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GEORGIA FAIR LABOR PLATFORM

## Fair Labor Platform: Social Service Agency employees on the verge of strike due to difficult labor conditions

In response to the ongoing labor dispute involving Social Service Agency staff, the Fair Labor Platform calls on the Ministry of Health to ensure a quick and efficient mediation process that thoroughly addresses staff's demands for decent working conditions.

On September 23 of this year, 246 employees of the Social Service Agency initiated the dispute by filing an 11-point claim against the Agency. Their interests are represented by the independent trade union Solidarity Network. Their main demands include the conclusion of a collective bargaining agreement and an increase in remuneration. They are also demanding full remuneration for maternity leave, paid sick leave and health insurance.

The working conditions of the staff at the Social Service Agency – social agents, senior

social agents, specialists, senior specialists and chief specialists – are extremely difficult, and their activities are vulnerable and unregulated. Agency staff have long complained that they endure harsh working conditions in violation of their labor rights. Unfortunately, Georgia’s main labor policy-making body is the Ministry of Labor itself, which appears unable to ensure compliance with minimum labor law standards within its own walls.

Social agency staff play a central role in the timely identification and investigation of violence against children. Protecting and improving their working conditions is essential to achieve a functioning child welfare system.

It is worth noting that the Labor Inspectorate [investigated](#) working conditions in the Social Service Agency in June this year. The results of their inspection uncovered an array of irregularities that require an urgent response from the state, including:

### **ILLEGAL TERM EMPLOYMENT CONTRACTS**

Social agents’ employment contracts are fixed-term contracts that must be renewed every month. This is a violation of the law. The Labor Code of Georgia allows fixed-term employment contracts only in very limited, specific cases. The Public Defender of Georgia already [submitted a recommendation](#) to the Social Service Agency on this issue in May 2020, noting that these contracts are in violation of the Labor Code and that their use must be eliminated.

### **LACK OF JOB DESCRIPTION**

Social agents’ employment contracts typically contain no job description. The right to receive a contract describing the type, scope and description of the work to be performed is an elementary aspect of labor relations. Without a pre-established job description, it becomes extremely difficult for social agents to identify the work they must perform.

### **OVERTIME PAY**

Employment contracts do not include the terms and conditions of overtime pay. The labor law imposes an obligation on the employer to pay a higher rate for overtime, and although the minimum rate of overtime pay is not yet regulated by law, the employer is obliged to determine in advance the amount paid for such overtime.

## RESTRICTION OF THE RIGHT TO LEAVE

The issue of both paid and unpaid leave is problematic for social agents. Employment contracts do not include information on the term of leave, the rules for granting it and remuneration.

It is also worth noting that prior to the inspection, several social agents who spoke out against labor rights violations were accused of disciplinary misconduct by the Agency. These disciplinary proceedings were later terminated, and no decision was taken, but the intent to intimidate was clear. The Social Service Agency has been given 6 months to rectify the violations by the Labor Inspectorate, although social agents note that their working conditions have not even remotely improved since the inspection.

Social agents have also raised the issue of the existing wage policy and are demanding a raise. Agents, whose activities are crucial and enable the state to provide assistance to the poor, are themselves facing social catastrophe and extreme hardship. Their remuneration is often not even equal to the subsistence level.

The Agency's remuneration system is complicated, with most agents' pay calculated based on the number of case visits. It is compensated at GEL 6 per case visit, a rate which has not changed since January 2009. During the pandemic, the number of such visits decreased significantly. The fixed salaries paid by the agency are also insufficient: 250 GEL per month for ordinary agents, and 550 GEL for senior social agents.

At present, a labor mediation process between the staff and Agency leadership is underway. It is crucial for the Agency to prevent a crisis in the state social protection system by recognizing the staff's difficult working conditions and taking timely, effective steps to improve them. The failure to do so could result in a strike.

**The Fair Labor Platform expresses solidarity with the staff of the Social Service Agency and urges the authorities to meet their demands. We call on the Ministry of Health of Georgia to ensure a fair mediation process, recognize the systemic problems in the Social Service Agency, acknowledge the violations of employees' labor rights and immediately institute changes to create decent working conditions.**

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **Fair Labor Platform member organizations:**

- Social Justice Center (formerly EMC);
- Trade Union of Health and Services – “Solidarity Network”;
- Georgian Young Lawyers Association (GYLA);
- Union of Social Workers;
- Tbilisi Metro Independent Trade Union – “Unity 2013”