



NGOS ASSESSMENT REGARDING THE DETERIORATION OF WORKING CONDITIONS OF EMPLOYEES OF THE PUBLIC BROADCASTER

At the end of August 2018, before the launch of a new broadcasting season in the Georgian Public Broadcaster, the Management of the Broadcaster sent to dozens of employees a new offer regarding their labour conditions, with the deadline for submission of answers until September 4. According to the terms put forward by the Broadcaster's Management, the employment contracts signed with the employees would be terminated in case of refusal to the offer. The Management's decision was followed by the protest of the employees and the Public Broadcaster's trade union, which has been in action to this day, as the employees, despite a number of attempts to communicate with the Management, have failed to find out the reasons for deteriorating of their labor conditions, which virtually means their dismissal.

Later, only after the sharp criticism of public which followed the Management's decision, the Public Broadcaster made a public statement concerning the ongoing changes.

The Management of the Public Broadcaster declared: *"It has been revealed that work graphs / shifts established during the past years ineffectively and unfairly distributed the workload of the employees. As a result, the excessive number of employee groups*

has accumulated which do not correspond to the needs of programs and significantly increase the human resources. At the new season (2018/2019) of the Broadcaster was planned with defining the relevant workforce." "Working groups of particular projects have been staffed; workload of employees and shifts has been defined." Moreover, the Management's decision was evaluated as a process of optimization at the meeting with the employees.

We believe that the statement of the GPB Management and its decision rendered regarding dozens of employees raises a number of serious doubts in terms of reasoning and lawfulness of the Management's decision, as well as the fairness of the labor policy existing in the Public Broadcaster.

Over the years, the absence of a consistent and transparent labor policy in the Public Broadcaster, which is the structural problem of the GPB and the responsibility of the present management, has become a matter of sharp criticism. In particular, despite repeated requests, the Broadcaster does not maintain a staff schedule, staff assessment and payroll ranking systems; the Broadcaster does not have human resources management policy and a person responsible for working in this direction.

Therefore, under the condition of the absence of a foreseeable labor policy and staff assessment system, it is absolutely unclear what criteria the selection of the employees was based on who received offers from the Management on a significant deterioration of their labor conditions. Furthermore, the events ongoing in the Public Broadcaster show that material deterioration of working conditions does not apply to only approximately 70 employees, but the Broadcaster's management had started different processes with the same objective regarding the employees of Public Radio and the GPB TV projects "Study of Public-Political Programs" and "Media Monitoring and Analysis" prior to September. At the end of August 2018, the programs were closed down in the radio and a competition was announced for selection of programs for a new season. It is unclear why the existing human resources in the radio are not used for these programs and if new candidates win the competition, what decision will be taken regarding the existing staff.

The absence of a transparent and consistent labor policy in the Public Broadcaster and the unsubstantiated decisions made increases the risk of arbitrariness of the Management. Besides, the questions concerning relevant reasoning of the

optimization process in the Broadcaster have also been raised by the fact that after the election of Vasil Maghlaperidze, the present GPB Director, several dozens of persons have been employed by the Public Broadcaster without a competition, including former employees of the televisions belonging to Bidzina Ivanishvili's family, namely GDS and "Ninth Channel".

Thus, we believe that the offer made to approximately 70 employees regarding the change of work schedule is obviously problematic. In particular, most of the employees who received the offer have labor agreements with the GPB concluded for an indefinite period. According to the offer, in the event of consent to the offer, employees will be able to work on call i.e. if required, and their remuneration will depend on their daily activities rather than on the fixed monthly compensation as envisaged by their labour contracts. However, the offer does not specify the minimum number of working hours per month within which the employees will be guaranteed to receive a call. This condition allows the possibility that, despite having a signed labor contract, employees may not be offered a work assignment at all, which means that the employee will not receive any remuneration.

The offer is particularly harmful if we consider the fact that the Public Broadcaster's employees are not allowed to perform paid work simultaneously for other competitor broadcasters. Therefore, while expecting a call from the Public Broadcaster, the employees will not be able to seek an employment in other broadcasters during their stand-by period and earn an alternative income in this way, which virtually means leaving the employees without a source of stable income.

Consequently, based on the completely unfair and unreasonable offer, a large part of the Public Broadcaster's employees will be forced not to consent to the offer and / or terminate the labor agreement on the basis of a personal application, which will actually result in their dismissal / refusal to the job.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



In addition, we consider that the attitude of the Public Broadcaster [] Management towards their employees and the trade union is a serious problem, which is expressed in the lack of transparency of the process and absence of proper communication. Notwithstanding the numerous written appeals, the GPB Management has not answered any written applications of the employees and trade union with respect to the so-called optimization process, which, besides the unlawfulness, indicates the non-transparent activities of the GPB Management.

In the light of the difficult situation in the Public Broadcaster, we urge:

The Board of Trustees of the GPB:

- Summon immediately an extraordinary session of the Board in order to examine the grounds and reasons of the so-called optimization process in the Public Broadcaster and ensure an open and participatory process for all interested groups;
- Immediately, based on a resolution, require from the Director General of the Public Broadcaster to develop and prepare labor policy documents, including the staff schedule and payroll defining documents and approve them in the shortest possible period of time;

The Management of Public Broadcaster:

- With the current situation in mind, suspend the so-called optimization process and, if necessary, conduct it in a transparent and inclusive manner ensuring the participation of the employees, trade unions and interested public groups;
- Develop a foreseeable and consistent labor policy of the Public Broadcaster, which means introduction of a staff schedule, payroll ranking policy, approval of employee job descriptions and employee assessment system.

Signatory organizations:

Georgian Young Lawyers' Association (GYLA);

Human Rights Education and Monitoring Center (EMC)