



The right to strike in the public sector

Georgia

Contents

1. Legal basis
 2. Who has the right to call a strike?
 3. Definition of strike
 4. Who may participate in a strike?
 5. Procedural requirements
 6. Legal consequences of participating in a strike
 7. Case law of international/European bodies
 8. Recent developments
 9. Bibliography
- Notes

Diana Balanescu
June 2020

1. Legal basis/sources

a) International level (relevant for the right to strike)

Georgia has ratified:

- UN instruments¹: International Covenant on Economic, Social and Cultural Rights (ICESR, Article 8) and International Covenant on Civil and Political Rights (ICCPR, Article 22) on 3.05.1994.
- ILO instruments²:
 - Convention No. 87 on Freedom of Association and Protection of the Right to Organise (3.08.1999);
 - Convention No. 98 on the Right to Organise and to Collective Bargaining (22.06.1993).

b) European level

Georgia has ratified:

- Article 6§4 (right to collective action) of the Revised European Social Charter of 1996 with no reservations (ratification: 22.08.2005, entry into force: 1.10.2005);³
- Article 11 (right to organise) of the European Convention of Human Rights (ratification and entry into force on 20.05.1999).⁴

c) National level

- Constitution⁵ Article 26 (3) provides that: *"The right to strike shall be recognised. The conditions and procedures for exercising this right shall be determined by the organic law."*
- Applicable laws
 - In general: the Labour Code⁶, Article 49 (1) provides that "A strike shall be an employee's temporary and voluntary refusal, in the case of a dispute, to fulfil, wholly or partially, the obligations under a labour agreement."
 - Specific limitations: Article 52 (2) of the Labour Code provides that: "The right to strike cannot be exercised during the working process by the employees whose work activity is connected with safety of human life and health, or if the activity cannot be suspended due to the type of a technological process."
- The case law is not rich. As indicated above, the right to strike is explicitly recognised by the Constitution and the Labour Code.

2. Who has the right to call a strike?

The Labour Code does not specify who has the right to call a strike.

Under Article 13 (2) of the Law on Trade Unions (1997)⁷, with a view to protect the labour and socio-economic rights of workers, trade unions shall have the right to organise and hold strikes, meetings and demonstrations and other mass protest actions.⁸ The same law provides that any responsive action to suppress strikes and other protest actions organised by trade unions in accordance with the law shall be prohibited.⁹

It was reported that in practice, when requested, a trade union could protect rights of the workers even if they are not members of the respective trade union; however according to Article 16 (4) of the Law on Trade Unions, authorised members of trade unions and federations (associations) of trade unions and their bodies may enter enterprises, organisations, institutions, and work places where their trade union members are employed.¹⁰

The Labour Code does not provide for any balloting mechanism in order to call a strike.

It was noted that Article 48¹(1) of the Labour Code defines a collective dispute and establishes that a collective labour dispute can take place between an employer and a group of at least 20 employees.¹¹

A collective dispute (a dispute between an employer and a group of employees or an employer and an association of employees) shall be resolved under the conciliation procedures between the parties. This implies the holding of direct negotiations between an employer and a group of employees (at least 20 employees) or an employer and an association of employees or mediation between the same if one of the parties sends a written notice to the Minister of Labour, Health and Social Affairs of Georgia.¹²

3. Definition of strike

The Labour Code establishes the following types of actions:

- A *strike* is defined as an employee's temporary and voluntary refusal, in case of a dispute, to fulfil, wholly or partially, the obligations under a labour agreement.¹³
- A *lockout* is defined as an employer's temporary and voluntary refusal, in case of a dispute, to fulfil, wholly or partially, the obligations under a labour agreement.¹⁴

The Labour Code expressly provides for the *strike* and *lockout* as defined above. There are no explicit legal provisions on other types of collective action such as solidarity strikes, warning strikes, sit-ins, go-slow actions, rotating strikes, work-to-rule, picketing, blockades, etc. It has been interpreted by the ILO CEACR that according to the Government's report organisations can carry out any action not prohibited by the law, including any action not expressly provided for by the law.¹⁵

It has been reported that a *solidarity strike* was considered legal by the court in practice.¹⁶

A report submitted by the Government has indicated that the legislation ensures rights for solidarity and protest manifestations and gatherings since the Labour Code does not stipulate that only directly affected persons have the right to strike. Therefore, it [the Labour Code] permits any employee to use the right to strike on the basis of solidarity or protest.¹⁷

Another view recalls that Article 49(1) Labour Code defines a strike as the "voluntary refusal of the employee in case of a dispute to perform fully or partially the obligations imposed by the employment contract." It has been interpreted that this implies that sympathy strikes are not permitted.¹⁸

4. Who can participate in a strike?

As mentioned above, the Constitution¹⁹ Article 26 (3) provides that: *“The right to strike shall be recognised. The conditions and procedures for exercising this right shall be determined by the organic law.”*

According to the Labour Code, a strike shall be an employee's temporary and *voluntary* refusal, in the case of a dispute, to fulfil, wholly or partially, the obligations under a labour agreement,²⁰ which means that an employee is free to participate or not to participate in a strike.

However, Article 49 (1) of the Labour Code provides that *“the persons identified by the legislation of Georgia may not participate in a strike”*, which means that some categories of workers shall be prohibited to participate in strikes.

- **Limitations of the right to strike/ essential services & activities**

Under the Labour Code, *“During martial law, the right to strike or lockout may be limited by decree of the President of Georgia. During a state of emergency, the right to strike or lockout may be limited by decree of the President of Georgia requiring the countersignature of the Prime Minister of Georgia.”*²¹

- **Essential services/activities**

Moreover, Article 51 (2) of the Labour Code provides that: *“The right to strike cannot be exercised immediately where the employees’ work activity is related to the safety of human life and health or if the activity cannot be suspended due to the character of a technological process.”*²²

Order No. 01-43/N of 6 December 2013 of the Minister of Labour, Health and Social Affairs of Georgia establishes the list of work activities connected with the safety of human life and health pursuant to Article 51 (2) of the Labour Code.

According to the above mentioned Order²³, the activities connected with the safety of human life and health, include:

- a) Working at emergency medical service;
- b) Working at inpatient facilities or/and emergency services of outpatient facilities;
- c) Working in a system of electricity generation, distribution, transmission and dispatch;
- d) Working in the sector of water supply and sanitation;
- e) Working in the field of telecommunication;
- f) Working in the sector of safety provision in aviation, railway, maritime and land transport;
- g) Working in services providing national defence, legality and order, including:
 - g.a) Working at the Ministry of Defence of Georgia and its institutions;
 - g.b) Working at the Ministry of Internal Affairs and its institutions;
 - g.c) Working at the Ministry of Connections and Legal Assistance of Georgia and its institutions;
- h) Working in juridical authority;
- i) Working in cleaning municipal services;

- j) Working in fire safety and rescue services;
- k) Working in the field of transportation and distribution of natural gas;
- l) Working in the field of oil and gas extraction, production, oil refining and gas processing.

International bodies such as ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the European Committee of Social Rights (ECSR) have examined the above mentioned restrictions on the right to strike (see section 7 below).

The ILO CEACR had requested the Government to amend Section 51(2) of the Labour Code according to which, the right to strike is prohibited in services connected with the safety of human life and health or if the activity “cannot be suspended due to the type of technological process”, as well as Order No. 01-43/N of 6 December 2013, which determines the list of services connected with the life, safety and health (pursuant to Section 51(2) of the Code) and includes some *services which do not constitute essential services in the strict sense of the term* (radio and television (under point (e) of the Order), municipal cleaning services (point (i) of the Order), oil and gas extraction, production, oil refining and gas processing (point (l) of the Order)). In this respect, the Committee considered that in such services, as well as in services which cannot be interrupted due to the technological process, minimum services could be appropriate as a possible alternative to the prohibition of strike action in order to ensure that users’ basic needs are met or that facilities operate safely or without interruption.²⁴

The “*essential services in the strict sense of the term*” have been defined by the International Labour Organisation as those services “the interruption of which would endanger the life, personal safety or health of the whole or part of the population.”²⁵

The ECSR found it unclear what sectors are concerned by the prohibition in Article 51(2) of the Labour Code but in any event it considered that the sectors in which the right to strike may be restricted are overly extensive and it has not been demonstrated that the restrictions satisfy the conditions laid down in Article G of the Charter.²⁶

It was also noted that according to specific laws certain categories of workers are prohibited to strike. For example, as to the police, Article 36 (2) of the Law on Police provides that an employee of the Police may not go on strike, organise and/or hold meetings or demonstrations or participate in them.²⁷ Article 5 (1) of the Law on Status of Military Servant provides the right of a military servant to participate in the activities of (non-commercial) legal entities, though the paragraph 2 of the same Article prohibits the organisation or/and participation of military personnel in meetings and demonstrations.²⁸

- **Intervention by the courts**

Under Article 50 of the Labour Code (‘postponement or suspension of strike or lockout’), a court may postpone the start of a strike or a lockout for a maximum of 30 days, or suspend a strike that has started or lockout for the same period, if human life and health, safety of the natural environment, or a third person’s property, or the work of a vital importance is in danger.²⁹

The ILO CEACR had requested the Government to review Section 50 (1) of the Labour Code according to which courts can postpone or suspend a strike for no more than 30 days if there

exists a danger to the life or health of people, environment safety or a third party's property as well as to the activities of vital importance, and to indicate any use of this provision as relates to the suspension of a strike due to a danger to third-party property.³⁰ (See section 7 below)

According to Article 51(3) of the Labour Code, if one of the parties has avoided participating in conciliation procedures or has staged a strike or a lockout, the strike or the lockout shall be deemed illegal.

In general, Article 51 (6) of the Labour Code provides that the court shall make a decision to declare a strike or a lockout illegal which shall be promptly notified to the parties involved. A court decision on declaring a strike or a lockout illegal shall be executed without delay.

5. Procedural requirements

- There is a *cooling off period* to be respected; in the case of a collective dispute, the right to strike and lockout shall arise upon the expiration of *21 calendar days* after notifying the Minister of Labour, Health and Social Affairs of Georgia in writing under Article 48¹(3) of the Labour Code or after appointing a dispute mediator by the Minister on his/her initiative under Article 48¹(4) of the Labour Code.³¹
- *Notification*: the parties must notify each other and the Minister in writing about the *time, place* and *type* of a strike or a lockout *at least three calendar days before* the strike or the lockout starts.³²
- During a strike or a lockout, the parties shall be obliged to carry on with conciliation procedures.³³
- No lockout may last for more than 90 calendar days.³⁴ The Labour Code does not limit the duration of a strike.³⁵
- No balloting mechanisms are applicable for calling a strike; the Labour Code does not specify any conditions in this sense.
- The court may postpone or suspend a strike or a lockout³⁶ or may declare the strike illegal³⁷ (for details see section 4 above);
- An employee is free to participate or not to participate in a strike.³⁸ An employer can also choose voluntarily to proceed to a lockout.³⁹

6. Legal consequences of participating in lawful/unlawful strikes

- Participation in lawful strike:
 - Participation of an employee in a strike may not be deemed a violation of labour discipline and may not serve as a basis for terminating a labour agreement, except when a strike is illegal.⁴⁰
 - During a strike or a lockout, an employer shall not be obliged to pay an employee.⁴¹
 - A strike or a lockout shall not be a basis for terminating labour relations.⁴²
 - Under the Labour Code, a strike and a lockout shall constitute grounds for *suspension* of labour relations (which is defined as a temporary non-performance of work under labour agreements that doesn't result in termination of labour relations).⁴³
 - Employees who did not participate in a strike, but could not perform their work because of the strike, may be transferred to other work by the employer or be paid for the period suspended, based on the hourly rate of work.⁴⁴
 - Under the Criminal Code, the unlawful interference with the exercise of the right to strike using violence or threat of violence, or coercing persons into refraining from strike by using financial, official or other kind of dependence, shall be punished by a fine or corrective labour for up to one year, or with imprisonment for up to two years.⁴⁵
- Participation in unlawful strike:
 - Participation of an employee in a strike may be deemed a violation of labour discipline and may serve as a basis for terminating a labour agreement when a strike is illegal.⁴⁶
 - Under the Labour Code, if one of the parties has avoided participating in conciliation procedures or has staged a strike or a lockout, the strike or the lockout shall be deemed illegal.⁴⁷
 - The court shall make a decision to declare a strike or a lockout illegal which shall be promptly notified to the parties involved. A court decision on declaring a strike or a lockout illegal shall be executed without delay.⁴⁸
 - A legally effective court decision on declaring a strike illegal as mentioned above (under Article 51(6) of the Labour Code) shall constitute a ground for terminating the labour agreement.⁴⁹
 - If the court has declared a lockout illegal, the employer shall be obliged to restore labour relations with employees and pay them for idle working hours.⁵⁰
 - Under the Criminal Code, the violation of the procedure applicable to a strike by its organiser, which has resulted in grave consequences, shall be punished by a fine or restriction of liberty for up to two years or with corrective labour for up to a year.⁵¹

7. Case law of international/European bodies

International Labour Organisation's Committee of Experts on the Application of Conventions and Recommendations (CEACR)⁵²

Direct Request CEACR – adopted 2017, published 107th ILC session (2018)⁵³

In its previous comments, the Committee had requested the Government to indicate whether strikes can be legally carried out on grounds not explicitly listed in Section 47 (3) of the Labour Code, which sets the grounds that give rise to labour disputes with respect to: (i) violation of human rights and freedoms stipulated in the Georgian legislation; (ii) violation of an individual employment contract or a collective agreement; and (iii) disagreement between the employer and the employee regarding the essential terms of the individual employment contract and/or the conditions of a collective agreement.

The Committee had further requested the Government to indicate whether strikes not directly resulting from a dispute between the employer and his/her employees, such as general strikes related to the country's economic and social policy, could be legally carried out. The Committee understood from the Government's report that organisations can carry out any action not prohibited by the law, including any action not expressly provided for by the law. It further noted the Government's indication that it is for the courts to determine the legality of a strike action. The Government transmitted a copy of a case where, according to the Government, the court had considered that the solidarity strike was legal. The Committee took due note of this information.

The Committee had previously requested the Government to amend Section 51(2) of the Labour Code according to which, the right to strike is prohibited in services connected with the safety of human life and health or if the activity "cannot be suspended due to the type of technological process", as well as Order No. 01-43/N of 6 December 2013, which determines the list of services connected with the life, safety and health (pursuant to Section 51(2) of the Code) and includes some services which do not constitute essential services in the strict sense of the term (radio and television (under point (e) of the Order), municipal cleaning services (point (i) of the Order), oil and gas extraction, production, oil refining and gas processing (point (l) of the Order)). In this respect, the Committee considered that in such services, as well as in services which cannot be interrupted due to the technological process, minimum services could be appropriate as a possible alternative to the prohibition of strike action in order to ensure that users' basic needs are met or that facilities operate safely or without interruption.

The Committee had also requested the Government to specify services that cannot be suspended due to technological processes.

The Committee had further requested the Government to review Section 50 (1) of the Labour Code according to which courts can postpone or suspend a strike for no more than 30 days if there exists a danger to the life or health of people, environment safety or a third party's property as well as to the activities of vital importance, and to indicate any use of this provision as relates to the suspension of a strike due to a danger to third-party property. The Committee took note of the copy of a 2016 Tbilisi civil court ruling which, according to the Government, dealt with the postponement of a strike. The Committee will examine it once the translation thereof is available.

The Committee noted the Government's indication that the feasibility of amendments to Sections 50(1) and 51(2) of the Labour Code and to Order No. 01-43/N was being discussed with the relevant State institutions and social partners, and that results of the discussions will be submitted to the Tripartite Social Partnership Commission for decision.

The Committee trusted that the Government will pursue its efforts in this regard, in consultation with the social partners, and hopes that the amendments to Sections 50(1) and 51(2) of the Labour Code and to Order No. 01-43/N will be adopted in the near future. The Committee requested the Government to provide information on all developments in this regard.

- **European Social Charter**

Conclusions on Article 6§4 of the European Committee of Social Rights (ECSR)⁵⁴

With regard to the entitlement to take collective action, the Committee had previously concluded that the situation in Georgia was not in conformity with Article 6§4 of the Charter, on the ground that it had not been established that the right to collective action of workers and employers, including the right to strike, was adequately recognised (Conclusions 2014, 2016).

It sought information on a number of issues, namely:

- who has the right to call a strike and whether this right is reserved to trade unions;
- which categories of workers are denied the right to strike, in order to assess that the restrictions are in accordance with Article G of the Charter;
- what sectors the relevant legislation is intended to cover when banning the right to strike of employees whose work is related to human life and health or which, due to its technological mode, cannot be suspended;
- whether strikes of the above-mentioned workers are totally banned or whether provision is made for a minimum service;
- the practical circumstances in which courts actually postpone or suspend a strike; and
- procedural requirements, for example subjecting the exercise of the right to strike to prior approval by a certain percentage of workers.

With regard to the definition and permitted objectives of collective action as well as to the entitlement to call a collective action, no information was provided. Therefore the Committee reiterated its previous conclusion.

With regard to the specific restrictions to the right to strike and procedural requirements, according to the report Article 49 (3) of the Organic Law of Georgia provides that there is a *cooling off* period of 21 days. Article 51 of the amended Labour Code provides that the right to strike cannot be exercised by employees whose work/activity involves the safety of human life or health or if the activity cannot be suspended due to the nature of the work process. The Committee found it unclear what sectors are concerned but in any event it considered that the sectors in which the right to strike may be restricted are overly extensive and it had not been demonstrated that the restrictions satisfy the conditions laid down in Article G of the Charter. The Committee referred to its general question on the right of members of the police force to strike.

No information was provided with regard to the consequences of a strike.

The Committee concluded that the situation in Georgia is not in conformity with Article 6§4 of the Charter on the grounds that:

- it has not been established that in general the right to collective action of workers and employers, including the right to strike, is adequately recognised;
- restrictions on the right to strike in certain sectors are too extensive and go beyond the limits permitted by Article G.

8. Recent developments

According to the ITUC-CSI Global Rights Index Report 2019⁵⁵, Georgia had a rating of 3 with “regular violations of workers’ rights”⁵⁶. For example, the Tbilisi City Court banned Tbilisi Metro workers from going on strike during working hours, stating that the right to strike is fundamental but not absolute and that the disturbance to traffic was not acceptable. This ruling has run counter to the principles enshrined in ILO Convention No. 87.⁵⁷ The ruling was strongly criticised by the Georgian Trade Unions Confederation (“GTUC”), which called the decision a contravention of international labour standards, particularly relating to the right to strike and freedom of association.⁵⁸

9. Bibliography

- Constitution of Georgia: <http://www.parliament.ge/en/ajax/downloadFile/131642/constitution-of-georgia>
- Labour Code, Organic Law of Georgia No. 729 of 12 June 2013: <https://matsne.gov.ge/en/document/download/1155567/5/en/pdf>
- Law on Trade Unions 1997: <https://www.legislationline.org/documents/id/5017>
- ITUC CSI, Report 2019 ITUC Global Rights Index, “The World’s Worst Countries for Workers”: <https://www.ituc-csi.org/IMG/pdf/2019-06-ituc-global-rights-index-2019-report-en-2.pdf>
- ITUC-CSI, Survey of Violations of Trade Union Rights, Georgia: <https://survey.ituc-csi.org/Georgia.html#tabs-2> (legal) and <https://survey.ituc-csi.org/Georgia.html#tabs-3> (practice)
- ILO CEACR, Observations and Direct Requests concerning the implementation of ILO Convention No. 87, in respect of Georgia: <https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>
- 11th National Report on the implementation of the ESC submitted by Georgia, 3.11.2017: <https://rm.coe.int/11th-national-report-from-georgia/168077630a>
- 9th National Report on the implementation of the European Social Charter submitted by the Government of Georgia, 9.11.2015: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168048c34e>
- 7th National Report on the implementation of the ESC submitted by Georgia, 21.11.2013: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680489fbb>
- ECSR, Conclusions 2018 on Article 6§4, Georgia: <http://hudoc.esc.coe.int/eng/?i=2018/def/GEO/6/4/EN>
- ECSR, Conclusions 2016 on Article 6§4, Georgia: <http://hudoc.esc.coe.int/eng/?i=2016/def/GEO/6/4/EN>
- Georgian Trade Union Confederation (GTUC): <http://gtuc.ge/en/>
- Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 853-863: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_632659.pdf
- ETUI Report *Better defending and promoting trade union rights in the public sector*, No. 105, 2008, pp. 79-81: <https://www.etui.org/Publications2/Reports/Better-defending-and-promoting-trade-union-rights-in-the-public-sector2>

References

- 1 Status of ratification by Georgia of UN Treaties:
<https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en>, consulted on 24.10.2019
- 2 Status of ratification by Georgia of ILO Conventions:
https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102639, consulted on 24.10.2019
- 3 Status of ratification by Georgia of the Revised European Social Charter:
https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=jPYjkVEL and
<https://www.coe.int/en/web/european-social-charter/signatures-ratifications>, consulted on 25.10.2019
- 4 Status of ECHR ratifications available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=jPYjkVEL, consulted on 25 October 2019
- 5 The Constitution of Georgia was adopted on 24 August 1995, subsequently amended for several times, e.g. Constitutional Law No. 1324 of 13 October 2017 and Constitutional Law No. 2071 of 23 March 2018:
<http://www.parliament.ge/en/ajax/downloadFile/131642/constitution-of-georgia>
- 6 The Organic Law of Georgia No. 729 of 12 June 2013, see in particular Articles 49-52:
<https://matsne.gov.ge/en/document/download/1155567/5/en/pdf>
- 7 See Article 13 of the Law on Trade Unions 1997: <https://www.legislationline.org/documents/id/5017>
- 8 See 7th National Report on the implementation of the European Social Charter submitted by Georgia, 21.11.2013:
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680489fbb>
- 9 Article 13 (3) of the Law on Trade Unions 1997
- 10 See 7th National Report on the implementation of the European Social Charter submitted by Georgia, 21.11.2013:
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680489fbb>
- 11 ITUC-CSI, Survey of Violations of Trade Union Rights, Georgia, available at: <https://survey.ituc-csi.org/Georgia.html#tabs-2>
- 12 Article 481 (1) of the Labour Code
- 13 Article 49 (1) of the Labour Code
- 14 Article 49 (2) of the Labour Code
- 15 Direct Request (CEACR) adopted 2017, published 107th ILC session (2018):
https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3344016,102639,Georgia,2017
- 16 The Government has reported a case where, according to the Government, the court has considered that a solidarity strike was legal, see Direct Request (CEACR) adopted 2017, published 107th ILC session (2018):
https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3344016,102639,Georgia,2017
- 17 See 7th National Report on the implementation of the European Social Charter submitted by Georgia, 21.11.2013:
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680489fbb>
- 18 ITUC-CSI, Survey of Violations of Trade Union Rights, Georgia, <https://survey.ituc-csi.org/Georgia.html#tabs-2>
- 19 The Constitution of Georgia was adopted on 24 August 1995, subsequently amended by e.g. Constitutional Law No. 1324 of 13 October 2017 and Constitutional Law No. 2071 of 23 March 2018:
<https://matsne.gov.ge/en/document/view/30346?publication=35>
- 20 Article 49 (1) of the Labour Code
- 21 Article 51 (1) of the Labour Code
- 22 Article 51 (2) of the Labour Code
- 23 See 9th National Report on the implementation of the European Social Charter submitted by Georgia, 9.11.2015:
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168048c34e>

24 Direct Request (CEACR) adopted 2017, published 107th ILC session (2018):
https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3344016,102639,Georgia,2017

25 See Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as “essential services in the strict sense of the term” where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also ETUI Report 105, pp. 79-81

26 ECSR, Conclusions 2018 on Article 6§4, Georgia: <http://hudoc.esc.coe.int/eng/?i=2018/def/GEO/6/4/EN>

27 See 11th National Report on the implementation of the European Social Charter submitted by Georgia, 3.11.2017: <https://rm.coe.int/11th-national-report-from-georgia/168077630a>

28 idem

29 Article 50 of the Labour Code, see also ITUC-CSI, Survey of Violations of Trade Union Rights, Georgia, <https://survey.ituc-csi.org/Georgia.html#tabs-2>

30 Direct Request (CEACR) adopted 2017, published 107th ILC session (2018):
https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3344016,102639,Georgia,2017

31 Article 49 (3) of the Labour Code

32 Article 49 (5) of the Labour Code

33 Article 49 (6) of the Labour Code

34 Article 49 (7) of the Labour Code

35 See 9th National Report on the implementation of the European Social Charter submitted by Georgia, 9.11.2015:
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168048c34e> ;
 see also ECSR, Conclusions 2016 on Article 6§4, Georgia: <http://hudoc.esc.coe.int/eng/?i=2016/def/GEO/6/4/EN>

36 Article 50 of the Labour Code

37 Article 51 (3) and (6) of the Labour Code

38 Article 49 (1) of the Labour Code

39 Article 49 (2) of the Labour Code

40 Article 52 (1) of the Labour Code

41 Article 49 (8) of the Labour Code

42 Article 49 (9) of the Labour Code

43 Article 36 (1) and (2) a), b) of the Labour Code

44 Article 52 (3) of the Labour Code

45 Article 165 of the Criminal Code: <https://matsne.gov.ge/en/document/download/16426/157/en/pdf>

46 See Article 52 (1) of the Labour Code

47 Article 51 (3) of the Labour Code

48 Article 51 (6) of the Labour Code

49 Article 37 (1) (k) of the Labour Code

50 Article 52 (2) of the Labour Code

51 Article 348 of the Criminal Code: <https://matsne.gov.ge/en/document/download/16426/157/en/pdf>

52 See Observations and Direct Requests of CEACR concerning the implementation of ILO Convention No. 87, in respect of Georgia: <https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>

53 Direct Request (CEACR) adopted 2017, published 107th ILC session (2018):
https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3344016,102639,Georgia,2017

54 ECSR, Conclusions 2018 on Article 6§4, Georgia: <http://hudoc.esc.coe.int/eng/?i=2018/def/GEO/6/4/EN>

55 The ITUC Global Rights Index depicts the world’s worst countries for workers by rating countries on a scale from 1 to 5+ on the degree of respect for workers’ rights. Violations are recorded each year from April to March.

Detailed information exposing violations of workers' rights in each country is published in the ITUC Survey found at <https://survey.ituc-csi.org/>

56 ITUC-CSI, Global Rights Index Report 2019: <https://www.ituc-csi.org/IMG/pdf/2019-06-ituc-global-rights-index-2019-report-en-2.pdf>, page 11

57 ITUC-CSI, Global Rights Index Report 2019: <https://www.ituc-csi.org/IMG/pdf/2019-06-ituc-global-rights-index-2019-report-en-2.pdf>, pages 42-43; See also 'Court imposes indefinite ban on striking during working hours for metro workers' at: <https://survey.ituc-csi.org/Georgia.html#tabs-3>

58 ITUC-CSI, Survey of Violations of Trade Union Rights, Georgia: <https://survey.ituc-csi.org/Georgia.html#tabs-3>