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HTUR/JSV/sdr

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Violations of human and trade union rights at Hercules Steel

Dear President Saakashvili,

On behalf of the International Trade Union Confederation (ITUC), representing 175 million workers in 151 countries and territories, I write to bring to your immediate attention the commission of serious violations of human and trade union rights at Hercules Steel in Kutaisi, owned by “Eurasia Steel” Company - a Georgian-Indian joint venture.

In 4 August 2011, 147 workers at Hercules Steel established a trade union and elected its officials. However, management refused to recognize the union and fired six of the elected officials on 11 August. It also ignored all attempts by the Georgian Trade Union Confederation (GTUC), an ITUC affiliate, to initiate a dialogue with management to resolve the conflict. Thus, on 2 September, the workers carried out a warning strike, in accordance with Georgian legislation, demanding the reinstatement of the dismissed union leaders and to commence collective bargaining with the union. Management responded by firing more trade union activists. On 13 September, the union launched a full-scale strike with the participation of about 90% of the workforce, with several workers going on a hunger strike.

On 15 September, at around 9:15 p.m., a car carrying the Governor of Imereti, Mr. Lasha Makatsaria, followed by approximately fifty police vehicles, appeared at Hercules Steel. The police quickly descended on the strikers and by 11:15 p.m. the hunger strikers and roughly 40 other strikers had been detained by the police. They were subsequently released after several hours. However, management called and in some cases even visited workers in their homes, threatening them to either return to work or be arrested. Some workers report being told that if they did not report to work, the police would come and take them to work. Still others were forced by the police to sign letters stating that they would not participate in any protest or demonstrations and that they would go back to work.

No one in the government has denounced these clearly illegal acts. Indeed, the Vice-Mayor of Kutaisi blamed the workers and stated that any investor would receive the full support of government.

The situation at Hercules Steel represents an egregious violation of trade union rights both by management and the government. The dismissal of trade union officers and founding members is a clear and serious violation of the international right to freedom of association. Similarly, the refusal to bargain with a legally constituted trade union is an unambiguous violation of the right to organize and collective bargain. A role for the government in this situation should have been to attempt to mediate the dispute. Unfortunately, local government not only condoned this illegal activity but actually furthered its objectives through the use of overwhelming police power. This is an outrage. In addition to ending a legal strike by jailing of numerous strike participants, the police also facilitated the commission of forced labour by requiring workers to work for a private company against their will and under the penalty of arrest.

Unfortunately, the present case is only one of many serious violations committed by employers and the state in Georgia in recent years. I urge the government to stop these violations and to recommit itself to uphold the rights enshrined in the ILO Declaration of Fundamental Principles and Rights at Work, as well as the ILO conventions which it has ratified – including ILO Conventions 29, 87, 98 and 105 (which are implicated in the Hercules Steel case). The international community is closely monitoring this situation and the situation of workers generally in Georgia. In the absence of evidence of substantial and immediate change, we will have no choice but to continue and intensify our international campaign to bring about labour reforms in Georgia.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary