



IN BRIEF

# GENDER IMPACT ASSESSMENT OF THE LAW OF GEORGIA ON PUBLIC SERVICE

## 1. BACKGROUND INFORMATION

The Gender Impact Assessment (GIA) of the Law of Georgia on Public Service is a joint initiative of UN Women and the Civil Service Bureau of Georgia. The study was conducted by the ISET Policy Institute (ISET-PI) within the framework of the “Good Governance for Gender Equality in Georgia” project generously supported by the Norwegian Ministry of Foreign Affairs. The study was designed in line with the GIA methodology<sup>1</sup>, developed by the European Institute for Gender Equality (EIGE), which

was adapted by UN Women Georgia and ISET-PI in 2021<sup>2</sup>.

The GIA of the Law of Georgia on Public Service aims to support the Civil Service Bureau in identifying existing gender gaps in the Law and informing legislative and policy initiatives on mainstreaming gender equality and promoting women’s leadership in public service.

### Why gender equality in public service?

The underrepresentation of women in decision-making is a major impediment to gender equality, democratic governance and inclusive development. Along with women’s representation in national parliaments and local government, women’s participation and leadership in public service is a key indicator of progress towards women’s equal and meaningful partaking in decision-making. Moreover, when women participate and lead in public service, public institutions become more gender-inclusive and more representative of the societies they serve and produce more efficient policies and services.

1 EIGE. 2016. Gender Impact Assessment: Gender Mainstreaming Toolkit. <https://eige.europa.eu/publications/gender-impact-assessment-gender-mainstreaming-toolkit>.

2 UN Women Georgia. 2021. Gender Impact Assessment Methodology. <https://georgia.unwomen.org/en/digital-library/publications/2022/11/gender-impact-assessment-methodology>.

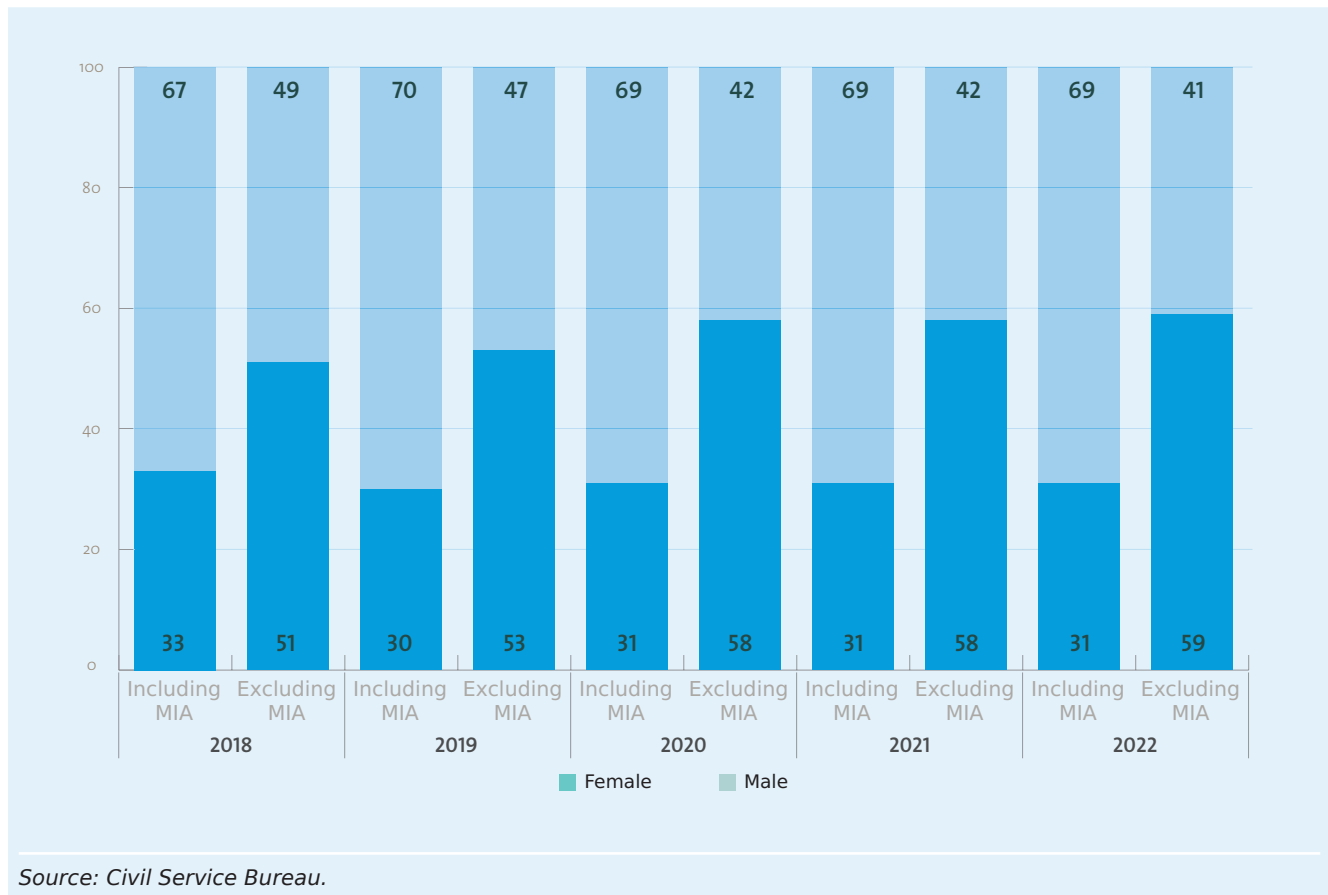


## 2. GENDER EQUALITY IN PUBLIC SERVICE IN GEORGIA

As of 2022, the gender equality status quo in the Georgian public service is as follows – women comprise 31 per cent of the total public service workforce – including the Ministry of Internal Affairs (MIA) – and 59 per cent excluding the MIA (Figure 1). Women comprise 43 per cent within the rank I and rank II managerial positions (Figure 2) and 34

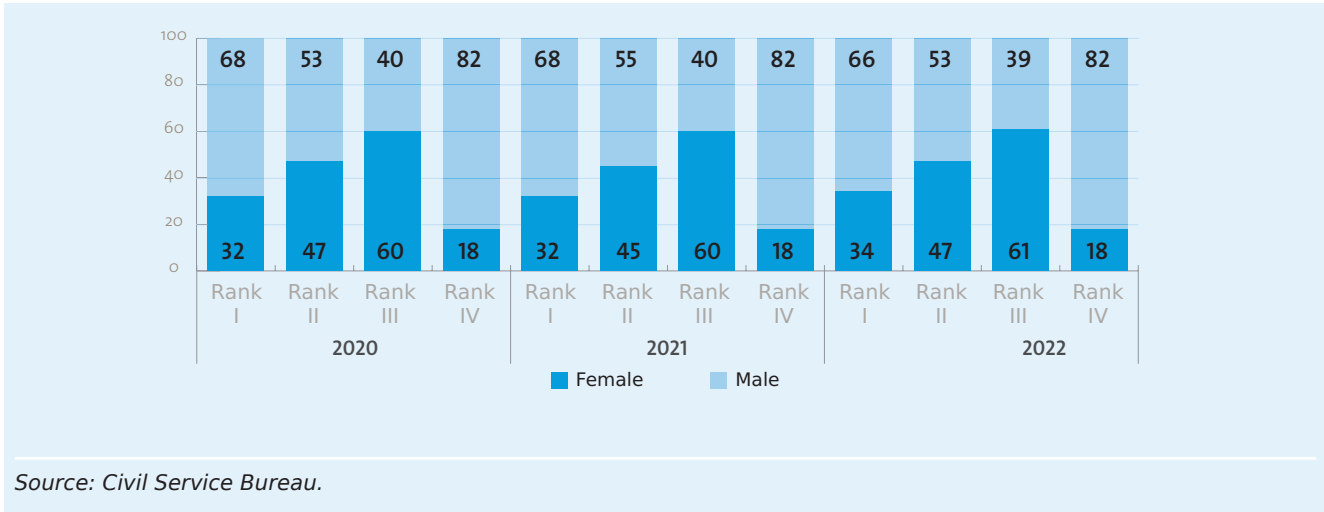
per cent within the rank I managerial positions. The gender gap widens significantly when considering the gender balance in top managerial positions – women make up only 9 per cent of heads of public entities and 15 per cent of deputy heads of public entities (Figure 3).

**FIGURE 1**  
Distribution of employees in public service by sex



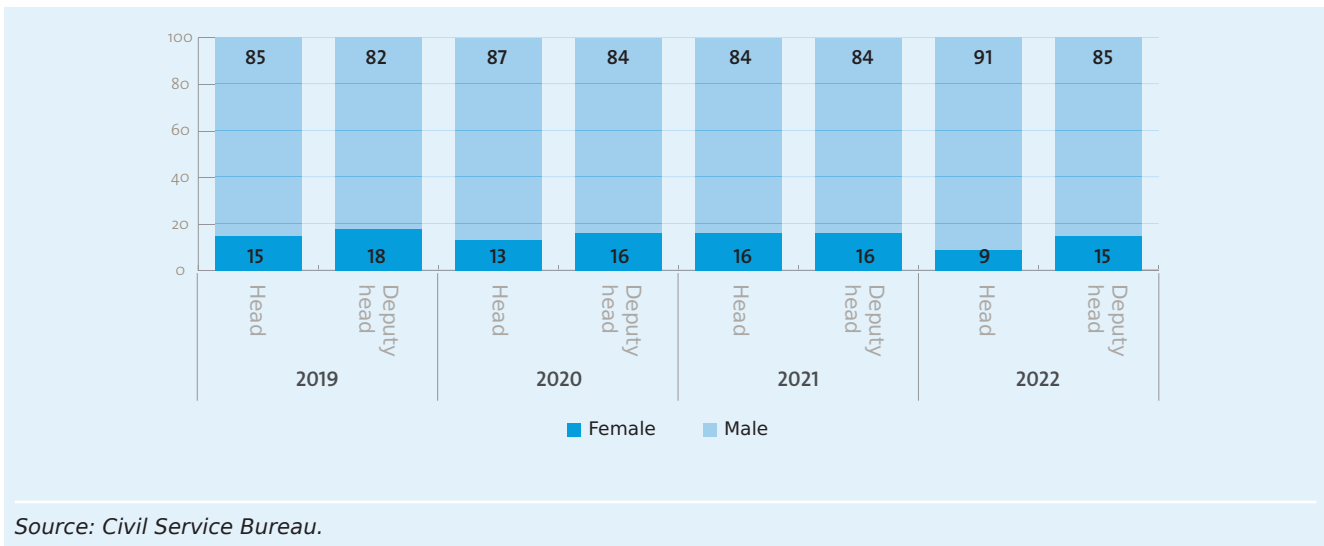


**FIGURE 2**  
Distribution of employees by sex and rank, including the MIA



Source: Civil Service Bureau.

**FIGURE 3**  
Distribution of heads and deputy heads of public institutions by sex



Source: Civil Service Bureau.

The above data show that regardless of the relative increase in women’s participation in public service in recent years (39 per cent of women in rank I and II managerial positions in 2018, compared to 43 per cent in 2022), top ranking positions in public

service remain dominated almost exclusively by men. Moreover, the latest data show that there has been a tangible decrease in women’s representation at the level of heads of public agencies—from 15 per cent of women in 2019 to nine per cent in 2022.



### 3. KEY FINDINGS, LEGISLATIVE GAPS AND RECOMMENDATIONS

#### 3.1. MAIN PROBLEMS IDENTIFIED

The GIA identified two major obstacles to achieving gender equality in the public service sector: (1) underrepresentation of women in senior management positions and (2) the lack of a gender-responsive work environment.

Gender roles and stereotypes, the so called “glass ceiling”, and women’s disproportionate share of unpaid domestic and care work were identified as

main reasons behind lack of women in senior management positions in public service. Lack of flexible work-time arrangements, poorly regulated overtime work, unequal opportunities for parental leave and inflexible working hours in care services (schools, kindergartens) were identified as key challenges in terms of lack of gender-responsive work environment in public service.

#### 3.2. LEGISLATIVE GAPS AND PROPOSED RECOMMENDATIONS

EXISTING LEGISLATIVE GAP	RECOMMENDATION
1. The Law of Georgia on Public Service falls short of promoting substantive equality and does not provide for implementing special measures to eliminate existing gender inequality in the public service sector.	It is recommended to introduce an amendment to the Law of Georgia on Public Service, as a result of which, along with the existing article on the prohibition of discrimination based on sex and gender (Article 9), a new provision on "promotion of gender equality" will be added to the law. The new provision shall introduce special measures aligned with Article 11 of the Constitution of Georgia, in order to achieve substantive equality between men and women in the public service.
2. The Law of Georgia on Public Service does not make it the responsibility of the employer to develop and adopt anti-discrimination mechanisms in the workplace.	It is recommended to amend the Law to require employers to adopt and implement workplace anti-discrimination mechanisms. More specifically, the Law shall mandate public entities to establish prevention and response measures for sexual harassment, including mandatory sexual harassment trainings for public servants.
3. The Law of Georgia on Public Service does not offer provisions promoting gender-responsive policies on human resources management in public service.	It is recommended to amend the Law so that it requires public institutions to take proactive measures that promote equal opportunities and reduce the gender employment gap, particularly in leadership roles.



<p>4. The Law of Georgia on Public Service (Article 64) uses gender-neutral language for parental leave but fails to ensure equal access to the benefits, as it is predominantly women who take leave for childcare.</p>	<p>The Law of Georgia on Public Service needs to be revised to include terms like ‘maternity leave’, ‘parental leave’ and ‘paternity leave’ to address caregiving responsibilities and the gender gaps. The amendments should clearly define the duration of paid leave for all eligible employees.</p> <p>As a result of legislative changes, paternity leave should be introduced, specifically maintaining the six-month paid maternity leave while also including non-mandatory paid paternity leave.</p>
<p>5. The Law of Georgia on Public Service (Article 116) protects female public servants from dismissal during pregnancy or while raising a child under the age of 3. However, there are gaps in interpretation, and the guarantee of returning to the same or equivalent position with equal pay is not fully ensured.</p>	<p>It is recommended to amend the Law to clearly stipulate that at the end of maternity leave, a female public servant is guaranteed the right to return to the same position or another position with equivalent pay.</p>
<p>6. Instead of the principle of equal pay for the work of equal value, the current version of the Law of Georgia on Public Service provides for equal pay for equal work, which falls short of adhering to existing international standards. Moreover, the law lacks specific mechanisms to ensure equal pay for the work of equal value. Article 57 of the Law, which addresses this issue, is vague and open to interpretation.</p>	<p>It is recommended to amend the Law and to add a separate provision defining the term “renumeration, in adherence to the definition enshrined under the relevant EU directive, article 157<sup>3</sup>.</p> <p>It is crucial to establish a clear framework where work of equivalent value, requiring similar qualifications, is compensated equally in order to address the ‘unexplained’ pay gap.</p>
<p>7. The Law of Georgia on Public Service does not oblige public service entities to collect and analyse gender data, including sex-disaggregated data.</p>	<p>It is recommended to amend the Law to oblige public service entities to collect and analyze sex-disaggregated data on public servants and service beneficiaries on a regular basis. The Law should also require the use of gender data analysis to inform employment policies, particularly regarding equality and diversity in managerial positions. The Civil Service Bureau should be mandated to coordinate data collection on gender equality across the public service.</p>

3 Treaty of the European Union (2016/C, 202/01).



### 3.3. POLICY OPTIONS

In addition to the legislative gaps and recommendations identified, the research team designed and examined three policy options. These policy options are mutually reinforcing, address the gender gaps

in managerial and leadership positions and are designed to help promote a gender-responsive work environment in public service.

POLICY OPTION	DESCRIPTION	EXPECTED POSITIVE RESULTS
<p>1. Changes in existing promotion practices</p>	<p>Encouraging gender equality in career development policies by using gender-disaggregated data analysis; utilizing various information-sharing channels for promoting vacancies; and building the capacity of human resources professionals and panel interview members on gender issues.</p>	<p>The role of women in leadership is increased Inequality in the workplace is reduced Transparency of the promotion process is increased Existing gender stereotypes and social norms are transformed</p>
<p>2. Creating a gender-sensitive work environment</p>	<p>Providing opportunities for guaranteeing flexible work, such as the possibility of remote work, flexible working hours, part-time transitions, etc.</p>	<p>A gender-sensitive work environment is created Women stay in the labour force Job satisfaction is improved Communication, collaboration and knowledge-sharing among public servants is improved, due to the more frequent use of digital technologies</p>
<p>3. Enhancing public servants' work-life balance by reforming the legislation regarding paternal leave</p>	<p>Introducing non-mandatory paid paternity leave, exclusively for fathers, while maintaining the six-month paid maternity/paternity leave. The GIA examines several scenarios regarding the length of paternity leave (at 7, 14, 30 and 90 days, respectively).</p>	<p>The work-life balance of public servants is improved Women receive greater support during childcare Child development is enhanced Existing gender norms and values regarding the role of fathers in childcare and household-related activities are changed</p>



### 3.4. OTHER KEY RECOMMENDATIONS

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To guarantee flexible and equal working conditions for public servants, ensure the equal representation of women and men in managerial positions and eliminate those gaps identified in the legal

framework in the Law of Georgia on Public Service, additional recommendations were developed related to (1) awareness-raising, (2) capacity development and (3) data collection.

#### AWARENESS-RAISING

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- ▶ Encourage initiatives that promote sharing information regarding the current policies and laws related to gender equality through awareness-raising campaigns among public servants, employers and the relevant stakeholders.
- ▶ Develop and implement campaigns that highlight the importance and benefits of a work-life balance, flexible working conditions and equal representation in managerial positions within the public service sector. This could be achieved through social media, public events and advertising.

#### CAPACITY DEVELOPMENT

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- ▶ Develop the capacity of human resources and recruitment committee members to conduct gender-sensitive interviews, thus promoting gender equality and creating a more inclusive workplace.
- ▶ Encourage educational programmes and training courses that help shift outdated attitudes and perceptions reinforcing traditional gender roles and perpetuating inequalities.

#### DATA COLLECTION

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- ▶ Support the production of gender-disaggregated data on employment-related variables, including the number of both illegally and legitimately dismissed employees, the number of cases of disciplinary misconduct, the number of horizontally transferred employees, and the amount of overtime work performed. Analysing the variables separately for men and women can also help identify and address any gender disparities, thus bolstering equal opportunities for both genders.
- ▶ Regularly collect, analyse and disseminate data and analysis on gender equality in public service to track and promote progress in the area.