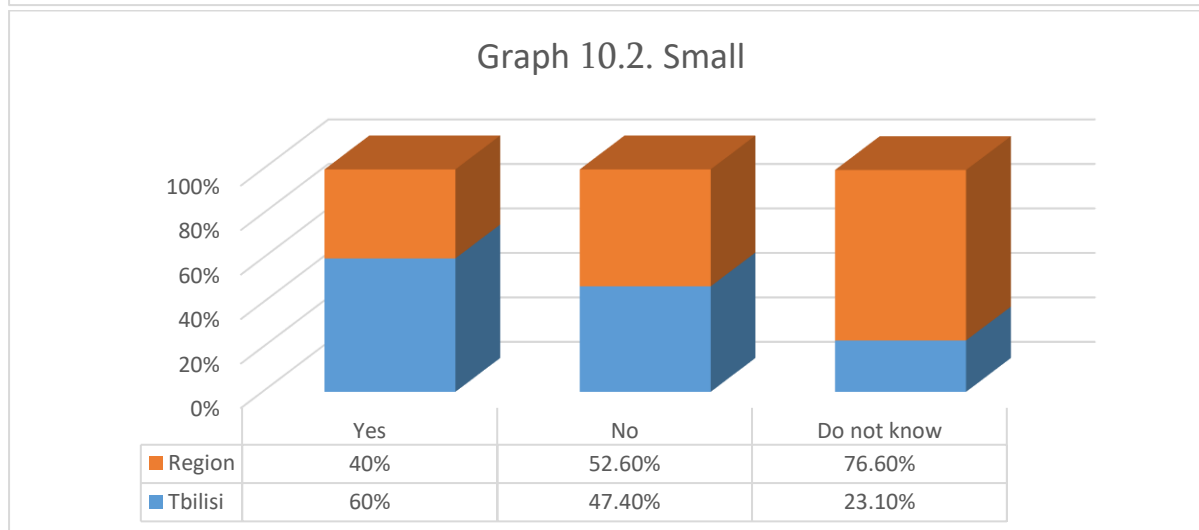
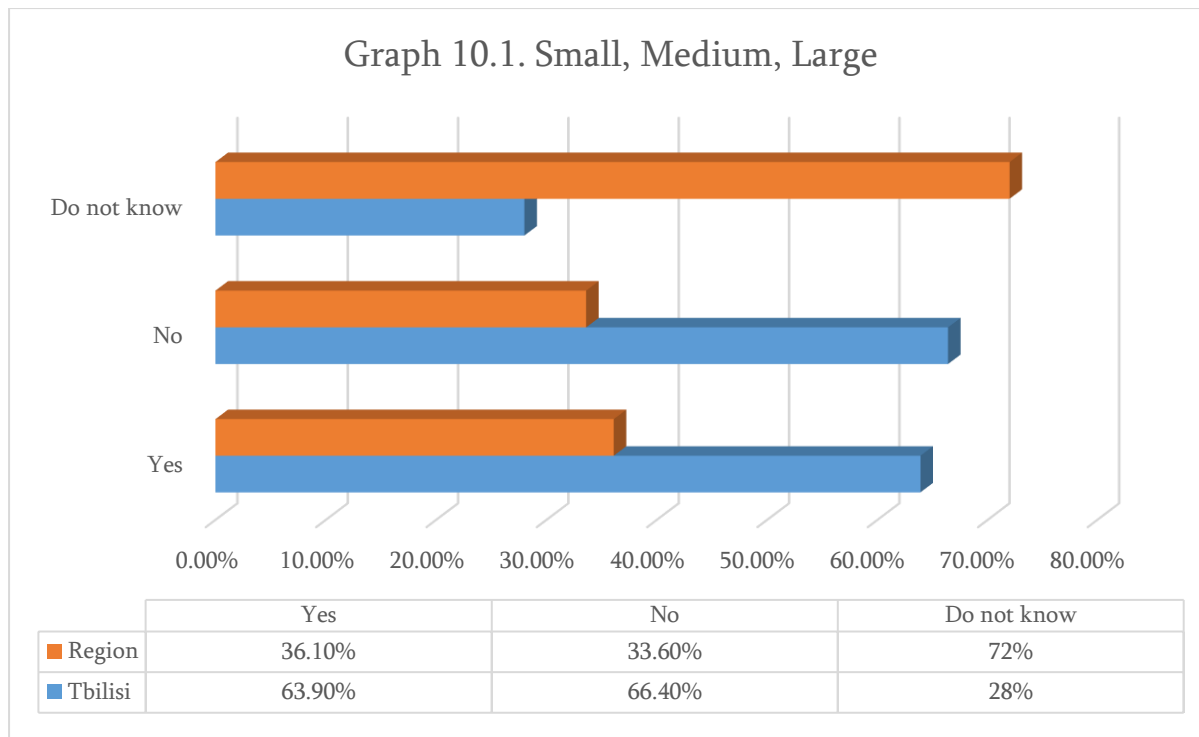
The 22,7% of the interviewed small companies think that they have information about the normative acts to be adopted during 2020-2022 years. Still, 57% have no information about the mentioned and 19.7 could not respond.

As for the medium sized companies with regard to the same question, 37.7% considers that they have the information about the adoptable normatives, the 58% thinks that they have no such kind of information and 7.3% have no answer for this.

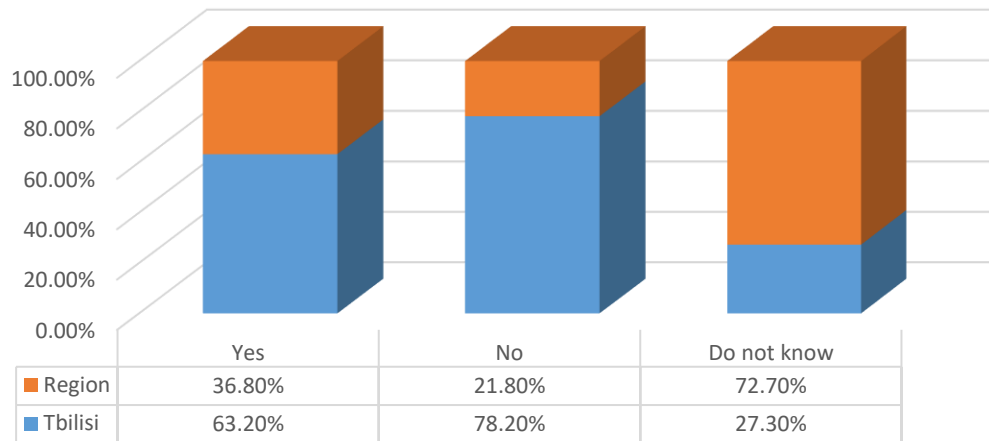
The large companies are in also in curios situation, the 45.8% believes that they know about this facts, the 50% have no information or data about the mentioned and 4.2% could not respond.

So, the conclusion is that the quite large number of companies have no idea about the normative acts to be adopted for implementation. They are in lack of information.

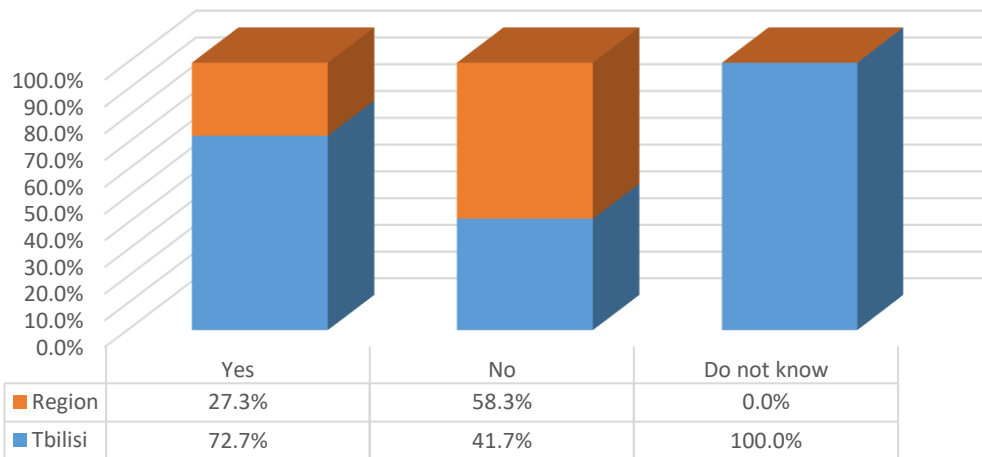
10. In regional context, do you have information about the normative to be adopted in 2020-2022 years?



Graph 10.3. Medium

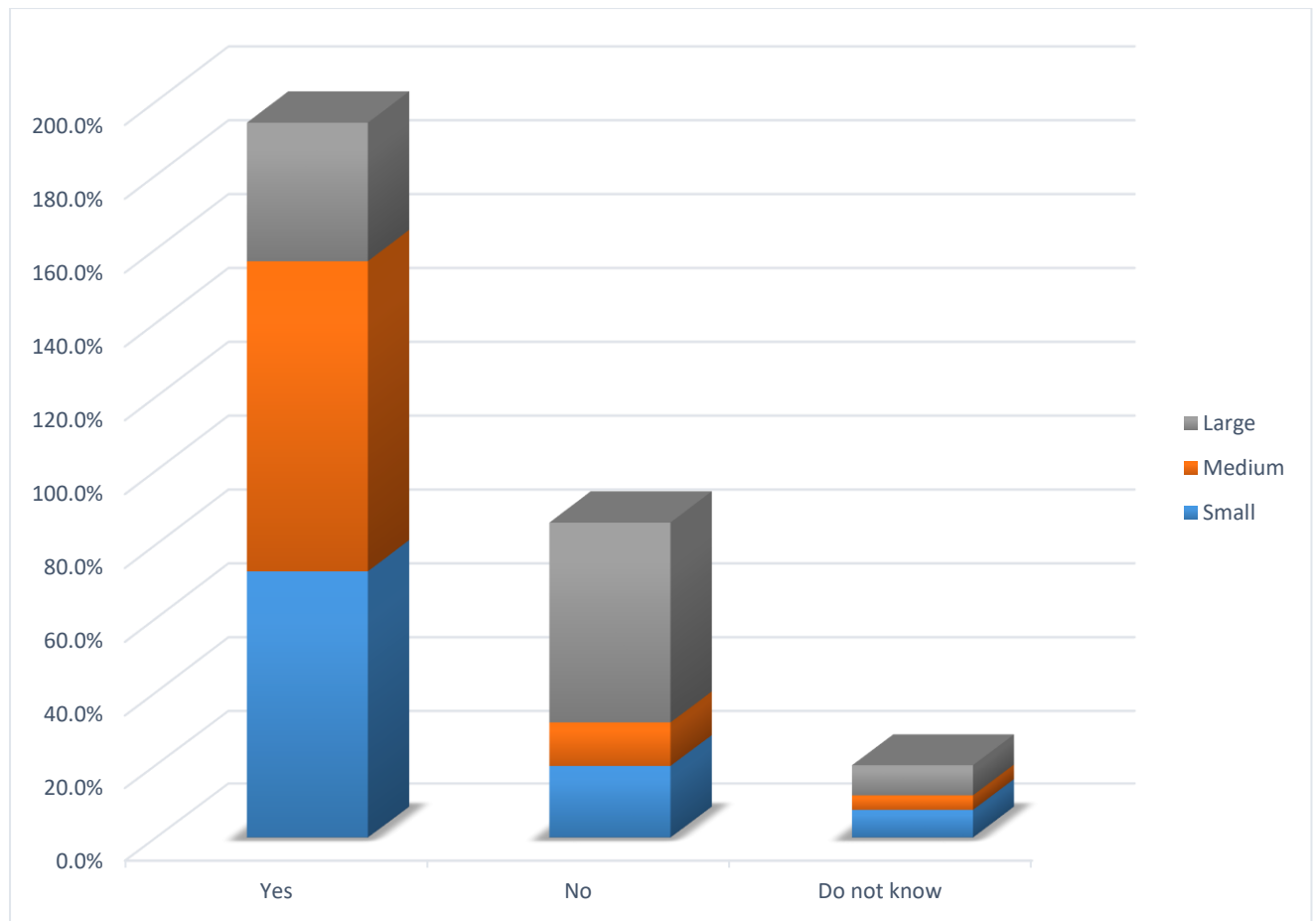


Graph 10.4. Large





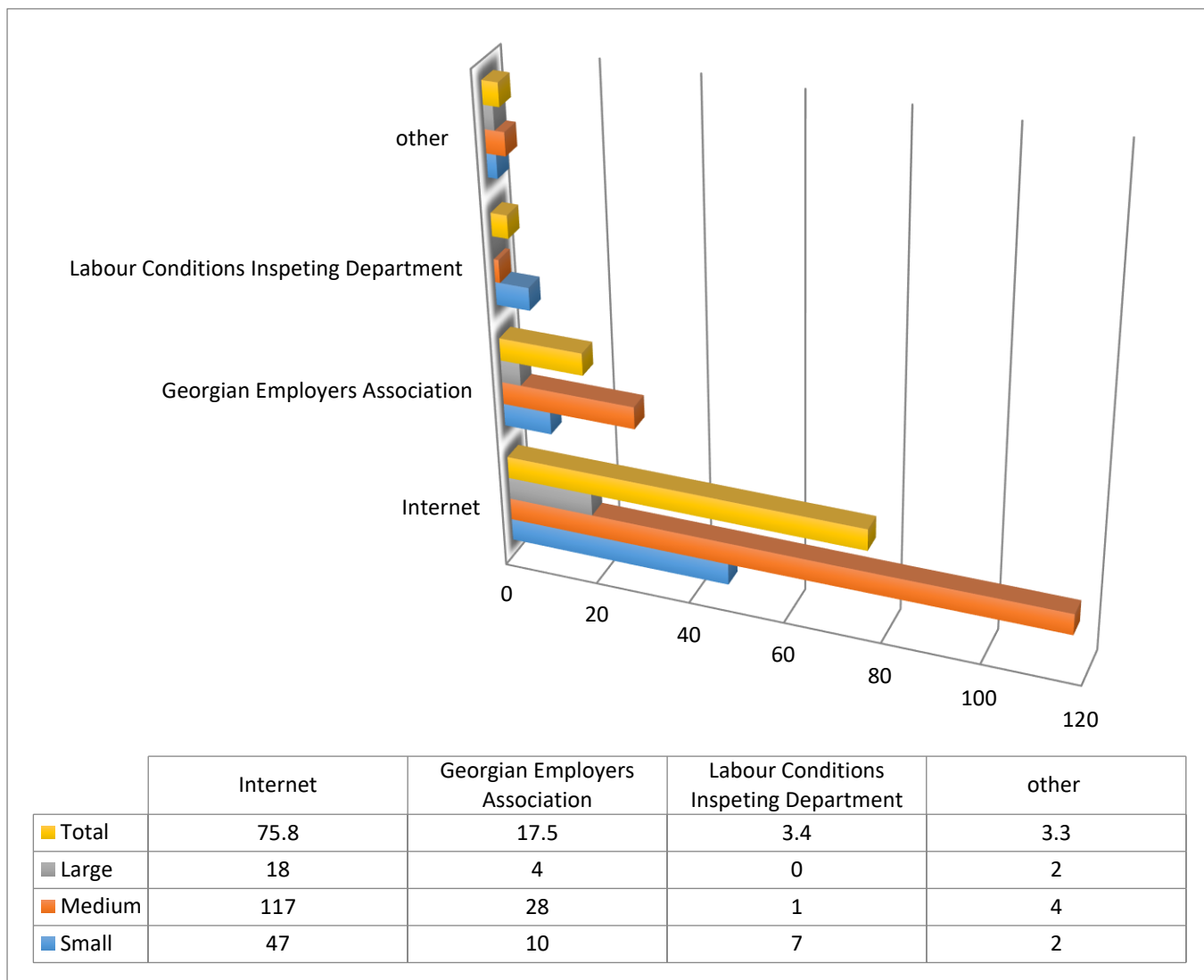
**11. Do you think that the implementation of the organic law and normative acts connected to OSH should have been step-by-step in accordance with the sphere of operation and categories?**



The 76.3% of the respondents think that implementation and application of the legal norms and the organic law had to be fulfilled step by step, in accordance with the categories and sphere of operation. The 18.3% considers that the mentioned above should not have been implemented like that and the 5.4% did not have response.

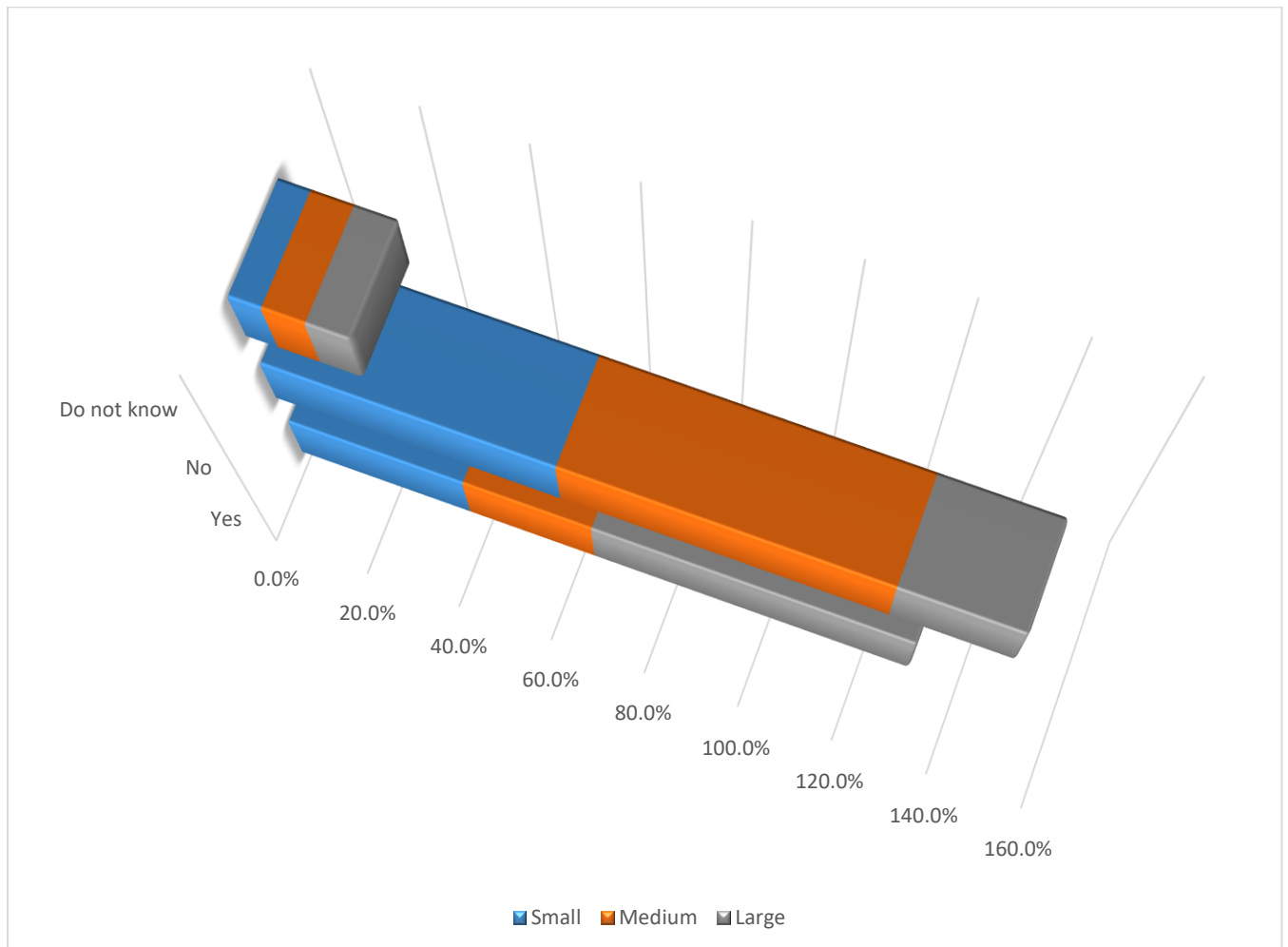
The graphs reveal that the majority of respondents think the law and legal norms implementation had to be a step-by-step action based on the categories and sphere of operations.

## 12. What are the sources of information you use for news, law requirements and potential regulation in the sphere of OSH?



The interviewed 75% of companies get the news about the occupational safety and health from internet. The 17% from the Georgian Employers Association (GEA) and 3.4% from the Labour Conditions Inspecting Department. As for the remaining 3.3%, they receive it via other resources. We can say that majority of the companies use internet as the key resource of information about legislative news, requirements and etc...via internet, actually showing the inefficiency and low level of provision of services from the state as well as business associations.

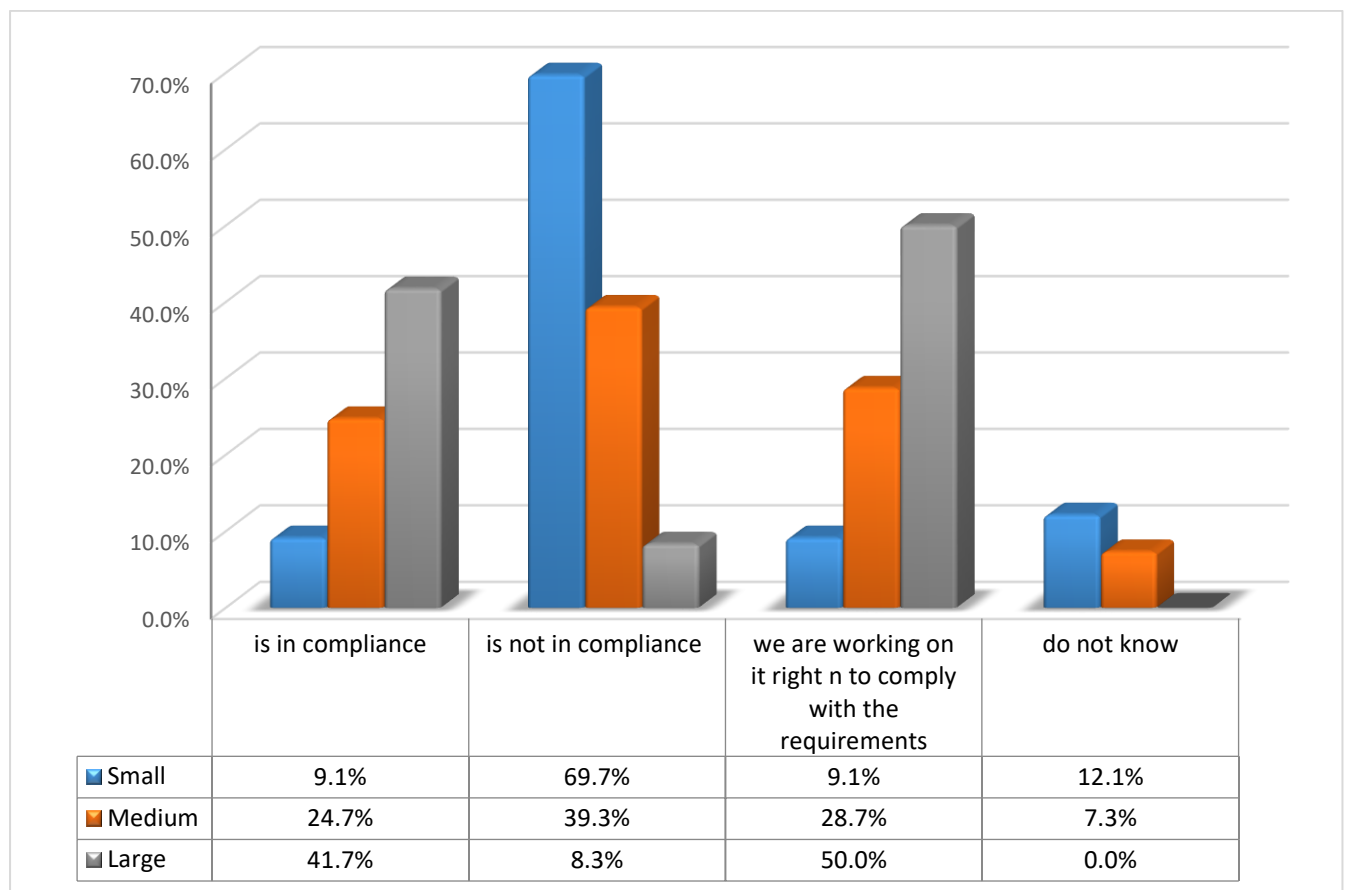
### 13. Is your company under the list of heavy, dangerous and hazardous work list?



Out of the interviewed companies 33.3% fall into the category of dangerous, heavy and hazardous list. The 59.2% does not belong to the mentioned list and 7.5% has no response to this specific question.

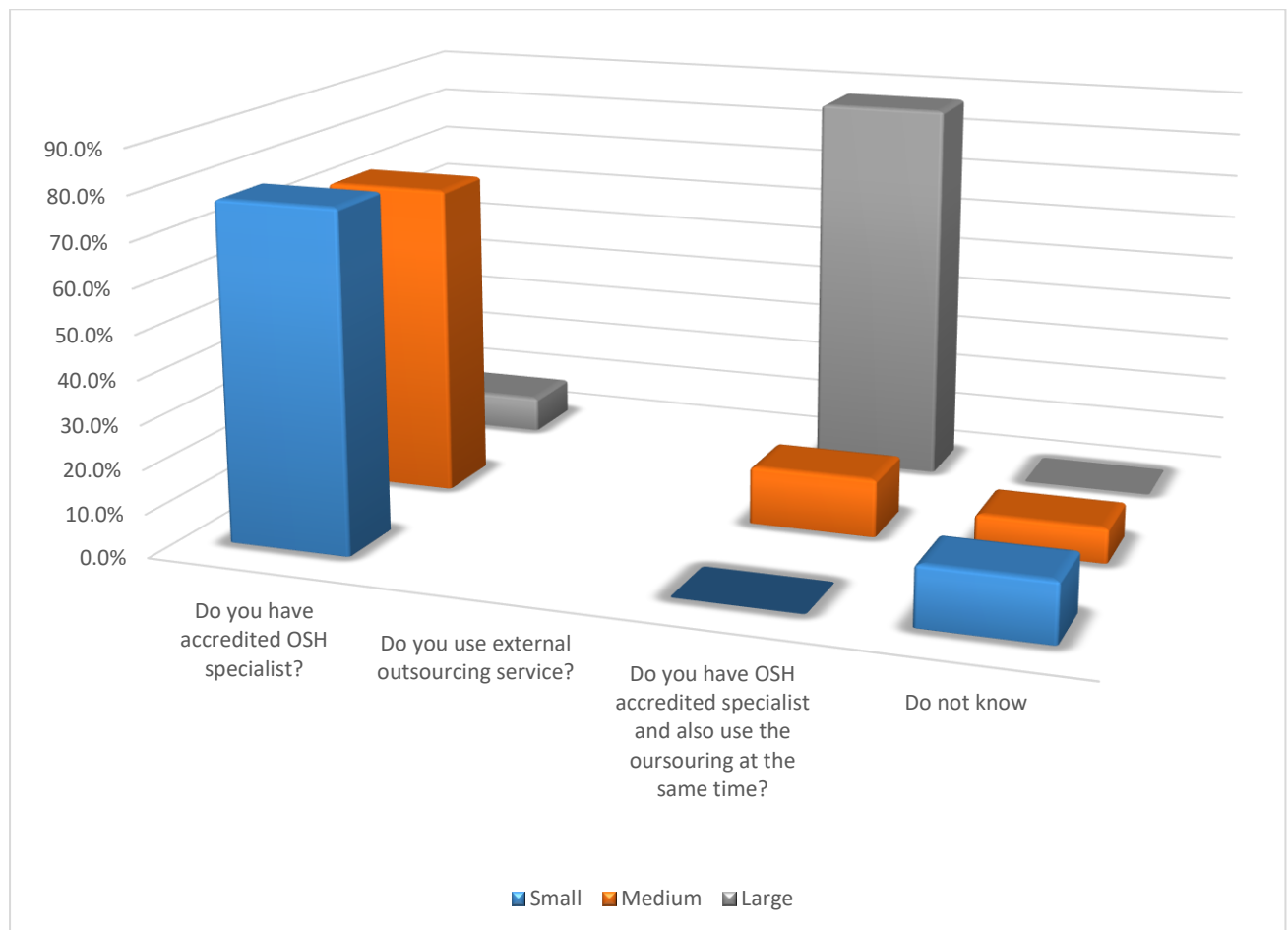
It is worth to mention that despite the requirements set by the law the whole 7.5% of the companies does not have registered its business/operation. This may be determined by low level of knowledge of the core obligatory requirements. Besides, the companies involved in the given assessment (in case of various business operations) can not match their business to the list of dangerous, heavy and hazardous list of work.

## 14. Is your organization in compliance with the requirements established by the organic law on OSH?



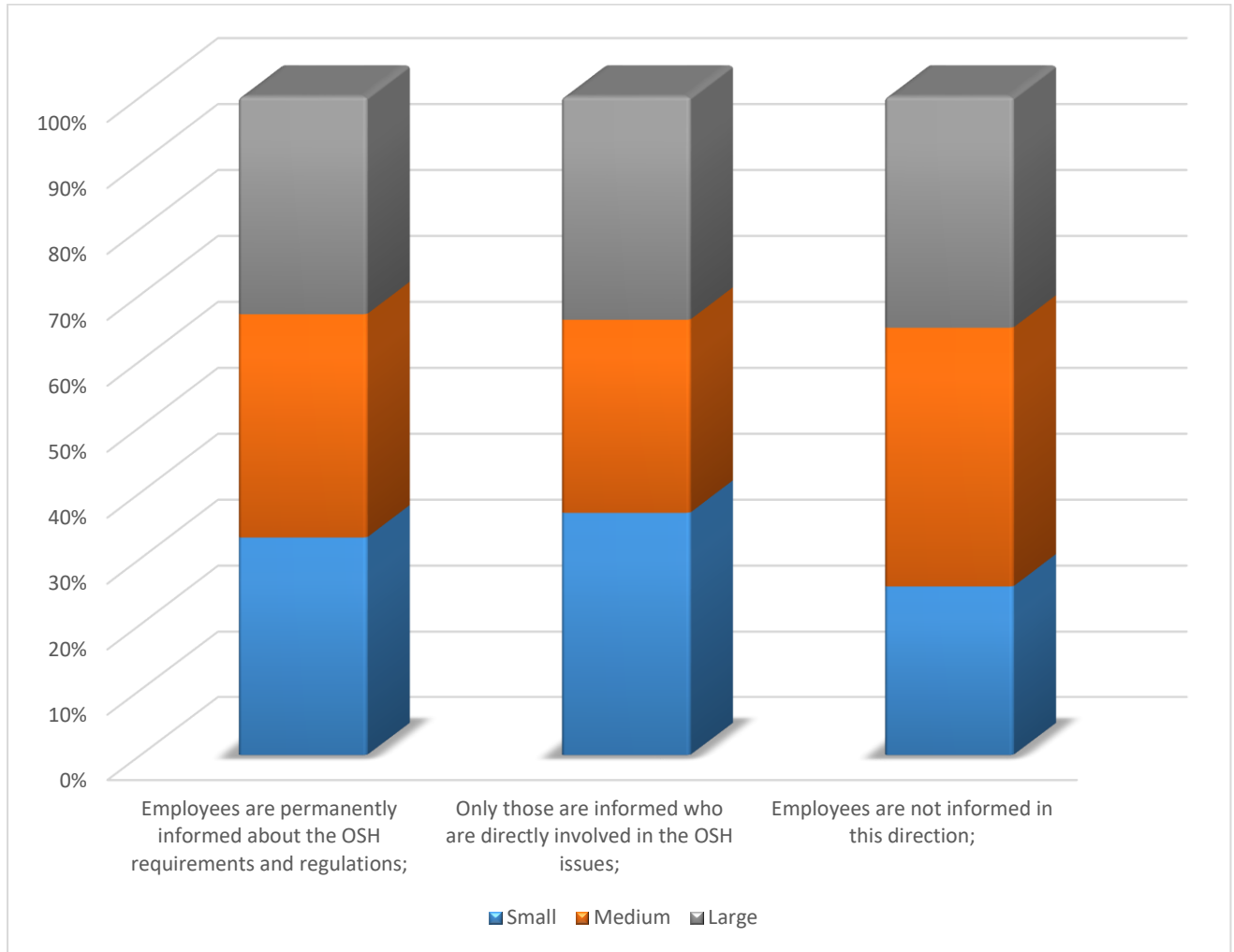
As the graph shows majority of the small and medium sized companies are not in compliance with the requirements of the law. As for the large businesses, they have better situation in this regard. Base on the data revealed, we can say that implementation of the law regulated requirements by small and medium sized companies must be connected with the lack of finances and relevant information.

**15. For the purpose of responding the requirements of the organic law on OSH and relevant legal norms:**



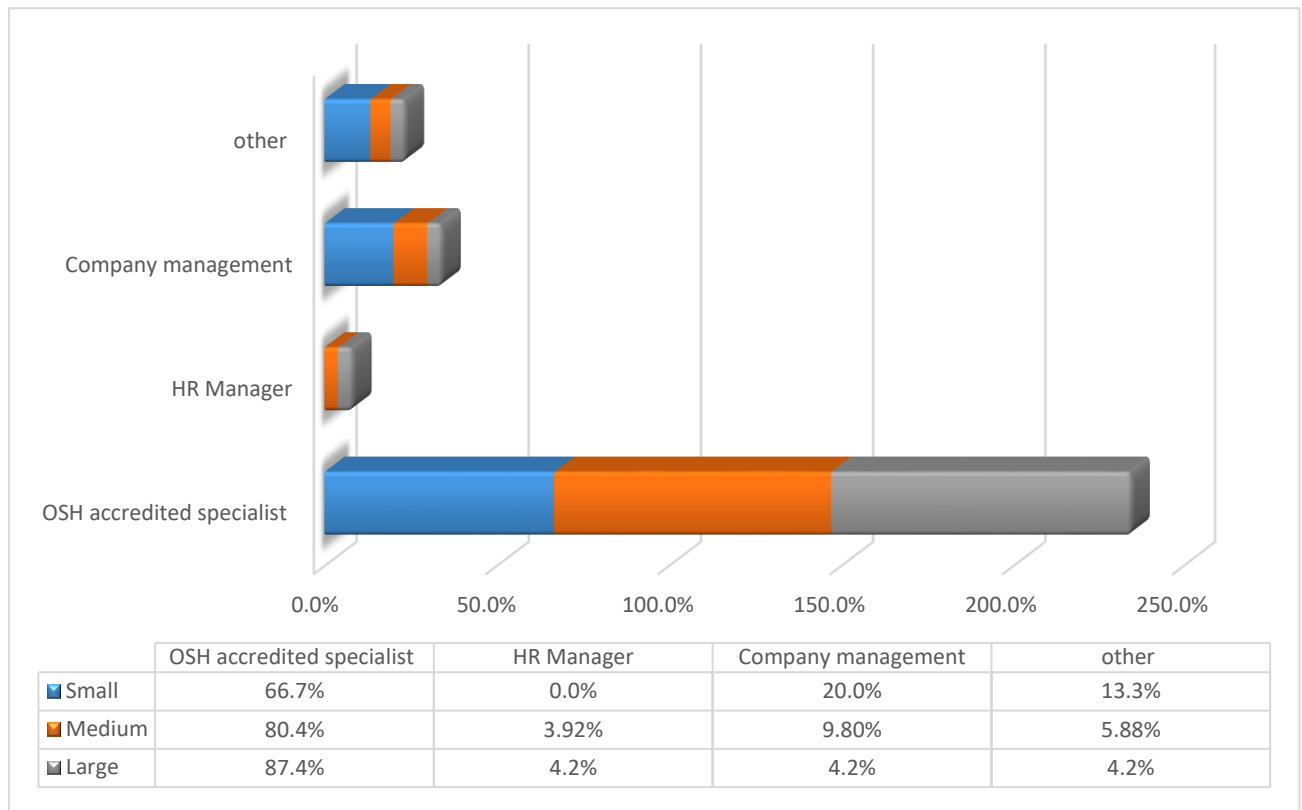
Out of the interviewed companies 66.7% have OSH accredited specialist, 7.5% use outsourcing services; 17% have accredited OSH specialist and also use the outsourcing service at the same time. As for the remaining 8.8.% - they do not have neither OSH accredited specialist nor use outsourcing services at all.

16. How often do you inform your employees about the OSH law requirements and regulations withing your organization?



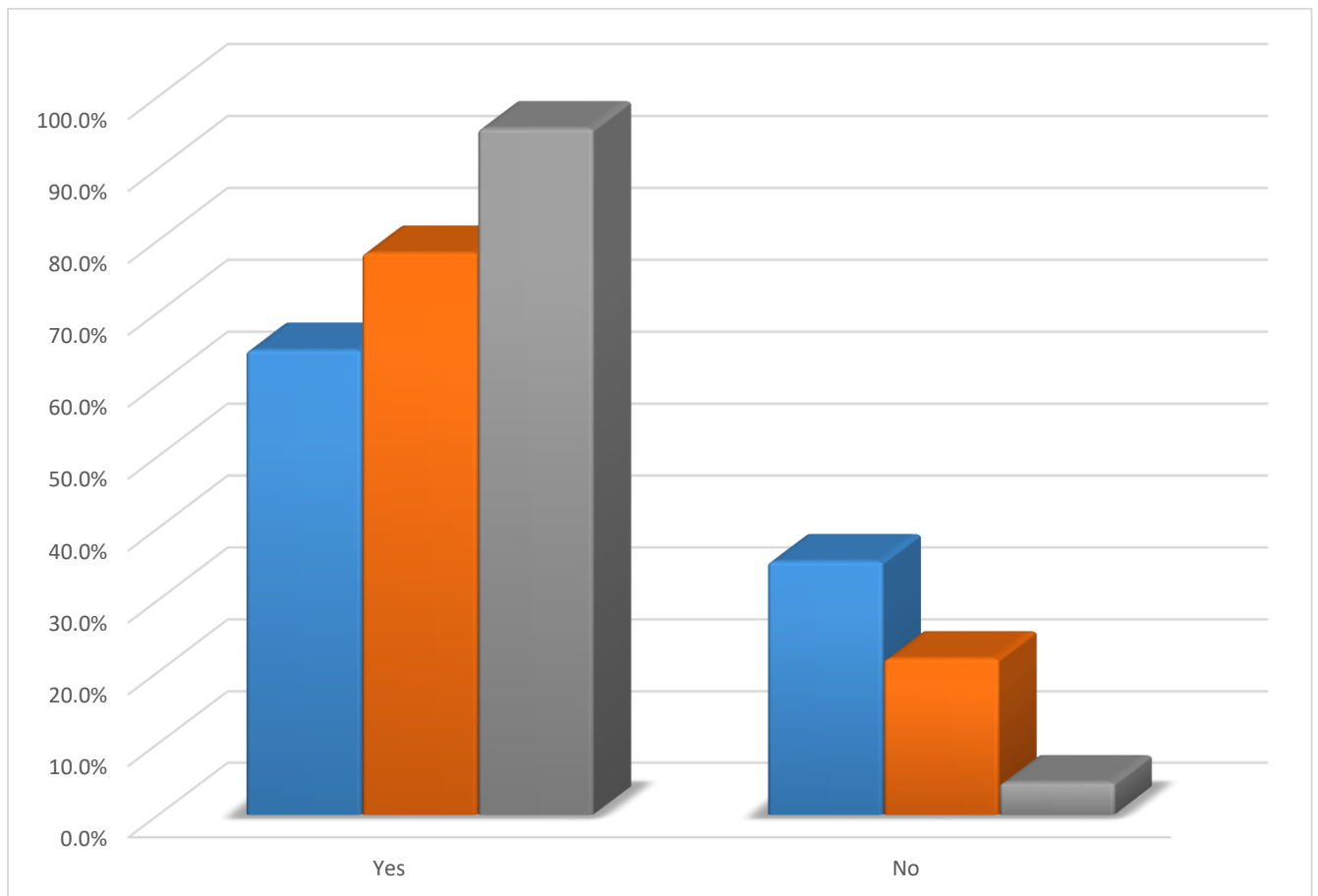
The 72.1% of the interviewed companies are permanently informed about the occupational safety and health requirements and regulations. The 19.6% ensures informing of those staff/employees who are directly involved in this specific work and 8.3% do not inform their employees in no way. Definitely, this will reveal into complications not to say anything about non-compliance with the organic law requirements.

**17. Who is informing employees about the OSH requirements and regulations at your company?**



The interviewed companies' 77.1% inform their employees via the accredited OSH specialist. The 2.9% is managed by the HR Manager and 12.1% by the company management. As for the rest – 7.9%, they do it via various means or resources.

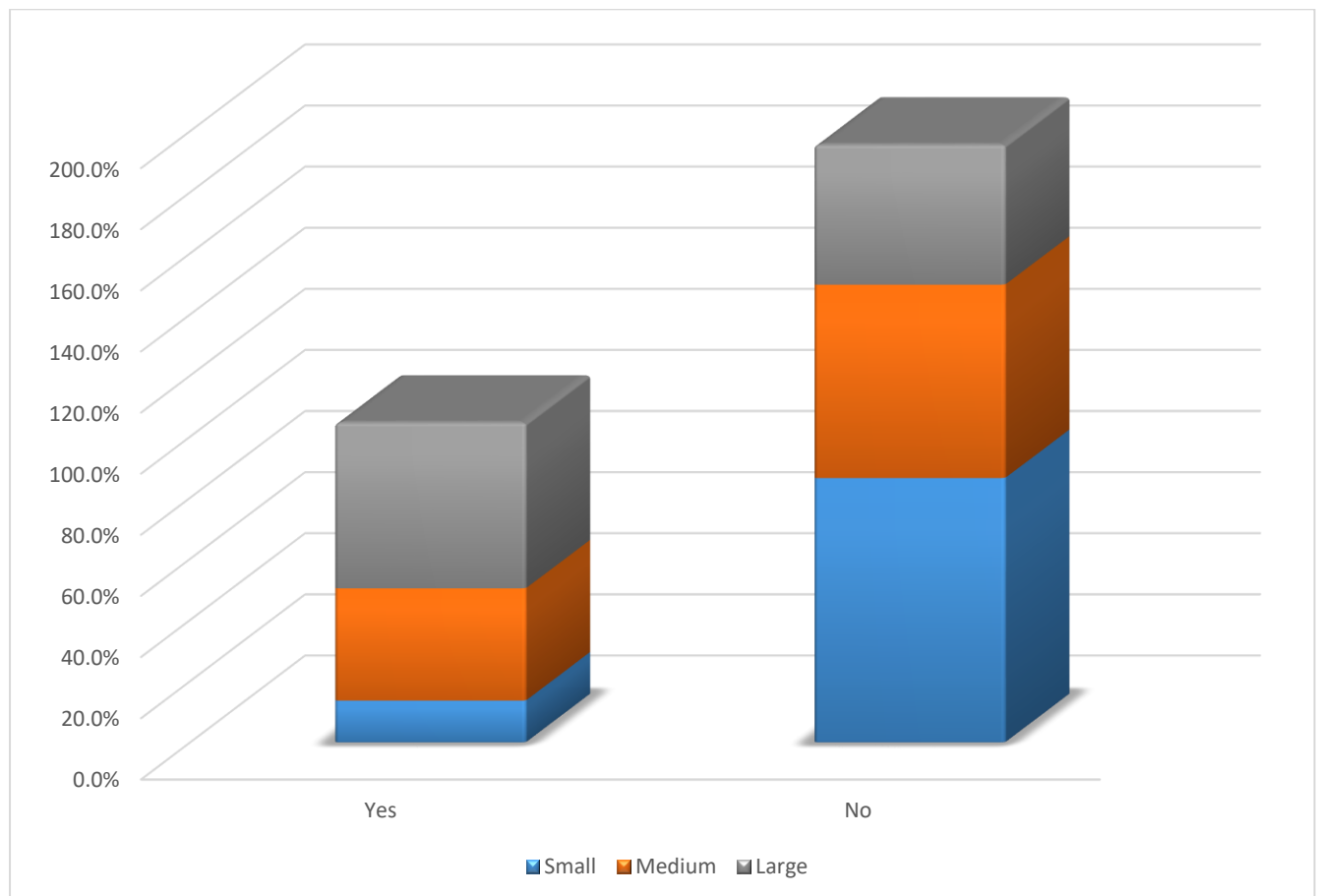
## 18. Do you conduct trainings on OSH law requirements and regulations at your company?



The response to this question were rather impressive to see that 76.25% of the companies conduct the trainings related to the occupational safety and health at their locations that is actually established by the requirements by the legislation. The 23.75% do not conduct such kind of trainings or similar activities.

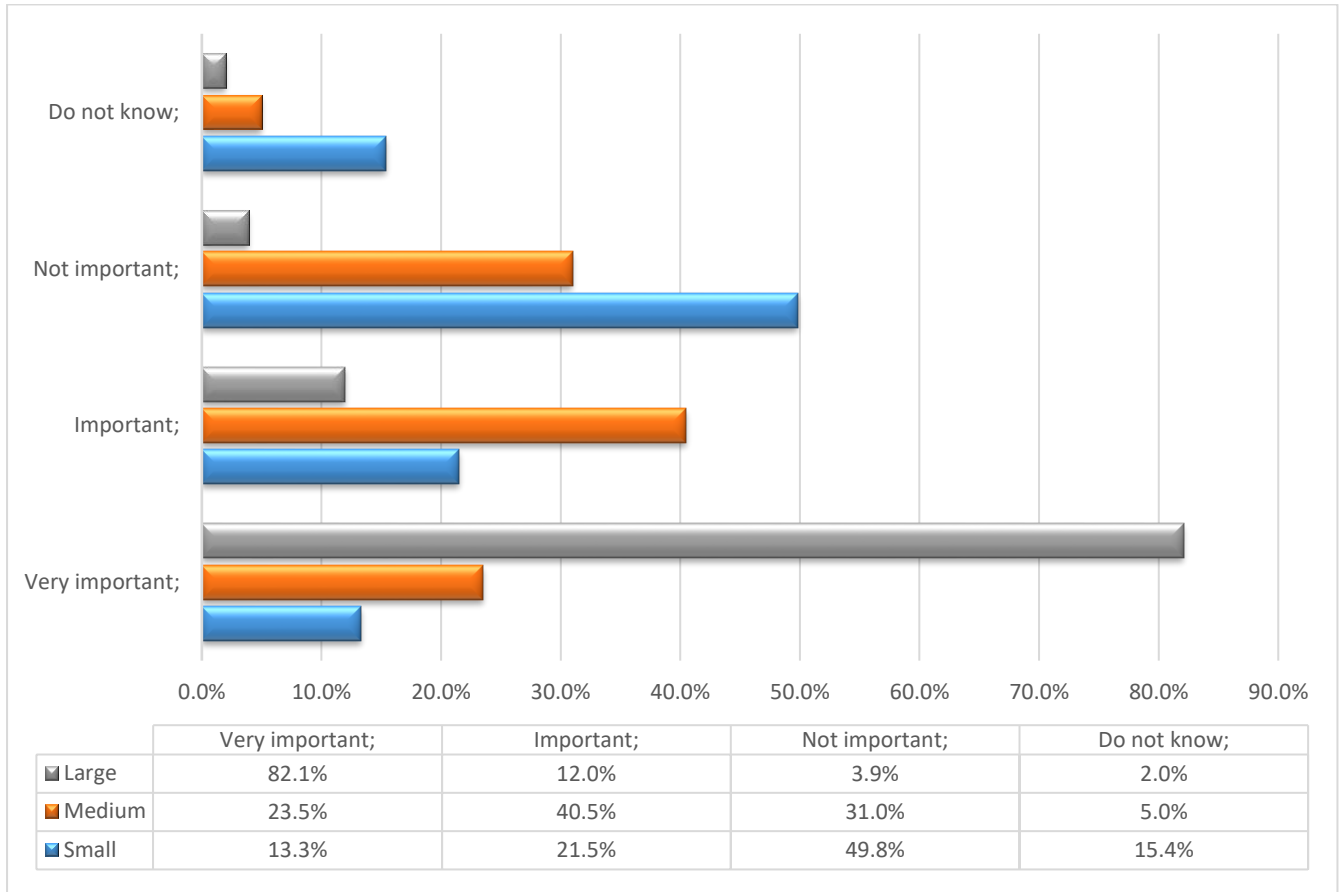


### 19.Has your organization been inspected by the labour conditions inspecting department or by other controlling organs?



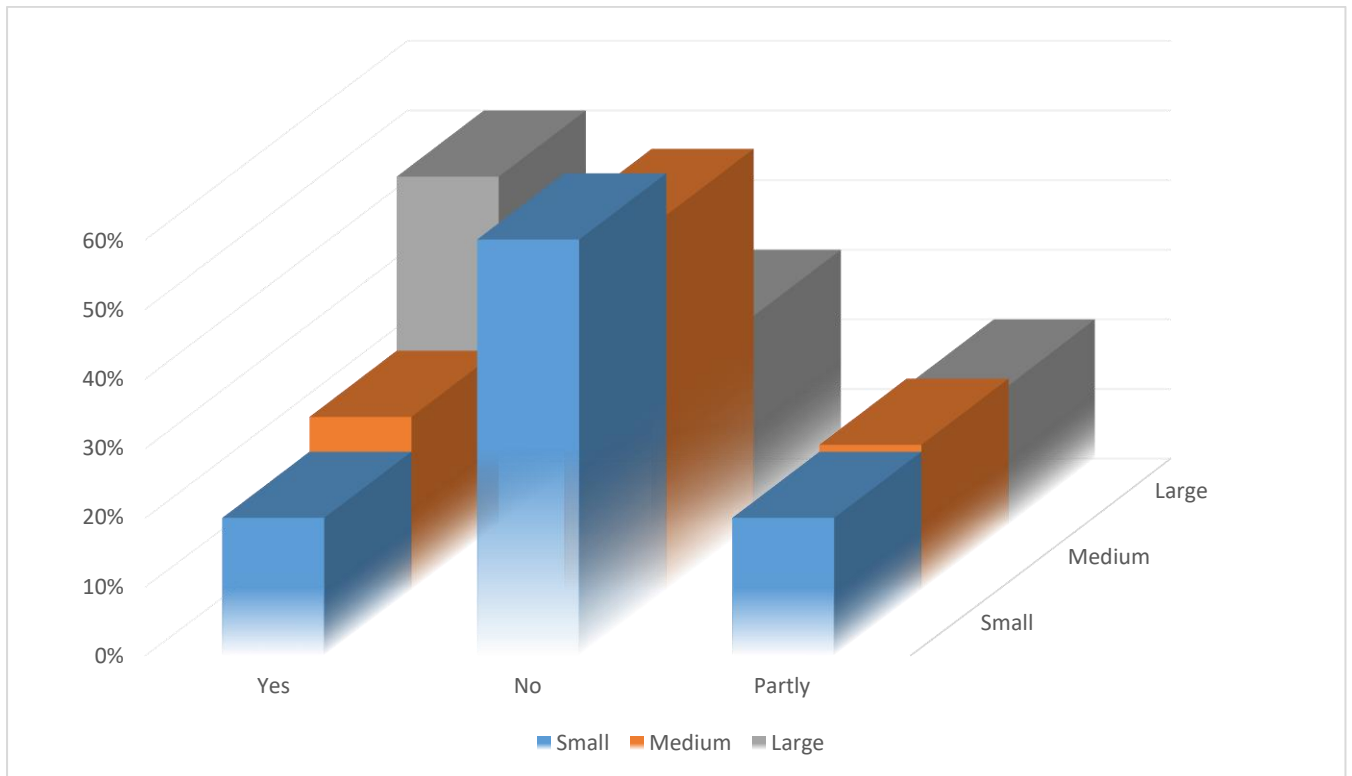
The 32.1% of the companies prove that they were inspected by the labour conditions inspecting department or by another controlling organ. The rest 32.1% say that there has never been the inspection department for inspection purposes and not a single controlling/monitoring organ visited them.

## 20. Do you think that implementation Occupational Safety and Health norms is important?



It is important to see the results of this question. The data and the finding figures prove that 26.7% of the companies consider the implementation of OSH norms as very important. The 31.7% thinks that it is important and the 33.3% considers it not as too important. The remaining percentage – 7.3% cannot respond to this question. To this viewpoint, the business unions or service providers have to think about providing the services so that the companies know more and more on the benefits of OSH, even in the context of economics.

## 21. Do you think that implementation of Occupational Safety and Health norms can bring benefits to your organization?

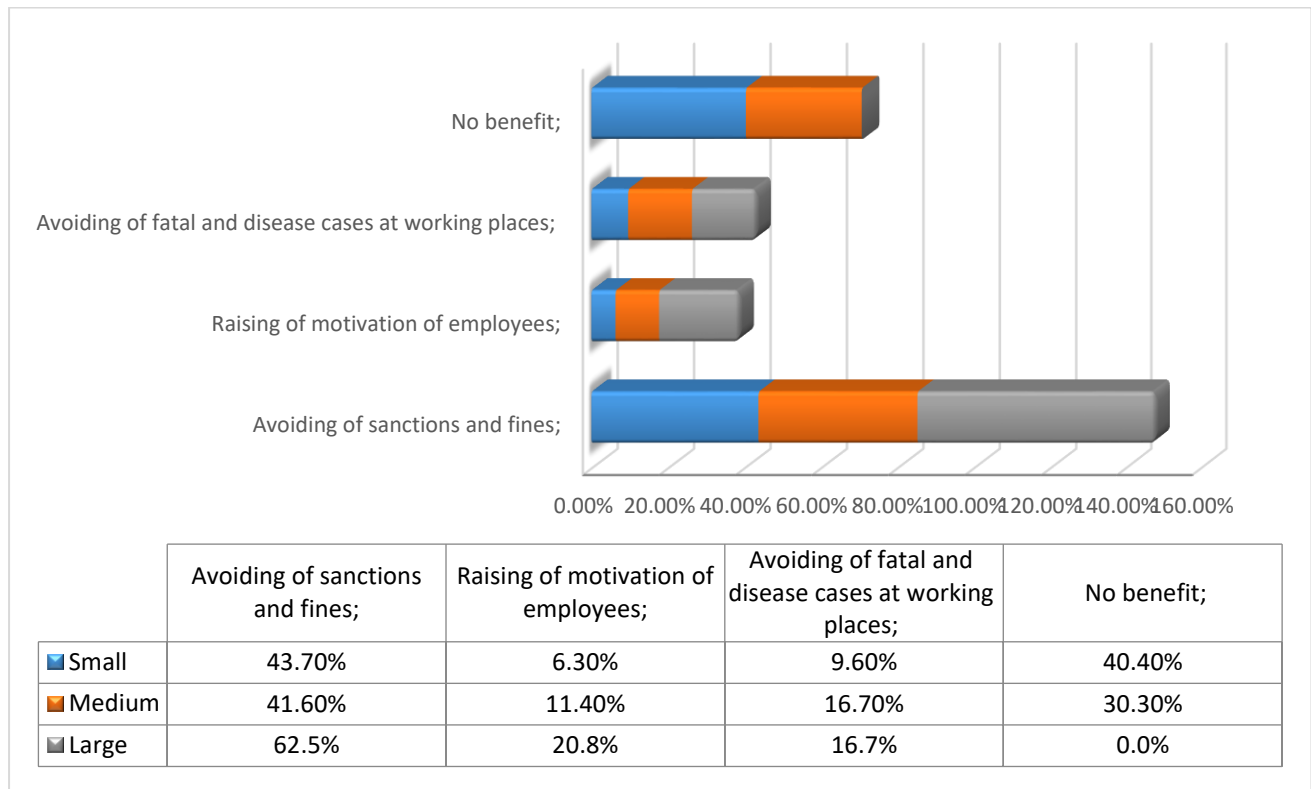


The interviewed small companies think that implementation of OSH norms can bring benefits to the companies. The 20% believe that no benefit can be brought by simply implementation of the requirements and norms of the occupational safety and health. The rest 20% consider that it can bring benefit but only partly.

Regarding the medium sized companies, the 25% think that implementation of OSH norms can bring benefits; 54% think that it brings no benefits and only 21% believes that this can be done but only partly.

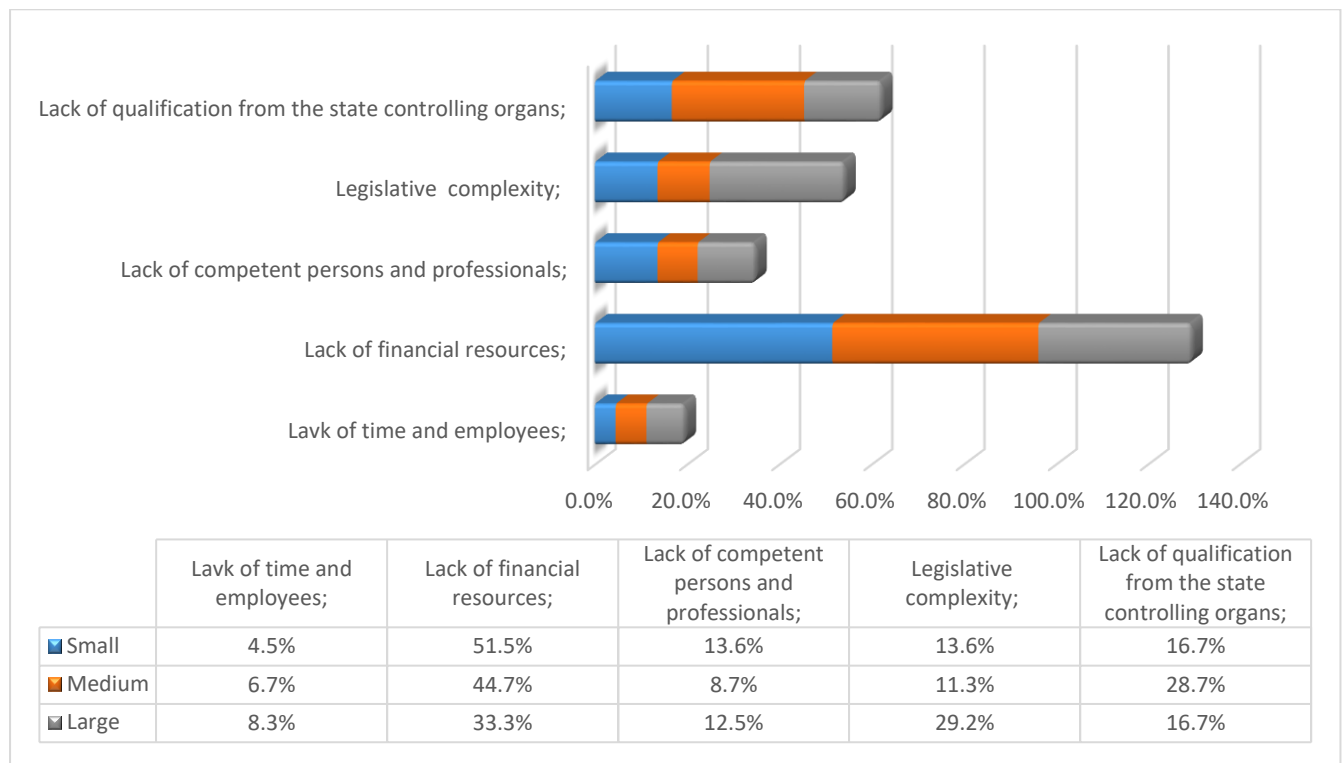
As for the large companies – the whole 50% believes that OSH norms implementation can bring real benefits, but 30% do not agree with this opinion. The 20% of the large companies think that this is real but partly.

## 22. How do you think, what kind of benefit can OSH norms implementation bring to your organization?



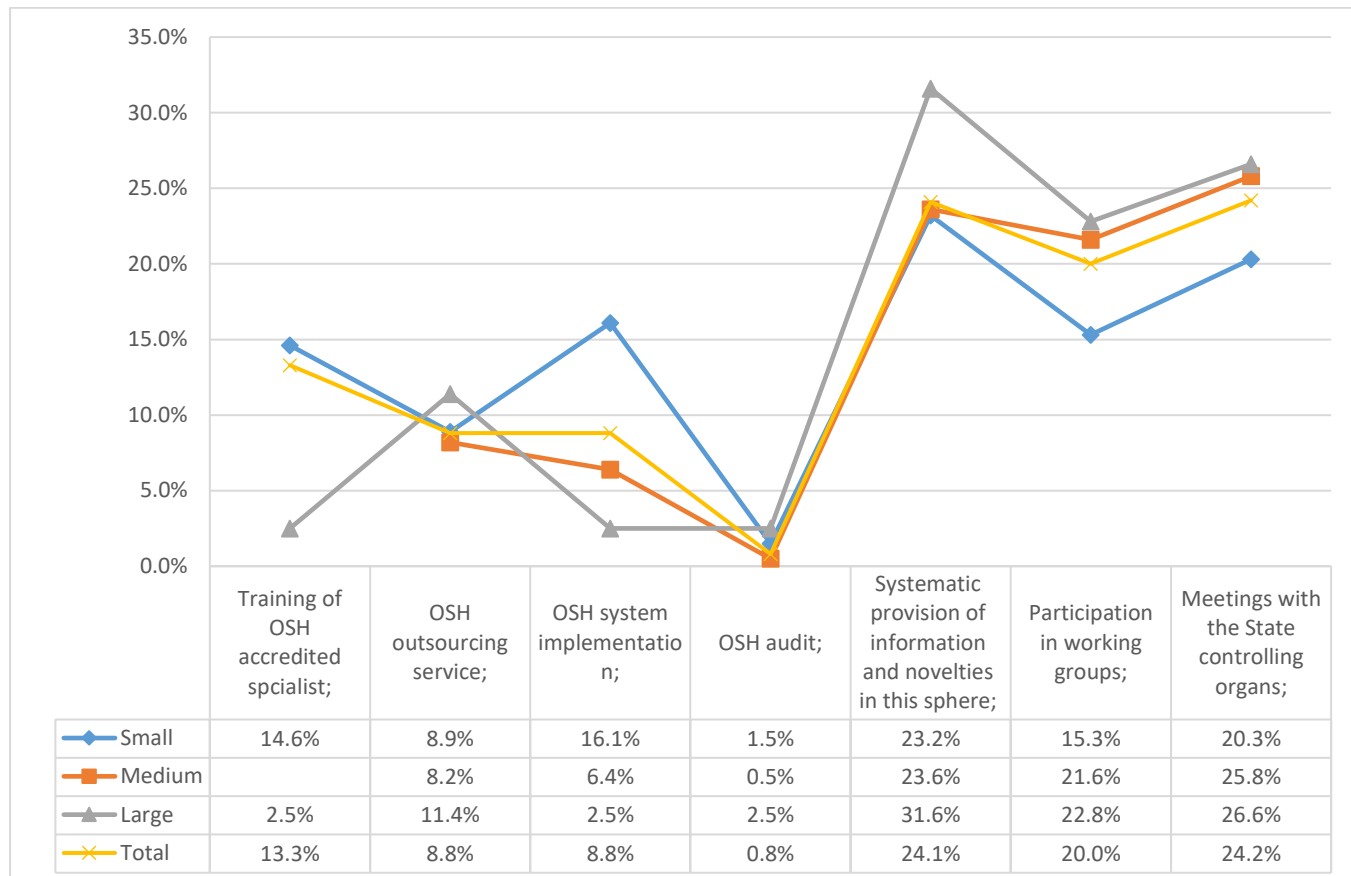
The 44.2% of the interviewed companies think that implementation of the occupational safety and health established norms can bring financial benefit, meaning avoiding the sanctions. The 11.3% thinks that it can raise the motivation of their employees and 14.6% considers that the implementation of the norms can support in managing the professional diseases and fatal accidents at working places. The 27.9% of the companies think that implementation of the OSH norms can bring no benefit.

## 23. What do you think are the conditions that can obstruct implementation of OSH norms at your organization?



The 6.2% of the surveyed companies think that the lack of time and employees can obstruct them from implementation of the occupational safety and health norms. The 45.4% think that financial resources are the reasons of hindering them from fulfillment of the norms. Some 13.8% consider the legislative complexity for responding adequately to the requirements and obligations established. The rest of 10.4% think that there are not enough competent persons in the country and etc...as for the lack of state organs and the attitude of business towards them, the 24.2% think that the lack of qualification among these organs is the main obstruction to implement the norms. Actually, when looking at this picture, we can say that there is a real problem on the market for implementation of OSH laws that affects additional aspects and reveals into various spheres.

**24. Based on the aims of your organization, what kind of services on OSH are interesting for you to wholly comply with the law and requirements?**



The needs of services from the side of companies' are as follows:

The OSH accredited specialist training – 13.3%, OSH outsourcing – 8.8%, OSH system implementation at companies – 8.8%, OSH audit – 0.8%, systematic informational provision – 24.1%, participation at working groups 20 % and meetings with the state controlling organs or structures – 24%.

# The findings of the assessment:

The findings of the assessment that is mainly targeted to understand the challenges and needs of the businesses with regard to the Occupational safety and Health (OSH), implementation of the legislation and etc...are actually the basics for developing the recommendations further on and to be found in the next chapter. And so, the core findings are:

1. The majority of the companies consider that the adoption and implementation of the organic law with all the obligations was too fast that had to have transitional periods. The enforcement of the law at all levels covering all the sectors was not effective and raised problems for businesses (proved by 76.3% of the interviewed companies).
2. A very significant signal is the source of information for the companies that is internet and social networks. This is weak capacities of the public and private sector, namely for the business associations that owe this specific mandate. Additionally, this is also connected with the insufficiency of the sources and the channels the state uses to communicate with businesses;
3. Nor-registered business operators, the way to hidden economy. As the data reveals the whole 7.5% of companies can not fix if they belong or not to the list of dangerous, heavy or hazardous works list. This specific finding needs concrete follow up and attention from the side of associations and State as well.
4. Labour conditions inspecting department – the majority of the companies prove that labour inspection never entered into their companies (or other controllers). This is directly connected with the deficit or small number of inspectors. The qualification of inspectorate is additional topic of assessment. One of the important findings is low level of awareness of OSH among the companies as they do not consider it as vital. This is connected with the rapid reforms and political decisions at some extent. The companies do implement the law and follow the rules only to avoid the sanctions and not because they understand the essence of it.
5. The core finding is still the lack of educational part dedicated to the companies and their understanding of the importance of OSH, the benefits and economic aspects and etc...

# Assessment results and ways forward:

In 2019 the Organic Law of Georgia on Occupational Health and Safety entered into force (that covers all the economic sectors) and established obligations and requirements to employers to protect the set legal norms by the legislation. The law ensures basic requirements and preventive measures that are related to occupational safety and health (OSH) at workplace, the existing and anticipated risks, prevention of accidents and occupational diseases, training, informing, and consulting of the employees, their equal engagement in the occupational health and safety protection issues.

As the law defines, employers is responsible to: Abide by the regulations and rules established by the legislation of Georgia in the area of occupational safety and health; Ensure that in the event of threat no damage is inflicted on the health and safety of the employees and other persons in the workplace; Ensure that health and safety of employees and other persons present at the workplace do not face any threat because of chemical, physical and biological factors; Register the workplace accidents (other accidents), possible professional disease, dangerous incidents and in case of request, inform employee and/or representative of employees; Ensure the registration, investigation and reporting of accidents and occupational diseases at the workplace; Regularly, according to the time frame set in the Georgian legislation; Control and document the safety condition of technical equipment; Maintenance and cleaning of the individual protection gear, control their proper use and when necessary timely replacement; Carry out in compliance with the Georgian legislation inspection, measurement and evaluation of such factors in the work environment as: Physical factors (including temperature, humidity, speed of the air movement, heat emission; and etc...also controlling the chemical and biological factors and so on. The organic law also sets the obligation to employers on ensuring the OSH specialist at companies disseminated by the number of employees: from 20 to 100 employees to have at least 1 OSH specialist and if more than 100 employees an employer has to have a specific division inside company at least 2 OSH specialists.

And so, as we see above the list of obligation is rather wide and majority of proof of burden is on employer. Still, the joint efforts and arranged environment promotes and protects the OSH norms and regulation at working places. We saw from the findings of the given assessment and analysis that regions of Georgia have more problems in many aspects of implementation of occupational safety and health legal norms and requirements of the whole legislation. They have no enough information about the current regulations not to say anything about the plans of the State to adopt



the normative acts for the years as 2020-2022. It means that private sectors do not have sufficient information about the novelties and ongoing measures. The state has to have more responsibility and must not only be in the frames of drafting the laws.

The OSH specialists do not have relevant qualification to develop the safety norms at working places even on the background that after adoption of the organic law requirement on the specialist have raised. The accredited programme developed and adopted by the State do not include the qualification development of the specialist to ensure implementation of all the legislative requirements established by the law. So, there is some disbalance between requirements and provision by legislation itself. This promotes rather non-healthy mentality among employers as based on the analysis of the survey we saw that the companies follow the rules just to avoid the fines and sanctions and not because they are eager to have perfect systems on places. This is connected with low level of OSH culture and not only. Employers do not have understanding of the benefits of the OSH systems and law itself. We see that raising awareness among the medium and high management of companies must be considered as one of the ways out. The business also claims that they have no financial resource for ensuring the compliance with the legal requirements established by the law. It seems that the Government should think about the co-funding mechanisms/programmes for small and medium sized companies/enterprises (small grants schemes can also be considered). One of the factors of the finding were the figures of inspected companies – this is related to the qualification of the personnel of relevant State organs and raising number of inspecting units in the regions.

As a basic recommendation of the analysis is still raising awareness on the legislation and forthcoming measures of the State among the business objects with the focus on small and medium sized companies; It is recommended to discuss appropriate training for OSH specialists with social partners and to develop guidelines rather than training imposed by law; strengthening of social dialogue and involvement of CSOs for joint and transparent decisions on co-funding mechanisms/programmes from the side of the State (for SMEs and regions);