Implementation of the International Labour Organization (ILO) Labour Standards in Georgia (draft)*

Nicolaescu Irina, lecturer, PhD student, International Relation Chair, Moldova State University

Political and practical bases of activities of trade unions in conditions of globalization of labour are formed under the mandate of the United Nations in the social policy of the International Labour Organization establishing direct communications between worthy labour, the program of global development and eradication of poverty, as major humanitarian dilemmas in XXI century.

The ILO, pawning bases for definition of national social strategy, insists on obligatory and universal character of the right to work at formation of trade-union policies at a national level and keeps behind them an opportunity of a political choice of toolkit, technologies, the resources approved in practical activities of the ILO and specific targets preferable to realization in concrete conditions.

The trade-union organizations come to understanding more and more, that fundamental changes in the work are necessary to them. The another matter, that in consequence and the analysis of that occurs around and at the enterprises, and also acceptance of adequate measures does not suffice them of knowledge and practical experience. This understanding is reached due to carrying out of innovative training which is aimed at result of that such trade union and for what it is necessary, in what environment it functions, that occurs in the primary organizations who is a real basis of trade unions.

All trade unions can be divided into two categories: those who are able to perceive new strategies, can evolve innovative practices, and those who do not want to change, follows conservative practices.

* This research was supported by a Marie Curie International Research Staff Exchange Scheme Fellowship within the 7th European Community Framework Programme”, 2013, May-July.

**Acronym: EU-PREACC  Grant Agreement Number: PIRSES-GA-2012-318911  Project period: 01.03.2013-28.02.2017**
Continue and intensify dialogue and partnership with the International Labor Organization (ILO), and build on specific co-operation with the ILO, the business community and trade unions in preparing amendments to the labor code, leading to improvements in labor rights and enhanced social dialogue.

In the report for the WTO General Council Review of the trade policies of Georgia (Geneva, 7 and 9 December, 2009) is claimed that despite the ratification of both ILO conventions on trade union rights, the protections of the rights defined therein are insufficient. The Labour Code of 2006 severely reduced workers’ basic trade union rights through its limitations on freedom of association and the right to organize, such as the threshold for establishing a trade union which is excessively high. There are severe restrictions on the right to strike, solidarity strikes are prohibited and in practice, trade unionists receive threats and intimidations and face dismissals without explanations. The Labour Code and the authorities provide insufficient protection against anti-union discrimination and the law gives a de facto green light to union busting and a marginalization of collective bargaining.

The Parliament voted the amendments to the labour code of Georgia in 2013. Despite of critic of the change of the Georgian labour code for its failure to comply with international and European labour standards, it represents an important first step towards bringing the Caucasian country’s laws into line with ILO standards. The new legislation provides some protection against anti-union discrimination, increases paid leave for people in hazardous occupations, prohibits dismissal of pregnant women and increases the duration of temporary disability provisions.

Nevertheless, unreasonable restrictions are imposed on the right to strike, working hours, maternity protection and compensation for overtime and night work are insufficiently regulated, and provisions concerning employment contracts are heavily biased towards the employer. The new law fails to protect workers’ health and safety, and also allows employers to conduct mass dismissals without any prior consultation with unions as is guaranteed by the provisions of the European Social Charter which Georgia has signed to.