

LAW OF GEORGIA
ON TRADE UNIONS

Chapter I - General Provisions

Article 1 - Objectives of the Law

1. The Law of Georgia on Trade Unions establishes the legal grounds, and rights and guarantees for the activities of trade unions.
2. This Law regulates:
 - a) public relations related to the establishment of trade unions and the realisation of their rights and guarantees for their activities;
 - b) the relations of trade unions and of federations (associations) of trade unions with state and local self-government bodies, employers, employers' confederations (unions, associations), other public associations and natural and legal persons.

Article 2 - Right to establish trade unions and federations (associations) of trade unions

1. A trade union is a non-entrepreneurial (non-commercial) legal person, established under the procedure provided for by the Civil Code of Georgia. A trade union, by the nature of its activities, represents a voluntary public association (organisation) of persons (workers) connected with common production and professional interests. The objective of trade unions is to protect and represent the labour, socio-economic and legal rights and interests of their members.
2. Any person shall have the right to create a trade union and to join it, in accordance with the Constitution of Georgia.
3. A trade union may be established within any enterprise, institution, organisation and other place of work.
4. The specific features of the establishment of trade unions within the bodies of the Ministry of Defence and the Ministry of Internal Affairs, within tax and judicial authorities, and the bodies of the Prosecutor's Office, shall be determined in accordance with the legislation of Georgia related to these authorities and services.
5. A person (worker) aged 15 or over, who is engaged in labour (professional) activities or studies at a higher educational, or secondary specialised, or vocational-technical institution, shall have the right to establish, or join, or leave freely a trade union, or participate in trade union activities. Temporarily unemployed persons and pensioners may remain trade union members.
6. Trade unions shall be established according to sectoral, production, territorial or other features of occupational characteristics.
7. Trade unions shall have the right to establish:
 - a) primary trade union organisations within enterprises, institutions, organisations and other places of work;
 - b) national, regional, district, city, enterprise's, institution's or organisation's trade union organisations and federations (associations), and those of the Autonomous Republics of Abkhazia and Ajara.
8. In order to establish a trade union or a federation (association) of trade unions, an action (organising) group shall call a founding meeting (conference, congress), which adopts the charter and elects the management bodies of the trade union.
9. A trade union may be established at the initiative of at least 50 persons.
10. All trade unions shall enjoy the same rights.

Law of Georgia No 3983 of 14 December 2006 - LHG I, No 48, 22.12.2008, Art. 343

Law of Georgia No 3806 of 12 November 2010 - LHG I, No 66, 3.12.2010, Art.414

Law of Georgia No 6538 of 22 June 2012 - website, 4.7.2012

Law of Georgia No 3925 of 8 July 2015 – website, 15.7.2015

Article 3 - Basic definitions

1. Sectoral trade union - a trade union, which unites, on a voluntary basis, trade union members of enterprises, institutions and organisations of one or several related sectors of the national economy of Georgia, and which operates throughout Georgia.
2. Occupational trade union - a trade union, which unites, on a voluntary basis, trade union members with similar occupations, working at enterprises, institutions and organisations in one or different sectors, and which operates in the territory of one or several enterprises, institutions, organisations, districts, cities, regions or in the whole territory of Georgia.



3. Trade union or trade union organisation of an enterprise, institution, organisation, district, city, region or the Autonomous Republics of Abkhazia and Ajara - a trade union, which unites, on a voluntary basis, members of one union and operates respectively in the territory of one enterprise, institution, organisation, district, city, region or the territory of the Autonomous Republics of Abkhazia and Ajara.
4. Federation (association) of trade unions of enterprises, institutions, organisations, districts, cities, regions and the Autonomous Republics of Abkhazia and Ajara - a federation (association) of trade unions, which unites, on a voluntary basis, trade unions and/or federations (associations) of trade unions and which operates respectively in the territory of enterprises, institutions, organisations, districts, cities, regions or the territory of the Autonomous Republics of Abkhazia and Ajara.
5. National federation (association) of trade unions - a federation (association) of trade unions, which unites, on a voluntary basis, trade unions and/or federations (associations) of trade unions and which operates in the whole territory of Georgia.
6. Primary trade union organisation - a trade union organisation, which unites, on a voluntary basis, trade union members employed at one enterprise, institution or organisation, and which operates in accordance with the charter of a respective trade union and the statute of a primary trade union organisation.
7. Trade union body - a body, which is established (elected) in accordance with the charter of a trade union, or the charter of a federation (association) of trade unions, or the statute of a primary trade union organisation.
8. Trade union committee - a trade union body elected by a primary trade union organisation.
9. Shop steward (a trade union group organiser) - a trade union member, which is elected by a trade union that comprises less than 15 registered members and which is authorised to act by a meeting of trade union members.
10. Employer (work provider, hirer) - an organisation or a legal person represented by its head officer (administration), or a natural person, with whom a worker (an employee) has signed an employment agreement (contract).
11. A worker - a natural person, who works for an enterprise, an institution or an organisation on the basis of an employment agreement (contract) or who carries out activities as an individual entrepreneur.
12. Trade union member - a natural person (a worker, a temporarily unemployed person, a pensioner, or a student), who respects (agrees with) and complies with the charter of a trade union and is registered with a trade union organisation.
13. Trade union official - a trade union member who is elected to a trade union body or who works in this body under an employment agreement (contract).
14. Collective agreement - an agreement between an employer, an enterprise, an institution or an organisation and a trade union, which regulates labour, and social and professional relationships between the parties.
15. Sectoral (tariff) agreement - an agreement between the relevant bodies of the executive authority, trade unions and employers (entrepreneurs), which regulates labour and socio-economic relationships between the parties.
16. General agreement - an agreement between the Government of Georgia, trade unions and national associations of entrepreneurs, which regulates labour and socio-economic relationships between the parties.

Article 4 - Scope of the Law

This Law shall apply to:

- a) all citizens of Georgia and trade union members, aliens and stateless persons residing in Georgia, except as provided for by the legislation of Georgia and the international agreements of Georgia;
- b) any enterprise, institution, organisation, trade union and federation (association) of trade unions operating in the territory of Georgia;
- c) trade union organisations of Georgia, which operate abroad.

Article 5 - Independence of trade unions

1. Trade unions and federations (associations) of trade unions are independent from state and local self-government bodies, employers, employers' confederations (unions, associations), political parties and organisations, and are not accountable to or controlled by them, except as provided for by the legislation of Georgia.
2. Trade unions shall not form or belong to any political party (or alliance).

Article 6 - Legal grounds for the activities of trade unions

1. Trade unions and federations (associations) of trade unions shall be guided in their activities by the Constitution of Georgia, the treaties and international agreements of Georgia, this Law and other legislative acts, as well as their own charters.
2. If the treaties or international agreements of Georgia, which comply with the Constitution of Georgia, set forth procedures which differ from those



provided for by this Law, the procedures set forth by the treaties and international agreements of Georgia shall be applied.

Article 7 - Charters of trade unions, registration of trade unions and status of legal persons

1. A charter of a trade union or a federation (association) of trade unions shall, in accordance with the legislation of Georgia, establish the goals and objectives of a trade union, or a federation (association) of trade unions, the procedures for granting or resigning membership, the rights and duties of its members, its structure, the terms of the competences and authority of higher and governing bodies, the sources for the formation of income and assets and the procedure for their use, the conditions for making changes to the charter, the grounds for terminating its activities, a name, a location and a territory of operation, as well as other important issues.
2. Charters, and changes and additions to the charters of trade unions or federations (associations) of trade unions, shall be registered in accordance with legislation.
3. Primary trade union organisations and other structural divisions operating on the basis of a registered charter of a trade union shall not be subject to registration.
4. A trade union or a federation (association) of trade unions shall acquire the status of a legal person upon the registration of their charters in accordance with the procedure established by the legislation of Georgia.

Article 8 - Cooperation with trade unions of other countries

The trade unions of Georgia shall have the right to cooperate with trade unions of other countries, and become members of various international trade union organisations and enter into treaties and agreements with them, unless this contravenes the legislation of Georgia.

Article 9 - Reorganisation and liquidation of trade unions

1. Trade unions or federations (associations) of trade unions shall be reorganised by a decision of trade union members (or a meeting, a conference, or a congress), in accordance with their charters.
2. Trade unions or federations (associations) of trade unions shall be liquidated:
 - a) by a decision of the trade union members (or a meeting, a conference, or a congress), in accordance with their charters;
 - b) by a court decision, in the cases of the violation of this Law or their charters, or upon the submission of a registration body in the case of activities prohibited by legislation.
3. The activities of trade unions or federations (associations) of trade unions may be terminated or prohibited only by a court decision, in the cases and under the procedure determined by an organic law of Georgia.

Chapter II - Fundamental Rights of Trade Unions

Article 10 - Right to protect and represent the labour and socio-economic rights and interests of workers

1. Trade unions and federations (associations) of trade unions shall protect and represent the labour and socio-economic rights and interests of trade union members.
2. Trade unions and federations (associations) of trade unions shall have the right to participate in preliminary discussions at relevant bodies of draft legislative and subordinate normative acts on labour and socio-economic issues, and to prepare alternative proposals.
3. Trade unions shall submit proposals to state authorities relating to the determination of the main criteria of standards of living and compensation schemes.
4. Trade unions shall protect the rights of its members to freely use their work opportunities, choose a profession and receive fair remuneration at least in the amount of a statutory minimum wage.
5. Employers and employers' confederations (unions, associations) shall, through appropriate trade unions and in accordance with legislation, establish labour rates, remuneration systems, types of financial incentives, tariff rates and the amount of salaries, which shall be set out in collective (tariff) agreements (contracts), on the basis of a mutual agreement between the parties.
6. Trade unions and federations (associations) of trade unions may, within their powers, participate in the discussions of issues raised and proposals put forward by them before state and local self-government bodies, employers, and employers' confederations (unions, associations) and other public associations.
7. Managing bodies of trade unions and federations (associations) of trade unions shall review issues related to the labour, socio-economic and legal interests and rights of workers in accordance with the terms and conditions of collective agreements (contracts).



Article 11 - Right to promote employment

1. Trade unions and federations (associations) of trade unions shall participate in the development and implementation of state employment policy and of social protection measures for workers released from enterprises, institutions or organisations.
2. In order to protect the rights and interests of released workers as determined by legislation and collective agreements (contracts), employers and employers' confederations (unions, associations) shall inform appropriate trade unions, with at least two months notice, about the liquidation, reorganisation or temporary suspension of the activities of enterprises, institutions or organisations, which entails the reduction in the number of posts or the deterioration of working conditions.
3. Trade unions shall have the right to submit proposals on the postponement or suspension of the implementation of measures related to the mass release of workers, for review by relevant state authorities.
4. Trade unions shall exercise public control over the status of employment.
5. Employment agreements (contracts) with workers who are trade union members may be terminated early at the initiative of employers and on the basis of a preliminary agreement with relevant trade union committees only in cases provided for by legislation, collective agreements or contracts.
6. Employers may not discriminate against workers for being or not being a trade union member.
7. Trade unions and federations (associations) of trade unions shall have the right to participate in reviewing issues related to the organised recruitment in Georgia of labour from foreign countries or the organised recruitment of Georgian labour abroad.

Article 12 - Right to collective bargaining and to enter into and to monitor the performance of collective agreements and contracts

1. The authorised representatives of the elected bodies of trade unions, federations (associations) of trade unions and primary trade union organisations shall, on behalf of the staff, negotiate with the authorised representatives of employers, employers' confederations (unions, associations), and executive authorities and local self-government bodies, and shall enter into collective agreements and contracts and monitor their performance, under the procedure provided for by those agreements (contracts).
2. Employers and employers' confederations (unions, associations) and executive authorities shall conduct negotiations with primary trade union organisations, trade unions or federations (associations) of trade unions on labour and socio-economic issues if primary trade union organisations, trade unions or federations (associations) of trade unions initiate negotiations, and shall, in the case of a mutual agreement, enter into collective agreements (contracts).

Article 13 - Right to participate in the resolution of collective labour disputes

1. Trade unions shall have the right to participate in the review and the resolution of collective labour disputes related to the violation of labour legislation and the terms and condition of collective agreements or agreements, under the procedure established by legislation.
2. In order 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.
3. Any responsive action to suppress strikes and other protest actions organised by trade unions in accordance with legislation shall be prohibited.

Article 14 - Obtaining and reviewing information

Trade unions and federations (associations) of trade unions shall have the right to obtain and review information on labour and socio-economic issues received from the administrations of enterprises, employers, employers' confederations (unions, associations) and state and self-government bodies, which is necessary to carry out activities under their charters, unless otherwise provided for by legislation.

Article 15 - Training and qualification upgrade programmes for trade union officials

Trade unions and federations (associations) of trade unions may establish educational, cultural and educational, and scientific and research institutions and organisations to train trade union officials, and upgrade their qualifications and teach trade union members.

Article 16 - Right of trade unions to control compliance with labour legislation

1. Trade unions shall exercise public control over the implementation of measures provided for by labour legislation or employment agreements (contracts) with regard to trade union members, and over the fulfilment of other obligations by employers, in accordance with procedures defined by collective agreements (contracts).
2. Trade unions shall have the right to request from employers that they eliminate cases of violation of this Law.
3. In order to exercise public control over compliance with labour legislation and the fulfilment of guarantees in the field of labour and health protection and social security, trade unions and federations (associations) of trade unions shall have the right to establish labour protection services



(staffed with technical and advocacy support personnel and authorised doctors), which shall act on the basis of statutes approved by the respective trade unions or federations of trade unions.

4. Authorised members of trade unions and federations (associations) of trade unions and their bodies may enter enterprises, organisations, institutions, and work places where trade union members are employed, in accordance with the labour legislation and laws on trade unions and labour and health protection, and in accordance with collective (tariff) agreements, general agreements and contracts.

Article 17 - Right to participate in labour and environmental protection

1. Trade unions shall have the right to participate, in accordance with the procedure established by law, in the development of state programmes and legislative and subordinate normative acts related to the issues of environmental protection, occupational diseases and ecological safety, and to establish public control over their implementation.

2. Trade unions shall have the right to request from appropriate bodies that they rectify faults in labour conditions which pose a threat to the life and health of workers.

3. Trade unions and officials of their labour protection services shall have the right to participate in investigations of industrial accidents and injuries.

4. Trade unions shall have the right to participate as observers in examining the safety of industrial facilities, mechanisms, equipment and tools in the process of their design, construction and putting into operation.

Article 18 - Right to participate in the privatisation of state property

Trade unions authorised by labour collectives shall have the right to have their representatives in state property privatisation commissions set up in enterprises and institutions and organisations, in accordance with legislation.

Article 19 - Right to participate in collegiate management bodies of enterprises

By a decision of the general meetings of employees, shareholders and partners, trade unions may have their representatives in collegiate management bodies of enterprises (supervisory boards, advisory boards and others) in accordance with legislation.

Article 20 - Right to protect the interests of and represent workers in bodies responsible for the review of labour disputes

Trade unions shall have the right to:

a) file claims, submit applications and appear in courts or other bodies responsible for the review of labour disputes to protect the labour rights of trade union members, in accordance with legislation;

b) provide legal assistance to trade union members;

c) establish legal departments and consultation offices within their structural units.

Article 21 - Relations of trade unions with employers, employers' confederations (unions, associations), executive authorities and local self-government bodies and other representative bodies

1. The relations of trade unions and federations (associations) of trade unions with employers, employers' confederations (unions, associations) and executive authorities and local self-government bodies shall be regulated by collective agreements (contracts) entered into by them on the basis of social partnership and in accordance with legislation.

2. Trade unions and confederations (associations) of trade unions shall have the right to participate, together with other social partners, in managing state funds (companies) established at the expense of insurance contributions of workers, in accordance with the procedure established by legislation.

3. Trade unions and federations (associations) of trade unions shall have the right, in accordance with legislation, to implement joint activities related to achieving the objectives set out in their charters, in cooperation with executive authorities and local self-government bodies, employers, employers' confederations (unions, associations) and other public associations and on the basis of a mutual agreement.

4. Various representative (elected) bodies of enterprises, institutions and organisations may not be used to limit the lawful activities of trade unions.

5. The State shall support trade unions in the implementation of the objectives set out in their charters.

Chapter III - Guarantees for the Rights of Trade Unions

Article 22 - Guarantees for the financial and property rights of trade unions



1. Trade unions and federations (associations) of trade unions shall own, use and dispose of their property and monetary funds in accordance with their charters. The property and monetary funds of trade unions shall be inviolable. No one shall have the right to dispose of, seize or transfer their property or monetary funds without the consent of collegiate (elected) bodies provided for by the charters of trade unions, except as determined by the legislation of Georgia.
2. The monetary funds of trade unions are formed from membership fees and voluntary contributions, and donations and incomes generated from cultural and educational, sports and recreational, publishing, entrepreneurial (economic) activities and other lawful income. In order to achieve the objectives under their charters, trade unions shall have the right to receive monetary funds and other property from foreign countries, in accordance with the procedure established by legislation.
3. Trade unions may own the following property in order to achieve the objectives under their charters: enterprises, means of production, transportation and information, buildings, residential properties, detached houses, medical, recreational, cultural, educational, sports and children's institutions, objects of material and spiritual culture, money, securities, and other movable and immovable property.
4. In accordance with legislation, trade unions shall have the right to carry out entrepreneurial (economic) activities through enterprises, institutions or organisations established by them.
5. Income received from entrepreneurial (economic) activities shall be used only to achieve the objectives under the charters of trade unions and may not be distributed among the member organisations of trade unions and federations (associations) of trade unions.
6. Trade unions shall determine independently the procedure and directions for managing available monetary funds and for disposing of property and tangible assets, and shall establish the salaries of trade union officials from these monetary funds, and terms of remuneration, in accordance with legislation.
7. Trade unions may organise charity events, insure their members, and carry out other humanitarian activities in accordance with legislation.
8. Trade unions shall pay taxes on the income received from entrepreneurial (economic) activities under the procedure and in the amount determined by law.
9. Income received from membership fees and voluntary contributions and donations, which is used only to achieve the objectives under the charters of trade unions, shall be exempt from taxes.
10. The contributions of special funds shall be added to the salaries of trade union officials in the same manner as to the salaries of employees of budgetary organisations.
11. The financial activity of trade unions, carried out in accordance with their charters, shall not be subject to accountability to state bodies, except as provided for by the legislation of Georgia.
12. The procedure for using the property and monetary funds remaining after the liquidation of trade unions and federations (associations) of trade unions shall be determined by their charters, in accordance with legislation.

Article 23 - Guarantees for the protection of workers elected to trade union bodies and engaged in main activities

1. A worker, who is elected to a trade union body and is not released from his/her main work, may be granted spare time to perform trade union duties and attend a short-term training course (or to upgrade his/her qualifications) in accordance with the terms and conditions of the respective collective agreement (contract).
2. A worker, who is elected to a trade union body, or is elected as a delegate of a trade union conference or congress, shall be released from occupational activities in order to participate in the activities of this body in accordance with the terms and conditions of the respective collective agreement (contract).
3. A chairperson, a member, a shop steward or a trade union group organiser, engaged in main activities, may not be dismissed, or transferred to a different position, or have a disciplinary measure applied against him/her at the initiative of the employer and without the prior consent of a respective trade union body, except as provided for by legislation.

Article 24 - Guarantees for the protection of trade union officials released from work due to being elected to trade union bodies

1. Workers, who have been released from work due to being elected to trade union bodies, shall be granted a priority right to return to the previous job (position) or to be offered an equivalent job (position) after their term of elective office expires.
2. Employers may, at their own initiative, dismiss workers elected to trade union bodies not less than one year after their term of elective office expires, except as provided for by the legislation of Georgia.
3. The period of work in trade union bodies of trade union officials who have been released from work shall be included in the total length of their service.
4. Elected officials of trade union committees of enterprises, institutions or organisations, who have been released from their main work, shall enjoy the social and labour rights established for the workers of those enterprises, institutions or organisations, in accordance with the terms and conditions of respective collective agreements (contracts).



Article 25 - Employer's obligations to create conditions for the operation of trade unions

1. The administration of employers, enterprises, institutions and organisations shall be obliged to create conditions necessary for the activities of trade unions, within the limits of available material and financial resources, and provide primary trade union organisations with premises for official use, equipment and means of communication at the expense of the enterprise, institution or organisation.
2. The creation of additional material conditions for the activities of trade unions operating in enterprises, institutions or organisations shall be regulated by collective agreements or contracts.
3. The administration of employers, enterprises, institutions and organisations shall, on a monthly basis, transfer trade union membership fees from the salaries of workers, who are trade union members, to the accounts of trade unions, on the basis of the written request of such workers, in accordance with the terms and conditions of collective agreements.

Chapter IV - Protection of the Rights of Trade Unions and Liability for their Violation

Article 26 - Protection of the rights of trade unions

1. The State shall ensure the protection of the rights of trade unions in accordance with the legislation of Georgia.
2. Violations of the rights granted to trade unions under the legislation in force shall be reviewed by a court.

Article 27 - Liability for the violation of the rights of trade unions

1. Liability for the violation of this Law shall be imposed in accordance with the legislation of Georgia.
2. In accordance with legislation, trade unions, federations (associations) of trade unions and trade union committees and trade union members shall have the right to raise an issue of liability of officials, or file a claim (complaint) with a court against officials who violate this Law or other legal and normative acts on trade unions, or who fail to fulfil obligations set out in general agreements, sectoral (tariff) agreements or collective agreements.

Article 28 - Liability of trade unions

The senior officials of trade unions and trade union bodies shall be liable, in accordance with legislation, for the failure to fulfil obligations under this Law, other legal and normative acts on trade unions, and under general agreements, sectoral (tariff) agreements or collective agreements, and for the organisation and conduct of mass protest actions which are declared unlawful by a court.

Chapter V - Final Provisions

Article 29 - Entry into force of the Law

This Law shall enter into force upon its promulgation.

President of Georgia

E. Shevardnadze

Tbilisi

2 April 1997

No 617- IIS

