

Rory O'Neill

Health, safety and environment adviser

International Trade Union Confederation (ITUC)

Dear Mr. O'Neill,

First of all, we thank you for all the slogans provided to be used for the International Workers' Memorial Day - April 28 event. The occupational safety and health has always been and remains a priority in the labour relations for the Georgian Trade Unions Confederation (GTUC) since human life and health is the highest value.

As a result of our studies, we determined that workplace represents a health and safety hazard for the employed in most of enterprises and organizations operating in Georgia since occupational health and safety issues do not represent a priority neither for the Government nor for certain category of employers. This is apparent at the example of alarming statistics of occupational accidents, legislative regulatory regulations for occupational safety and health and functions and obligations of institutions operating in this direction.

Since the abolition of the labour inspection in 2006, the number of accidents has increased significantly in the workplace. According to the data of the Georgian Trade Unions Confederation (GTUC), in the period from 2007 to 2018, as a result of occupational incidents, 473 persons died and 806 people were seriously injured. The highest rate of fatal cases is in construction and mining industries.

Given the fact that since 2006, the statistical data of the occupational accidents are not recorded by the Ministry of Labour, Health and Social Affairs of Georgia, the above-mentioned statistical data of the occupational accidents of the period after 2006, do not provide a full picture. The number of accidents at workplaces is higher.

For years, the Georgian Trade Unions Confederation has been demanding for the Government of Georgia to ratify the ILO Convention 81 on Labour Inspection and effectively reinstate the state labor inspection. Several times the GTUC initiated discussions in the Social Partnership Tripartite Commission, held protest actions, also, a special petition was sent to the EU and US governments requesting suspension of scheme of preferences for trade for Georgia. In the conditions of such pressure, the Georgian Government introduced the question of establishment of the labour inspection into the 2015 Action Plan. In 2015, in accordance with the Decree of the Minister of Labour, Health and Social Affairs of Georgia,

the Labour Conditions Inspection Department was established. Though, to this day, this department has not been authorized to conduct inspection without permission from the enterprise (organization) administration and to impose relevant sanctions in case of identification of violations.

On March 7, 2018, the law "On Labor Safety" that was drafted in the tripartite format with participation of the social partners, entered into force. The executive and legislative authorities of Georgia partially took into consideration comments and recommendations of the Georgian Trade Unions Confederation. Namely, only those concerning severe fines in case of identification of violations, conduction of inspection of objects by the supervisory body without prior notification, involvement of trade union representatives in assessment of workplace risks, etc. However, the law will apply only to those enterprises and organizations where there is a high risk of hard, harmful, or hazardous work. The state supervisory body - the Labour Conditions Inspection Department will have the authority to conduct one planned inspection concerning only occupational health and safety issues at facilities under their supervision once a year and further one re-inspection (another inspection aimed at examining as to how inconsistencies identified during the initial inspection are eliminated). In other cases, the Labour Conditions Inspection Department will only be able to conduct inspection of workplace conditions only through mediation of the Court.

Implementation of this law is a step forward, although it does not meet the conventions of the International Labor Organization (ILO), namely, the ILO Convention 155 on Occupational Safety and Health and the ILO Convention 81 on Labor Inspection

The Georgian legislation, in particular, the "Civil Code of Georgia" determines the employer's obligation to compensate the employee for damages (a monthly allowance for injured party or one-time compensation), only if the damage is caused by the employer's culpable action, which does not comply with the ILO Convention 121 Employment Injury benefits convention. In most cases, Accident Investigation commissions formed at enterprises are identifying those deceased and injured as a result of the accidents themselves as violators of occupational safety and health rules. In such circumstances, the Georgian Trade Unions Confederation has to appeal to the court against unfair decisions made by the accident commissions. In many cases, the court proceedings continue for years that further aggravates the situation of victims. The Georgian Trade Unions Confederation believes that the compensation to the affected party shall not depend on the fault of either party concerned during the industrial accident.

The Georgian Trade Unions Confederation (GTUC) unconditionally demands for the Georgian legislation to be consistent with the European directives and the International Labour Organization (ILO) Conventions.

Sincerely,

Irakli Petriashvili

President