# AGREEMENT BETWEEN THE GOVERNMENT OF THE STATE OF ISRAEL AND THE GOVERNMENT OF GEORGIA ON THE TEMPORARY EMPLOYMENT OF GEORGIAN CITIZENS IN SPECIFIC LABOR MARKET SECTORS IN THE STATE OF ISRAEL

## Preamble

Whereas the Government of the State of Israel and the Government of Georgia (hereinafter collectively referred to as the "**Parties**" and individually as the "**Party**") are desirous of increasing and strengthening friendship and cooperation between both Countries;

Whereas the recruitment and temporary employment of foreign workers in Israel is carried out in accordance with Israeli Law in force, the state of Israeli national labor markets, and the Government of the State of Israel's policy regarding the sectors open for employment of foreign workers, as well as the yearly quotas for temporary foreign workers and the preconditions for issuance of employment permits for each such sector;

Whereas the Parties hereby declare their common goal to combat human trafficking, illegal migration, undocumented and illegal manpower recruitment practices and illegal employment of foreign workers;

Whereas the Parties share the mutual desire to eliminate the charging and payment of illegal recruitment fees from foreign workers throughout the process of recruitment and employment and declare their willingness to cooperate in order to achieve this goal;

Whereas the Parties wish to ensure legal, fair and well informed recruitment and temporary stay of Georgian Citizens arriving for temporary employment in Israel in the specific sectors and according to procedures set out in Implementation Protocols to this Agreement (hereinafter referred to as the "**Implementation Protocols**"), as well as the return of Georgian Citizens to their country upon the conclusion of their legal stay in Israel;

The Parties hereby agree as follows:

## Article 1 – General

1. The term **"Georgian Citizen"** shall mean a Georgian worker arriving for temporary employment in Israel under the framework of this Agreement, in the specific sectors and according to procedures set out in Implementation Protocols to this Agreement.

2. The term **"Temporary Employment"** shall mean legal employment in Israel of a Georgian Citizen holding a Biometric passport issued by Georgia , in a specific sector, by an employer holding a valid permit issued by the Government of the State of Israel to employ a foreign worker, in accordance with Israeli national law, regulations, rules, procedures and resolutions of the Government of the State of Israel for a limited period of time, after which the Georgian Citizen must leave Israel.

3. The duration of the temporary employment in each permitted sector will be as specified in the relevant Implementation Protocol and shall not exceed the maximum permitted duration as set out in the relevant Israeli law as well as per relevant resolutions of the Government of the State of Israel concerning yearly quotas for temporary foreign workers in each sector.

4. The Government of the State of Israel shall facilitate issuance of visas and work permits for Georgian Citizens recruited for temporary employment under this Agreement in accordance with Israeli law and procedures for each specific sector.

5. The maximum number of Georgian Citizens who may be employed for a temporary period of time under this Agreement in each permitted sector shall be set out in an Implementation Protocol for the specific sector and will be subject to quotas for temporary foreign workers stipulated in Israeli Governmental resolutions, as well as, the number of job offers received from employers in Israel. Nothing in this Agreement or in an Implementation Protocol shall be construed as an obligation of Israel to recruit workers from Georgia or as giving exclusivity for recruiting workers from Georgia.

6. The Georgian citizens carrying out temporary employment as set out in the relevant Implementation Protocol, shall not be entitled to carry out any other paid labour activity or employment in any sector other than the sector for which they were issued a visa and work permit.

7. Each Party shall endeavour to take reasonable necessary actions to protect Georgian Citizens rights in accordance with its relevant laws and regulations.

## Article 2 –Objectives

The objectives of this Agreement are as follows:

a. To ensure a legal, fair and well-informed recruitment process for Georgian Citizens arriving for temporary work in Israel according to the principles set out in this Agreement, and to prevent illegal fee-taking in connection with such recruitment;

b. To set up a framework for exchange of pertinent information and for ongoing cooperation between the Parties regarding temporary foreign labor issues;

c. To ensure cooperation between the Parties regarding the recruitment, selection, placement, arrival and employment of Georgian Citizens, as well as their return to Georgia after their temporary employment in Israel;

d. To ensure that the Georgian Citizens recruited under this Agreement possess the required qualifications for employment in the relevant sector, understand the terms and conditions for legal stay in Israel and their obligation to return to their country upon the conclusion of their legal employment period in Israel;

e. To promote the protection of the labour rights of Georgian Citizens carrying out temporary work in Israel throughout the process of recruitment, selection, placement, arrival, employment and return.

## Article 3 – Cooperating Authorities

The Parties shall designate and authorize relevant government ministries or agencies to implement this Agreement in the various agreed upon sectors (hereinafter the "**Cooperating Authorities**"). The Israeli Cooperating Authority may be assisted in such implementation by a competent official Israeli body or any other NGO authorised by it or on its behalf. The relevant Cooperating Authorities for each specific sector should be established in an Implementation Protocol or confirmed by the Parties in official written form via diplomatic channels.

## Article 4 –General implementation provisions

1. The Parties agree that the recruitment of Georgian Citizens for temporary employment in Israel in each specific sector shall be implemented jointly as set out in Implementation Protocols and their addendums for each specific sector.

2. Conclusion of Implementation Protocols shall be carried out by mutual agreement of the Cooperating Authorities, set out in a written arrangement affirmed through diplomatic channels.

3. The implementation of this Agreement and any activity hereunder shall be in accordance with the respective applicable laws, regulations, rules, procedures and mechanisms of each State Party.

## Article 5 – General worker qualifications

The Government of Georgia shall direct the relevant Cooperating Authority on its behalf to ensure that the Georgian Citizens recruited for temporary employment under this Agreement shall have all necessary skills, training and experience as required for the relevant sector, have been medically examined, are in good mental and physical health and hold relevant medical certificates and have no criminal record, all as stipulated in the relevant Implementation Protocols.

## Article 6- Recruitment process

The Parties agree to take all reasonable necessary measures to ensure that the recruitment process is transparent, that all relevant information is provided to the applicants (including their obligations concerning legal stay and employment in Israel and their return to Georgia upon the conclusion of their legal employment period in Israel) and that no fees or payments in connection with their recruitment, other than any permitted payments set out in the relevant Implementation Protocols, which shall not exceed permitted payments set out in **Israeli law**, shall be collected from the applicants or the workers, directly or indirectly, in either country, throughout the entire recruitment, and employment process in Israel.

## Article 7 -Joint Coordination Committee and exchange of information

1. The Parties, through their relevant Cooperating Authorities, shall exchange relevant information and updates concerning the existing legislation and procedures regulating labour relations and criminal offences as well as entry, stay, paid employment, obligations

of employers and departure of foreign workers which may affect the procedures set out in this Agreement.

2. A Joint Coordination Committee (hereinafter referred to as the **"Joint Coordination Committee"**) comprising representatives of the Parties shall be set up for the purposes of solving problems arising out of the implementation of this Agreement.

3. The Joint Coordination Committee shall meet on an annual basis, if requested by either Party, in each Country alternately according to mutually agreed conditions and dates, or, if both Parties agree, via video conference facilities. The Parties will inform each other in writing of the issues they wish to discuss no less than 30 days prior each meeting date.

4. Agreed minutes shall be drawn up after each meeting.

5. Additional special meetings of the Joint Coordination Committee may be convened in case of urgent matters to be discussed, upon a request of either Party.

## Article 8 – Personal data protection

Transmitting, keeping and processing of information relating to an identified or identifiable natural person, transmitted under this Agreement and its Implementation Protocols, shall be subject to the respective domestic law concerning the protection of privacy and personal data, of each Party. Such information shall be confidential and shall be used exclusively for the purposes of this Agreement and its Implementation Protocols.

## Article 9- Legal Cooperation

The Parties shall cooperate and provide assistance in investigations and prosecutions of offences regarding the matters set out in this Agreement, subject to the Law of each State Party.

## Article 10- Return of workers

1. Upon expiration of his authorized stay, the Georgian Citizen shall depart from Israel.

2. Before departure to Israel, the Georgian Citizens shall sign a declaration in a language they understand whereby they shall undertake to comply with the conditions for legal employment and stay in Israel, to return to Georgia upon the conclusion of their legal temporary employment period in Israel as well as to fulfill any other procedures or sign additional declarations or provide any other guaranties as agreed upon by the Cooperating Authorities, to ensure compliance with this Article.

3. The Government of the State of Israel reserves the right to order a Georgian Citizen to leave Israel in accordance with Israeli laws, regulations, rules, procedures and resolutions of the Government of the State of Israel, including cases in which, *inter alia*, a worker does not leave Israel at the end of his authorized stay, a worker is in breach of the conditions of his visa, work permit or the declaration signed by him as per paragraph 2 of this Article, or is in breach of this Agreement, or the Government of the State of Israel determines that his presence could constitute a threat to national security, public order or public health.

4. The Parties shall cooperate as necessary to allow speedy and effective return of Georgian Citizens recruited under this Agreement to Georgia at the conclusion of their legal employment in Israel. They shall also cooperate regarding speedy and effective return of Georgian citizens, recruited under this Agreement, staying illegally in Israel.

## Article 11 - Dispute resolution- General

Any dispute, controversy or claim arising out of or relating to this Agreement, including its invalidity, breach or termination, shall be settled amicably through negotiations between the Parties.

## Article 12- Dispute resolution between employers and workers

Any disputes which might arise between employers and workers shall be subject to the exclusive jurisdiction of the Courts of the State of Israel and resolved solely in accordance with applicable Israeli law without regard to its choice of law rules.

## Article 13 - Entry in force, duration and termination of the Agreement

1. This Agreement shall enter into force on the date of the latter of the Diplomatic Notes by which the Parties notify each other of the completion of their internal legal procedures required for the entry into force of this Agreement.

2. Notwithstanding the above, implementation of this Agreement for any specific sector shall begin after the relevant Cooperating Authorities have signed an appropriate Implementation Protocol for that sector.

3. The Parties may amend this Agreement, in writing, by mutual consent. Such amendments shall enter into force in accordance with the procedure set forth in paragraph (1) of this Article. Any modification to an Implementation Protocol shall enter into effect in accordance with the procedure set out in the Implementation Protocol.

4. This Agreement shall be concluded for a period of three (3) years and shall be automatically extended for further one (1) year periods.

5. Either Party may terminate this Agreement at any time by sending a Diplomatic Note to the other Party at least six (6) months prior the requested termination date.

6. In the event that either Party raises concerns regarding the charging and payment of illegal recruitment fees from Georgian applicants or workers and the Joint Coordination Committee fails to produce a mutually acceptable solution, or does not convene within forty five (45) days (including via any electronic means available) from the date of the request of either Party to convene the Joint Coordination Committee, either Party may suspend with immediate effect all or part of activities carried out under the relevant Implementation Protocol.

7. Decisions taken under Article 13 (5) or Article 13(6) of this Agreement, shall not affect any person who at the date of such decision already holds a visa issued under this Agreement, including Georgian Citizens legally employed in Israel in the framework of this Agreement.

In witness whereof, the undersigned being duly authorized, have signed this Agreement.

Signed in Jerusalem on the 30th day of September, 2020, which corresponds to the 12th day of Tishrei of 5781, in the Hebrew calendar, in two original copies, in the Hebrew, Georgian and English languages. In case of divergence of interpretation, the English text shall prevail.

**For the Government of the State of Israel**

**For the Government of Georgia**