



# Joint Statement of Non-Governmental Organizations and Professional Unions regarding the Incidents of loss of life at workplaces

During the last few days, the public learned about the incidents that took place at several workplaces, namely, at the construction sites and the coal mining plant and resulted in the death of three people,<sup>[1]</sup> which apart from the need for effective investigation, also calls for the immediate review of the labour safety policy.

The overall data on the number of people injured or dead at the workplace is also alarming, and it indicates the systemic nature of the violations of the labour rights and inefficiency of the labour policy, currently implemented by the state. According to the official data of the Ministry of Internal Affairs, in 2011-2015, 212 employees died as a result work-related accidents and 691 were injured.<sup>[2]</sup>

The mentioned statistical data is one of the, but not the only indicator of the violation

of the employment rights. The scale and practices of these violations are also demonstrated by the number of protests and strikes among the employees and the nature of their requests, which is mostly related to the creation of the core, descent and safe labour conditions. [3]

The Public Defender of Georgia has been expressing concerns over the years with regards to the number of deceased and injured as a result of work-related accidents, and in his special statement, apart from the necessity for increasing the efficiency of the mechanisms for work inspection, the Defender also mentions inefficient investigative practices.[4]

Reforming the labour policy, including creating effectual mechanism for labour inspection, still remains the main requirement and recommendation from several international and local organizations and professional unions. Guarantying descent labour conditions and creating effective labour inspection system is one of the obligations of EU-Georgia *Association Agreement*. [5]

Since 2006, the declared labour policy, which resulted in creating labour legislation without core standards for protecting the rights of the employed and terminating the mechanism for labour rights protection, the labour inspection; had grave results in terms of the labour rights protection. In order to respond to the apparent challenges, number of reforms has been executed since 2013. Namely, several amendments were made in the labour code, as a result, core standards for protecting labour rights were added and separate mechanisms have been created, including the department for inspecting labour conditions.

However, it is clear that due to the flawed reforms, non-sufficiency and the limited mandate of the created mechanism, significant part of the legal amendments proved to be non-effective when dealing with existing challenges and didn't ensure the improvement of labour rights situation. The given problem is especially acute with regards to persons working in difficult, harmful and dangerous conditions, who still perform their daily jobs at the risk of their own lives and health.

Despite the existing challenges and international obligations towards the European Union, the existing labour inspection mechanism is an ineffective agency, which is unable to carry out its main function - ensure prevention and effective response to the violations. At the same time, Georgia still does not recognize the third article of

the European Social Charter and those conventions of the International Labour Organization (ILO), which relate to labour safety issues, as obligatory; this also indicates the absence of the political will and readiness of the government to create effective and capable mechanisms for protecting the labour rights.

### **The signatory organizations call for**

The law enforcement agencies

- Ensure swift and efficient investigation in the cases of loss of lives at the workplaces and proactively inform the population about the ongoing investigation and its results.

The parliament of Georgia and the Government:

- For the purposes of preventing labour rights violation and ensuring relevant response, to immediately create effective mechanisms for labour inspection, which will include the necessary means for its effectiveness, including the rights to unconditional access to the workplace, mandate for full-specter inspection of the labour rights, mechanisms for prevention of violation of these rights and for the effective executive mechanisms for elimination of these violations and relevant financial/administrative resources.

- For Georgia to ratify Conventions N81, N129, N155, NC176 of the International Labour Organization (ILO) and article N3 of The European *Social Charter*

### **Signatory organizations:**

Human Rights Education and Monitoring Center (EMC);

Article 42 of the Constitution;

Georgian Young Lawyers' Association (GYLA);

Transparency International – Georgia

Georgian Trade Union Confederation

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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- [1] On October 7, the employee of the Ventilation and Safety Service, Temur Kakauridze died in Tkibuli, Mindeli mine, source:  
<http://liberali.ge/news/view/25231/meshakhteebma-7-oqtombers-shakhtashi-gardatsvlili-tanamshromeli-ipoves>; On October 19, 26 years-old worker Temur Gurgenashvili died during construction works, on October 20,, another worker from the construction on Khizanishvili also died during work; source:  
<http://netgazeti.ge/news/149160/>;
- [2] Info graphic▶died or injured as result work-related injury  
<https://emc.org.ge/2016/02/27/emc-10/>;
- [3] Protests and strikes by the employees of different agencies, including the ones in Kazreti, Ksani, Tkibuli and Zvareti.
- [4] Special statement of the Public Defender of Georgia of October 20:  
<http://www.ombudsman.ge/ge/news/saxalxo-damcvelis-sagangebo-gancxadeba.page>;  
also, Transparency International Georgia is preparing legislative initiative on aggravation of criminal persecution for violating labour safety.
- [5] Association Agenda, chapter: “Employment, Social Policy and Equal Opportunities”