



Georgian Legal News

Refer to the Law

Order No.996 of the Minister of Finance of Georgia "On Administration of Taxes" dated 31 December 2010

Article 61 was added to the order: Category of Taxpayers, according to which a taxpayer is categorized based on their size. The category of a taxpayer is determined based on whichever is greater of the two following indicators over the previous 12 calendar months:

- a) The sum of taxes accrued on the basis of a person's tax declarations;
- b) The sum of taxes calculated for reduction on the basis of a person's tax declarations.

Pursuant to the amendments, the categories may be:

- a) Small – person whose accrued or reduced taxes total less than 100,000 Georgian Lari;
- b) Medium – person whose accrued or reduced taxes total between 100,000 Georgian Lari and 2,000,000 Georgian Lari;
- c) Large – person whose accrued or reduced taxes totals 2,000,000 Georgian Lari or more.

Order N 42 of the Minister of Finance of Georgia

The foregoing order approved "The rules and conditions for the automatic return of overpaid sums to be returned on the basis of a VAT declaration", which came into force on 15 January 2019 and determines the conditions for the automatic return of overpaid VAT to a taxpayer, and establishes necessary procedures to be carried out in this regard.

Labour Code of Georgia

Amendments to the Labour Code of Georgia came into effect as of 25 February 2019, aimed at protecting employee labour rights at their workplaces, and prohibiting of discrimination during both pre- and post-contractual labour relations. According to the amendments:

- Article 2(3) was formulated as follows:

Discrimination of any kind is prohibited in pre- and post-contractual labour relations, amongst others, when publishing a vacancy listing and during the recruitment process, all types of discrimination. This includes discrimination on the grounds of race, skin colour, ethnicity, social status, nationality, origin, economic position and rank, place of residence, age, gender, sexual orientation, disability, religious, public, political or other affiliation, including, trade unions, belonging, marital status, political or other opinion or any other grounds.

- Paragraph 7 was added to Article 2, according to which:

It is prohibited to terminate a labour agreement with an employee and/or engage in any type of negative treatment of and exert influence on an employee because the employee has submitted an application or complaint to a relevant body or co-operated therewith to protect themselves from discrimination.

- Article 5(1) was formulated as follows:

An employer has the right to obtain information about a candidate, with the exception of information that is not related to the performance of work and not necessary to assess the ability of the candidate to perform specific work and inform a decision. Furthermore, an employer is not entitled to request information from a candidate about their religion, beliefs, disability, sexual orientation, ethnicity, pregnancy, apart from in cases where this distinction needs to be made, in accordance with the Law.

The Parliament is considering other amendments to the Labour Code of Georgia, pursuant to which:

- Article 5(8) may be formulated as follows:

The employer is not obliged to substantiate their decision to reject candidates, apart from in cases where discrimination is suspected. If discrimination is suspected, upon the candidate's written request, the employer is obliged to provide a substantiation of the rejection within a reasonable timeframe and explain the reasons why the selected candidate was given priority.

- Article 6(1¹) may be formulated as follows:

A labour agreement is concluded in writing if labour relations exceed 2 months.

- Article 11¹ may be added, titled Supporting the Professional Development of an Employee, according to which

1. An employer supports the training of employees to raise their qualifications.
2. Discrimination when deciding on the participation of an employee in training or another type of course to improve qualifications is prohibited.
3. If discrimination is suspected, upon an employee's written request, an employer is obliged to provide a substantiation of their decision within 10 working days, which must contain information on the education level, qualifications, performance skills and other information about the selected employee, explaining why this employee was given priority.
4. The participation of an employee in training or another type of course to improve qualifications is considered working time and shall be remunerated.

- Article 17(4) may be formulated as follows:

Overtime shall be remunerated at the hourly rate plus at least 50%. The amount of remuneration shall be agreed upon by the parties.

- Article 17(6) may be added:

The weekly working hours of an employee may not exceed 48 hours, including overtime work.

- Article 22(1¹) may be added:

An employee has the right to use paid leave before or after the maternity leave, regardless of whether 11 months have passed since the employment.

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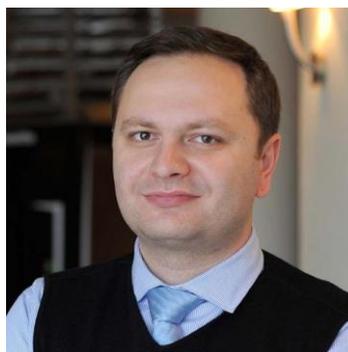
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