



PARLIAMENT UNREASONABLY REFUSED AN EMPLOYEE TO GIVE A LEAVE TO AND DISMISSED HIM

On February 26, 2020, the Kutaisi Court of Appeal ruled that in May 2018 the Georgian Parliament unreasonably refused an employee to enjoy a leave and dismissed him. The court invalidated the order on dismissal of a plaintiff from a position of a leading specialist of Human Rights and Civil Integration Committee and instructed the Parliament of Georgia to adopt a new decision within the time limit established by the legislation of Georgia based on the study, examination, and concurrence of the circumstances relevant to the case.

On April 25, 2018, the plaintiff applied to the Secretary-General of the Parliament of Georgia and requested unpaid leave. The plaintiff substantiated that he had to work in a hostile environment and was the victim of discrimination about which the judicial dispute was going on. Given the current situation, he wanted to take unpaid leave, and if he was not allowed to take unpaid leave, he was requesting dismissal. He was entitled to enjoy an unpaid leave for a period of up to one year under the Law of Georgia on Public Service. However, the Parliament of Georgia did not allow him to

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enjoy a leave provided by law and dismissed him.

The plaintiff appealed against the decision on denial of leave and dismissal with the assistance of GYLA to the Kutaisi City Court, which dismissed the claim. The Kutaisi Court of Appeal changed the decision of the court of the first instance and found that arguments of the Parliament were not convincing. This decision has not yet entered into legal force and the Parliament of Georgia has to continue litigation in the Supreme Court.