

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Presentation-discussion: “Work Permit and Labor Inspection: Germany, Netherlands, Poland”

On June 30, at 10:30 GYLA and the Caucasus Institute for Peace, Democracy and Development held presentation of the research Permit and Labor Inspection: Germany, Netherlands, Poland. Piotr Kzmiekevich, an expert from Poland is the author of the research. It has been prepared in the framework of the project well-managed migration between Georgia and EU. A The department of Labor and Employment under the Ministry of Labor, Health and Social Protection of

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Georgia was actively involved in determination of priorities in the process of research.

Interest to the research was reasoned by the necessity to define issues related to labor migration since the need to create legal basis concerning labor migration is on the agenda. In view of this, the research aims to study experience of other countries about legal employment of foreigners. Three EU countries: Holland, Germany and Poland were selected as targets of the research. The document analyses in details state practice concerning work permits, residence permits, labor inspection process, responsible agencies on inspection and competences of inspectors. The practice will assist representatives of government agencies in setting up legislative bases on labor migration.

As it follows from findings of the research Poland, Germany and Holland regulate differently foreigners' access to labor market, as well as determination of gaps and introduction of penalties on the cases.

All three foregoing countries managed to attract foreign labor immigrants. Labor force with different qualification enter Holland and Germany from other EU countries, while Poland, traditionally, is popular among the citizens of eastern partnership countries seeking seasonal employment.

Institutions controlling legality of foreigners' employment and imposed sanctions differ drastically in these countries. The German system separates control over the legality of employment and combat against blackmail from medical and security inspection on the working place. The control over legality of employment is within federal competence and is under the state system for determination and investigation of deficiencies. The system was created soon after expansion of the EU and Schengen zone following reorganization of customs' administration. As opposed to Germany, in Poland and Holland labor inspectors are in charge of inspecting administration of labor legislation. Notwithstanding reduction of number of inspectors, the Dutch system managed to maintain the level of inspection. At the same time, in parallel to increase of sanctions in Poland, the scale of illegal migration has decreased.