



On International Labor Day GYLA Calls on the Government to Create an Effective Labor Inspection

May 1st is the International Labor Day. Labor right, which also includes the right to safe and adequate working conditions is a fundamental human right and one of the primary obligations of the state enshrined in the Constitution of Georgia and Laws, as well as in international obligations undertaken by Georgia.¹

However, today, protection of labor rights remains to be a significant challenge for the state. In 2014-2015, similar to previous reporting period, number of individuals applied to GYLA for violation of labor rights. Majority of applications concerned cases of dismissal from the office, overtime labor, reimbursement of outstanding salary, compensations and missed salaries. Gender discrimination at the working place also remains to be a problem in pre-contractual as well as contractual periods.

Post-election attestations and competitions of public servants in local self-government agencies was also a serious problem. [Number of individuals](#) have applied to GYLA about the process and reported about illegal dismissals and facts of pressure from administration for their retirement from the office. Irregularities of attestation/competition process were also described in [GYLA □□ initial evaluation](#). Furthermore, frequently there were cases when dismissals from public service were carried out under the reason of reorganization, though it was a formal process with alteration of names of positions, rather than the real [reorganization](#) process.

Protection of employees rights is among top priorities of GYLA □□ activities. Since May 1, 2014 GYLA provided consultations to 2638 individuals on labor rights and drafted

241 pieces of legal documents. Though only litigation is insufficient for protection of foregoing rights and for establishment of respect of employees rights.

As GYLA practice has demonstrated, it is clear that employees resistance to use legislative measures for protection of labor rights with a fear to lose an employment is a great problem. Moreover, in case of industrial trauma administration threatens damaged individuals with dismissal and makes them report that it was a regular trauma rather than an industrial one. In view of these and other circumstances **we consider important to set up a relevant state control mechanism labor inspection for protection of employees rights and for creation of adequate working conditions.**

With a view to set up the mechanism, government resolution #38 on creation of “State Program for Monitoring of Labor Conditions” was adopted on February 5, 2015.

Though we consider, that state program for monitoring of labor conditions in the given form, will be ineffective and will not meet the state obligation to ensure safe labor conditions and protection of employees other rights, since it envisages monitoring of only those organizations and agencies which gave advance written consent; further, the program envisages advance notification of employers on the monitoring process.

GYLA will continue provision of legal aid to individuals for protection of their rights. Moreover, we are ready to contribute to adequate fulfilment of state obligations and to participate in elaboration of meaningful actions and development of legislation.

¹ For example, in 2014 according to Georgia EU Association Agreement Georgia undertook an obligation to reflect ILO envisaged internationally recognized main labor standards in domestic legislation and to carry out them in practice with a view to ensure adequate labor conditions for employees.