

## **POST-HEARING BRIEF**

### **Country Practice Review of Georgia**

**Filed by**  
**the American Federation of Labor & Congress of Industrial Organizations (AFL-CIO)**

**February 28, 2020**

This post-hearing brief contains responses to two questions the United States Government posed to the AFL-CIO during the January 2019 hearing. This information supplements the information set forth in previous petitions, pre-hearing briefs, and oral testimony.

- 1. Please describe your views on the Tripartite Social Partnership Commission in Georgia and whether it provides a useful forum for the discussion and resolution of labor concerns. How often does the TSPC, or subsidiary working groups, meet?*

Our partners report that the TSPC does not meet on a regular basis, and has not proved to be a useful forum for resolving labor concerns. In 2019, the GTUC presented many issues for discussion and consideration, including the regulatory framework of the minimum wage; ratification of ILO Conventions 81 and 183; gender equality issues; and amendments to current labor law. None were taken up. Moreover, the TSPC failed to discuss any of the issues contained in the 2019 action plan.

Following the fatal accidents at the Tkibuli mine in 2018, the Georgian Trade Unions Confederation (GTUC) made multiple requests to meet and eventually threatened to pull out of the TSPC entirely. In September 2018, the Ministry of Labor convened an extraordinary session to discuss the safety situation at the mine. The TSPC recommended that the Government of Georgia shut down the mines entirely, which the Government of Georgia did eventually do. The TSPC also selected an independent organization to conduct an investigation into the health and safety issues at the Tkibuli mine and prepare recommendations. In November 2019, the Ministry of Labor convened the TSPC to report the main findings of that report to the social partners. The report determined the mine was out of compliance with occupational safety and health regulations and required serious remediation. It is not clear at this time what additional steps the TSPC will take, if any, to ensure the mine comes into compliance.

Our partners continue to express concern that the TSPC has not been able to resolve long-standing issues of anti-union retaliation at the Georgian Post and Georgian Railway. Our partners have not found this forum to be useful in promoting meaningful social dialogue or resolving most labor issues.

- 2. In your petition and updates, you have cited a number of concerns regarding management interference in union affairs at state-owned enterprises, such as the*

*railroads and postal service. Do unions currently have recourse to resolve these issues through the government or the courts?*

As discussed in our pre-hearing brief, Georgia lacks a credible system for investigating and remediating anti-union retaliation. Workers fired for union activity have only one recourse, bringing individual cases to court. This is a woefully inadequate system - cases languish for years and the cost of legal representation is prohibitive for most workers. Court officials have no specific expertise in labor issues, and sometimes display pro-employer bias. Even when workers obtain a judgment in their favor, employers often do not pay fines or restitution.

At present, there are 12 individual cases concerning unlawful dismissals of trade union members at the Georgian Post and the Georgian Railway pending in the court system. As discussed in our brief, unionized workers are more likely to pursue legal redress given that unions are aware of potential legal remedies available and have access to lawyers. However, independent unions do not have sufficient legal staff across all regions to meet worker demand, and on-going union-busting by employers continues to shrink these resources. Moreover, even if the individuals prevail in their specific cases, it does not address the systematic discrimination against unions occurring at the Georgian Post and the Georgian Railway.

The current regulatory regime is inadequate to ensure workers can exercise their internationally recognized worker rights.