



KEYNOTE SPEECH

Mr Guy Ryder, Executive Director, Standards and Fundamental Rights at Work, International Labour Organization

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Mr Minister,

Ladies and Gentlemen

First of all, thanks to the Friedrich Ebert Foundation for the opportunity for the ILO to make some this contribution concerning social dialogue and labour standards. We have followed recent developments in Georgia with keen interest, and to be frank with considerable concern, from which I trust this conference can help identify opportunities for action and progress.

I think there is a single precondition for that – one that makes social dialogue possible and gives it real substance and opens the way to full respect of international labour standards. And it is simple. That each party – Government, Employers and Trade Unions – accepts the rights and legitimate role of the others and their responsibility to represent interests in society which may not

always coincide. This implies tolerance, trust and readiness to compromise. It is the very essence of democracy and success as a modern market economy.

All I have spoken to in Georgia – each of the ILO's constituents has expressed full support for this approach. And for its part, the ILO has stressed that these are the standards which Georgia's international friends and partners will measure its performance against.

In technical terms, none of this is particularly complicated. But for progress to take place, one ingredient is indispensable: the necessary political will. Without that, current difficulties are unlikely to be overcome. With it progress, if not automatic, will come much more easily.

Today, mutual trust between the social partners is not what we would want it to be. There are doubts about the true motives of different actors. Some of the reasons for this are not difficult to identify. In some areas – trade union recognition for collective bargaining and protection against anti-union discrimination for example – the legal framework is inadequate or not enforced or not properly understood.

This means that legitimate disputes about basic workplace issues – working conditions, health and safety, pay, job security, the right to organise – can and will escalate into damaging and serious conflicts. The recent painful experience at the Hercules Steelworks in Kutaisi is an obvious and vivid example.

Conflicts like this easily lead into accusations by all sides. But the lesson is that labour legislation, regulations and practice must provide an understandable and accepted guide for employers, workers and governmental authorities alike. A labour conflict that leads into dismissals, police intervention and imprisonments says loud and clear that something serious is lacking, something is not right and that action is needed urgently.

Rules and guarantees need to be clarified and, where necessary, strengthened. The ILO's standards supervisory bodies have called for such a process and pointed to areas where change is required. Undoing the legacy of a totalitarian system, and laying the basis of a healthy rules-based market economy is not so small task and it takes time. But, the answer to inappropriate rules cannot be having no rules at all. It lies rather in rules which are equally owned by all, and it calls for support by and cooperation with the trade unions and employers' organizations.

The ILO has worked with the Georgian constituents for some time now, and by and large the missing elements have been identified. One of them is ensuring that trade unionists who voice the concerns of their members are not subject to discrimination, including dismissals. There are many ways of making this rule clear, in law and in practice. If there is the political will, there is a way. I believe that the time to move ahead is now. And the ILO stands ready to assist.

Encouragingly, the Tripartite Social Partnership Commission was already established by the Prime Minister last year. The ILO welcomes this. Its work has started taking shape and its meetings have become regular. However, a body like this is most efficient and appropriate for discussing policies, strategies and legislation. The Commission would be, for example, the right place to resume tripartite consultations to identify and discuss the way to improve current labour legislation and ensure its compliance with international labour standards. But it is not well suited to handling specific individual industrial disputes with all their detail and complexity. The problem with dealing with a local conflict in a national tripartite body is that instead of getting solved, the conflict can be transferred to the national level and magnified rather than resolved quickly and satisfactorily.

For these reasons, I believe that it would be wise now to commit to putting in

place arrangements for independent mediation that can be used rapidly for solving problems when and where they arise at workplaces. There is much international experience in this field and it shows that such arrangements do not call for major human and financial resources or a heavy bureaucracy. What is needed is real commitment and a bit of know-how. And mediation should be easily accessible and user-friendly, in particular for the employers and workers who find themselves in conflict.

Calling on such a service instead of law-enforcement authorities is generally the right answer in the case of labour conflicts. The world is full of experience which demonstrate that, and here again the ILO stands ready to assist.

Let me try to convince you of the value of an effective mediation system by reference to concrete examples. Just think, if this option had been available for workers at the Hercules Steelworks: what trouble, suffering and conflict could have been avoided? Consider too, how recent allegations related to withdrawal of check-off facilities affecting substantial numbers of trade unionists and mass and simultaneous resignation of civil servants from their trade unions could be treated via credible independent mediation.

I am aware, of course that these matters are controversial and their merits will certainly not be resolved here. But if they were to be found to be justified, then

they would reveal great injustice and violation of rights which all of us, I am sure, would agree should be brought to an end. And if they were shown to be untrue, then Georgia still suffers the resulting reputational damage. Either way, mediation would bring better results for all.

So let me summarise with four very straightforward suggestions for a way forward for social dialogue and labour standards in Georgia:

1. The basic statement – which can come from today’s work – of mutual acceptance by each key actor – Government, Trade Unions and Employers – of the role and rights of the others as a precondition of real social dialogue, accompanied by genuine commitment to cooperate in good faith.
2. Agreement to establish effective, accessible, independent mediation facilities. This would provide new opportunities to resolve disputes and free up the Tripartite Commission to fulfil its real functions.
3. Consideration of possible changes to labour legislation on the basis of identified shortcomings, and in the light of comments that may come from the ILO Committee of Experts early next year about conformity with ratified ILO Conventions.

4. A concerned programme of capacity-building for all three ILO constituents so that the required expertise and resources are available to sustain and underpin needed change and progress.

These are the remarks I would put before the Conference on behalf of the ILO, and I hope they will at least help your thinking.

To our Georgian partners and friends, I would conclude simply by stating the belief that strengthening social dialogue and ensuring full respect of international labour standards is not just a matter of meeting the expectations of the international community. Beyond that, it can be a central plank in your national strategy for growth and development offering decent work for all, a positive environment for business and a fair share of future prosperity for all Georgians.

That seems to me a goal to which all would subscribe.