



POLICY BRIEF



TOWARDS BETTER MATERNITY PROTECTION IN GEORGIA: WHICH POLICIES WOULD WORK BEST FOR THE COUNTRY?¹

Photo: UN Women

Background

Adopted in 2000 by the International Labour Organization (ILO), the Maternity Protection Convention (C183) set the minimum standards that need to be implemented worldwide in order for pregnant women and working mothers to be adequately protected in the labour market. Since its adoption, 39 countries have ratified the Convention. Georgia, an ILO member since 1993, has not yet done so. Does the current Georgian legislation meet the minimum standards set by the Convention? To answer this question, let us first examine the standards set by the Maternity Protection Convention.

Among the key tenets of C183 are the standards governing **maternity leave duration and compensation**. In particular, the Convention stipulates a minimum of 14 weeks of paid leave for women, where at least six weeks are mandatory. Importantly, the general standard on compensation (Article 6 of the Convention) states that a cash benefit should ensure that a woman can maintain herself and her child in a proper condition of health and with a suitable standard of living for the duration of the leave.

Health protection and working conditions of breastfeeding and pregnant women – The Convention, for

example, requires that pregnant and breastfeeding women are relieved from work that is harmful or hazardous to their health or the health of the child. Necessary accommodations should be made to transfer such women to a safer working environment. In case such transfer is not possible, paid leave should be provided in accordance with national laws and practices. In addition, women should be compensated for the working hours not worked due to medical examinations related to their pregnancy.

Employment protection and non-discrimination – The Convention emphasizes a woman's right to return to the same position or an equivalent one paid at the same rate after completing her maternity leave.

In addition, the Convention stipulates that its **standards should apply to all women, including those in atypical forms of dependent work** (including those informally employed, e.g. domestic workers).

According to our analysis, even as the Labour Code of Georgia made significant progress over the past decade (including the most recent labour legislation changes adopted in September 2020), it still comes short of several key standards set by C183.

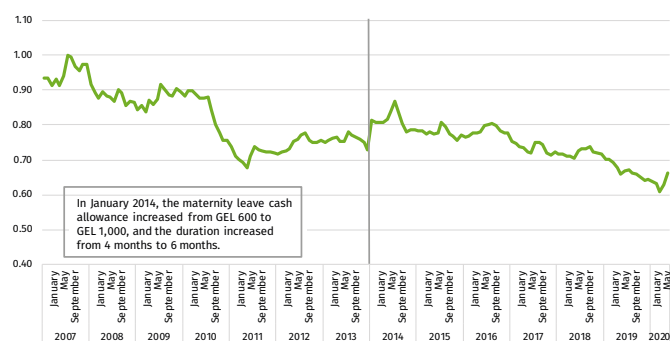
1. This policy brief is based on the findings of the regulatory impact assessment on the possible ratification by Georgia of the ILO Maternity Protection Convention, 2000 (No. 183).

Main problems concerning maternity protection in Georgia

Our study, based on the in-depth review of the Georgian labour legislation, data analysis and numerous stakeholder interviews, identified two key problems.

Non-sufficient income during maternity leave – The Labour Code of Georgia does not provide sufficient compensation to support the woman and her child during the maternity leave period. While nominally the legislation remunerates salary at 100 per cent for the duration of six months, the cap of GEL 1,000 on benefits effectively puts the compensation for a woman and her child below the subsistence minimum. The current leave compensation covers only 65 percent of the subsistence minimum for a woman and her child² during the six-month period, and this value keeps deteriorating as time passes (see the figure below).

Maternity leave cash allowance relative to 1.5 times the subsistence minimum for an average consumer



Source: Geostat; SSA; authors' calculations

Unequal access to maternity and childcare leave by different groups of workers – The labour legislation of Georgia treats different groups of workers (e.g. civil servants and all other workers) differently when it comes to paid maternity leave duration and compensation. While civil sector female workers (who constitute about 3 per cent of all hired employed women) are entitled to six months of paid leave compensated at a 100 per cent rate without a cap, all other workers have their compensation capped at GEL 1,000. This leads to the problem of unequal take-up of maternity leave among different groups of female workers. An extension of this problem is lopsided access to childcare leave among women and men, which negatively affects the work-life balance of new parents and can be seen as unfair towards women and discriminatory towards men. For

example, the legislation still makes it very difficult for men who are civil servants to take paid childcare leave. Until the September 2020 changes to the Labour Code came into effect, it was procedurally impossible for men in all other sectors to take any amount of paid childcare leave. Because of this, women in Georgia were and are the ones overwhelmingly taking time off work to care for newborn children. This, in turn, serves as one of the contributing factors waging discrimination against women in the workplace – women of childbearing age are perceived by employers as potentially less productive due to their existing or potential childcare responsibilities.

Which policy options are best for Georgia?

Our study examined in detail the costs and benefits associated with two sets of potential policies. Option 1 considered adopting the legislative changes that would just meet the minimum requirements of C183. Option 2 went beyond the ILO standards and aligned Georgian legislation with the current EU standards.³ In particular, in addition to aligning maternity benefits with the subsistence minimum, Option 2 would introduce a 14-day paternity leave exclusive to men and would guarantee two months of non-transferable paid leave for all workers, including men and women. The main takeaways from the exercise are as follows:

- The budgetary cost of Option 1 would be GEL 68.6 million over three years, while Option 2 would cost about twice as much: GEL 159 million over the same period. The budget deficit-to-GDP ratio would increase by 0.05 percentage points (pp) relative to the baseline deficit (Option 1), or by 0.12 pp relative to the baseline (Option 2), by 2023.
- The feasibility of introducing Option 2 will depend on whether the Government can find fiscal room to introduce this option. If no fiscal room can be found (via additional revenues or reductions in costs), the Government should introduce Option 1 (the minimum requirements of C183) as the second best policy choice.
- Option 2, although the more expensive of the two, would best serve the long-term social and economic goals of the country by reducing existing gender gaps in the labour market and closing legislative gaps to parental leave for both men and women, in the civil service sector and all other sectors.

2. Equivalent to 1.5 adults based on the OECD equivalence scale

3. EU Directive 2019/1158 on work-life balance for parents and carers