

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Applies to Parliament for Improving Labor Legislation

On March 16, 2011, Georgian Young Lawyers' Association (GYLA) applied to Parliament of Georgia with a legislative proposal. The purpose of the proposal is to amend norms of the Labor Code that regulate suspension and termination of labor agreement.

Corresponding practice reveals that the existing norms fail to ensure protection of rights and interests of employees in an event of termination of a labor agreement.

Furthermore, it does not comply with standards established by international acts or reflect the experience of other countries in the sphere of protection of labor rights. Furthermore, the court practice has clearly failed to fill the legislative void or to provide the definition of the mechanism for termination of labor agreement that complies with international standards. It shows the necessity to revise the existing regulations.

The legal draft ensures harmonization of the existing norms of labor law with international acts, subsequent international obligations undertaken by Georgia and the legislation of European countries; more specifically, it aims at regulating termination of labor relations in a way that will ensure protection of employees' rights by means of entitling them to material or procedural guarantees.

The legal draft offers new regulation of termination of labor agreement. More specifically, it establishes grounds and procedures for the termination of agreement. The proposed formulation

- deems essential violation of labor agreement by an employee or valid grounds as the basis for termination of labor relations
- provides for an obligation of submitting a notice one month ahead to the other party prior to termination of agreement;
- provides an obligation of an employer to substantiate termination of labor agreement at the request of an employee and to do so within 7 calendar days after the corresponding request has been made;
- provides an obligation of an employer to give a warning to an employee in case of essential violation of terms of agreement or to provide him/her with additional time. An employer will be authorized to terminate agreement in an event of a repeated violation or if additional time expires to no effect;
- prohibits termination of agreement within the period from notifying an employer about the fact of pregnancy to expiration of maternity leave or within a reasonable time after expiration of the period;
- increases guarantees for protection of employees upon suspension of labor relations, etc.;

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GYLA remains hopeful that Parliament of Georgia will consider the proposal in compliance with its regulations and will make corresponding amendments to the Labor Code.