

## Legal Newsletter

(April-May 2019)

The present Newsletter refers to significant legislative amendments made in various legislative and sub-legislative acts in April-May, 2019.

### [N57 Decree of Georgian Government “on Rule of issuing construction permit and permit conditions”](#)

On 24<sup>th</sup> of May, 2019 Amendments were done in N57 Decree of Georgian Government dated 24<sup>th</sup> March, 2009 and the Article 994 with the following content was added:

“Article 994. Temporary measures necessary for completion of uncompleted construction within the territory of Tbilisi Municipality.

Validity of C1 Sub-paragraph of 34 Article, 31-33 Paragraphs of 40 Article, H1 Sub-paragraph of 4 Paragraph of 43 Article, 31 Sub-paragraph of 45 Article, M1 and M2 sub-paragraphs of First Paragraph of Article 47 and the Second Paragraph of Article 63 does not apply to the sites which are deemed as uncompleted construction according to the Article 35 “Primary provisions for use of settlement territories and development regulation” adopted with N59 Decree of January 15<sup>th</sup>, 2014 of Georgian Government “regarding adoption of primary provisions for use of settlement territories and development regulation – technical regulation”.

The decree was enacted upon publication.

### [N001 Order of Pension Agency Director](#)

On 27<sup>th</sup> of May, 2019, pursuant to the Order N001 of Pension Agency Director has been adopted “the rule for withdrawal from accumulative pension scheme, return of pension contribution and investment and/or other income regarding those contributions and rule of

Page 1 of 4

rejoining”. This rule (hereinafter – the rule) determines and regulates the matters for withdrawal from accumulative pension scheme, pension contributions and return of investment and/or other incomes regarding those contributions according to the Georgian Law “on Accumulative Pension Scheme” (Hereinafter the Law).

The order was enacted upon publication.

#### **N01-47/N Order of the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia**

On May 2019, amendments were made in Order N91011/N of September 12<sup>th</sup>, 2017 of the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia “on adoption of rule for order and method of registration of accidents and occupational diseases, reporting procedures and accounting within the working space”, in particular the Paragraph “d” of Article 4 was formulated with the following edition:

“d) to notify about accident within 24 hours upon accident within the working space:

d.a. the union of relevant employees (if any) and representative of employees in labor safety matters, if any;

d.b. law enforcing bodies during accident within the working space and in case if circumstances related with accident indicate to crime;

d.c. supervisory body – during average, sever, fatal and mass accidents according to Accident Notification Act (Annex N1.3) within working space by the employer.”

In addition, Form of Accident Notification Act within Working Space by the Employer has been adopted and annexed to the order.

The order was enacted upon publication

#### **N01-42/N Order of the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia**

On 20<sup>th</sup> of May, 2019 amendments were done in the Order N87/N of February 20<sup>th</sup>, 2009 of the Minister of Labor, Health and Social Affairs of Georgia “on adoption of rule for designation

and issue of allowance due to the temporary disability”, in particular: 1<sup>7</sup> and 8<sup>5</sup> paragraphs of Article 6 of the Order were removed while the Sub-paragraph “b” of Paragraph 7 was formulated with the following edition:

“b) Overtime compensation and premiums (except for cases provided with 1<sup>1</sup>, 1<sup>3</sup>, 1<sup>4</sup>, 1<sup>5</sup> and 1<sup>6</sup> paragraphs of this Article)“

Whereas, 9<sup>1</sup> Paragraph has been formulated with the following edition:

“9<sup>1</sup>. In cases provided with 8<sup>1</sup> and 8<sup>3</sup> of this Article, calculation of daily monetary compensation and yearly service premium is done through division of monthly labor compensation (monetary compensations and yearly service premium) to the number of disability month’s (individually per month) calendar days”.

The order was enacted upon publication

#### Organic Law of Georgia “Labor Code of Georgia”

On 3<sup>rd</sup> of May, 2019 amendments were made in Organic Law of Georgia “Labor Code of Georgia”, in particular, Article 4 has been formulated with the following edition:

“4. The discrimination (including, sexual harassment) is direct or indirect harassment of person that aims or causes humiliation of person’s dignity and creation of deterrent, hostile, demeaning, insulting or humiliating environment, and/or creation of such environment for person that directly or indirectly worsens his/her condition relatively with other persons with the same conditions.”

b) Paragraph 4 has been supplemented with 4<sup>1</sup> Paragraph with the following content:

“4<sup>1</sup>. Sexual Harassment is non-desirous sexual behavior towards the person that aims and/or causes humiliation of persons’ dignity and creates deterrent, hostile, demeaning, insulting or humiliating environment.”

Article 13 has been supplemented with 3<sup>1</sup> Paragraph with the following content:

“3<sup>1</sup>. The employer is obliged to take measures for ensuring protection of equal treating principles towards employees of his organization, including, regulations prohibiting

discrimination to represent in internal regulations or other documents of organization and ensure its fulfillment”.

The law was enacted upon publication

#### N255 Decree of Georgian Government

On 31<sup>st</sup> of May, 2019, According to the Sub-paragraph “c” of the First Part of Article 142 of Planning of Georgian Territory, Architectural and Construction Activity Code, “rule and conditions of issuing construction permit and exploitation of building” has been adopted. This rule specifies the requirements of Georgian Territories Planning, Architectural and Construction Activity Code (hereinafter the Code) and its should be explained and used pursuant to these requirements. In particular, this rule determines:

- a. classes of building and types of construction which subjects to construction permit or construction notification, except for V class buildings;
- b. content of permit documents, rule and conditions for holding pre-project inspection for creation of mentioned documents;
- c. permit conditions, their fulfillment process;
- d. rule and conditions for admitting as useful for exploitation of building.

The decree has been enacted since June 3<sup>rd</sup>, 2019.