

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Young Lawyers for Effective Protection and Promotion of Basic Labor Rights in Georgia

Throughout the years one of the key priorities of GYLA's work has been protection of labor rights. The issue became particularly pressing starting from 2006 after the new Labor Code of Georgia came into force. The new legislation basically annulled guarantees for protection of employees, giving employers' greater advantage over employees. In 2010-2011 GYLA implemented EU-funded project "Young Lawyers for Effective Protection and Promotion of Basic Labor Rights in Georgia. Based on GYLA's strategic approaches, the project was implanted in three different directions, in

particular:

a) Improvement of national legislation regulating labor relations and promotion of its harmonization with European standards.

To this end, legal research was prepared under the project auspices, encompassing analysis of key problems in national labor laws, international standards and recommendations on how to tackle the problems. With the help from this research, a package of proposed amendments to the Labor Code of Georgia was prepared, offering new regulation for most problematic issues in the labor laws – in particular, Articles 36, 37 and 38, which proved to be most challenging and problematic throughout the one-year period. Improving these Articles, which are the most important and decisive, will tackle a number of problems in practice related to unsubstantiated sacking of employees. Further, GYLA work is not finished by submitting the package of legislative proposals. Considering the extremely difficult labor environment in Georgia, it is impossible to improve the situation ideally and completely eliminate the problem in a short amount of time. Therefore, GYLA's parliamentary secretary continues working on various types of amendments, for the purpose of harmonizing the Labor Code with European standards, coupled with intense and lengthy lobbying of the issue in the parliament.

b) Provision of free legal assistance to individuals whose labor rights have been violated

In frames of the project and following its conclusion, GYLA's free legal aid center will provide legal assistance to individuals whose labor rights have been violated. Free legal assistance is provided both at the central (Tbilisi) as well as regional levels. Particular attention is paid to protection of rights of the vulnerable groups, such as the pregnant, the underage and persons with disabilities, persons who have reached pension age, IDPs, representatives of specific professions (doctors, journalists, teachers, etc.).

GYLA's lawyers provide the following type of legal assistance for individuals whose labor rights have been violated: providing legal consultation on labor-related issues; preparing legal documents when needed and providing legal representation in court or before an administrative agency.

In frames of the EU-funded project only, GYLA's legal aid center provided total of 3207 consultations both at the central as well as the regional level.

Analysis of consultations provided revealed most challenging issues, including: 1.

Dismissal based on termination of agreement; 2. Payment of compensation for the period of one month, due to dismissal. 3. Payment of salary arrears; 4. Taking maternity leave; 5. Working overtime; 6. Taking leaves; 7. Refusal to provide salary certificate, in an event of a verbal agreement; 8. Determining work experience.

The foregoing problems were also covered by the legal analysis of labor laws.

As to litigation, under the project auspices GYLA was defending interests of citizens in labor disputes in 25 cases, 12 of which was successfully concluded. In three of the cases, disputes are now ongoing in the Supreme Court.

c) Raising public awareness in labor rights and familiarizing them to means for their protection

For the purpose of raising public awareness and preventing future violations, GYLA prepared and distributed by means of its regional offices special brochures on labor rights. It is noteworthy that the brochures were published in Georgian as well as Armenia and Azerbaijani languages, and was distributed in areas populated by ethnic minorities.

In frames of the project, GYLA also prepared three public service announcements with the following slogan – Live with dignity, protect labor rights! These public service announcements were broadcasted by public broadcaster as well as 25 regional broadcasters.

Following broadcasting of the public service announcements and distribution of brochures, number of people who applied to our offices for protection of labor rights significantly increased. Further, public attention was drawn to labor-related problems in law or practice.