

Employment and development problems of people with disabilities in Georgia

Ana Chagelishvili

Doctoral student

Ivane Javakhishvili Tbilisi State University

E-mail: chagelishviliana@yahoo.com

The paper discusses employment and development problems of people with disabilities in Georgia, for which the level of realization of their labor rights is studied based on documentary research: the national normative base and legislative changes implemented in recent years are analyzed; State programs, strategies and statistical data on employment and development of people with disabilities are discussed; The employment problems and main trends of people with disabilities are described.

Statistical data of international institutions, the National Statistics Office of Georgia, Civil Service Bureau and other local institutions are used in the research.

The study summarized the legal issues hindering the employment and development of people with disabilities, taking into account the effectiveness of the enforcement mechanism, identified public barriers and employer attitudes on a number of issues, on which the author's conclusions and relevant recommendations were formulated.

Keywords: People with disabilities; Employment; Development.

JEL Codes: E24, K38, O15.

Introduction

Recognizing people with disabilities as part of the diversity and uniqueness between people is a fundamental principle of international human rights law, however, for various reasons many areas of the rights of people with disabilities are not properly realized in reality. This problem is global and Georgia is facing it.

One of the main places in the wide range of rights of people with disabilities is the fundamental right to work. Employment is at the top of the list of problematic issues in Georgia, which makes the employment of people with disabilities a significant challenge.

The level of study on this issue is not very high and mainly combines reports on the analysis of government programs or strategies approved by government institutions and non-governmental organizations, small-scale surveys and incomplete statistical data.

The research aims to analyze the employment and development of people with disabilities in Georgia in recent years and to identify future perspectives, for which the following tasks are defined: Review of the national normative framework; Analysis of the effectiveness of state programs and strategies; Access to statistical information on employment and development of people with disabilities and data analysis itself; Identify the main problems and challenges in the realization of labor rights; Form ways to improve the situation in the future and develop relevant recommendations.

A documentary survey is used to achieve the goal, which includes a review of national law, reports from various government agencies, non-governmental organizations or research structures, as well as official statistics.

The results of the research include recommendations developed in accordance with the analysis and synthesis on several issues of employment and development of people with disabilities. Accordingly, the scientific novelty includes authorial findings, conclusions and recommendations in the research process.

The theoretical and practical results of the article will be interesting and valuable for the preparation and implementation of various programs and strategies by state institutions, for further research perspectives and anyone interested in this issue.

Analysis of the national law

The UN „Convention on the Rights of People With Disabilities“ of 2006 has been in force in Georgia since 2014, obliging member states to exercise the rights of people with disabilities (UN Convention on the Rights of People with Disabilities 2006). Before the ratification of this Convention, from June 14, 1995, the legal basis for the implementation of state policies and rights for people with disabilities at the national level had been defined by the Law of Georgia on „Social Protection of People with Disabilities“, which was repealed on January 1, 2021 (Georgian Law About „Law of Georgia on Social Protection of People with

Disabilities“1995). In order to harmonize with the UN „Convention on the Rights of People with Disabilities“, the revision of the legislation regulating labor and employment of people with disabilities was envisaged by the „National Strategy of Labor and Employment Policy of Georgia for 2019-2023“ (Resolution №662 of the Government of Georgia of December 30, 2019 „On the Approval of the National Strategy for Policy 2019-2023“ 2019, 27 (Appendix)). It should be noted that the main shortcoming of the law is related to the inefficiency of the enforcement mechanism (Georgian Young Lawyers Association: Marina Kobakhidze 2020, 4). As a result, instead of the above-mentioned law, in order to achieve full participation of people with disabilities in all spheres of independent life and activity, the Law of Georgia on „The Rights of People with Disabilities“ was fully enacted in 2021, according to which the state creating an education system, promoting employment and the realization of labor rights, promoting self-employment and other activities (Law of Georgia on the „Rights of People with Disabilities“ 2020, Article 1; 8; 11). The fact that the state has a main role in creating the special conditions necessary for the realization of the rights and interests of people with disabilities is confirmed by the Constitution of Georgia itself (Constitution of Georgia 1995, Article 11, par. 4).

The replacement of the law on „Social Protection of People with Disabilities“, which has been in force since 1995, under the law of Georgia on the „Rights of People with Disabilities“ is an important step towards bringing national legislation closer to international standards and confirms the implementation of strategic actions.

The Ministry of Education and Science of Georgia ensures the fulfillment of state obligations in the field of education and development and access to all levels of education. Develops adaptation standards and methodologies, provides standards and instructions for staff working in educational institutions (both public and private) and staff training (Law of Georgia on „The Rights of People with Disabilities“ 2020, Article 27).

According to the employment sector, labor issues and relations between people with disabilities are regulated by the law on „Public Service“ and the labor code of Georgia, which considers „disabilities“ as a set of signs of discrimination (Labor Code of Georgia 2010, Article 2 (p. 3); Article 4 (p. 1)).

The legislation does not only oblige the state and administrative bodies to realize the rights of people with disabilities, but also involves the private sector in the process. The subject of private law (regardless of the organizational-legal form and ownership) is obliged to observe and comply with the mandatory standards/norms established by the administrative bodies in accordance with

the law, taking into account reasonable accommodation¹. In addition to the obligations, employers are provided with such preferential mechanisms to promote the employment of people with disabilities (Law of Georgia on the Rights of People with Disabilities 2020, Article 36; 11). In parallel with the benefits, the legislation is strict against misconduct, in particular, the employer is fined twice for violating a number of norms provided by the Labor Code for people (as well as minors and pregnant women) with disabilities (Labor Code of Georgia 2010, Articles 77, 79).

In the field of labor and employment, the legislation does not explicitly oblige any administrative body to fulfill a number of obligations and assigns general functions of the state to issues such as: creating equal employment opportunities for people with disabilities; Protecting and promoting the realization of the labor rights of people with disabilities; Protecting them from forced labor and discrimination; Promoting self-employment of people with disabilities and organizing their own entrepreneurial activities (Law of Georgia on the Rights of People with Disabilities 2020, Article 11).

Resolution N279 of the Government of Georgia of 23 July 2012 on the „Definition of the Social Package“ does not substantially address the issues of employment and development of persons with disabilities, however, it still has a significant impact on their employment in the public service. Pursuant to article 6, paragraph 4 of the above-mentioned resolution, persons with disabilities (except in specific cases of disability) do not have the right to receive a social package in case of public activities (Resolution N279 of the Government of Georgia of 23 July 2012 on the „Definition of the Social Package“, Art. 6, Pun. 4). This right is not restricted in the case of employment in the private sector, which makes the purpose of this legislation unclear and deprives persons with disabilities of motivation for employment in the public service (Public Defender of Georgia 2017, 8).

The role and involvement of the state

As the role of the state in the realization of the labor rights of people with disabilities is immeasurably large, it uses the resources of various administrative bodies to achieve this goal and acts through state programs or strategies to promote employment.

1 **reasonable accommodation** - „means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to people with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms“ (Law of Georgia on the Rights of People with Disabilities 2020, Article 2, Paragraph G).

The government annually approves and acts in accordance with the „State Program of Social Rehabilitation and Child Care“, which envisages employment of people with disabilities in a wheelchair-supplied organization in accordance with the defined percentage under the „Wheelchair Support and Employment Assistance Component“ sub-program (resolution of the government of Georgia of December 31, 2020 №825 „On Approval of the State Program for Social Rehabilitation and Child Care 2021“ 2020). According to the general assessment of the Public Defender's office, in addition to the problem of regional coverage, this program is insufficient to promote the employment of people with disabilities, as the number of people actually employed within it, it can not meet the existing challenges (Public Defender of Georgia 2017). This assessment is partly adequate because it takes into account the fact that a single program taken alone may not be fully effective. Synergistic action of state programs is needed to improve the situation.

In order to promote the efficiency of employment and the labor market, the „Georgian National Strategy for Labor and Employment Policy 2019-2023“ is currently in force. One of the priority tasks of the document is to promote their employment in terms of social and vocational rehabilitation of people with disabilities, in particular: to increase the number of employment consultants (indicating the priority of the regions) and to increase their competence; Deepening cooperation with various educational institutions; Increase the involvement of people with disabilities in vocational training programs and dual education; Use of various methodologies in the professional orientation of people with disabilities; Increase the possibility of using alternative means of communication; Possibility of receiving social and subsistence benefits in case of employment of people with disabilities (Resolution №662 of the Government of Georgia of December 30, 2019 „On Approval of the National Strategy for Labor and Employment Policy of Georgia 2019-2023“ 2019, 27-28 (Appendix)).

Another confirmation of the state's involvement in the realization of labor rights of people with disabilities (through the development of employment promotion services) is the „State Program for the Development of Employment Assistance Services 2021“ and the measures to be taken in accordance with it. The program provides a subsidy for the remuneration of a person with disabilities for 4 months, with 50% funding through vouchers, not more than 560 GEL. Compared to previous years, the amount of subsidies in absolute terms has increased and after the end of the subsidy period, the employer has the obligation to extend the employment contract for at least 6 months as a leverage to provide employment. (Resolution N2 of the Government of Georgia of January 8, 2021 „On Approval of the State Program for the Development of Employment Promotion Services 2021“

2021). It should be noted that the mechanism of the obligation to extend the employment contract for a period of 6 months was provided for in the legislation to promote employment of people with disabilities, however, in reality it may work the other way and the employer refuses to employ to avoid this obligation (Makharadze, Zhvania and Stevenson 2018). In the view of effectiveness, it would be more advisable to implement the subsidy in several stages, intermittently, thus making the employer more interested in committing to employment.

The general work of the subsidy mechanism is positively assessed by the Public Defender's Office (despite the short period of employment) and its effectiveness is related to the incentive of the employer to employ a person with disabilities and the accumulation of work experience by people with disabilities. Nevertheless, the problem remains the active use of the subsidy mechanism by employers in case of seasonal work, the period of which coincides with the subsidy period - 4 months (Public Defender of Georgia 2017, 21).

In addition to promoting employment, the state undertakes to provide vocational training and competitiveness for people with disabilities through the „State Program for Professional Development of Job Seekers“. The program provides additional services for people with disabilities (funded by the state), which includes services such as assistants, mobility and orientation trainers, transport, sign language interpreter, etc. in the process of professional training-retraining or internship. The program also provides for the provision of a scholarship to the beneficiary during the service or internship course with an increased amount of 200 GEL compared to previous years, and employment of at least 1 intern and at least 6 months after the end of the internship (Resolution №16 of the Government of Georgia of January 18, 2021 „On the Approval of the State Program for Improving the Professional Qualifications of Job Seekers 2021“ 2021). The fact that the amount of subsidies and internship scholarships provided by the previous year's programs has increased compared to the amounts written in the latest programs is perceived positively at first glance. Nevertheless, the same can be said about the employment obligation of a person with a disability for a period of at least 6 months, as well as the employment obligation after the expiration of the subsidy period for a person with a disability.

It should be noted that the realization of labor rights of people with disabilities does not only include employment, and the state facilitates their self-employment process by improving access to finance. According to the Action Plan of the Ministry of Economy and Sustainable Development „Support to the Protection of the Rights of People with Disabilities“, it is planned to award additional points to people with disabilities within the state program „Produce in Georgia“. Also noteworthy is the effectiveness of a similar incentive mechanism

for women in previous years (Ministry of Economy and Sustainable Development of Georgia: Action Plan to Promote the Rights of People with Disabilities 2021, 6).

The normative documents highlight the role of the state as the main responsible party for the realization of the rights of people with disabilities. This in itself is not at all negative and replicates the practice of many countries, however, in employment matters it is important to write cross-sectoral commitments in this area by law. In addition, because people with disabilities have to use the efforts and resources of various public agencies to protect their labor and development rights, which may present them with additional problems of flexibility and awareness, it is advisable to identify or create an institution tailored to them.

Statistics

Article 31 of the UN „Convention on the Rights of People with Disabilities“ obliges member states to seek, collect and disseminate statistical and research data (UN „Convention on the Rights of People with Disabilities“ 2006, Article 31). Statistical information in this area in Georgia is mainly produced by Geostat (general information), the Georgian Social Service Agency (information on people with disabilities receiving public benefits), the Civil Service Bureau (employment statistics in the public sector), however, comprehensive statistics are still not recorded. It also confirms the discrepancy between the census and the number of recipients of the social package (Institute for Development of Freedom of Information: Analysis of Various Statistics on People with Disabilities 2017, 3-7). This error may be caused by whether the person with the right to choose is registered as a person with a disability during the general census. In order to obtain real and complete data, it is advisable to impose an obligation on the National Statistics Office to periodically collect in-depth data in this area.

According to the World Health Organization, there are about 1 billion people with disabilities in the world today (WTO 2021). In Georgia, according to the 2014 census, about 2.7% of the total population had a status of a person with disabilities, which amounted to 100,113 people (National Statistics Office of Georgia: Results of the 2014 Census 2014).

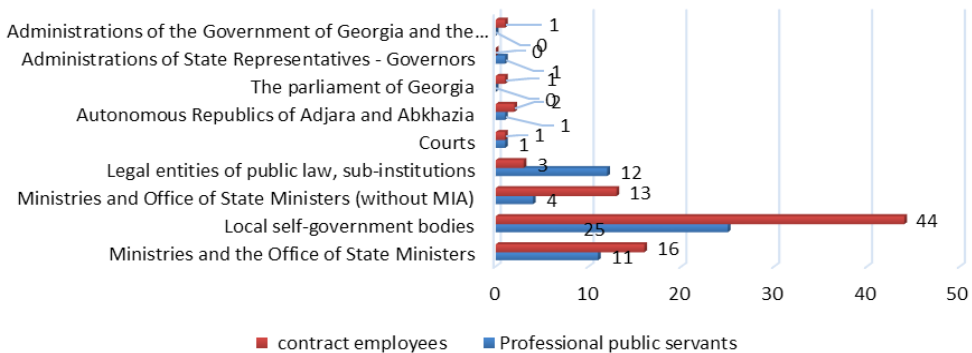
Collecting and accessing statistical information on people with disabilities is a problem in many countries around the world. According to data available and available in recent years, 80-90% of non-retired people with disabilities in developing countries are unemployed, while in industrialized countries the same figure is in the range of 50-70% (United Nations Department of Public Information 2007). According to the 2014 census, in Georgia, only 34.4% of the 96,102 people

with disabilities over the age of 15 were employed, including 86.2% self-employed (Georgian National Statistics Office: 2014 Census Results 2014).

Information on the employment of people with disabilities in the public service is published in the Civil Service Bureau's 2020 activity report, where the total number of people with disabilities employed professionally and on a contract basis was 120 (see chart №1) (Civil Service Bureau 2021, 74-75). Compared to 2019, this figure has increased by 30 units (Civil Service Bureau 2020, 61-63), however, the number is still low.

Number of people with disabilities employed in the civil service in 2020

Chart №1.



Civil Service Bureau 2021, 74-75.

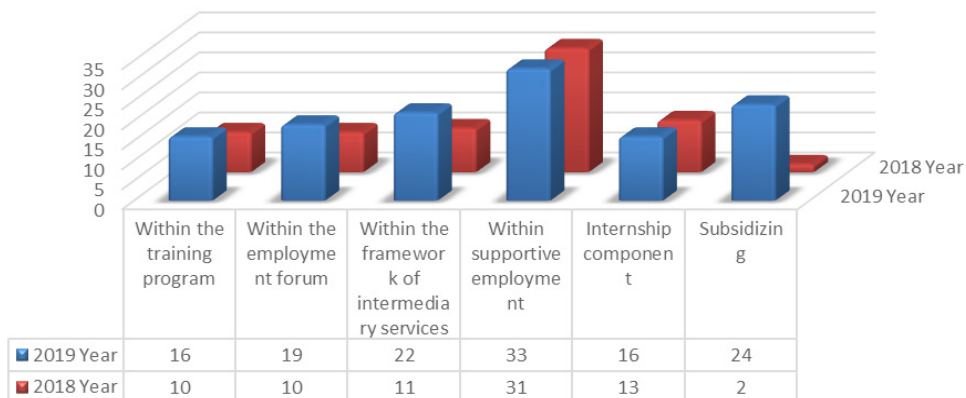
According to the document prepared by the Georgian Young Lawyers Association "Standards established by the UN Convention on the Rights of People with Disabilities", based on the information provided by the Civil Service Bureau, as of December 31, 2019, the distribution of civil servants with employment support services by employment services (see chart №2) looks like this (Georgian Young Lawyers Association: Marina Kobakhidze 2020, 24-25).

It should be noted that in a survey conducted by the Office of the Public Defender of Georgia in 2017, the problem of artificially increasing the number of employed people with disabilities was mentioned by focus groups regarding data collection and processing by the state. This issue involves recording the number of employments of the same disabled person during the reporting period each time in order to demonstrate the effectiveness of state programs

(Public Defender of Georgia 2017, 20). We think that the solution to this problem is to determine the correct methodology for producing statistics, which again lies in the transfer of the function of data collection to Geostat.

Number of people with disabilities employed under employment promotion services in 2018 and 2019

Chart №2.



Georgian Young Lawyers Association: Marina Kobakhidze 2020, 25.

Problems and Challenges of People with Disabilities

Employment plays a key role in improving the quality of life of people with disabilities. Studies have shown that employment through self-esteem growth and integration into society has a positive effect on their psychological state (Sumbadze, Makharadze, et al. 2015, 20 (part 2)).

To analyze the effectiveness of state employment programs, in 2017 the Public Defender's Office conducted a focus group survey of 6 cities in Georgia and held a meeting with them. 98 people with disabilities participated in the study, and as a result, a number of problems and challenges were identified, including (Public Defender of Georgia 2017, 18-20):

- **Problems with the physical environment.** Coming to work and moving to work is at the top of the list of problems of people with disabilities (Sumbadze, Makharadze, et al. 2015, 19 (part 1)). Unadapted infrastructure and public transport continue to be a major problem hindering the employment of people with disabilities. As a result, a comparison of the salary received and the costs of transportation to the workplace pushes them to abstain from employment (Public Defender of Georgia 2017, 18-20).

- **Problem with access to information.** The development of state programs for the realization of labor rights and employment promotion of people with disabilities does not mean their realization or effectiveness to the same degree in practice and in reality. The survey showed that the majority of respondents were not informed about such programs and had a problem accessing information as well. In addition, inequality among people with disabilities in terms of access to information creates the need for alternative forms of communication compared to those who do not have communication problems (Public Defender of Georgia 2017, 18-20).

- **Discrimination against people with disabilities in the labor market.** As the employment of people with disabilities may involve some reasonable adjustment measures, which increases the cost of hiring, employers show less interest (Public Defender of Georgia 2017, 18-20).

Another survey of employers' attitudes also found that people with disabilities are employed in positions with less need for adaptation (Kochlashvili 2015). Studies also support the fact that the desire for labor relations with people with disabilities is mainly expressed by large organizations, while only a small number of employers who have a positive experience of working with them in the past (Makharadze, Zhvania and Stevenson 2018, 13).

- **The need to raise public awareness. We encounter problems of public awareness in several areas:** the status of a person with a disability in the employment market overshadows his/her qualifications and the employer loses interest in the staff. Despite the objective grounds in reality, the negative attitude of the disabled person towards employment and demotivation also indicate the need to raise awareness. In addition to the need to raise the awareness of people with disabilities and employers, a similar problem was identified in a survey of colleagues who often expressed dissatisfaction with their employment relationship with a person with disabilities (Public Defender of Georgia 2017, 18-20).

- **The problem of realization of the right to education and competitiveness.** Opportunity for employment of people with disabilities was also identified as an opportunity to receive proper education at all levels (Public Defender of Georgia 2017, 18-20). The problem of competitiveness is caused by the lack of professional skills, which is mainly due to the fact that a certain number of people with disabilities have not received secondary education at all (Sumbadze, Makharadze, et al. 2015, 157 (part 2)).

The list of problems also includes:

- **Number and qualification of employment consultants (Georgian Young Lawyers Association: Marina Kobakhidze 2020, 10).** One of the determinants

of the latter is that the profession of support employment consultant is newly established in Georgia (Makharadze, Zhvania and Stevenson 2018, 10).

A 2015 survey of employers' attitudes towards people with disabilities found that large organizations were more interested in employing people with disabilities, mainly due to more image care than small companies and having the funds needed to adapt to the environment (Kochlashvili 2015). This is confirmed by the fact that according to a survey prepared by the Social Service Agency in October 2015, 55.2% of employed people with disabilities worked in large enterprises (Sumbadze, Makharadze, et al. 2015, 9 (part 1)).

Employment of people with disabilities is so problematic in Georgia that it may be premature to make efforts for their advancement and development. Similar expectations of community members were reflected in studies where they do not see any prospects for promotion and at the same time believe that the position held is already an achievement due to their qualifications and capabilities (Sumbadze, Makharadze, et al. 2015, 17 (part 2)).

Conclusion and recommendations

In conclusion, the existence of problems or challenges in the field of employment of people with disabilities is typical for many countries around the world, but the main thing is the cooperation of sectors, steps forward and effective implementation of programs in practice.

Paying public attention to the issues of employment and development of persons with disabilities recognizes to some extent the existence of problems in this area and contributes to raising public awareness. Talking about challenges, in turn, helps institutions in many ways that can have an impact on improving the lives of community members, while changing public attitudes opens up unreasonably created barriers to employment and development.

The new national legislation - the Law of Georgia on the „Rights of People with Disabilities“ - significantly improves the legal guarantees for people with disabilities, however, despite the appropriate international or domestic legal framework and state efforts to facilitate employment or development of people with disabilities, the situation is still unsatisfactory.

In order to stimulate the employment or development of persons with disabilities or to fulfill their obligations, the state does not distinguish between public and private sector employers in national legislation, strategies or programs (except for the absence of the right to receive a social package during public activities), however, it is more focused on promoting the business sector and self-employment.

It should be noted that the „Georgian National Strategy for Labor and Employment Policy 2019-2023“ almost fully addresses the problems and challenges identified in the 2017 report of the Public Defender's „Monitoring of State Employment Assistance Programs for People with Disabilities“, however, analyzing the results of the individual needs survey and evaluating programs implemented in the past has significantly increased the effectiveness of their enforcement in the future.

The issue of equal geographical access remains a significant problem in the implementation of programs and strategies. In addition, it is important for the state to focus more on the long-term employment and development of people with disabilities compared to social assistance programs.

The availability and accessibility of statistical data is crucial for the analysis of employment and development of people with disabilities or other legal status. At present, there is no single, complete and accessible statistical information on people with disabilities. In some cases, certain data can be obtained by requesting information from various public institutions. The existence and availability of statistical information is also valuable for the involvement of governmental and non-governmental organizations, scientific groups and academia, or other stakeholders in the analysis and research on the realization of the labor rights of people with disabilities. In view of all the above, it would be advisable to transfer the responsibility for data collection on a number of issues (including employment) to people with disabilities to Geostat.

Since education is one of the basis for determining the future qualifications of a person with disabilities, which in itself leads to more employment opportunities, it is important to increase the level of inclusion at all levels of education.

Unadapted environmental conditions are one of the main factors hindering the employment of people with disabilities, which not only negatively affects the realization of labor rights, but also hinders their socialization in society. It is recommended to strengthen the role of local local governments in creating an inclusive economic or infrastructural environment.

Despite the intensification of awareness-raising campaigns (celebrating international community-related days with various events and media promotions, organizing employment of people with disabilities and career forums), the desire and involvement of the community itself is important. A modern developed society's need to have more tolerance skills.

Employment of people with disabilities today still depends on the initiative of employers and remains part of campaigns. For employers who are also part of the community, it is important to realize that the employment of people with disabilities goes far beyond the social responsibility and PR of the organization.

References:

- UN. (2006). Convention on the Rights of People with Disabilities. matsne.gov.ge/ka/document/view/2334289?publication=0&scroll=80 /Last viewed December 21, 2021/.
- IDFI. (2017). Shezhguduli shesadzleblobis mqone pirebis shesaxeb skhvadaskhva statistikuri monatsemebis analizi [Institute for Development of Freedom of Information: Analysis of various statistical data on people with disabilities]. in Georgian. https://idfi.ge/public/upload/IDFI_Photos_2017/idfi_general/statistics_on_pwd_in_georgia_geo_idfi.pdf /Last viewed December 23, 2021/.
- Makharadze, T., Zhvania, I., & Stevenson, L. (2018). Shezhguduli shesadzleblobis mqone pirta dasakmebis mkhardamcheri sotsialuri servisebis gaumjobeseba: Dzirritadi mignebebi da rekomendatsiebi [Improving Employment Support Social Services for People with Disabilities Key Findings and Recommendations. Tbilisi: Ivane Javakhishvili Tbilisi State University]. in Georgian. www.ge.undp.org /Last viewed December 23, 2021/.
- Georgian Young Lawyers Association: Kobakhidze M. (2020). Gaeros shezhguduli shesadzleblobis mqone pirta uflebebis konvenciit dadgenili standartebi [Standards set by the United Nations Convention on the Rights of People with Disabilities (UNCRPD)]. in Georgian. <https://gyla.ge/ge/mod/publications> /Last viewed December 22, 2021/.
- Ministry of Economy and Sustainable Development of Georgia. (2021). Sshezhguduli shesadzleblobis mqone pirta uflebebis dacvis xelshewyobis samoqmedo gegma [Action Plan to Promote the Protection of the Rights of People with Disabilities]. in Georgian. http://www.economy.ge/uploads/files/2017/news/2021/shezguduli_shesadzleblobebismqone_pirta_uflebebis_dacvis_khelsheckoba_2021.pdf /Last viewed December 23, 2021/.
- Law of Georgia on Social Protection of People with Disabilities. (1995). in Georgian. matsne.gov.ge/ka/document/view/30316?publication=11&scroll=240 /Last viewed December 21, 2021/.
- Law of Georgia on the Rights of People with Disabilities. (2020). in Georgian. matsne.gov.ge/ka/document/view/4923984?publication=1&scroll=240 /Last viewed December 21, 2021/.
- Constitution of Georgia. (1995). in Georgian. matsne.gov.ge/ka/document/view/30346?publication=36&scroll=160 /Last viewed December 21, 2021/.
- Resolution № 662 of the Government of Georgia of December 30, 2019 „On Approval of the National Strategy of Labor and Employment Policy of Georgia for 2019-2023“. (2019). in Georgian.
- www.matsne.gov.ge/ka/document/view/4761408?publication=0&scroll=400 /Last viewed December 22, 2021/.

- Resolution of the Government of Georgia of December 31, 2020 №825 „On Approval of the State Program of Social Rehabilitation and Child Care 2021“. (2020). in Georgian. <https://www.matsne.gov.ge/ka/document/view/5077110?publication=0> /Last viewed December 21, 2021/.
- Resolution №16 of the Government of Georgia of January 18, 2021 „On Approval of the State Program for Improving the Professional Qualifications of Job Seekers 2021“. (2021). in Georgian.
- www.matsne.gov.ge/ka/document/view/5082790?publication=0&scroll=560 /Last viewed December 22, 2021/.
- Resolution N2 of the Government of Georgia of January 8, 2021 „On Approval of the State Program for Development of Employment Promotion Services 2021“. (2021). in Georgian. www.matsne.gov.ge/ka/document/view/5079769?publication=0&scroll=640 /Last viewed December 23, 2021/.
- Resolution N279 of the Government of Georgia of July 23, 2012 „On Defining a Social Package“. (2012). <https://matsne.gov.ge/ka/document/view/1707671?publication=16> / Last viewed January 24, 2022 /.
- Public Defender of Georgia: Department of People with Disabilities. (2017). State programs to support the employment of people with disabilities Monitoring report. in Georgian. <https://ombudsman.ge/res/docs/2019041016375173305.pdf> / Last viewed December 22, 2021/.
- National Statistics Office of Georgia. (2014). Results of the 2014 census. in Georgian. <http://census.ge/ge/results/census1/health> /Last viewed December 22, 2021/.
- Labor Code of Georgia. (2010). in Georgian.
- matsne.gov.ge/ka/document/view/1155567?publication=21&scroll=240 /Last viewed December 21, 2021/.
- Civil Service Bureau. (2021). 2020 Activity Report. in Georgian.
- <http://www.csb.gov.ge/media/3168/7447.pdf> /Last seen December 23, 2021/.
- Civil Service Bureau. (2020). 2019 Activity Report. in Georgian.
- <http://www.csb.gov.ge/> /Last viewed December 23, 2021/.
- Sumbadze, N., Makharadze, T., Abashidze, T., & Zhvania, I. (2015). Mikro da makro faqtorebis gavlena shshm pirta samushao garemostan adaptatsiasa da shromit efeqturobaze [Influence of micro and macro factors on the adaptation of people with disabilities to the work environment and labor efficiency (general picture of people with disabilities employed by economic sectors and regions and their attitudes towards working conditions). Research Report, Center for Research on People with Disabilities, TSU Publishing]. in Georgian.
- <http://www.lmis.gov.ge/Lmis/Lmis.Portal.Web/Handlers/GetFile.ashx?Type=Survey&ID=b6485423-271c-4135-85ac-9e50d429c6a6> /Last viewed December 24, 2021/.
- Kochlashvili, N. (2015). Disability Resource Mapping Project Name: Livelihood Initiatives to Foster Employability and Entrepreneurship of IDPs and host popula-

- tions in Georgia – LIFE Georgia. World Vision National Office: Georgia. https://www.wvi.org/sites/default/files/Mapping_.pdf /last viewed December 23, 2021/.
- United Nations Department of Public Information. (2007). www.un.org, <https://www.un.org/disabilities/documents/toolaction/employmentfs.pdf> /last viewed December 21, 2021/.
 - http://gov.ge/index.php?lang_id=eng&sec_id=288&info_id=77957 /last viewed December 23, 2021/.
 - <https://www.who.int/news-room/fact-sheets/detail/disability-and-health> /last viewed December 24, 2021/.

შეზღუდული შესაძლებლობების მქონე პირების დასაქმებისა და განვითარების პრობლემები საქართველოში

ანა ჩაგელიშვილი

დოქტორი

ივანე ჯავახიშვილის სახელობის

თბილისის სახელმწიფო უნივერსიტეტი

ელ. ფოსტა: chagelishviliana@yahoo.com

შშმ პირთა შრომითი უფლებების დაცვა და რეალიზება მრავალი განვითარებადი ქვეყნისთვის დამახასიათებელი პრობლემაა, რაც საქართველოსთვისაც უცხო არაა. რადგან საქართველოში დასაქმება პრობლემური საკითხია, შშმ პირთა დასაქმებაც ქვეყნის მნიშვნელოვან გამოწვევად არის ქცეული.

სტატიის მიზანია შშმ პირთა საქართველოში, დასაქმებისა და განვითარების მდგომარეობის შესწავლის გზით, პრობლემებისა და პერსპექტივების გამოვლენა, გაანალიზებულია ეროვნული ნორმატიული ბაზა, სახელმწიფო პროგრამებისა და სტრატეგიების ეფექტიანობა, მიმოხილულია ამ მიმართულებით არსებული კვლევების შედეგები, თავმოყრილია შშმ პირთა დასაქმება-განვითარების პრობლემები და რიგ საკითხებზე გამოთქმულია ავტორისეული შენიშვნები, დასკვნები და რეკომენდაციები.

ნორმატიული ბაზის ანალიზმა აჩვენა, რომ გაეროს „შეზღუდული შესაძლებლობის მქონე პირთა უფლებების კონვენციასთან“ ჰარმონიზების მიზნით, სახელმწიფოს მხრიდან, წინგადადგმული ნაბიჯია 2021 წლიდან „შეზღუდული შესაძლებლობის მქონე პირთა უფლებების შესახებ“ ახალი კანონის ამოქმედება, რაც აღსრულების თვალსაზრისით უფრო მოქნილი ჩანს და ითვალისწინებს მანამდე არსებულ მთელ რიგ შენიშვნებსა და

შშმ პირთა დასაქმებისა და განვითარების მიმართულებაში, სახელმწიფოს წამყვან როლს ანიჭებს, თუმცა, სექტორთშორისი თანამშრომლობა პრაქტიკაში გაცილებით მეტი ეფექტიანობით ხასიათდება.

შშმ პირთა, დასაქმებისა და განვითარების მხარდამჭერი სახელმწიფოს მოქმედი სტრატეგიებისა და პროგრამების ფარგლებში, ხელფასების სუბსიდირებისა თუ სტაჟირების სტიპენდიის თანხები გაზრდილია წინა წლებთან შედარებით. სუბსიდირებისა და სტაჟირების პერიოდის გასვლის შემდგომ შრომითი ურთიერთობის 6 თვემდე ვადით გაგრძელების ვალდებულებამ, შესაძლოა პრაქტიკაში საპირისპირო ეფექტი გამოიწვიოს, კერძოდ, დამსაქმებელმა აღნიშნული ვალდებულების თავიდან აცილების მიზნით თავიდანვე უარი თქვას შშმ პირის დასაქმებაზე და ის მოკლევადიანი და ფრაგმენტული დასაქმების მაჩვენებლებიც აღარ გამოვლინდეს. ამ მიმართულებით რეკომენდებულია მექანიზმის ისე მორგება, რომ ვალდებულებასა და სუბსიდირებას მონაცვლეობითი ხასიათი ჰქონდეს. რაც შეეხება სუბსიდირების პერიოდს, ის ემთხვევა სეზონურ სამუშაოებს, რაც შშმ პირთა გრძელვადიან დასაქმებას გამორიცხავს.

სახელმწიფო პროგრამის „ანარმოე საქართველოში“ ფარგლებში დადგინდა შშმ პირებისთვის დამატებითი ქულის მინიჭების საკითხი, რაც მათი თვითდასაქმების შესაძლებლობას უფრო მეტად რეალურს გახდის.

სახელმწიფოს წამყვანი როლის პარალელურად, მნიშვნელოვანია სექტორთაშორისი ვალდებულებების განერა კანონმდებლობით, ხოლო ინფორმაციაზე წვდომის გაუმჯობესების თვალსაზრისით, რეკომენდებულია შშმ პირებზე მორგებული და მათზე პასუხისმგებელი დანესებულების განსაზღვრა ან ფორმირება.

კვლევამ აჩვენა, რომ მიუხედავად გაეროს „შეზღუდული შესაძლებლობის მქონე პირთა უფლებების კონვენციით“ განერილი ვალდებულებებისა, დღესდღეობით შშმ პირთა დასაქმება-განვითარების საკითხებზე არ არსებობს სრულყოფილი სტატისტიკური ინფორმაცია, ხოლო სხვადასხვა უწყებების მიერ დაფიქსირებულ მონაცემებს შორის მაღალი ცდომილებაა. აღნიშნული პრობლემა დაკავშირებულია, როგორც მეთოდოლოგიასთან, ასევე სხვადასხვა უწყებაზე ინფორმაციის წარმოების გადანაწილებასთანაც, რისი მოგვარებაც საქართველოს სტატისტიკის ეროვნული სამსახურისთვის ვალდებულებების დაკისრებაშია.

რაც შეეხება შშმ პირთა დასაქმების ხელშეშლელ ფაქტორებს, ის ძირითადად დაკავშირებულია: არაადაპტირებულ ინფრასტრუქტურული გარემოსთან, ინფორმაციის ხელმისაწვდომობის პრობლემასთან, დამსაქმებლის დამოკიდებულებასთან, რაც, რიგ შემთხვევაში, დისკრიმინაციაა, ხოლო რიგ შემთხვევებში შშმ პირების არაკვალიფიციურობითაა გამოყარებული, საზოგადოების ცნობიერებასთან, რაც თავად შშმ პირების

თვითშეფასებასაც მოიცავს, დასაქმებასა და განვითარებაში მხარდამჭერი მუშაკების რაოდენობის, გეოგრაფიული განფენილობისა და კვალიფიკაციის საკითხებთან – ეს ყველაფერი შესაძლოა, გარკვეულ შემთხვევაში, საერთოდ უკარგავს აზრს მათ დასაქმებას.

დასკვნის სახით უნდა ითქვას, რომ შშმ პირთა შრომითი უფლების რეალიზებისათვის, ახალი კანონმდებლობის ამოქმედება წინგადადგმული ნაბიჯია, თუმცა, ეფექტიანობა ფასდება პრაქტიკაში რეალიზებული ინიციატივებით. ამ მიმართულებით კი მდგომარეობა გაურკვეველი და არადადამაკმაყოფილებელია.

საჭიროა სტრატეგიებისა და პროგრამების გამყარება-კორექტირება კვლევის შედეგებით, რაც დიდი ალბათობით მოაგვარებს შშმ პირთა მოკლევადიანი დასაქმების პრობლემას. ინკლუზიური ეკონომიკური და ინფრასტრუქტურული გარემოს შექმნის კუთხით თვითმართველობათა გააქტიურება მნიშვნელოვანი მხარდამჭერი მოვლენა იქნება, ხოლო ტოლერანტული გარემოს შექმნისათვის საზოგადოების სურვილი და ჩართულობა, მნიშვნელოვნად შეცვლის დამოკიდებულებებს.

საკვანძო სიტყვები: შეზღუდული შესაძლებლობის მქონე პირები, დასაქმება, განვითარება.

JEL Codes: E24, K38, O15.