

## INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

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Spotlight interview with Irakli Petriashvili (GTUC-Georgia)

"The labour law only serves the interests of the government and the oligarchs"

Brussels, 18 October 2011 (ITUC OnLine): An ultraliberal labour law coupled with repeated attacks by the authorities has lost Georgia's biggest union, the GTUC (1), over 100,000 members. Its president, Irakli Petriashvili, outlines the discrimination Georgian trade unions have to deal with and the consequences of abolishing the labour inspectorate.

The ultraliberal labour law adopted by Georgia in 2006 is being constantly denounced by trade unions at national and international level. What are the most problematic aspects of this legislation?

The labour law is in essence discriminatory; it does no more than lay down the obligations for workers and grant rights to employers. It is a labour law in name only, as it violates the international standards of the ILO, the European Social Charter, and other agreements with the European Union, such as the GSP+ trade agreement (2), etc.

There are two articles of this legislation that facilitate discrimination, and particularly anti-union discrimination. According to Article 5 (8), an employer is under no obligation to explain the reason for not hiring a job applicant. This refusal may be based on the person's union membership, as some employers ask in the application form whether the applicant belongs to a union or what his or her opinion is on unions. The discrimination may also be based on the applicant's political beliefs, gender, etc.

Article 37 (d) allows employers to fire workers without justifying their dismissal. It thus gives employers unlimited licence to fire workers at any time, without notice. The Georgian Constitution stipulates that all forms of discrimination are prohibited, but this Article allows employers to conceal the real reason for dismissing a worker, making it impossible to prove the discrimination. Employers might dismiss people because they belong to a union, or for refusing sexual relations, or for practising a different religion, or for being part of a different ethnic minority, or for having a different political opinion, etc.

The labour law also limits overtime pay and undermines the value of collective bargaining agreements. We do have the right to bargain collectively but employers have the right to conclude a collective agreement with just two workers, which means they can ignore the demands of thousands of others. It means that a collective agreement signed with two workers has the same value as an agreement signed with the majority of the workers!

Have you lost many members because of this labour law?

We currently have 219,000 members and have lost over 100,000 because of the labour law introduced in 2006. Most of them did not leave straight after the law was passed but over time, as employers started to exploit the advantages it grants them, and we started conducting union activities to defend the workers. Many of our members were also lost as a result of the

government's anti-union activities. The government not only drew up a labour law tailor-made for employers (a process the trade unions and civil society in general were not included in), but it also used illegal methods to fight against unions, forcing our members to write union resignation letters or lose their jobs. From 8 to 12 August 2011, for example, in three regions of Georgia, over 2,400 unionised public employees were forced to write union resignation letters. They were called by the local authorities (administrations, mayors, local councils...), which explained that they had received instructions from higher up in the power structure and the security forces stating that unions could not exist in this region and that if they refused to leave the union they would easily be fired. The wording of each letter of resignation was identical.

Another way of attacking unions is by abolishing the check-off or payroll deduction system. In the three regions where state employees faced intimidation in August, the system was totally abolished for the teachers' and rail unions and partially abolished in the case of agricultural, public sector and health workers' unions. Most of the members we have lost did not write resignation letters; they are workers who are no longer able to pay their dues because the payroll deduction system has been abolished.

What was the latest serious anti-union violation?

On 1 August 2011, a union was formed at the Hercules steelworks in Kutaisi. On 11 August, instead of the negotiations we had requested, the management fired six elected representatives, and at the same time as we were calling for recognition, another group of unionists were dismissed, between 11 and 13 August, taking the total number fired to 17. A token strike was held on 2 September then an all-out strike on 13 September, the chief demand being the unconditional reinstatement of the workers fired over their trade union membership. On 15 September, over 200 police officers attacked the peaceful strikers, despite the fact that the action had been organised in line with all the legal obligations imposed by the labour law, which is very strict. Around 40 striking workers were arrested over a space of four hours. Prior to their release they were forced to sign a statement whereby they committed never to take part in a protest or strike again. In the evening, the management at the steelworks and the police called in a number of workers, issuing them with threats, telling them to go back to work or face punishment and arrest. The following day, a group of workers were brought to the works in a police vehicle! On 18 September, three very active strikers who had come to tell our lawyers what had happened (with a view to taking court action against the illegal acts perpetrated by the police) were placed under administrative arrest for 10 days.

How are trade unions viewed by the public and the media in Georgia?

All the national television stations are controlled by the government, barring one or two where we are given more of a chance to express ourselves. The written press and radio are freer.

According to a USAID survey, 27% of the population trusts in unions. It's a reasonable level because Soviet-style trade unionism was totally discredited and since our independence (in 1991) until 2005, the unions had not managed to rebuild any confidence. We are therefore happy to have regained the trust of 27% of the population, in spite of the pressure exerted by the government. More and more Georgians see us as an organisation made up of honest people who are trying to help to raise and solve problems and to help ordinary people secure respect for their individual or collective rights.

Georgia is one of the few countries in the world with no labour inspectorate. What are the consequences?

The government deemed that the labour inspectorate was corrupt and was no longer able to fulfil its obligations. Rather than improving it, it decided to abolish it with the coming into force of the new labour law in 2006. The decision holds dire implications for health and safety at work. Fatal work-related accidents have risen by 150% between 2006 and now. And yet there were more factories in operation in 2006. It is quite clear that this government has no interest in work regulations, that it is only serving the interest of the oligarchs.

On 22 January 2011, an explosion in a coalmine in Tkibuli cost one miner his life and seriously injured several others. A concentration of methane gas in excess of 6% had been notified, but the management forced the miners to go back down the mine. Has the situation improved?

A three-day strike was held in February 2011. As all the operations were brought to a standstill, the employer was forced to negotiate. An agreement was signed, the union was recognised and the workers received a pay increase, more suitable working clothes, better health and safety regulations, workers' transport, showers, etc. Health and safety issues are now being discussed within the framework of social dialogue, and the management can no longer force workers to go down the mine if there is any specific danger. The same applies to the other mine in Georgia.

Are you calling for economic sanctions, for the withdrawal of GSP+ (2) to press the Georgian government to review its labour law?

We are calling for the holding of an inquiry into the Georgian government's respect for all its obligations within the framework of GSP+. We are not trying to secure the withdrawal of Georgia's GSP+ benefits but guarantees and respect for the rights of its citizens and particularly its workers. We are therefore hoping for an inquiry, and if no changes are brought to the labour law over the short term, that suitable sanctions be applied.

A European Commission report concerning the implementation in 2007 of the European Neighbourhood Policy had already warned the Georgian government that it should revise its labour law if it wanted to continue to benefit in 2009 from GSP+ trade benefits.

Unlike trade unionists, politicians often lie!

Do you ever receive threats?

All trade union leaders receive threats, we have to get used to it. We face discrimination, threats of prison, and warnings of the kind "you're going to come to a bad end". They come from "well-meaning advisors", intermediaries who pass on the message from people from the government. They find reasons for arresting and jailing you. There are so many people with no links to drugs, prostitution or corruption who nonetheless find themselves in prison on such charges. The context is one of intimidation and blackmail, there is repression against me and the members of my union; the security forces listen into our conversations, track our movements, etc.

What motivates you to continue in such a context?

One source of energy is my friends who look to me to defend their rights, the workers who take part in our actions and the support we receive at international level. But my biggest driver is my love of my country. I am convinced that Georgia needs the work I am doing. In a country exposed to external threats, if civil society does not take a key part in the decision making, if a very prominent person, a president dictates his choices to everyone else, there is a major risk that the country could lose its sovereignty. And yet the trade union movement is the locomotive, the brains of civil society.

Interview by Samuel Grumiau

(1) Georgian Trade Union Confederation - GTUC

(2) The generalised system of preferences grants manufactured goods and certain agricultural goods exported by developing countries duty free access, or access with a tariff reduction, to the European Union's market. GSP+ provides special incentives for countries that have ratified and implemented international conventions, notably those on labour rights.

Note: On 7 October 2011, during World Day for Decent Work, Irakli Petriashvili was given the Elisabeth Velasquez Award for 2011 for the defence of trade union rights by Agnes Jongerius, president of the Dutch trade union centre FNV (Vakbondsrechtenprijs 2011).

Also read:

<http://www.ituc-csi.org/georgia-europe-s-black-sheep-for.html?lang=en>

Spotlight Interview with Maia Kobakhidze (ESFTUG-Georgia): <http://www.ituc-csi.org/spotlight-on-maia-kobakhidze.html?lang=en>

Spotlight Interview with Hamlet Lomidze (RWU - Georgia): <http://www.ituc-csi.org/spotlight-on-hamlet-lomidze-rwu.html?lang=en>

The ITUC represents 175 million workers in 151 countries and territories and has 305 national affiliates. <http://www.ituc-csi.org> and <http://www.youtube.com/ITUCCSI>

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