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Remote Work Regulations in Georgia (including remote work of foreign workers)

To date, the issue of regulating remote work in Georgia are not regulated by the Labour Code or other legal acts. Due to the Covid-Pandemic situation, a large number of people employed in both public services and private business in Georgia have been transferred to remote work mode. The use of the remote labor regime continues to this day due to the epidemiological situation in the country. Covid-Pandemic situation highlighted the pros and cons of remote labor, as well as the need for legal regulation of remote labor. The arguments presented in this article are based on the legal norms that are in force in Georgia today and which, in our estimation, are close to the topic of remote labor. There are no clear rules for remote work in Georgia yet.

The recipient of the remote work (employer) can be an enterprise registered in Georgia or a citizen of Georgia, as well as a foreign enterprise, or a citizen of a foreign country.

An employee who is permanently or temporarily present in Georgia and performs labour duties remotely can be a foreign citizen, as well as a stateless person.

The distance labour relationship between the employer and the employee may be regulated by the labour legislation of the country in which the employer is registered or the country of employer's citizenship. The Labour Code of Georgia does not regulate the issue of remote work, which means that if the person receiving the remotely performed labour duties is an enterprise registered in Georgia or a citizen of Georgia, the employment relationship between such employer and employee must be regulated by the provisions of the Labour Code that are most suitable and does not contradict the true nature and features of remote work.

To perform remote work, a Georgian employer can hire Georgian citizens or a foreigners (foreign citizens, stateless persons). Labour relations between employers and foreigners (migrant workers) in Georgia are regulated in accordance with the rules approved by the Resolution of the Government of Georgia N417 of 07.08.2015 ("Rules of labour arrangement and remunerative work with a local employer"). Although the Resolution N417 of the Government of Georgia dated 07.08.2015 regulates traditional labor relations and the purpose of this document was not to regulate remote labor issues, the norms of this legal act may be applied to those foreign employees who have entered the territory of Georgia and who perform labor duties remotely in favor of Georgian employers.

According to the Resolution N417 It is obligatory to conclude an employment contract between the employer and the migrant worker in compliance with the requirements of the Labour Code of Georgia. The employer is obliged to send a notification to the administrative body – «the State Employment Promotion Agency» about the employment of a migrant worker legally residing in Georgia within 30 calendar days after the conclusion of the employment contract. The employment contract shall contain the contact details of the contracting parties, as well as all other conditions agreed upon by the parties. The employment contract must be concluded only for a definite period of time and in writing, in the native language or in another language understood by the immigrant legally residing in Georgia. A labour migrant enjoys all the rights that Georgian citizens have while being in a similar legal relationship.

Labour migration, as well as remote labour, is directly related to the issues of legal entry and stay of foreigners and stateless persons in in Georgia, which are regulated by the Law of Georgia on the Legal Status of Foreigners and Stateless Persons. According to this law, work migrants hired by local employers can enter Georgia with an immigrant visa (D1 category visa); In addition, labour migrants can enter Georgia without a visa if they are citizens of countries whose special list is approved by a resolution N255 of the Government of Georgia of 05.06.2015. In this case, foreigners can enter Georgia without a visa and stay in any 180-day period for a period of 90 calendar days.

However, a person (foreign citizen or stateless person) who intends to work remotely for a foreign employer during his / her stay in Georgia, is not subject to a work visa (D1 category). Remote workers who want to work remotely for a foreign or Georgian employer while staying / living in Georgia, can enter Georgia without a visa if they are citizens of countries whose special list is approved by a resolution N255 of the Government of Georgia of 05.06.2015. In this case, foreigners can enter Georgia without a visa and stay in any 180-day period for a period of 90 calendar days. Also, a remote worker can enter Georgia on a short-term or long-term visa, the types and rules of issuance of which are established by the Law of Georgia on the Legal Status of Foreigners and Stateless Persons.

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