



GYLA Responds to the Dismissal from Work of Municipal Public Servants, Neli Sakuashvili and Mino Maisuradze

Georgian Young Lawyers' Association (GYLA) has been monitoring the developments unfolding at local self-government agencies. A group of problems that has been evident recently is related to dismissals of municipality public servants. It has been reported that dismissals have been based on letters of resignation; however, it must be addressed whether these letters have been written willingly or as a result of psychological pressure or any other illegal action by officials.

The present case involves dismissal of two public servants from Kareli Municipality. Neli Sakuashvili addressed GYLA's office in Gori in written to inform that she was pressured into writing letter of resignation. Nino Maisuradze's case is particularly attention-worthy as she informed GYLA that she was dismissed from a self-governing unit, Ptsa territorial agency of Kareli Municipality when she was taking a maternity. She states that they had her write a letter of resignation, saying that new Gamgebeli would appoint her again. Under the January 8, 2012 order, N.Maizuradze was dismissed from work based on her own letter of resignation. The order is signed by Acting Gamgebeli of Kareli Municipality Iv. Osadze.

It may seem that there was nothing illegal in the dismissal, as Article 95 of the Law of Public Service envisages the possibility of dismissing an employee based on his/her personal initiative. However, there are a number of circumstances in the present case engendering a reasonable doubt that it was not a true will of N.Maizuradze to write a letter of resignation. In particular,

It is less likely that a woman who is 7-8 months pregnant and is entitled to paid

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maternity leave under the Georgian legislation would willingly write a letter of resignation; moreover, N.Maisuradze herself indicates that she is the only breadwinner in her family. Notably, the Georgian legislation provides for a high standard of protection for a pregnant employee, prohibiting her dismissals based on “due to staff reduction, long-term incapacity or health condition, as well as the results of Certification” (Article 11 of the Law of Georgia on Public Service). In this light, it peculiar that N.Maisuradze wanted to write a letter of resignation.

Notably, according to N.Maisuradze she turned to Iv.Osadze for clarification. The latter responded “[my supervisors] told me to dismiss you because your husband supported the National [Movement]”.

And lastly, [on December 18, 2012, Iv.Osadze declared on Trialeti TV live on air that he demanded that employees submit letters of resignation](#), after which he would decide who to bring back to work. GYLA immediately held a press conference in response. A number of other NGOs criticize the situation in municipalities. However, the fact is that criticism of civil sector is not sufficient to prevent violations. Developments around self-governments cast a shadow on positive developments that took place in our country recently, and calls for effective steps by the government.

In the present case, GYLA would like to explain that there may be violations of criminal law involved; for instance, Article 169 of the Criminal Code of Georgia criminalizes “illegal dismissal from work” and must be looked into by law enforcement authorities. We call on all officials to abide by the Georgian legislation when deciding about dismissals or any other issues. It is their direct obligation and if anyone is not willing or able to realize this obligation, s/he should not be in public service. To put it mildly, careless and illegal decisions of officials may yield undesirable results. In the present case, N.Maizuradse states that she had to spend time in hospital and is now under doctor’s supervision due to the anxiety she suffered following the dismissal.

GYLA calls on Gamgeoba of Kareli Municipality to reconsider its decision and immediately restore the public servant to work. Otherwise, we will provide legal assistance to N.Maisuradze and use all legal mechanisms available to restore her violated rights.

GYLA continues to monitor the developments around local self-governments. It has set

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up a working group to respond to all violations adequately. Everyone who believes that his or her rights have been violated or there is a threat of violation may apply to GYLA's offices in Tbilisi and throughout the regions.