



GRATA
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Challenges and Common Mistakes faced by the Employers during termination of an employment agreement

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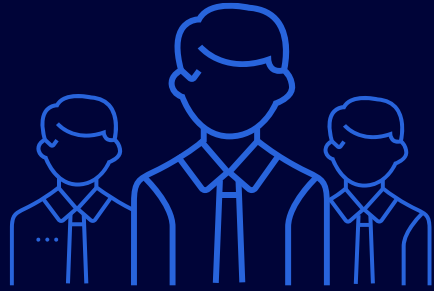
GRATA International, Azerbaijan

EMPLOYMENT LAW

LABOUR CODE of the Republic of Azerbaijan
dated 1 February 1999 #618-IQ

GROUNDS FOR THE TERMINATION OF AN EMPLOYMENT AGREEMENT

- Termination of an Employment Agreement at the employee's initiative;
- Termination of an Employment Agreement at the employer's initiative ;
- The other grounds for the termination of an Employment Agreement.



Termination of an Employment Agreement at the employer's initiative

- **Staff redundancy or employees' reduction;**
- **Upon a professional authority taking a decision on poor professionalism of an employee;**
- **In case if employee, during his probation period, does not meet the expectations of the employer;**
- **In case if employee does not carry out his obligations properly or if the employee is grossly violating his labor obligations;**
- **Liquidation of the enterprise;**
- **When the employee of the state-funded institutions reaches the limiting age.**



DISMISSAL OF THE EMPLOYEE
MUST BE

PROPERLY
DOCUMENTED

JUSTIFIED

PROVED
IF NECESSARY

IN COMPLIANCE
WITH THE
PROCEDURAL
REQUIREMENTS

Several reasons for
a dismissal

Limitations
in the Labor Code



Art. 76.1 of
the Labor
Code: **ONLY**
one legal
basis

Protected employees

- pregnant women and women with child under age three
 - men upbringing independently the child under three
 - employees whose only income source is the enterprise where they work and who are bringing up children under school age
 - employees temporarily disabled
 - individuals because they are members of trade unions or other political parties
 - workers with dependent family member with limited health under 18 years or disabled person of group I
 - individuals on vacation or on a business trip or engaged in collective bargaining
 - employees with pancreatic diabetes or multiple sclerosis when a reason for dismissal is employee's suffering from mentioned diseases
-

CAN an Employment Agreement be terminated during a pandemic



REASONED



JUSTIFIED



COMPLIED WITH THE PROCEDURES



YES

COMMON MISTAKES



- **DOCUMENTATION – ORDER MUST CONFORM TO ART. 84.1 of the LABOR CODE**

ART 84.1

A termination order must include:


- the name of the enterprise, legal address, number of the order (decree, decision), date, the position and name of the employer who signed it
- the full name of employee
- the employee`s position as stated in the employment contract
- grounds for terminating the employment contract
- the relevant article, part and clause
- the day, month and year on which the employment contract was terminated
- the official documents considered as the grounds for the order (decree, decision) terminating the employment contract.

COMMON MISTAKES



- **Untimely payment of the wages**
- **Termination of an Employment Agreement during vacation**
- **Not giving a notice letter in a timely manner**

NOTICE PERIODS IN STAFF REDUNDANCY

- should the employee's years of service be less than 1 year – at least 2 calendar weeks in advance
 - should the employee's years of service be 1 to 5 years – at least 4 calendar weeks in advance
 - should the employee's years of service be 5 to 10 years – at least 6 calendar weeks in advance
 - should the employee's years of service be more than 10 years – at least 9 calendar weeks in advance
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THANK YOU!



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QUESTIONS?
