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Educators and Scientists Free Trade Union Of Georgia

To: Mr. Ronnie Smith

ETUCE President;

To: Mr. Martin Romer

ETUCE European Director;

To: ETUCE Bureau/Committee Members

Dear Colleagues,

On behalf of the ESFTUG, we would like to pay your attention on the updating report of ESFTUG situation related issues. The report is very detailed as we try to report profound description of the situation, with some analysis and further plans.

We will highly appreciate if the ETUCE Bureau/Committee will review the report and develop some recommendation and suggestions to enable the ESFTUG to take into consideration.

There are attached: the Report, and translations of two official letters which really need to be paid attention.

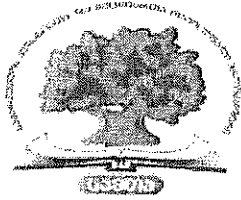
If you are in need of specifying some more information, please let us know.

The ESFTUG will share the next two months plan concerning how to reach out more members to strengthen the organization financially.

Thank you for your solidarity

Maia Kobakhidze

ESFTUG President



Educators and Scientists Free Trade Union of Georgia- ESFTUG

ETUCE Leadership / ETUCE Committee

Education International

Subject: Updating the situation of Educators and Scientists Free Trade Union of Georgia – ESFTUG

Since the visit of Mr. Martin Romer to Georgia, three meetings between the ESFTUG President and the Ministry of Education have taken place. The first meeting followed immediately after Mr. Romer's departure, and it was between Mr. Dmitry Shashkin, the Minister of Education and Science of Georgia (MOES), and Mrs. Maia Kobakhidze, the ESFTUG President, which resulted in the initiative on the part of the Minister to offer suggestions and issues, which could be discussed and negotiated between the parties (MOES and ESFTUG). In the end of December the ETUCE was informed about the details of the first meeting of the Minister and the Union President and suggestions which had been exchanged between two institutions in written form. There should have been arranged other meetings to discuss in depth issues related to the reestablishing the cooperation. However, the second meeting with the Minister took place only after Maia Kobakhidze met with the EU Ambassador to Georgia on 23rd December 2011.

The Minister initiated the second meeting, which took place on 18 January, 2012 and was attended by 4 MOES employees and four public school principals of four renowned Tbilisi schools. The ESFTUG was represented by the ESFTUG President. The Minister started the meeting and suggested finding ways to promote cooperation between the Ministry and the Union. In relation to the check off system, the Minister suggested the following scheme be followed: in large size schools, where 1/3 of the teachers are members of the trade union, and in smaller schools, where at least 10 teachers are members of the trade union, the school administration (accountants) would transfer their membership dues, if the school principal had the individual statements of members, asking the school management to deduct their union dues from their salary and transfer them to the Union's account. The Minister did stress that there were around 600 schools in the country, which did not have accountants, and therefore there was a need to deal this problem in a different way.

The Minister charged Mr. Petre Tsursumia, the Deputy Director of the National Center for Educational Quality Enhancement of the MOES, to meet with the ESFTUG legal department to jointly develop a mechanism in accordance with the above-mentioned scheme and to present suggestions. The Union did not start arguing about the details at this meeting, as it considered it more appropriate to discuss further details, such as when the meeting of lawyers of the two parties would take place, as the Minister

had in previous meetings said that such a meeting would take place. During this meeting, the Union President assured that the Union would work within the legislation and international norms and the Minister agreed with this approach. The school principals attending the meeting got interested in more details, concerning the trade union's legal rights to operate in schools. There was an effort made by the school principals to consider the Professional "Syndicate" of Education as a trade union and therefore as an equal to the ESFTUG. The Union President had to explain to them in detail about the Georgian laws, which govern trade unions, other educational institutions and NGO's, and that the Syndicate was not a trade union and did not have the same functions or rights as a trade union. The president had to remind them of the violations of the trade union rights, when in June, 2010 on one and the same day all teachers throughout Georgia were suddenly and illegally deprived of their rights to pay dues to the ESFTUG, the Union of their choice, and she emphasized the pressures on and threats made against teachers, who wanted to remain in the ESFTUG. The Minister defended these acts, however, claiming that due to the alleged unethical and illegal actions taken by the former ESFTUG President the conflict between the two institutions had begun. In general the meeting ended with what seemed to be anon-hostile attitude on the part of both parties. The sides agreed that there would be more in depth discussions concerning the other issues later.

As the Minister had proposed, a third meeting was held on 23rd January, 2012, between Mr. Tsurtsunia, who had been charged by the Minister to meet with the ESFTUG and was accompanied by Tamuna Mamukelashvili (she is not a lawyer either, although during the first meeting between the Minister and the Union there had been planned to discuss some more details among the lawyers of the parties) and the ESFTUG President and an ESFTUG lawyer. Before reflecting on the legal issues in relation to the check.off system, Tsurtsunia advised the ESFTUG to first determine the number of ESFTUG members in those four schools, the school principals of which had attended the previous meeting with the Minister and to inform the Ministry about it. The Union categorically refused to follow his advice for the following reasons:

- 1) Studying the problems in those four schools, the school principals of which had attended the previous meeting with the Minister, will not give a clear picture of the situations in schools generally. In addition, in one of the above-mentioned four schools 65 teachers have already been paying trade union membership dues individually via the bank system.
- 2) The ESFTUG had already concluded collective agreements with about 600 schools (schools are represented by schools' administrations)throughout Georgia in the autumn of 2010 with the help of the Ministry. Therefore, the Union felt that it made no sense to repeat this process and that the MOES should allow those collective agreements to be implemented and let the check-off system function in those 600 schools". The ESFTUG confirmed exactly that the 'Syndicate" has been collecting membership dues via the check off system. It is not understandable why the Syndicate, which is not a trade union, is allowed to use the check off system, while the ESFTUG, an authentic and internationally recognized trade union, is not allowed to do so.
- 3) In the majority of schools, in which school principals illegally refused to conclude a collective agreement, trade union organizations still exist and there are no written statements by members that they had quit the Union.

Based on the above-mentioned arguments, the Union proposed to Mr. Tsurtsunia to draft a legal act or an executive order which instructs school principals to transfer trade union membership dues, where there are signed statements by teachers to do so, which is in accordance with the Minister's desire to be sure that teachers want their dues transferred and follow the scheme the Minister had proposed. Mr. Tsurtsunia did not accept the approach and demanded to start the process just in the four schools, whose principals had attended the Meeting with the Minister.

The Union considers Mr. Tsurtsunia's suggestion as a danger that it would result in an added long delay and teachers could be subject to pressure by school principals. In addition it would weaken the pressure on the MOES by the international organizations and the Union would cease to exist.

On 27, January 2012, the ESFTUG President sent an official letter to the MOES, in which it was mentioned the pointlessness of the proposals presented by Petre Tsurtsunia, in which the Union told the Minister that the Union felt that Tsurtsunia's proposals were pointless and also informed him of the Union's proposals and about the new facts of repression against the ESFTUG by heads of the MOES' educational resource-centers, some of the school principals, the president of the union requested the Minister to arrange a meeting to clarify some of the details. (The official letter (27.01.2012) to the Minister of Education and Science of Georgia is Appendix 1).

On 2 February, 2012 the Minister wrote an official letter to the President of the Union (the full text of the letter is attached as Appendix 2), where once again he reiterated that the cooperation should be in line with the legislation, asking the Union president to inform him about any facts of violations or repression, so that he could react as soon as possible. In addition the Minister reiterated his readiness to cooperate to support the activities focusing on teachers' professional development and other related issues.

On 8 February 16, 2012 the ESFTUG President issued an order to all ESFTUG Executive Board members and outlined a plan of activities: to check the number of members in each school, to collect members' individual statements, to negotiate with the school principals on the Check off system. The ESFTUG president ordered all county leaders to ensure that all their activities would be in the framework of legislative requirements and in case of any pressure or violations to inform the ESFTUG President. She suggested that all leaders work together to reestablish the Union, despite some personal arguments and disputes.

On 17-18 February a working meeting of the ESFTUG Board members (funded by the Ebert Stiftung Georgia) took place, the aim was to report about those meetings with Minister and the ESFTUG President, updated them what the situation is and outlined the plan of actions, specifically: establish mechanisms how to convince members to pay their dues directly to the banks based on the experiences of the last three months, when the organizers of the central staff had been working to convince members and got the results, to immediately inform the president about the obstacles and challenges they will face. The President tried to convince the nine "old school" executive board members (there were 9 of the MOES-controlled ESFTUG county organization heads and Executive Board members in the meeting this last weekend). As a result of getting true information, they stated that they would support the ESFTUG President's action plan of carrying out activities, which would reestablish the union thanks to its own efforts and not thanks to the help of the ministry or school management.

The ESFTUG considered it urgent to reach out to as many members as possible to establish the alternative way of the transferring the membership dues via the banks throughout the country, which is considered a more guaranteed way of strengthening the organization both structurally and financially rather than waiting for the check off system to be reestablished.

Three months of face-to-face organizing meetings with members, run by the ESFTUG organizers throughout the country, during which they explained the need to try a new method of paying dues and then tried to convince them to try it, have resulted in roughly 2,000 members in several counties (Adigeni, Marneuli, Tkibuli, Zugdidi, Didube-Chugureti) individually paying their membership dues directly through the banks. The ESFTUG county organization leaders in the above-mentioned counties prefer to continue to expand this activity rather than work on reestablishing the check off system.

The ESFTUG leadership will appreciate it, if the EI/ETUCE would share their experience and suggestions and continue to influence the MOES in order to force the MOES to fulfill its promises and promote the activities instead of interfering in them, as the MOES has been doing in various ways.

APPENDIX N 1

27.01/2012

The Minister of Education and Science of Georgia

Mr. Dmitry Shashkin

Tbilisi, Georgia

Mr. Minister,

Recent developments have caused me to ask you to clarify several questions of principle. During my meeting (on 23rd January, 2012) with the First Deputy Director of National Center for Educational Quality Enhancement, Mr. Petre Tsurtsunia, he proposed that we to start activities in four schools, to determine the number of trade union member in each of the four schools and then to discuss legal issues concerning the relations between the Educators and Scientists Free Trade Union of Georgia (ESFTUG) and school "Principals". His proposal really differs from your idea about how trade union membership dues should be transferred.

We consider that first a rule of centralized transfer of trade union membership dues should be developed for the entire country and then according to established norms, the transfer of trade union membership dues should start. In schools we will determine the number of members of the ESFTUG and members individual statements will be presented to the school principals in full compliance of the legislation norms.

On 18, January of the current year, after our meeting, I was under the impression that pressure on ESFTUG would be ceased.

Unfortunately, facts developed differently. On 21-22 January, 2012, together with the Teachers Trade Union of the Republic of Azerbaijan, the ESFTUG held a two-day seminar to which Georgian teachers of Azerbaijani ethnic background and who speak Azeri were invited. The Head of the Gardabaani Educational Resource Center (ERC) of the MOES threatened to fire eleven teachers from Gardabaani, who had come to Tbilisi to attend this seminar, forcing them to return and not attend our seminar.

I myself talked with the Head of the Gardabaani ERC and I will personally tell you what she told me why she had done this during our next meeting. In the same way the Head of the Dmanisi ERC forced four teachers from Dmanisi, who had come to the seminar, to leave the seminar.

As you know, the ESFTUG, at the same time has been working on individual members using the bank system to transfer trade union membership dues to the ESFTUG account. Besides, this idea was proposed by you and you promised to help us. Thus, it is unclear for us why the heads of ERC's are also forcing public school principals not to allow this process to go forward. The Head of the Marneuli ERC demanded that the local branch of the Liberty Bank in Marneuli give him the list of the ESFTUG members, who have been paying trade union membership dues, having written personal statements to

the bank, asking the bank to transfer their dues to the ESFTUG. In Tkibuli the manager of the Tkibuli branch of the same bank demanded that he be given written consent of the school principals, before the bank would transfer trade union membership dues of teachers from those schools, although they had already written statements to the bank, again asking it to transfer their trade union dues to the ESCTUG. In both cases, they claimed that they had done these things on instructions from the, "boss" in order to justify their illegal actions. Other facts of pressure from the heads of ERC can also be mentioned.

Thus, we ask the question, why the ESFTUG has been facing so many obstacles, while it tries to exercise its legal rights, when on the basis of verbal instructions from ERC's, school principals without any problem often ignore the will of a teacher and transfer the membership dues of the teachers without individual statements to the Professional Syndicate Account and to the Mobile Company GEOCELL for the teachers mobile phones fees.

We consider that such development of events will have a negative impact on the just begun process of agreement between us.

We want to once again express our respect towards you and we consider it advisable to meet with you to overcome the existing and possible complications and problems.

RESPECTFULLY,

Maia Kobakhidze

President of ESFTUG

Appendix N 2

To: Mrs. Maia Kobakhidze,

President of Educators and Scientists Free Trade Union of Georgia

02.02.2012

Mrs. Maia,

We are writing in response to your letter of 27 January, 2012 and inform you that ensuring the rule of law and transparency in the educational system is one of the important priorities for the Ministry of Education and Science of Georgia (MOES). The MOES as the guarantor of teachers' rights and freedoms is based on the Georgian Constitution and legislation, cooperates actively with all trade union organizations and nongovernmental organizations to defend teacher's legal interests.

As I mentioned continually during our meetings, relations between the Ministry and Trade Unions and nongovernmental organizations is based on the principal of respecting law.

Herewith I want to remind you once again that in accordance with Georgian legislation, in order to transfer the membership dues from teachers' salaries to any trade Unions, there should be teacher's individual statement and contract signed between the school administrations and the Union. Particularly, Georgia's Law on trade Union Paragraph/3 of 25th Article stipulates: "Employer, administration of enterprise or organization has the right to deduct the membership dues of Trade Union from employees salary every month on the basis of the members having signed written individual statements in accordance with the provisions set by a collective agreement".

Therefore any centralized transfer, which is conducted without obeying these two demands, provides illegitimate action and abrogates teacher's legal rights and interests.

Furthermore, we remind you that every teacher in Georgia gets a salary in any private bank via their personal account by direct deposit. Every teacher has the right to transfer money from their account to any other account individually. According to the bank administrations, they are ready to conduct such transfers on the basis of teachers' individual request and there are no restrictions on this type of service in the banks.

According to the 1st paragraph of the 2nd article of the Georgian Law on Trade Unions, a trade union is a voluntary civil society union. Consequently, the Ministry considers that each teacher is independent and takes the decision to join a trade union only the basis of her/his personal will. Accordingly, any transfer of membership dues must be conducted on the basis of teachers' will and agreement with the full protection of the principal of voluntariness.

Once again I want to emphasize that the Georgian educational system is decentralized and in accordance with Georgian legislation a school is a judicial entity of public law and is ruled by a tutorial board, which consists of teachers, parents, students and representatives of the school administration.

As far as the information about the so-called oppression provided in your letter is concerned, we ask you to provide us with factual information, which will be based on the concrete testimonies. The internal auditing department of the Ministry will study the case on the basis of provided information from you and will react accordingly. Herewith we encourage you to address the courts in any case of teachers' rights having been violated.

Further, we once again confirm that the MOES is ready to cooperate with you on the mentioned issue as well as to support the activities of teachers' professional development in the future, too.

Yours sincerely

Dimitri Shashkini

