



**INTERNATIONAL TRADE UNION CONFEDERATION**  
**EUROPEAN TRADE UNION CONFEDERATION**



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PERC/AL-MT

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**Anti-union harassment: violation of the international law**

Dear Mr. President,

We are writing on behalf of the International Trade Union Confederation (ITUC), representing 304 affiliated member organisations, with a total membership of 168 million workers in 153 countries and territories and its European structure – the Pan-European Regional Council, to draw your attention to the unfair dismissals of five Georgian trade unionists – dismissals that illustrate the failure of Georgian law and practice to comply with your country's international obligations.

The ITUC affiliate, Georgian Trade Union Confederation (GTUC), informed us that on 25 October 2007 the management of the port of Poti fired five trade union activists in an attempt to stop the campaign for defending workers' legitimate interests. Their names are:

Mr. Vaxtang TIRKIA	(Port Railway Operation Foreman)
Mr. Mamuka SHENGELIA	(Port Mechanical workshop Master)
Mr. Giorgi GHURGIA	(Port Oil Terminal Docker)
Mr. Xvicha GOGIA	(Port Mechanization Dep. 42 ton Calmar Driver-operator)
Mr. Sergo TIRKIA	(Port Energy Department Master)

The industrial conflict at the Port of Poti was linked to the envisaged long-term lease of the port facilities by public tender. As you certainly know, workers representatives' participation in the restructuring process is not uncommon in democratic countries and is even obligatory for the Member States of the European Union who have to transpose into national law EU rules on protecting workers' rights in case of transfer of undertaking.

Therefore, it was only natural for the trade union committee of the Port of Poti to present a list of workers' priority demands in the restructuring process, after having consulted all the staff.

On 15 October, during the official break, the trade union committee gathered workers in front of the management quarters, read out the priority demands and delivered them to the company secretariat. Trade unionists invited the management to start negotiations, based on these demands, in 10 days. The response of the Port management, however, was to get rid of the negotiating team. On 25 October the chairman and all five members of the trade union committee were summarily dismissed, the chairman's office sealed and trade union chairman denied access to the Port. To my knowledge, the trade union and the GTUC approached the company manager, to no avail, and have recently submitted a formal lawsuit demanding workers' re-instatement.

Mr. President, since the case is now before the court of law, we would normally just await the outcome of the proceedings. However, given that the Labour Code of Georgia allows employers full discretion in dismissing employees, the perspectives of re-instatement or even compensation are virtually nonexistent in this case.

In any event, the dismissal of union members or officials for carrying out legitimate trade union activities such as trying to defend workers' interests in the course of privatisation constitutes a serious violation of the right to freedom of association and collective bargaining as enshrined in ILO Conventions 87 and 98, especially Convention 98 article 1.2(b), as well as articles 5 and 6 of the Revised European Social Charter. As a signatory party to those international agreements, Georgia is under an obligation to ensure that these principles are respected by all companies on its territory (free industrial zones being no exception) including the Port of Poti.

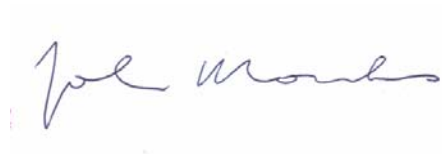
We would like to use this opportunity to remind you, dear Mr. President, that, as a beneficiary of the European Union GSP + system, Georgia is under close scrutiny of the EU bodies as regards its compliance, in law and in practice, with the Core Labour Standards such as ILO conventions on the right to organise.

Mr. President, the ITUC, as well as the ILO, has already drawn the attention of the Georgian authorities to the deficiencies in the new Labour Code. Now these deficiencies have resulted in de-facto violations of international law. These violations effectively discourage workers from standing for their rights and interest; moreover, the five trade union activists that became the first casualties of this legal document are currently left without any means of subsistence.

At the current stage, Mr. President we have no choice but to bring these unfair dismissals to the attention of the ITUC's 304 affiliated organisation worldwide. We will also consider raising this matter before the relevant international and European institutions if no progress can be achieved domestically.

Therefore, on behalf of the ITUC and the PERC, we urge you to intervene in order to ensure that Georgia respects its international obligations, that the dismissed trade union officials are reinstated to their positions, that their sufferings are remedied, and that the companies are made well aware that anti-union harassment is unacceptable. We also urge you, Mr. President, to initiate the review of the Labour Court as a matter of state priority to ensure that intimidation and harassment of trade union members will cease once and for all.

Yours sincerely,



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