

LEGAL NEWSLETTER

(January-February of 2019 year)

This newsletter refers to significant legislative amendments, which were made in months of January and February, 2019 year in various legislative and sub-legislative acts.

Organic Law of Georgia “Labor code of Georgia”

On 19th of February, 2019, several amendments were made in the organic law of Georgia “Labor code of Georgia”, in particular the 3rd and 4th paragraphs were formed as follows:

3. In the labor and pre-contractual relations, including, when the announcement on vacancy is published and on the selection stage, it`s prohibited any kind of discrimination against race, skin color, language, ethnic and social affiliation, nationality, origin, property or rank status, place of residence, age, gender, sexual orientation, disability, religious, public, political or to other unions, including, towards the trade union, belongings, marital status, political or other opinion or other class.

4. It`ll be considered as discrimination the oppression of the person in a direct or indirect way, the aim of which is or it causes to abuse person`s dignity and to create a terrifying, hostile, humiliating or offensive environment for him, or/and to create such conditions for the person, which directly or indirectly worsens his condition in relation to the persons, who are in analogous circumstances”.

Paragraph 6th was added the paragraph 7th with the following content:

“7. It`s prohibited to terminate labor agreement for the employee or/and any kinds of negative treatment towards him/her and the influence on him/her because of the fact that employee addressed to the relevant authority with a statement or claim or collaborated with them in order to protect with discrimination”.

The first paragraph of the article 5th was formed as follows:

“1. Employer is entitled to obtain the information about candidate, except for the information, which is not related to the fulfillment of the job and is not necessary to evaluate the possibility of fulfillment of the concrete work by the candidate and to make the relevant decision. Herewith, employer has no right to request from the employee the information about his religion, belief, disability, sexual orientation, ethnic affiliation, pregnancy, except for the cases, when the necessity of distinction is provided with the paragraphs 2nd and 5th of this law”.

Paragraph 8th was added the paragraph 9th with the following content:

“9. Before the labor agreement during the pre-contractual relations is concluded, employer is obliged to introduce to the candidate the provisions, determined with Georgian legislation on the principle of equal treatment towards the persons and on the means of its protection, to take measures to ensure the protection of the principle of equal treatment towards the persons on workplace, including, to reflect prohibition provisions of discrimination in the internal labor regulation, collective agreements and in other documents and to ensure their fulfillment”.

Organic law entered into the force on the day of its promulgation, on the 19th of February, 2019.

Order №42 of the Minister of Finance of Georgia

On the 14th of February, 2019, according to the order No 42 of the Minister of Finance of Georgia, it was approved the rule and conditions for automatic refund of overpaid tax to be returned by declaration, which determines the conditions of automatic refund of the value added tax for the tax payer, overpaid by him and the procedure, to be performed for this purpose. The provisions, prescribed by this rule, doesn't deprive the right to the tax payer to return the overpaid value added tax (hereinafter – VAT) in accordance with the part 8th of the article 63th of tax code of Georgia. The rule for automatic refund of overpaid tax to be returned by declaration of value added tax determines the calculation form of the overpaid value added tax, which is an electronic document and the amounts of value added taxes to be refunded, will be calculated in it.

The order entered into the force on the day of its promulgation, on the 14th of February, 2019.

Order №290 of the Minister of Finance of Georgia

On 14th of January, 2019, several amendments were made in the order No 290 of the Minister of Finance of Georgia, dated by the 26th of July, 2012 year “on approval the instruction about movement and registration of the goods on the customs territory of Georgia”, in particular: sub-paragraph “g” was added after the sub-paragraph “f” of the paragraph 4th, which refers to the list of documents to be submitted to the customs territory of Georgia for import for the purpose of placing various goods import in the commodity operation, indicated in the appendix VI of technical regulation, approved in accordance with the order No 476 of the government of Georgia, dated on the 1st of October, 2018 year “on approval of technical regulation about construction products”, as for example, the declaration of properties, issued by the manufacturer of the goods – on cement and electric cables is, certificate of inspection No 3 – on armature and Certificate of conformity assessment, technical passport or instructions – on plastic pipes and etc.

The order entered into the force on 15th of January, 2019.

Ordinance №477 of the Government of Georgia

On the 19th of February, 2019, the amendment was made into the ordinance No 477 of the Government of Georgia, dated on 27th of October, 2017 year “on approval of technical regulation about safety requirements of working at height” and the first paragraph of the article 2nd “on technical regulation – about the safety requirements of working at height”, approved by the ordinance, was formed as follows:

“1. Supervision and control on the fulfillment of requirements of technical regulation within the authority is made by the responsible authorities of state supervision on the construction activities and by the Labor conditions inspection department of Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia”

The ordinance entered into the force since its promulgation, on the 19th of February, 2019.