

გათავისუფლებული  
სოციალური მუშაკების  
პოზიციებზე სასამართლომ  
მოპასუხეს დავის  
დასრულებამდე ახალი  
თანამშრომლების  
განუსაზღვრელი ვადით  
დანიშვნა აუკრძალა



## The court prohibits the defendant from appointing new employees on the positions of dismissed social workers for indefinite terms before a dispute resolution

GYLA is representing several social workers who were illegally dismissed as a result of the reorganization on January 29th, 2020. Until the end of the ongoing dispute in court, the defendant will no longer be able to appoint new staff in their place on indefinite terms. The court has forbidden the respondent agency to fill the relevant vacancies with new staff before resolving the dispute. This decision guarantees that social workers would be reinstated in the event of a successful end of an employment dispute.

Given that the court trial takes a long time, there was a real danger that the respondent LEPL - the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, would fill the positions with new staff members that the

dismissed social workers demanded to be reinstated. In such a case, despite the successful completion of the dispute, social workers would be prevented to be reinstated to their workplace. To eliminate this threat, GYLA has demanded securing a claim through the court banning the indefinite appointment of other staff members on the position of dismissed social workers to be reinstated.

*At the first stage, the Batumi City Court did not grant the request on securing the claim however, its decision was reversed by the Kutaisi Court of Appeal. The Court of Appeals clarified that **reinstatement or compensation could not secure the full and effective realization of the plaintiffs' violated rights, and if the defendant was not restricted to appointing employees to the disputed vacancies for an indefinite period, it might be impossible to reinstate the plaintiffs, and the compensation imposed by the court on the defendant cannot replace their labor right to have a job, with appropriate remuneration.***

The court ruling is final, which means that the LEPL - the Agency for State Care and Assistance for the Victims of Human Trafficking, the Center for Adjara of the Autonomous Republic of Adjara, it is prohibited to appoint a senior social worker and a social worker of the same center for an indefinite period of time by an employment contract or otherwise.

It should be noted that a similar decision was made by the Kutaisi City Court in another GYLA case, which banned the Imereti Regional Center, of the Agency for State Care and Assistance for the Victims of Human Trafficking announcing a competition for the position of Kutaisi social worker and appointing a person other than the acting one for the mentioned position for life.

GYLA hopes that the courts will be able to resolve the dispute in a timely manner and that illegally dismissed social workers will return to their jobs.