



ASSESSMENT OF THE INVESTIGATION
REGARDING FATAL OCCUPATIONAL ACCIDENTS

EMC

Assessment of The Investigation Regarding Fatal Occupational Accidents

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Introduction

The present document examines the investigation of the deaths of employees at the workplace due to violations of occupational safety rules.

From 2018 until now Human Rights Education and Monitoring Center (EMC) defends the interests of the families of five workers who died at the workplace, within the investigation and prosecution of **four cases on** violation of occupational safety rules. Accordingly, this document is based **solely** on the analysis of investigative and procedural actions in specific criminal cases within EMC practice and does not seek to generalize the problems identified in this document to other similar cases.

The four criminal cases within EMC practice are investigated under Articles 240 of the Criminal Code of Georgia (violation of safety rules during mining, construction, or other work) and Articles 170 (violation of labor protection rules).

According to the statistical information provided by the state agencies, it is assumed that the rate of initiation of criminal prosecution by the Prosecutor's Office for these crimes is lower than the rate of investigation¹. According to the statistics provided by the Ministry of Interior Affairs of Georgia, in 2019, 244 cases of the criminal act were investigated under Article 240 of the Criminal Code, and in January-September 2020 - 185 cases. As for the crime under Article 170 of the Criminal Code, an investigation was launched into 25 cases in 2019, and in the period January-September 2020 - 23 cases.² According to the information provided by the General Prosecutor's Office of Georgia, in 2019, the prosecution was initiated on 36 cases under Article 240 of the Criminal Code, and in January-September 2020 - on 20 cases. In 2019, criminal prosecution was initiated in 1 case for the crime under Article 170 of the Criminal Code, and in January-September 2020 - in 4 cases.

Despite the investigation and prosecution of violations of occupation safety rules, the investigation and prosecution of such cases reveal certain legal shortcomings, the identification of which is important for the achievement of an adequate legal outcome and the prevention of similar crime. It should be noted that the Ministry of Interior Affairs of Georgia has not developed a methodology for investigating cases of violation of occupational safety rules; Due to the lack of methodology, certain investigative/procedural actions are carried out inconsistently and incompletely; The expert studies appointed during the investigation process are mostly delayed; In most cases, no criminal liability of the senior management of the employer organization is identified and the legal liability of the legal entity does not arise in accordance with the legislation. It should also be taken into account that even if criminal liability against specific persons is identified, in most cases, a plea agreement is concluded and no real punishment (imprisonment) is applied.³

In this paper, we will evaluate these gaps and the legal problems that have arisen in specific criminal cases.

1. Legislative regulation of violation of the occupational security rules under the Criminal Code of Georgia

In the case of injury and loss of life as a result of the violation of occupational safety rules, the Criminal Code of Georgia provides for criminal liability against the person responsible for the violation of safety rules. Chapter XXXI of the Criminal Code of Georgia provides for liability for violation of certain rules of work, including mining,

¹ The initiation of criminal prosecution on a criminal act is essentially related to the indictment of a specific person/persons and the referral of the case to court.

² Letter of the Ministry of Interior Affairs of Georgia of October 17, 2019, letter of November 12, 2020, letter of the General Prosecutor's Office of Georgia of October 29, 2019, letter of November 4, 2020

³ Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia 2018, p. 188.

construction, or other work (Article 240), while Chapter XXIII provides for liability for violation of other labor protection rules (Article 170). As mentioned above, cases of injuries and deaths in the workplace are mostly related to violations of mining, construction, or other rules of labor protection, therefore, the investigation is conducted under Articles 240 or 170 of the Criminal Code. Both provisions are blanket, which means that special safety rules are established not under the Criminal Code, but other legal acts (mostly under the decree of the Government of Georgia) and to determine the crime, it must be assessed which special rule was violated and who was responsible for its enforcement. It should be noted that both acts constitute a negligent offense and it is impossible to qualify a particular case under the above articles in case of intent.

The first paragraph of Article 240 of the Criminal Code provides for liability for minor or severe injury due to violation of safety rules of mining, construction, or other work, while the second paragraph provides for liability in case of loss of human life or other serious consequences. What is considered a serious consequence is not explicitly defined by the Code, however, the legal doctrine indicates that a serious consequence may be considered to be damage to the environment or material damage to the organization.⁴ Article 170 provides for liability in case of violation of equipment safety or other rules of labor protection by the person responsible for the enforcement of this rule and the violation resulted in less severe or severe damage to health or loss of human life. In both cases, the degree of health injury is determined by the medical examination report.

As a sentence for the crime under Articles 240 and 170 of the Criminal Code, imprisonment is the main punishment, and an additional punishment is deprivation of the right to hold a position or activity. It should be emphasized that the mentioned articles do not prescribe criminal liability of legal entities. In particular, Article 107¹ of the Criminal Code provides the basis for criminal liability of legal entities, however, according to Article 107² - "A legal entity shall be criminally liable only if it is determined by the relevant article of this Code." Accordingly, the possibility of liability of a legal entity should be directly indicated in the relevant article of the Code. Articles 240 and 170 of the Criminal Code do not provide for the possibility of liability of a legal entity. Accordingly, in no of the EMC litigation cases has the legal entity been held criminally liable. Accordingly, the possibility of liability of a legal entity should be directly indicated in the relevant article of the Code. Articles 240 and 170 of the Criminal Code do not envisage the possibility of liability of a legal entity. Accordingly, in none of the cases litigated by EMC, has the legal entity been held criminally liable.

Different countries have different approaches to the criminal liability of a legal entity for violations of occupational safety rules. The resolution of the issue also depends on to what extent the criminal legislation of a particular country envisages the possibility of criminal liability of a legal entity⁵. The countries that do not recognize the legal liability of a legal entity prescribe civil and administrative liability of corporations in case of occupational safety rules' violation. Legislation of other countries (e.g. United Kingdom, Canada, Australia⁶) provides for criminal liability of a legal entity for violation of occupational safety rules.

⁴ *ibid*, pg. 617.

⁵ Civil and Criminal Liability in Relation to Occupational Safety and Health , see.: <https://www.iloencyclopaedia.org/part-iii-48230/resources-institutional-structural-and-legal/item/215-civil-and-criminal-liability-in-relation-to-occupational-safety-and-health>

OSH management: legal duties and compliance, see:

https://oshwiki.eu/wiki/OSH_management:_legal_duties_and_compliance#cite_note-DGUV.2C_2009-3

https://www.bgrci.de/fileadmin/BGRCI/Downloads/DL_Praevention/VISION_ZERO_NULL_IST_DAS_ZIEL/A006_Gesamtdokument.pdf

⁶ For instance, see: Criminal liability for workplace deaths and injuries, Department of Justice Canada, 2019.

<https://www.justice.gc.ca/eng/rp-pr/other-autre/westray/westray-2-eng.pdf>

See: About corporate manslaughter, UK, <https://www.hse.gov.uk/corpmanslaughter/about.htm>

Violation of occupational safety rules is often facilitated by the working policy of a particular legal entity and the disregard for the facts of violation of the rules. Consequently, it is problematic to change the working practice established by a legal entity solely by the individual's criminal liability. To illustrate this, we can refer to the deaths of miners on April 5 and July 16, 2018, in the Mindeli mine in Tkibuli. In both criminal cases, the EMC protected the interests of the family members of the deceased miners. Although senior managers were prosecuted for the April 5, 2018 incident, safety rules were again violated at the same work within a few months, resulted in the deaths of several people again. The materials of both criminal cases pointed to the practice of disregarding safety rules in the working policy of a particular legal entity, furthermore, before these serious industrial cases, there were numerous cases of injuries and deaths in the Mindeli mine⁷. However, in all cases, the issue was resolved by imposing the criminal liability on individuals (mostly workers), which, of course, had not facilitated the legal entity to change its practice and prevent the recurrence of crime.

Although Georgian legislation provides for civil and administrative liability for the legal entities, for crime prevention purposes, it is essential to discuss the possibility of criminal liability of a legal entity in criminal cases of violation of occupational safety rules. For this, appropriate legislative amendments should be taken.

2. Investigation Methodology

An analysis of the criminal cases studied by the EMC reveals that the most important problem is the lack of a proper methodology for investigating workplace injuries and deaths. In cases that require a similar methodology, the detection of a criminal act depends on the confirmation of a violation of technical provisions, for which, in turn, it is important to properly plan the investigative/procedural actions from the beginning and collect and consolidate existing evidence in accordance with the legislation.

Unfortunately, for now, the Ministry of Interior Affairs of Georgia does not have a special methodology for investigating crimes of a similar specificity, and the investigation is conducted according to a general methodology, which is why in some cases certain characteristics of such crimes remain beyond proper legal assessment. For example, it should be noted that **due to the absence of methodology, inconsistent conduct of appointed expertise leads to the destruction of evidence; During the investigative actions, significant evidence is not obtained or the actions of individuals are not legally qualified. That is why it is essential that the Ministry of Interior Affairs develop a methodology for investigating similar crimes.**

3. The problems of taking comprehensive investigative measures

As mentioned above, due to the lack of an investigation methodology, in some cases, investigative/procedural actions are not conducted or they are taken with delays or incompletely. EMC litigation practice shows that the investigative actions of the testimony are carried out, however, the protocols of the testimony are essentially similar to each other, and less attention is paid to the individual responsible for enforcement of safety rules due to the obligations imposed on the respondents in the workplace. At the same time, the testimonies do not focus on the possibility of systematic and frequent violations of occupational safety rules in the workplace, which would allow the further investigation to plan other necessary investigative actions, and reveal senior management responsibilities.

In some cases, the investigation refuses to carry out investigative actions that may determine a significant legal issue and point to the criminal liability of individuals, including senior management. In one of the criminal cases

⁷ See Public Defender's Report, 2018.

of the death of an employee among the EMC proceedings, the representatives of the employer company indicate that the employee did not have a safety belt fastened during the works, which would protect while performing the work at height despite the fall of rolling scaffolding, so-called "lulka" and would prevent severe consequences. However, as a result of the scene inspection by the investigator, only one safety belt was found, while the work at height was performed by three persons. Regardless, the investigation has not yet examined whether the company had a sufficient number of safety belts, whether the workers used them during the performance of the works and whether each of them was suitable for use. In the same case, company officials indicated that the deceased employees themselves, bypassing the company's claims, had hired a third person on the moving scaffolding and that the presence of an additional person allegedly led to the breaking of the scaffolding chain. A surveillance video camera was installed at the construction site and it was possible to detect an outsider at the construction site, whether the responsible person in the company knew about it, whether he had responded appropriately - however, the investigating authority had not examined the video camera data.

Special attention should be paid to the **investigative activities of the scene inspection**. The site inspection is quite important for the investigation of such crimes and its thorough performance has an impact on the legal outcome. Despite this importance, in criminal cases within EMC's practice, the scene inspection by the investigating authorities in cases of death at work is often incomplete. In particular, **every detail is not described, certain important evidence is not taken out and the pictures of the scene are not taken**. For example, the investigative authority had not taken pictures of the scene in the Mindeli mine is none of the industrial cases that occurred in 2018, scene observation record did not provide a comprehensive description of the scene and while investigating the incident of 16 July, the sensors installed in the mine were not taken out, while it was important for the investigation to evaluate the operation of the methane, CO, airflow and miners' detection sensors installed by the company, etc.

Incomplete performance or non-performance of investigative actions ultimately affects the legal outcome of the case and in some cases prevents to identify the responsibility of all persons responsible for the incident. It should also be noted that in addition to these issues, it is problematic that the investigative body typically refuses to conduct additional investigative actions that may facilitate to identify the evidence indicating the criminal liability of senior management, although we will discuss this issue in more detail below.

4. The problem of appointing expert studies and delaying concluding reports

There were some inconsistency problems to the process of investigation of criminal cases within the EMC practice, in particular, the appointment of expert studies. For crimes under Articles 170 and 240 of the Criminal Code, technical expertise is required to determine which security rule was violated and who was responsible for enforcing it. In fact, the technical examination report determines the fact of the criminal act and the responsibility of the perpetrator, thus, the evidentiary force of the report is quite high. Before the technical examination, certain circumstances of the criminal case are usually established by separate expert opinions. For example, traceology examination or expert research on the durability of materials is appointed to study the traces on the identified items. Before the appointment of these studies, the investigation should determine the sequence of studies, as during a particular examination, the object of study may be destroyed and it may be impossible to conduct other examinations on it. A similar situation was reported in the abovementioned case of the employee's death, where an examination was first conducted on the durability of the materials identified during the investigation, which should be followed by a traceology examination, however as the object was destroyed during the suitability test, traceology examination was no longer possible. Thus, it is important for

the investigative body to determine in advance the sequence of studies and to be guided by the appropriate methodology.

The major problem in terms of expert research is the time it takes to prepare an expert opinion. As already mentioned, the conclusion of technical expertise is important evidence. Consequently, no conclusion will be made on the case without an expert report. However, the process of preparing an expert report is often delayed. **In most cases, the process of preparing a report takes almost a year, due to which it is not possible to make a concluding decision on the case in time.** Procrastination of the legal outcome causes distrust and frustration among the victims or the legal successors of the victims. Also, in the presence of life insurance of the deceased in the workplace, the receipt of remuneration is delayed, which may be a vital resource for people after the death of a family member.

5. The problem of identifying criminal responsibility of senior management

In most cases of employee deaths and injuries in the workplace, there is no criminal liability imposed on senior management. In only one case of EMC litigation practice, during the incident in the Mindell Mine, on April 5, 2018, the responsibility of a senior manager was detected (mine director, chief engineer), which was partly due to the sensitivity of the case and public outcry.

The difficulty of imposing criminal responsibility to the high-level managers is often justified by the fact that their powers are delegated to employees. The investigation process also pays less attention to senior managerial responsibility. In particular, the investigative body automatically shares only the information specified in the technical expertise report about the person responsible for the violation of technical norms. Less attention is paid to the awareness of the systemic practice of violation of safety rules by senior management and their acceptance of such workflows. **In one part of EMC's litigated cases, there is a reasonable assumption that the senior management has information on the work that has been performed in violation of safety rules, however, it refuses to adhere to working standards to save financial resources.** Finally, criminal liability is imposed solely on a certain individual, which does not facilitate to eliminate the practice of conducting work in violation of safety standards. Thus, it is an important investigative body to examine in detail during the investigation the issues of knowledge and inaction of specific violations by the senior management and the impact of these circumstances on the criminal liability of the manager.

6. Other procedural violations within the investigation process

The communication between the investigative body and the legal successor of the victim is of great importance in the investigation of fatal cases in the workplace. This is necessary, on the one hand for the investigative body to timely recognize the victim as the legal successor, and on the other hand, to enable the legal successors of the victim to enjoy the granted procedural rights. As it is known, according to Article 56, Part 3 of the Criminal Procedure Code of Georgia, in the case of a crime that resulted in the death of the victim, the victim's rights are assigned, and his / her duties fall on the victim's legal successor, who may be a close relative of the deceased. Also, Article 57 of the Criminal Procedure Code establishes the rights of the victim / legal successor, one of which is the right to have access to criminal case materials.

It should be noted that recently, in similar types of cases, there has been a tendency to simplify the procedure of recognizing a victim as a legal successor. As a rule, the prosecutor's office recognizes the victim as a legal successor shortly after the commencement of an investigation, unlike the previous practice, when the victim

was not recognized as a legal successor before the expertise report was prepared or a specific person was charged, which of course obstacle the case monitoring process.

Despite being recognized as the legal successor of the victim, the investigation monitoring process may be complicated by improper communication between the victim's legal successor and the investigator/prosecutor. Often, despite the obligation imposed by law, the investigative body does not provide the victim's legal successor with information on its own initiative about the progress of the investigation and the legal outcome. The victim's legal successor has to obtain the information himself, however, sometimes even telephone communication with the investigator or prosecutor is complicated, the written response is not received within a reasonable time, which is why the victim's successor may not have information about the investigation for a long time.

It should be noted that proper communication with the victim's legal successor is not provided by the witness and the victim's coordination service. Chapter VII¹ of the Criminal Procedure Code of Georgia prescribes the functions of the Witness and Victim Coordinator Service, including the possibility of consulting the legal successor of the victim. The function of the Witness and Victim Coordinator Service is, on the one hand, to facilitate the victim's participation in the legal process, to reduce the stress caused by the crime, to prevent re-victimization and secondary victimization, and to ensure their awareness during the investigation and trial stages, on the other hand, to facilitate their contact to the needed legal psychological, medical and/ or other services. However, in none of the EMC litigated cases, neither the Ministry of the Interior nor the Prosecutor's Office involved the coordinator and had communicated with the victim's successor through them.

A significant procedural shortcoming in the investigation of workplace deaths is the delay in initiating criminal prosecution. In several cases of EMC practice, although the investigation process has been completed and sufficient evidence has been gathered, the commencement of prosecution was still delayed. According to the EMC's observation, one of the reasons for the delay may be the problem of the investigator conducting a thorough investigative/procedural action and the improper procedural oversight by the prosecutor. In particular, the EMC practice shows that during the investigation, information about the investigative/procedural actions planned by the investigator is provided to the supervising prosecutor and he/she has the authority to give mandatory instructions to investigators if necessary, to ensure the effectiveness of the investigative/procedural action. However, according to the EMC practice, in individual cases where the investigator has failed to identify a specific investigative/procedural action or incompletely conducted them, to which the supervising prosecutor has not responded promptly, additional investigative action is required, which will certainly delay the investigation and the prosecution can no longer be initiated within a reasonable time.

According to the EMC's observation, the delay in initiating criminal prosecutions is also facilitated by the frequent changes of investigators and supervising prosecutors responsible for investigating specific criminal cases. Investigators and prosecutors have been repeatedly replaced in several cases litigated by EMC, delaying the investigation and prosecution of the case. Among the reasons for the delay in the initiation of criminal prosecution should be the practice of consulting with the superior prosecutor by the subordinate prosecutor in the process of making a concluding decision on the criminal case, which is often procrastinated and delays commencement of criminal prosecution. As it is known, in practice, the subordinate prosecutor consults with the superior prosecutor before deciding on matters of essential importance during the procedural supervision. The process of consultation and agreement is sometimes delayed, which in turn delays the process of initiating criminal proceedings.

7. The issue of cooperation between Labor Inspection Service and investigative body

The supervision on the enforcement of occupational safety rules in the place of hard, harmful, and dangerous employment is conducted by the Legal Entity of Public Law under the control of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs - Labor Inspection Service (hereinafter Labor Inspection).⁸ In addition to the enforcement of occupational safety inspections by the employer, the Labor Inspection will investigate possible breaches of labor safety standards based on the appeal of any identifiable person.⁹ In case of confirmation of the violation, the Labor Inspection files a report on the administrative violation and imposes the relevant administrative penalty on the employer's legal entity. Administrative liability for a legal entity does not preclude the initiation of an investigation into the incident and the determination of criminal liability of specific persons. Consequently, in the event of death or injury at work, we may have two parallel proceedings, namely, administrative-legal proceedings against the employer legal entity, and criminal proceedings against the persons responsible for the incident and enforcement of the provision. The administrative and criminal proceedings are conducted independently of each other. During the investigation of a criminal case, a legal assessment is not given to the administrative responsibility imposed on the legal entity.

At the same time, observations of cases assessed by the EMC show that the investigation does not examine whether the Labor Inspection Service had inspected a particular employer before a specific case of death or injury in the workplace and what the outcome of the inspection was. The investigation of this issue is important for the understanding of the practice of violation of occupational safety rules at the place of employment by the employer legal entity and senior management and the relevant legal assessment. Clearly, if it is confirmed that a senior manager has been informed on the practice of violating occupational safety rules, to which they have not responded properly, the investigation may also assess the issue of their respective criminal liability. It should also be noted that the Labor Inspection imposes responsibility entirely to the employer legal entity, while the legal entity is omitted from the criminal investigation.

The investigation may also be interested in obtaining detailed information about the incident from the labor inspectors themselves, as the EMC case law shows that the Labor Inspection studies the workplace after the incident and describes the existing violations. Accordingly, the inquiry of the Labor Inspector may provide relevant information about a specific breach, the person responsible for the breach, and the employer, and this may serve as a tool to steer the investigation in the right direction. Thus, it is important to coordinate the Labor Inspection Service and the investigative body. The practice of EMC shows that there is less cooperation with the Labor Inspection Service as part of the investigation and that the results of an examination conducted by the Labor Inspection Service are requested at the request of the victim/victim's legal successor. Contrary to the practice identified by us, the Labor Inspection Service clarifies that in the event of the death or injury of employees in the workplace, they actively cooperate with the investigating authority and provide their inspective materials upon request of the investigating authority.¹⁰

The issue of possible coordinated work between the investigative body and the Labor Inspection Service is provided for in Article 17, Paragraph 8 of the Law of Georgia on Labor Inspection, which states the rules of coordinated work and functioning of the Labor Inspection Service and investigative bodies, also rules of information exchange may be established by a joint order of the Minister and the authorized person of the relevant body. Accordingly, whether there will be coordinated work between the investigative body and the

⁸ See the Law of Georgia on Labor Inspection, also the Law of Georgia on Labor Safety.

⁹ Article 5 and Article 13 of the Law of Georgia on Labor Inspection.

¹⁰ Information received during the meeting with the representatives of the Labor Inspection.

Labor Inspection Service depends on the extent to which the investigator in a particular case has information about the function of the Labor Inspection Service and whether considers it necessary to review the inspection materials as part of the investigation.

8. Apply punishment to those responsible for the deaths of employees in the workplace

As mentioned at the beginning of the document, plea bargaining is usually approved with those responsible for the death of employees at work, and they are subject to imprisonment as a form of criminal liability, which is considered conditional. Consequently, imprisonment as a form of real punishment is not usually applied. The Public Defender of Georgia also points to the same problem and says that in 2018, for example, in about 66% of cases, no real sentence was used.¹¹

This practice is also evidenced in EMC's proceedings. In particular, in two completed cases involving the death of two or more persons at work, a plea agreement was also approved and a conditional sentence was applied. Consequently, the state still does not pursue a strict criminal policy when responding to such cases.

Summary/Recommendations

The document focuses on all the fundamental legal gaps that have been identified in EMC litigation practice and which makes it difficult to effectively investigate deaths and injuries in the workplace. Given the issues discussed above, for a comprehensive, complete, and objective investigation, the following recommendations are important:

Ministry of Interior Affairs should:

- Develop a methodology for investigating deaths and injuries at work to conduct a thorough and effective investigation of the case, which will discuss in detail all stages of investigative/procedural action in the case, their sequence, evidence to be obtained by investigative/procedural action, and their importance to the case. During the interrogation, (also during the testimony before magistrate judge) information to be received from the employee and the employer during the investigative action and to receive adequate information through properly selected questions, the specifics of the scene inspection, the determination of the sequence of appointed examinations, the questions to be asked to the expert, etc.
- Train investigators based on the developed methodology to master the technique of conducting investigative/procedural actions in cases of death and injury in the workplace, be aware of the specifics of conducting investigative/procedural actions in such cases, including the possible responsibilities of senior management and the needed investigative actions for this purpose.
- The Department for Human Rights Monitoring and the Quality of Investigation, including for appropriate staff training, should ensure effective monitoring of investigations into workplace deaths and injuries.
- Informing investigators about the function and role of the Labor Inspection Service to introduce a uniform practice of coordinated work with it.

¹¹ Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia 2018, p.188.

Prosecutor's Office of Georgia should:

- Provide comprehensive procedural oversight of the investigative process, to ensure the timely identification of investigative/procedural actions to be carried out in the case and to give the relevant assignments to the investigator;
- Timely adopt all concluding decisions related to the case, including decisions on recognizing the victim as the legal successor of the victim;
- Identify the reasons for the delay in the examination of the case and provide information to the competent authorities;
- Inform the victim/victim's legal successor about the ongoing investigation and prosecution. To this end, it is important to involve the witness and victim coordinator in the criminal case and, if necessary, to connect the victim/victim's legal successor to various social services;

Levan Samkharauli National Forensics Bureau should:

- Carry out technical expertise within a reasonable timeframe;

Ministry of Internally displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia should:

- Adopt a relevant legal act (order of the Minister) and establish a coordination mechanism with the Ministry of Internal Affairs to introduce a uniform practice of coordinated work with the Labor Inspection Service;
- Develop new technical regulations on the establishment of basic requirements and preventive measures for the enforcement of occupational safety rules in the performance of certain works, and harmonize essentially outdated regulations.

Parliament of Georgia should:

- Implement legislative amendments to the Criminal Code of Georgia. In particular, determine the possibility of criminal liability of a legal entity in cases of violation of occupational safety rules in the Criminal Code.