

მეხანძრის საპენსიო ასაკს საია
საკონსტიტუციო სასამართლოში
ასაჩივრებს

GYLA is appealing the retirement age of a firefighter to the Constitutional Court

On 8th April 2021, the Georgian Young Lawyers' Association applied to the Constitutional Court of Georgia on behalf of Merab Muradashvili. GYLA considers that the retirement age set for a firefighter - 55 years - is unconstitutional and against the right to equality. A firefighter is automatically fired as soon as he or she reaches 55 years of age.

This rule is discriminatory based on age, as reaching the age of 55 is the only basis for dismissing a person from the fire service. Before the dismissal, it is not assessed whether the 55-year-olds have the physical skills to participate in firefighting and rescue operations. If a person who has reached the age of 55 has the opportunity to take part in the clearing up of natural and man-made disasters, there is no justification for dismissing such a person solely on the grounds of age.

In the lawsuit, GYLA states that after reaching the age of 55, firefighters should undergo an individual examination (for example, passing physical standards) and only based on such an examination decision should be made whether to leave or dismiss them. Under the conditions of this individual assessment, on the one hand, the fire service will work properly, and on the other hand, neither firefighter will have to leave the service due to age. Assessing a firefighter's skills who reached 55 will not be an additional expense for the emergency management service, as the legislation already provides for periodic checks on the level of physical training for firefighters.

GYLA considers that the retirement age of a firefighter violates the right to equality guaranteed by the first paragraph of Article 11 of the Constitution.