

To: Commissioner Johannes Hahn
Directorate-General for Neighborhood and Enlargement Negotiations (NEAR)

To: Commissioner Marianne Thyssen
Directorate-General for Employment, Social Affairs and Inclusion (EMPL)

To: Commissioner Cecilia Malmström
Directorate-General for Trade

We are willing to share our concerns regarding the ongoing processes at the Parliament of Georgia related to the discussion of the draft law on “Labor Safety”, which is also one of the significant issues for EU-Georgia association agreement and the association agenda.

Relevant institutions of the EU are well aware of the weak labor policy in Georgia which results in unstable, low-paid and unprotected work carried out by employees in degrading working conditions. At those workplaces where the risk of worker’s injury and death is especially high, fatal industrial accidents happen every week. As a result, 1046 people died or were injured at the workplace during 2011-2016 in Georgia. This number is increasing every year.

In the light of society’s increased demands towards changing the labor policy and the obligations reflected in the association agreement with the EU, society expected that the next steps of the state would be adequate, sufficient and would realistically promote labor safety, including the protection of labor rights at the workplace. However, despite certain positive provisions, the draft law initiated by the Government is weak in terms of its enforcement and does not provide sufficient mechanisms which would convince us in the will of the Government to effectively protect employees at the workplace. The draft law has been worked on for 8 months at the legislative body and the Government position regarding the review of the draft law is still unknown, which is substantially influenced by the economic team of the Government.

We are willing to pay your attention to four major aspects of the proposed draft law:

Scope of the law: According to the proposed version of the draft law, it applies only to “work under excessively risk of harsh and harmful conditions”, which narrows down the scope of the law by bringing in “excessively risk” standard and does not cover all harsh, harmful and dangerous work.

Furthermore, the draft law does not apply to every workplace, which constitutes unjustified limitation and rests on the incorrect interpretation of the internationally recognized labor standards.

Access of the inspector to the workplace: The draft law foresees the unconditional access of the labor safety supervisory body to the workplace only as an exception. While carrying out supervision, Labor Inspectorate is obliged to address the court in order to get permission (planned control is an exception), which requires additional time and decreases the chance of immediate and effective response by the supervisory body.

Sanctioning mechanism: The draft law determines the minimal amount of fine as a sanction, which will not achieve the aims of the law and will not ensure employer's motivation to rectify the infringements instead of paying the fine.

Necessary resources to implement the reform: Strengthening the supervisory mechanism with relevant financial and human resources is of significant importance for implementing the law. However, the draft law does not refer to such need and vision, which casts doubt on the real enforceability of the reform.

We hope that the relevant units of the EU will be in close coordination with the Government and the Parliament of Georgia in order ensure that the adoption of the law responds to the existing challenges as well as the conditions of the EU-Georgia association agreement.

Signatory organizations:

Human Rights Education and Monitoring Center (EMC);

Georgian Young Lawyers Association (GYLA);

Young Socialists of Georgia (YSG);

Solidarity Network – Workers' Center (SNWC);

Georgian Progressive Forum (GPF);

Analytical platform European.ge.