***BP Exploration (Caspian Sea) Limited Company Representative of the Republic of Azerbaijan***

**1.** At least 7 people have applied to Oil-Workers’ Rights Protection Organization regarding with illegal reduction orally or in writing. Court was appealed by other workers in an independent manner, by themselves or by other lawyers. 2 people appealed to the court with legal assistance of our organization. 1 of them is took back the application, the other 1 person had been reinstated in his former office with the decisions of Nasimi District Court and Baku Court of Appeal and the reduction was considered illegal. At the moment this decision is being executed. The following articles of Labor Code of Azerbaijan Republic had been violated by BP Exploration Caspian Sea Limited Company and at least a few courts’ decisions were made.

**1. 1.** According to 1st item of Article 78 of Labor Code of Azerbaijan Republic: Should there be a personnel reduction, employees with the highest skill ratings (professional qualifications) shall be retained. The employer shall determine a given employee's professional qualifications.

**1.2.** According to Article 71.1 of Labor Code of Azerbaijan Republic: If an enterprise is broken up, merged with another enterprise, reorganized, its organizational or legal form is changed or the number of employees is reduced, or positions are eliminated without making said changes, including a decision by a competent body that the employee is not suitable for his position (profession, occupation), the possibility of transferring the employee to another job (position) must be reviewed. If the employer has no such possibilities at his disposal, the employment contract may be terminated.

**1.3.**According to Article 71.3 of Labor Code of Azerbaijan Republic: The employer shall be obliged to prove the necessity of terminating the employment contract as described by Section 70 hereof.

 BP Exploration (Caspian Sea) Limited Company Representative of Republic of Azerbaijan has not followed any of these requirements of Labor Code.

**1.4.** According to Article 77.1 of Labor Code of Azerbaijan Republic: If an individual employment contract is terminated due to a reduction in employees or staff, the employee shall be officially notified by the employer two months in advance in cases provided by Article 70, paragraph “b”. During the notice period, the employee shall be given at least one day a week off with pay to enable him to find appropriate work. ***BP Exploration (Caspian Sea) Limited Company Representative of Republic of Azerbaijan issued a warning to the workers, and without waiting for 2 months their computers and other business equipment were confiscated and they were not allowed to work.***

**1.5.** During reduction any other job was not offered in accordance with local legislation.

**2.** According to Law on Trade Unions of Azerbaijan Republic not less than seven persons have the right to set up a trade union. In more than 90 percent of enterprises operating in Azerbaijan, including the majority of subcontractor of BP Trade Organization operates. Simply, employees of BP who want to create this organization cannot carry put out this initiative openly because of BP’s pressure and fear of dismissal. Those who apply to our organization want to create this organization but are afraid of the realization of this dream because of the above-mentioned reasons.

*“****ASCO Caspian Holding S. A Company Representative of Republic of Azerbaijan***

**Indeed, “ASCO Caspian Holdings S. A” company stopped its activities in July 2015. But still the hearing of people whose rights were violated by the company continues.**

Abbasov Elchin Boyukaga and Valiyev Shamil Elkhan, employees of **“ASCO Caspian Holdings S.A” company were dismissed in the name of redundancy in January.** Abbasov Elchin Boyukaga and Valiyev Shamil Elkhan applied to the court against defendant in the civil case-**“ASCO Caspian Holdings S. A” company with claim on *“Invalidation of the order on the termination of an employment contract, employment, rehabilitation, payment of salary, material and moral damages because of forced missed work”. The case was heard in Yasamal District Court, Baku Court of Appeal and Supreme Court of Republic of Azerbaijan. At present, the civil case is heard and reviewed by Baku Court of Appeal.***

The following articles of Labor Code of Azerbaijan Republic had been violated by “ASCO Caspian Holding S.A Representative of Republic of Azerbaijanand at least a few courts’ decisions were made.

**1. 1.** According to 1st item of Article 78 of Labor Code of Azerbaijan Republic: Should there be a personnel reduction, employees with the highest skill ratings (professional qualifications) shall be retained. The employer shall determine a given employee's professional qualifications.

**1.2.** According to Article 71.1 of Labor Code of Azerbaijan Republic: If an enterprise is broken up, merged with another enterprise, reorganized, its organizational or legal form is changed or the number of employees is reduced, or positions are eliminated without making said changes, including a decision by a competent body that the employee is not suitable for his position (profession, occupation), the possibility of transferring the employee to another job (position) must be reviewed. If the employer has no such possibilities at his disposal, the employment contract may be terminated.

**1.3.**According to Article 71.3 of Labor Code of Azerbaijan Republic: The employer shall be obliged to prove the necessity of terminating the employment contract as described by Section 70 hereof.

 **ASCO Caspian Holding S. A** Company Representative of Republic of Azerbaijan has not followed any of these requirements of Labor Code.

**1.4.**According to Article 77.1 of Labor Code of Azerbaijan Republic: If an individual employment contract is terminated due to a reduction in employees or staff, the employee shall be officially notified by the employer two months in advance in cases provided by Article 70, paragraph “b”. During the notice period, the employee shall be given at least one day a week off with pay to enable him to find appropriate work.

**ASCO Caspian Holding S. A** Company Representative of Republic of Azerbaijan issued a warning to the workers, and without waiting for 2 months their computers and other business equipment was confiscated and they were not allowed to work.

**1.5.** During reduction any other job was not offered in accordance with local legislation.

**1.6.** Order No K \ 01 \ 2015 of “ASCO Caspian Holding S.A” Company Representative of Republic of Azerbaijan dated 13 April 2015 and HR manager of “ASCO Caspian Holding S. A Company Representative of Republic of Azerbaijan Rena Rzayeva’s 2 e-mails dated March 31, 2015 addressed to the employees and officials confirm that, actually "ASCO Caspian Holdings S.A" Representation of the Republic of Azerbaijan working in the field of oil industry in Azerbaijan Republic suspended its activity in this area from July 1, 2015 and the employees of this enterprise are transferred to the other company operating in the oil industry of Azerbaijan with the terms of the same employment contract. The facts prove that the company will stop its activities in in July 2015 but not in January 2015, and, therefore, no reduction has been conducted.

**1.7.** The documents submitted to the Court confirm that in January 2015 among 1000 employees only Abbasov Elchin and Veliyev Shamil were reduced.

***"İntertek Azeri Ltd" LLC***

The last 3 years, in connection with "Intertek Azeri Ltd” LLC 3 times (2 times related to one employee’s appeal) was applied to the court: “Invalidation of the order on the termination of an employment contract, employment, rehabilitation, payment of salary, material and moral damages because of forced missed work”. In connection with one case: Sabail District Court, Baku Court of Appeal and Supreme Court have adopted a resolution in force. The court's decision was formally implemented, but that employee was illegally dismissed again.

At present Khatai Distcrict Court and Baku Court of Appeal made decision in favor of employee on new claim of that employee: “Invalidation of the order on the termination of an employment contract, employment, and rehabilitation, payment of salary, material and moral damages because of forced missed work, and unused vacation pay”.

Decisions in force adopted by Sabail and Khatai District Courts, Baku Court of Appeal and Supreme Court prove that, “Intertek Azeri Ltd” LLC violates requirements of Labor Code and labor legislation of Azerbaijan Republic.

 ***“Maersk Drilling Services” LLC***

1. Rights of 2nd group disabled and war veterans Sarvar Karimov are violated in “Maersk Drilling Services” LLC for 4 years. 5 separate trials: “Monthly compensation, cancellation of the degree of disability, calculation of monthly payment for the damage, payment due to delay, seizure of property damage and other claims” has been held between Maersk Drilling Services LLC and Sarvar Karimov. Court decisions in force of Nasimi District Court, Baku Court of Appeal and Supreme Court have been made in these trials. “Maersk Drilling Services” LLC doesn’t fully implement valid court judgement for 8 months, and frustrates the employee.

**2.** According to Law on Trade Unions of Azerbaijan Republic not less than seven persons have the right to set up a trade union. In more than 90 percent of enterprises operating in Azerbaijan, including the majority of subcontractor of BP Trade Organization operates. Simply, employees of “Maersk Drilling Services” LLC who want to create this organization cannot carry put out this initiative openly because of “Maersk Drilling Services” LLC’s pressure and fear of dismissal. Those who apply to our organization want to create this organization but are afraid of the realization of this dream because of the above-mentioned reasons.