

REGULATORY LEGISLATION AND PRACTICE ON LIFE-THREATENING INDUSTRIAL ACTIVITIES IN GEORGIA AND THEIR COMPLIANCE WITH EUROPEAN HUMAN RIGHTS STANDARDS

ABSTRACT

The positive obligation to protect the right to life, as enshrined in Article 2 of the European Convention on Human Rights (ECHR/the Convention), extends to industrial activities that pose a danger to human life. In addition to the obligation to establish regulatory legislation aimed at preventing or minimizing risks arising from industrial activities that pose a threat to human life, the state is also obliged to undertake preventive and operational measures within the sphere of such hazardous industrial activities.

The aim of this paper is to analyze the compliance of the regulatory legislation and practice related to life-threatening industrial activities with European human rights standards. To achieve this, the article first reviews the European human rights standards concerning life-threatening industrial activities and defines the meaning and scope of the positive obligation to protect the right to life under Article 2 of the ECHR. It then examines the legislation and practice regulating life-threatening industrial activities in Georgia, analyzing their compliance with the relevant European standards.

Several conclusions have been drawn based on this analysis. Specifically, the analysis of the legislation regulating life-threatening industrial activities in Georgia has shown that the applicable legal (normative) framework, overall, adequately complies with the standards established by the case law of the European Court of Human Rights (ECtHR), which require states to implement preventive measures to ensure occupational safety in the workplace. In addition, the analysis of Georgian legislation revealed the need to introduce further technical standards in the country. As for the practice of conducting life-threatening industrial activities in Georgia, a troubling situation regarding industrial accidents was identified, with the highest number of fatalities occurring in the construction sector in recent years. Due to the high number of workplace fatalities

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in Georgia, it is necessary to strengthen the activities of the Labour Inspection Service by increasing the resources available to the Service. In light of the above, it is essential to implement effective measures both to further improve the legislation regulating industrial activities and to ensure its full enforcement, including by enhancing the effectiveness of the Labour Inspection Service.

I. INTRODUCTION

The positive obligation to protect the right to life, as enshrined in Article 2 of the ECHR, extends to industrial activities that pose a danger to human life. In addition to the obligation to establish regulatory legislation aimed at preventing or minimizing risks arising from industrial activities that pose a threat to human life, the state is also required to undertake preventive and operational measures within the sphere of life-threatening industrial activities.

The aim of this paper is to analyze the compliance of the regulatory legislation and practice related to life-threatening industrial activities with the European human rights standards. Based on this analysis, conclusions will be drawn and recommendations will be provided for the further improvement of Georgian legislation and practice.

II. EUROPEAN HUMAN RIGHTS STANDARDS REGARDING LIFE-THREATENING INDUSTRIAL ACTIVITIES

According to the ECtHR's case law, if industrial activity poses a threat to human life, the state bears a positive obligation not only to regulate such activity through legislation, but also to undertake preventive operational measures aimed at protecting the right to life.

One of the significant cases concerning life-threatening industrial activity is the case of *Öneryıldız v. Turkey*. This case concerned an incident at a landfill site located in the outskirts of Istanbul, which was under the management of the local authorities.¹ Due to the absence of appropriate regulatory safeguards at the landfill site and the lack of a functioning ventilation system, the accumulation of methane and other gases led to an explosion, which in turn triggered a landslide. The landslide destroyed residential homes located near the landfill, resulting in the deaths of 39 people, including nine members of the applicant's family.

One of the key issues in this case was whether the state could be held responsible under Article 2 of the ECHR for a violation of the right to life resulting from life-threatening industrial activity. Accordingly, the question was raised as to whether the state could be

¹ Judgment of the European Court of Human Rights, "Oneryildiz v. Turkey", 30 November 2004.

held responsible for failing to protect the lives of individuals who were put at risk by such industrial activity. Clearly, the case was not about an intentional taking of life by the state; rather, the central question was whether the state had taken appropriate steps to protect the right to life.²

The ECtHR emphasized that Article 2 of the Convention not only prohibits the taking of life resulting from the use of force by state agents, but also imposes a positive obligation on the state to take appropriate measures to protect the lives of individuals within its jurisdiction. The Court also noted that “this obligation must be incumbent on the state in respect of any activity, whether public or not, in which the right to life may be at stake, particularly in relation to industrial activities which by their very nature are dangerous, such as the operation of waste disposal sites.”³

The ECtHR also emphasized that the Turkish authorities knew or ought to have known of the real and immediate risk to the lives of individuals living near the landfill site. Accordingly, the Court concluded that the state had a positive obligation under Article 2 of the Convention to take preventive operational measures that were “necessary and sufficient” to protect those individuals - particularly because the state itself had established the landfill and authorized its operation, which gave rise to the actual danger.⁴

The ECtHR found that the Turkish authorities were responsible for the loss of human life, as an expert report prepared two years prior to the incident had explicitly stated that the landfill did not meet the relevant technical standards and that it posed a risk to the people living in the area.

The report also highlighted that the accumulation of a sufficient amount of gas could lead to an explosion. Nevertheless, no appropriate preventive measures were taken. It is noteworthy that at the time the landfill was established, the area was uninhabited, with the nearest settlement located 3.5 kilometers away. Although the houses destroyed in the incident had been built illegally, the state generally showed a tolerant attitude toward violations of urban planning regulations; so the residents were provided with electricity and water supply, and were required to pay local taxes. Moreover, the state failed to take appropriate steps to inform the residents about the existing risks.

In the case of *Öneryıldız v. Turkey*, the ECtHR focused on the preventive measures that the state could have taken in fulfillment of its positive obligation. These measures included: a) the isolation of waste disposal sites by determining a minimum distance

² Dimitris Xenos, ‘Asserting the Right to Life’ (Article 2, ECHR) in the Context of Industry (2007) 8 (3) German Law Journal 233.

³ See supra note 2, paragraph 71; Xenos, supra note 3, 235-236.

⁴ See supra note 2, paragraph 101; Emma A. Imparato, ‘The Right to Life Passes through the Right to a Healthy Environment: Jurisprudence in Comparison’ (2016) 22 (1) Widener Law Review 128-129.

from any residential area; b) the prevention of landslide risks through the installation of solid fencing, the construction of trenches, and the use of protective equipment; and c) the elimination of the risks of fire and biogas explosions.⁵

Ultimately, the Grand Chamber of the ECtHR held that, since the authorities knew of the existence of a real and immediate risk to the lives of individuals, they had a positive obligation under Article 2 of the Convention to take preventive measures that were necessary and sufficient to protect those lives - particularly given that the state itself had established the landfill and authorized its operation, which gave rise to the danger.⁶

It is important that the ECtHR emphasized that the state bears a positive obligation not only in cases of death resulting from the use of force by state agents, but also in relation to any activity - including industrial activities such as the operation of waste disposal sites - which, by their very nature, are life-threatening and pose a threat to human life.⁷

In the case of *Brincat and Others v. Malta*, the ECtHR found that the Maltese government had failed to fulfill its positive obligation under Article 2 of the Convention, specifically by not establishing a legislative framework and not taking preventive measures to protect individuals who were exposed to the harmful effects of asbestos.⁸ The ECtHR found that, at the very least since the early 1970s, the Maltese government knew or ought to have known that workers at the shipbuilding yard could suffer harm from exposure to asbestos. Nevertheless, the authorities failed to take positive measures to address this risk until 2003.⁹ As a result, the ECtHR held that the respondent state had violated the substantive aspect of Article 2 of the Convention.¹⁰

III. LIFE-THREATENING INDUSTRIAL ACTIVITIES IN GEORGIA

1. LEGISLATION

As demonstrated by the ECtHR's case law, the positive obligation of the state extends to life-threatening industrial activities. Arising from this obligation, the state must, first and foremost, ensure the adoption of legislation aimed at protecting the right to life in the context of conducting such life-threatening industrial operations.

⁵ See supra note 2, paragraph 58; Xenos, supra note 3, 245-246.

⁶ See supra note 2, paragraph 101; Svitlana Kravchenko and John E. Bonine 'Interpretation of Human Rights for the Protection of the Environment in the European Court of Human Rights' (2012) 25 (1) Pacific McGeorge Global Business Development Law Journal 277-278.

⁷ Xenos, supra note 3, 236-237.

⁸ Judgment of the European Court of Human Rights "Brincat and Others v. Malta", 24 July 2014.

⁹ Linos-Alexandre Sicilianos, 'Preventing Violations of the Right to Life: Positive Obligations under Article 2 of the ECHR' (2014) 3 Cyprus Human Rights Law Review 127.

¹⁰ See supra note 9, paragraph 117.

In Georgia, one of the key normative acts governing life-threatening industrial activities is the Organic Law of Georgia on Occupational Safety. Its purpose is to define the requirements and general preventive principles related to occupational safety at the workplace, including existing and potential hazards, as well as the prevention of accidents and occupational diseases.¹¹ The law defines several essential legal terms, including: occupational safety, prevention, hazard, risk, heavy, harmful and hazardous work, risk factors, workplace accidents, individual and collective protective equipment, and supervisory authority.¹²

The law establishes as well the employer's obligations, including: to comply with the norms and rules set out in Georgian legislation on occupational safety; to ensure that the safety and health of employees are not harmed; to guarantee that hazardous factors do not pose a threat to the safety and health of employees; to regularly inspect the safety condition of technical equipment; to monitor the proper use of personal protective equipment and other safety tools; and to assess, measure, and evaluate the physical, chemical, and biological factors present in the enterprise environment.¹³ The employer is also obligated to provide training and instruction to employees and to supply them with information necessary to ensure occupational safety. This includes the legal and other regulatory standards, principles of safe work, operational procedures and a safe use of machinery and equipment, as well as emergency situations, evacuation measures and their implementation, and the hazards and risks related to the workplace.¹⁴

According to the law, the employer is also obliged to provide employees with information related to occupational risks and harmful industrial factors that may affect their health in the workplace, as well as the mechanisms for protecting themselves from such risks. The employer must also inform employees about the risks they may face and the potential consequences of those risks as well as about emergency situations, evacuation plans, and the measures to be taken in the event of increased danger. Additionally, the employer must provide information on the actions and procedures to be followed in the event of an accident or fire, as well as on prohibitions concerning tasks that pose a threat to the life or health of the employee.¹⁵

The law also obligates the employer to conduct risk assessments and implement various measures to that end, including: taking steps to eliminate existing risks and reduce hazards, as well as eliminate their sources; developing a coherent policy on preventive measures; giving priority to collective protective equipment over individual protective means; and providing employees with appropriate training and instruction.¹⁶

¹¹ Article 1, paragraph 1, Organic Law of Georgia on Occupational Safety, 19 February 2019.

¹² *ibid*, Article 3.

¹³ *ibid*, Article 5, paragraph 1.

¹⁴ *ibid*, Article 5, paragraph 2.

¹⁵ *ibid*, Article 5, paragraph 5.

¹⁶ *ibid*, Article 6, paragraph 1.

The employer is also obligated to define in writing the duties and responsibilities of employees in the field of occupational safety.¹⁷ According to the law, the employer must have an occupational safety specialist.¹⁸

The law also provides for the employer's obligation to implement necessary measures to ensure first aid, fire safety, and evacuation procedures, and to inform all employees about preventive, evacuation, and safety measures.¹⁹

The law defines the rights and obligations of employees, including the right to refuse to perform work that violates occupational safety standards and poses an obvious and substantial threat to life or health. It further includes the obligation to follow occupational safety instructions, legal norms, and regulations; to use personal protective equipment in accordance with instructions; to notify the employer of any defect that could endanger workplace safety or cause an accident; not to report to work under the influence of alcohol, drugs, toxic or psychotropic substances, and not to consume such substances while performing work; to comply with bans on tobacco use in the workplace, among other duties.²⁰

In addition, the law establishes forms of liability in cases of violations of occupational safety standards, including the application of administrative sanctions such as warnings, fines, and the suspension of work processes.²¹ The law also provides for the adoption of multiple administrative-legal acts that would regulate minimum requirements for safety and health protection across various areas.²²

In addition, the Law on Labour Inspection is also applicable in Georgia, which defines the main principles and directions of the Labour Inspection Service's activities, its powers, the implementation of those powers, and issues related to ensuring the effective enforcement of labour standards.²³

In general, Georgian legislation on occupational safety establishes an important legal framework for the effective protection of human life and health in the workplace.

As for the standards established by the ECtHR's case law and its reflection in the Georgian legislation, the case *Öneryıldız v. Turkey* regarding the life-threatening industrial activity is particularly noteworthy. As noted, the case involved an explosion at a landfill site that destroyed nearby residential buildings and resulted in the deaths of several dozen people.²⁴ The ECtHR held that the Turkish authorities were responsible for the loss of life, as an expert report prepared two years prior to the incident indicated

¹⁷ *ibid*, Article 6, paragraph 3.

¹⁸ *ibid*, Article 7.

¹⁹ *ibid*, Article 8.

²⁰ *ibid*, Articles 10-11.

²¹ *ibid*, Articles 17-18.

²² *ibid*, Article 25.

²³ Article 1, Law of Georgia on Labour Inspection, 29 September 2020.

²⁴ See *supra* note 2.

that the landfill did not meet the relevant technical standards and that it posed a risk to the lives of the people living nearby. The ECtHR also emphasized the preventive measures that the state could have taken in order to fulfill its positive obligation.²⁵

The issues raised in the *Öneryıldız* case are regulated in Georgia primarily by the Waste Management Code, which establishes general safety rules for the operation of landfill sites.²⁶ The Code provides that technical and other requirements for the construction of landfills must be defined, as well as technical standards and measures for their closure and post-closure maintenance, in order to prevent harm to the environment and human health.

In addition to the Code, Georgia has in force a technical regulation on the construction, operation, closure, and post-closure maintenance of landfill sites.²⁷ It states that its purpose is to ensure the prevention or maximum reduction of the negative impact of landfills on the environment and human health.²⁸

Among various technical requirements, the regulation also defines the location criteria for landfill sites. Specifically, it provides that the distance between residential buildings and the landfill cell must be no less than 500 meters.²⁹ Additionally, when selecting a site for a landfill, factors such as the risk of flooding, soil subsidence, landslides or avalanches, as well as geological and hydrogeological conditions, must be taken into account.³⁰

The regulation sets out rules for preventing risks associated with landfills, including provisions for landfill gas management.³¹ Specifically, it requires conducting studies to detect gas emissions from waste deposited at landfill sites and, if necessary, installing a gas collection system, capturing gas through a collection mechanism, and setting up a gas drainage system.³² According to the regulation, the collection, treatment, and utilization of landfill gas must be carried out in a manner that does not pose a threat to human health or the environment.³³

The regulation also establishes control and monitoring procedures for both the operational phase of the landfill and the post-closure maintenance stage. Specifically, it requires that gas emissions be monitored once a month during the operational phase, and once every six months during the post-closure maintenance phase.³⁴

²⁵ See supra note 2, paragraph 58; Xenos, supra note 3, 245-246.

²⁶ Law of Georgia “Waste Management Code”, 26 December 2014.

²⁷ The Ordinance of the Government of Georgia N421, 11 August 2015 <<https://matsne.gov.ge/ka/document/view/2946318?publication=3#DOCUMENT:1;>> [last accessed on 08 September 2024].

²⁸ Article 1, paragraph 1, Technical Regulation on the Establishment, Operation, Closure, and Post-Closure Maintenance of Landfills.

²⁹ *ibid*, Article 9, paragraph 2.

³⁰ *ibid*, Article 9, paragraph 4.

³¹ *ibid*, Article 13.

³² *ibid*, Article 13, paragraphs 1-3.

³³ *ibid*, Article 13, paragraph 4.

³⁴ *ibid*, Article 38, paragraph 1.

A brief overview of Georgian legislation confirms that numerous technical aspects related to the operation of landfills are regulated in the country. These include the requirement for a minimum distance between landfill sites and residential buildings; consideration of risks such as flooding, soil subsidence, landslides, or avalanches during site selection; evaluation of geological and hydrogeological conditions; and the establishment of rules for preventing landfill-related hazards, including regulations on gas management. Specifically, studies are conducted to detect gas emissions from waste deposited at landfill sites, a gas collection system is installed, and a gas drainage system is set up. In addition, the legislation provides for a monitoring system covering both the operation phase and the post-closure maintenance of landfill sites.

Based on all of the above, it can be concluded that Georgian legislation adequately regulates the standards established by the ECtHR in the case of *Öneryıldız v. Turkey*.

With regard to life-threatening industrial activities, another important case is *Brincat and Others v. Malta*. As noted above, in this case, the ECtHR found that Malta had failed to fulfill its positive obligation under Article 2 of the Convention, specifically by not establishing a legislative framework and by failing to take preventive measures to protect individuals who were exposed to the effects of asbestos.³⁵

In Georgia, the use of asbestos - a substance harmful to human health and life³⁶ - is not prohibited.³⁷ It is used in construction and in fireproof insulation materials, as well as for roofing buildings and structures, in electrical systems (as an insulating material), and in vehicle braking systems.³⁸ The use of asbestos in Georgia is regulated by several normative acts, including the Ordinance of the Government of Georgia “On the Approval of the Technical Regulation on Special Requirements for the Collection and Treatment of Hazardous Waste.”³⁹ This regulation sets requirements for the management and treatment of asbestos waste, aimed at protecting human health and life from the harmful effects of asbestos exposure.⁴⁰

The harmful impact of asbestos on human health is also addressed in the Organic Law of Georgia on Occupational Safety,⁴¹ which provides that, for the purposes of occupational safety, the Government of Georgia must adopt a technical regulation on the protection of employees from risks related to exposure to asbestos, carcinogens, mutagens, and

³⁵ Judgment of the European Court of Human Rights, “*Brincat and Others v. Malta*”, 24 July 2014.

³⁶ Prolonged exposure to asbestos can lead to the risk of developing lung cancer.

³⁷ The import and export of asbestos fibers containing crocidolite, amosite, anthophyllite, actinolite, and tremolite is prohibited in Georgia. See the Order of the Minister of Labour, Health and Social Affairs of Georgia N133/5 “On the Approval of the List of Hazardous Chemical Substances Subject to Prohibition or Strictly Restricted Use, Production, and Import-Export on the Territory of Georgia, 26 March 2001.

³⁸ See <<https://hsegroup.ge/what-harm-does-asbestos-do-to-us/>> [last accessed on 08 September 2024].

³⁹ The Ordinance of the Government of Georgia N145, 29 March 2016.

⁴⁰ See *supra* note 29, Article 13.

⁴¹ See *supra* note 12.

biological agents in the workplace.⁴² To date, such a technical regulation has not been adopted.⁴³

In addition, Georgian legislation defines a list of occupational diseases and classifies professions that carry an elevated risk of developing them. This list includes asbestosis, which results from exposure to asbestos.⁴⁴

Legislation also defines a list of jobs involving heavy, harmful, and hazardous work, which includes occupations related to the production and/or use of asbestos. It further establishes rules mandating the use of personal protective equipment in such work environments.⁴⁵

From a brief examination of Georgian law, one may conclude that the regulatory framework governing the use of asbestos recognizes it as a substance harmful to human health. The framework provides for the special rules on the collection and treatment of asbestos, aimed at reducing its harmful effects. In addition, the legislation sets out a list of occupational diseases and identifies professions associated with an elevated risk of developing asbestos-related illnesses. It also classifies work related to the production and use of asbestos as hazardous. This means that individuals who choose such professions and engage in asbestos-related activities are made aware of the risks it poses to human health and life. The regulatory framework further includes rules mandating the use of personal protective equipment.

Ultimately, it can be concluded that Georgian legislation meets the minimum standards established by the ECtHR in the *Brincat* case. At the same time, it is essential that the Government of Georgia adopt a technical regulation on the protection of employees from risks related to exposure to asbestos, carcinogens, mutagens, and other biological agents in the workplace, as required by the Organic Law of Georgia on Occupational Safety.

Generally, it should be noted that all, or nearly all, industrial activities involve some degree of risk to life and health (e.g., chemical production, mineral extraction, and stone processing industries). The state itself must determine which industrial activities should be considered life-threatening and to what extent, and accordingly, introduce preventive measures to be taken, based on the specific characteristics of each hazardous activity. If an industrial activity poses a high risk to human health and/or life, such activity

⁴² See *supra* note 12, Article 16, paragraphs 2b, 2d.

⁴³ This document was supposed to be adopted by September 1, 2022. See *supra* note 29, Article 25, paragraph 1d.a.

⁴⁴ See the Order of the Minister of Labour, Health and Social Affairs of Georgia N216/5 “On the Approval of the List of Occupational Diseases and the List of Occupational Activities Associated with an Increased Risk of Developing Occupational Diseases”, 13 July 2007.

⁴⁵ See the Order of the Minister of Labour, Health and Social Affairs of Georgia N147/5 “On the Approval of the List of Jobs Involving Heavy, Harmful, and Hazardous Working Conditions”, 03 May 2007.

may be entirely prohibited (e.g., activities involving the use of asbestos). However, if the risk arising from the industrial activity is moderate or low, the state may establish a regulatory framework that ensures the minimization of the threat to human life and health.

To determine whether a particular industrial activity is life-threatening, and to what extent, the state may rely on various sources such as research studies, statistics on workplace incidents, analysis of industrial practices as well as fatalities at the workplace, complaints, etc. This will enable the state to evaluate whether a given industrial activity endangers human life and to adopt relevant preventive measures accordingly.⁴⁶

2. PRACTICE

According to the ECtHR's case law, the state bears a positive obligation not only to adopt legislation aimed at protecting human life from life-threatening industrial activity, but also to take practical measures to ensure the effective enforcement of such legislation.

In recent years, there have been numerous incidents in Georgia in which many people have lost their lives in the course of industrial (labour-related) activities. This is evidenced both by numerous specific cases⁴⁷ and by statistical data on fatalities at the workplace. According to these statistical data, in 2023, 34 employees died and 347 were

⁴⁶ Xenos, *supra* note 3, 237-238.

⁴⁷ Due to the high number of workplace fatalities, the mentioned cases are provided for illustrative purposes only: "The individuals who died in the railway incident on the Didube-Avchala section were employees of Georgian Railway", 03 September 2024

<<https://www.interpressnews.ge/ka/article/810870-opicialuri-inpormaciit-didube-avchalis-monakvetze-momxdari-sarkinigzo-shemtxvevis-dros-dagupulebi-sakartvelos-rkinigzis-tanamshromlebi-arian-romlebic-gegmur-samushaoebs-asrulebdnen>> [last accessed on 08 September 2024]; "An employee working at a workshop in Khulo died", 24 September 2023 <<https://www.interpressnews.ge/ka/article/770919-xuloshi-ert-ert-saamkroshi-dasakmebuli-daigupa>> [last accessed on 08 September 2024]; "A worker died at a factory in Rustavi", 03 January 2022 <<https://www.interpressnews.ge/ka/article/690825-rustavis-ert-ert-karxanashi-musha-daigupa>> [last accessed on 08 September 2024]; "In Gurjaani, a young man died at the bakery, presumably due to a gas leak", 04 May 2022 <<https://www.interpressnews.ge/ka/article/708973-gurjaanshi-puris-sacxobshi-axalgazrda-mamakaci-savaraudod-bunebrivi-airis-gazhonvit-gardaicvala>> [last accessed on 08 September 2024]; "A man injured during dismantling work at a facility of the Zestaponi Ferroalloy Plant died in hospital." 16 October 2021 <<https://www.interpressnews.ge/ka/article/679098-zestaponis-peroshenadnobta-karxnis-ert-ert-obiektze-sademontazho-samushaoebis-dros-dashavebuli-mamakaci-klinikashi-gardaicvala>> [last accessed on 08 September 2024]; "Georgian Railway reports the death of two employees in a fatal accident in Kutaisi", 17 September 2020 <<https://www.interpressnews.ge/ka/article/618824-sakartvelos-rkinigza-kutaisshi-ubeduri-shemtxvevis-shedegad-ori-tanamshromlis-gardacvalebis-shesaxe-inpormacias-avrcelebs>> [last accessed on 08 September 2024]; "There have been numerous deaths among miners, with many people having lost their lives over the past 10-15 years." The article titled "City of Death." 09 February 2022 <https://mtisambebi.ge/news/people/item/1440-sikvdilis-qalaqi?fbclid=IwAR1OxvxRHEesrDp4gSnrPZn_snb_ixkpZtrM4qD9a4Ujh1FyvA92naiDw20E> [last accessed on 08 September 2024].

injured in the workplace. The highest number of fatalities during this period occurred in the construction sector.⁴⁸ In 2022, 35 employees died and 330 were injured in the workplace.⁴⁹ In 2021, 37 workplace fatalities were recorded.⁵⁰ In 2020, the number of deaths was 39; in 2019, 45;⁵¹ and in 2018, 59⁵² employees lost their lives at the workplace.

These statistical data confirm that the number of workplace fatalities in Georgia has been gradually decreasing. According to information provided in the Labour Inspector's report, the number of deaths resulting from industrial accidents in 2023 decreased by 42% compared to 2018.⁵³ The reduction in the number of fatalities may be explained both by the tightening of regulatory legislation, which imposes obligations on employers to comply with occupational safety requirements, and by the increased activity of the Labour Inspection Service. According to information provided by the Service, a total of 3,765 inspections were carried out in 2023, and the number of inspected entities continues to rise.⁵⁴ Of the total number of inspections conducted in 2023, the Labour Inspection Service imposed sanctions in 2,523 cases. These included the suspension of operations in 361 cases, the imposition of fines in 643 cases, and the issuance of warnings in 1,523 cases.⁵⁵ According to the information released, the most frequent violations identified by the Labour Inspection Service at workplaces include: failure to conduct training or instruction on site, lack of personal protective equipment for employees, absence of risk assessments at the facility, lack of collective protective

⁴⁸ Labour Inspection Service, "In the 2023 reporting period, 34 workers died and 347 were injured in workplace incidents." 21 May 2024 <<https://www.interpressnews.ge/ka/article/800294-shromis-inspekciis-samsaxuri-2023-clis-saangarisho-periodshi-samushao-adgilze-gardaicvala-34-da-dashavda-347-dasakmebuli>> [last accessed on 08 September 2024].

⁴⁹ "In 2022, 35 workers died and 330 were injured in workplace incidents", 07 September 2023 <<https://www.interpressnews.ge/ka/article/768795-2022-cels-samushao-adgilze-gardaicvala-35-da-dashavda-330-dasakmebuli>> [last accessed on 08 September 2024].

⁵⁰ National Statistics Office of Georgia (Geostat) "Workplace Accidents" <<https://www.geostat.ge/ka/modules/categories/810/samushao-sivrtseshi-momkhdari-ubeduri-shemtkhvevebi>> [last accessed on 08 September 2024].

⁵¹ "In Georgia, 90 people died in the line of duty between 2019 and June 2021", 17 June 2021 <<https://www.interpressnews.ge/ka/article/661354-sakartveloshi-2019-clidan-2021-clis-ivnisamde-samsaxureobrivi-movaleobis-shesrulebisas-90-adamiani-daigupa>> [last accessed on 08 September 2024].

⁵² *ibid.*

⁵³ Labour Inspection Service, "In 2023, the number of fatalities resulting from industrial accidents decreased by 42% compared to 2018", 21 May 2024 <<https://www.interpressnews.ge/ka/article/800276-shromis-inspekciis-samsaxuri-2023-cels-sacarmoo-ubeduri-shemtxvevebis-shedegad-gardacvlilta-raodenoba-2018-celtan-shedarebit-42-ita-shemcirebuli>> [last accessed on 08 September 2024].

⁵⁴ *ibid.*

⁵⁵ "In 2023, the Labour Inspection Service carried out 3,765 inspections related to occupational safety and imposed sanctions in 2,527 cases", 24 February 2024 <<https://www.interpressnews.ge/ka/article/788565-shromis-inspekciis-samsaxurma-2023-cels-usaprtxoebis-mimartulebit-3765-inspektireba-chaatara-2527-shemtxvevashi-ki-sankcia-gamoiqena>> [last accessed on 08 September 2024].

equipment, absence of a first aid kit on site, use of uninspected technical equipment, and the absence of an occupational safety specialist.⁵⁶

Despite the trend toward improvement, the number of workplace fatalities in Georgia remains very high, highlighting the need to further enhance the effectiveness of the state authority responsible for occupational safety, namely, the Labour Inspection Service. To achieve this, it is essential to increase the resources available to the Service, which would facilitate a gradual rise in the number of inspections and, ultimately, contribute to the reduction of workplace fatalities.

With regard to the issues addressed in the case law of the ECtHR concerning the protection of life in industrial activities such as landfill operations, media reports did not indicate any of such incidents being recorded in Georgia. Likewise, according to media reports, the protection of individuals from the harmful effects of asbestos has not become a practical concern, and no legal conflicts between employees and employers over asbestos exposure have been reported.

IV. CONCLUSION

The analysis of the regulatory framework governing life-threatening industrial activities in Georgia indicates that, overall, the existing legislative provisions adequately reflect the standards set out in the ECtHR's case law, which require states to implement preventive measures to ensure occupational safety in the workplace. At the same time, the analysis of Georgian legislation has revealed the need for additional technical standards to be introduced in the country. In particular, it is necessary for the government of Georgia to adopt a technical regulation on the protection of employees from risks related to exposure to asbestos, carcinogens, mutagens, and biological agents in the workplace, as required by the Organic Law of Georgia on Occupational Safety.

In general, it should be noted that all, or nearly all, industrial activities involve varying degrees of risk to life and health (e.g.: chemical production, mineral extraction, and stone processing industries). The state itself must determine which industrial activities should be considered life-threatening and to what extent, and accordingly, introduce preventive measures to be taken, based on the specific nature of each hazardous activity. If an industrial activity poses a high risk to human life and/or health, such activity may be completely prohibited (e.g., activities involving the use of asbestos). However, if the risk arising from the industrial activity is moderate or low, the state may establish a regulatory framework that ensures the minimization of the threat to human life and health.

⁵⁶ *ibid.*

To determine whether a particular industrial activity is hazardous and to what extent, the state may rely on various sources such as research studies, statistics on industrial incidents, analysis of workplace practices as well as fatalities, complaints, etc. This approach enables the state to assess whether a specific industrial activity poses a threat to human life, thereby allowing it to implement appropriate preventive measures to ensure its protection.

The study of the practice of conducting life-threatening industrial activities has revealed an alarming situation regarding industrial accidents in Georgia. In recent years, numerous incidents have occurred in the country in which many lives have been lost during industrial (labour) activities. This is evidenced both by a number of specific cases and by statistical data on workplace fatalities. During this period, the highest number of deaths was recorded in the construction sector. While these statistical data confirm that the number of workplace fatalities in Georgia has been gradually decreasing - a trend that may be attributed both to the tightening of regulatory legislation imposing strict occupational safety obligations on employers and to the increased activity of the Labour Inspection Service - there is still a great deal of work to be done to prevent industrial accidents. In light of the high incidence of workplace fatalities in the country, it is necessary to reinforce the activities of the Labour Inspection Service by allocating additional resources, which would facilitate a gradual increase in the number of inspections and, ultimately, help to lower a fatality rate in the workplace.

In light of the above, it is essential to adopt effective measures not only to improve the legislation governing industrial activities but also to ensure its strict enforcement, particularly by enhancing the effectiveness of the Labour Inspection Service.