

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA's Statement about Dispersal of "Herkulesi" Workers' Strike

On September 15, 2011, the police dispersed the strike of workers of Herkulesi – a metallurgical factory in Kutaisi. The workers on strike demanded improvement of working conditions at the factory.

The right to go on strike is guaranteed by the Labor Code, which stipulates that strike is a temporary voluntary refusal by an employee to partially or fully fulfill his/her obligations under the labor contract, with the purpose of regulating subsequent relations within the frames of a labor dispute. The dispute between the factory administration and workers has been ongoing for several months already. The written list of workers' requirements was submitted to the factory administration but the latter failed to react. Afterward, the factory workers, in compliance with Article 49 of the Labor Code, held a token strike and after 24 hours following the token strike, Herkulesi workers' right to strike arose.

As for the right of assembly and manifestation of the strikers, which they enjoyed since the first day of going on strike, the police grossly interfered with the right by dispersing and detaining the strikers. Representatives of GYLA Kutaisi office had been monitoring the strike since the very first day. According to our information, the strike was held in full compliance with the Law of Georgia on Assemblies and Manifestations. The strikers had occupied the factory premises without blocking traffic or the factory entrance. It is proved by footage

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broadcasted by media. Therefore, we strongly believe that the law enforcers had no legal grounds to interfere with the strike and obstruct the workers right to go on a strike.

We are particularly concerned that without any legal motive the police restricted some legal right of the participants – including hunger strikers - to go on a strike. Furthermore, the law enforcers failed to officially register the noted facts. Following the dispersal, GYLA's lawyers were unable to find detainees at police departments, as the police refused to have detained any strikers. They continued to deny until one of the lawyers saw detained workers exiting Kutaisi N1 police bureau after about 3 hours, which means that detained workers were illegally deprived of freedom all this time.

According to one of the detained workers, Mr. Irakli Iobidze, the police had the detained write the so-called assurances that they would not longer protest against the conditions and the factory and they would continue to work. If the alleged fact is proved, unjustified intrusion by the police in the workers' right to assembly and manifestation will be confirmed.

GYLA believes that dispersal of a lawful rally by the police, illegal arrest of strikers and their detention at the police department without any official registration for several hours and having them write the so-called assurances without any legal grounds whatsoever, amounts to abuse of authority by police officers.

GYLA stands ready to provide free legal assistance to all injured parties. Furthermore, GYLA intends to closely examine the dispersal and monitor any future developments pertaining to it.