



## A joint appeal concerning the draft law of labor safety

**Every week the media is reporting about the laborers being injured or dying at their workplaces.** Today a worker fell from the construction site and died on Jvania Street. 10 days ago a man working on the construction site in the village of Rukhi died. In May 2017, in the mine of Tkibuli, four workers at the same time died due to the nonexistence of the safety standards. **Death on the workplace has turned into a usual thing and became a part of everyday life.**

Beyond the facts of severe mutilations and death, the facts of professional diseases developed from heavy and harmful working conditions stay imperceptible for the media and public. These professional diseases don't cause instant death, although they have a heavy impact on health, cause chronic and critical diseases and make a person unable to work. Till today Georgia still doesn't have the proper legislation that would force the companies to create dignified working conditions and stop sparing resources on account of the lives and health of already low-paid workers. During the last years the civil society is fighting for the regulation of workers' health and safety. Besides, the association agreement between Georgia and European Union, giving the

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privileges of visa-liberalization and free trade, also foresees the obligation of creating and implementing the fulfillment tools of the standards for Labor rights, Health and Safety. In our reality this is a matter of life and death.

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After accepting the draft law about  Safety A on the first session in the parliament, the last eight months were dedicated to its processing, which was supported by the parliament and the civil society. On the 5<sup>th</sup> of February 2018 the committee of Health and Social matters was going to discuss the mentioned draft law on the second session, although the initiator  the government of Georgia did not present the legislative package and asked for one more week to reconcile the positions. It must be mentioned that the Ministry of Economy and Sustainable

Development representatives, whose positions cause disagreement on the draft law text, were absent on the committee session. The minister of Economy and Sustainable Development has been delaying the enactment of the bill for years. [ ] Law of Workplace Safety A is directly connected to the working field of the Ministry of Labor, Health and Social Affairs of Georgia and enacting the bill is the prerogative of the Georgian parliament. The events taking place in the parliament make it clear that the Ministry of Economy and Sustainable Development is dominant in this process and it has advantages towards other bodies.

Hereby we want to undermine three important issues concerning the draft law on [ ] Labor Safety”:

- The Ministry of Economy and Sustainable Development is principally asking to narrow the area of influence of the law and instead of [ ] heavy, harmful and dangerous workplaces A define [ ] containing overly hazardous, heavy and harmful conditions A By bringing in the standard of the [ ] hazardous A the impact area of the law is additionally narrowed and besides, dangerous workplaces are not contained in the definition. Also, according to the position of Economy and Sustainable Development Ministry, the law must not influence the public institutions, which also is a groundless opinion and aims at excluding the public bodies from the influence area of the law. We request for the legislation to be influential for every workplace and include every employee.
- A very important flaw in the draft law is the improper amount of fines. Although, determining the rational amount of fines is vital in order to suppress the violation of the workplace safety standards. If paying the fine is cheaper for the company than improving the conditions of health and safety, the employers will always choose the easy way of paying the minimal fines. An adequate penalty system is unconditional for carrying out the law.
- The third issue is the appointment of inspectors on the workplaces. The current offer obligates the labor inspectors to receive the preliminary permission from the court for checking the workplaces. Without these procedures it will only be possible to give them access to the workplaces during the planned inspections (once a year), during the repeated control and after the workplace accident. To our mind, labor inspectors must have the unconditional right to have access to the workplaces. Practice shows that this is the most effective way to let the inspectors supervise the conditions timely

and without hindrance. The factor mentioned in its turn also restrains the inspection from ensuring the prevention of fatal accidents.

In order to create a safe working space for the employees, the above discussed issues must unconditionally be solved.

We request:

**-The government of Georgia and the Ministry of Economy and Sustainable Development must ensure rearranging the draft law text in a way that will totally exclude weakening the version processed in the working group and additionally will take into account those fundamental issues, which are absolutely important for carrying out an effective reform;**

**-The parliament of Georgia must in the shortest period of time enact the bill about              Safety Act which will realistically answer the challenges of the workplace safety in the country.**

Signing:

1. Human Rights and Monitoring Center (EMC)
2. Young Socialists of Georgia (YSG)
3. Solidarity Network - Workers' Center (SNWC)
4. Progressive Forum
5. Georgian Young Lawyers' Association (GYLA)