Employment

GRATA International law firm will hold an online conference on: ‘Labour Law Issues: Practical cases’

The employment practice of GRATA International covers a full range of services in the area of labour law, including advice on topical issues of labour law, development of employment agreements and policies, support in keeping HR records, labour audit, complex dismissals, etc.

Our employment attorneys are also renowned for their success in labour disputes. We have won dozens of court cases and our clients include the largest transnational corporations.

The expertise of our employment specialists on the creation and implementation of employee stock ownership plans deserves special attention.

A significant number of our clients in the area of employment is represented by subsoil users, and we have accumulated extensive practical experience in important employment aspects of production activities such as rotation-based work, industrial injuries, negotiations with trade unions, etc.

Moreover, we are pleased to offer you our services in optimising work processes in your company in the current economic crisis. Reasonable staff downsizing, payroll optimisation, changes to the employees’ work function, remote work organisation, managing staff holidays, prevention of labour conflicts and strikes – these are just some of the examples of how a company can adjust work processes and adapt them to the current economic situation. Using a tailored approach, we will determine the optimisation methods that are best suited for your company.

What we do:

- Advising on any issues a labour law, including recruiting, transfers, dismissals, labour remuneration, disciplinary penalties, labour health and safety, employees outsourcing, engagement of foreign labour, etc.
- Development of templates for HR documentation, employer’s acts governing labour relations (code of conduct, regulations on remuneration and bonuses, regulations on the use of employees’ personal data, etc.).
- Development of documentation required for employment:
  - an employment agreement for all working regimes (staff categories), including remote work, shift work, rotation-based work, employment agreements for company managers, foreign staff;
  - individual material liability agreements;
  - confidentiality undertaking;
  - non-compete agreement;
  - job descriptions;
  - employment order.
- Development of a collective agreement, interaction with employees’ representatives, government agencies during the development and registration of the agreement.
- Legal support for changing the conditions of employment agreements (drafting all necessary documents for transfers, changing the working regime, changing salary amount, etc.).
- Audit of HR documentation and subsequent report on identified violations, potential risks and recommendations;
► Legal due diligence of the labour aspects of the acquired company under M&A.
► Transfer of employees under M&A.
► Legal support for the employment termination on all grounds provided for by the Labour Code (drafting documents for dismissal, respective interaction with government agencies, employees, and their representatives).
► Participation in internal investigations related to employees’ violations and other issues of labour relations.
► Creation of a conciliation committee (drafting all necessary documents, training of the committee members).
► Representation of an employer in the conciliation committee, court.
► Representation of an employer in collective labour negotiations, disputes.
► Representation of an employer in the investigation of industrial injuries.
► Representation of an employer during state labour inspections.
► Creation and implementation of employee stock ownership plans, as well as other incentive programs for employees.

HR - SUPPORT. Practice review

CASE № 1. Rotation-Based Work. Determining an Hourly Rate.
References

- Lufthansa
- Petrom
- HKR Architects
- Talgo
- Austrian Airlines
- Enka
- KBR
- Imtech

Industries

CONSTRUCTION & INFRASTRUCTURE  INDUSTRY & TRADE  PHARMACEUTICALS & HEALTHCARE

TECHNOLOGY, MEDIA & TELECOMMUNICATIONS  TRANSPORT

Recognition

Azerbaijan

Legal 500, Tier 3, 2020
Placed in Tier 3 for its expertise in legal matters related to employment

Pravo 300, 2021, I group

Kyrgyzstan
The team of lawyers from the integrated offices of GRATA International in St. Petersburg and Rostov-on-Don have achieved high results in the national ranking of Russian law firms “PRAVO-300”.

Experience

**Azerbaijan**

- Advised Total S.A. on implementation of employee share schemes in Azerbaijan together with Shearman & Sterling law firm;
- Advised a major confectionery manufacturer on corporate, tax and labour aspects of establishment of a representative office in the Republic of Azerbaijan;
- Provided ongoing legal support on immigration process, including but not limited to obtaining work permits, residence permits, business visas for employees of a number of oil companies and their subcontractors in Azerbaijan;
- Advised a large American pharmaceutical company on various aspects of labour legislation in the Republic of Azerbaijan;
- Advised an international Chinese manufacturer of telecommunication equipment and systems (branch office in Baku) on employment contract issues;
- Advised on all types of leave of absence and their legal obligations (the manner in which each type of leave can be taken; the eligibility and notification requirements for taking each type of leave, the protections during the leave; the methods of payments during the leaves and how any payments will be taxed) and advising on the expats payments matters;
- Drafted Employment Contracts, Amendments to the Employment Contracts and registered them at e-gov system;
Advised on the role women in the labour laws, workplace protection matter, retirement and pensions matters; restrictions on women employment, gender equality;

Advised an international oil company, a global transport company, Azeri Adventure Motorcycle Tours, Pfizer on employment law issues;

Conducted an HR audit for an international oil company, a global transport company.

**Belarus**

- HR audit and issuance of recommendations on issues of registration of labor relations for an IT company, development of automated digital document management systems, smart contracts, including the development of forms of agreements NDA, NCA;
- Preparation of various forms of labor contracts for workers with various positions, including working from home, remote employment, additional agreements to labor contracts in connection with the changes to legislation and the standard form of an employment contract, as well as changes to essential work conditions;
- Audit of personal data which an international IT company has access to, assistance in developing a set of measures to ensure the security of personal data, including the preparation and verification of local acts and agreements on the protection of confidential information;
- Development of regulatory documents for the implementation of material incentives and motivation systems for a large IT developer of digital banking solutions;
- Advising an international pharmaceutical company on compliance with labor and migration laws when transferring an employee from a representative office in another state, as well as in the case of sending such employees to Belarus for advertising and training events.

**Georgia**

- Advising and representing the interests of employers in the administrative bodies of Georgia in the process of obtaining work permits (residence permits) for their foreign employees;
- Development of standard labour contracts, job descriptions and internal labour regulations;
- Advising and providing legal assistance to the employers in the process of termination of employment contracts, including termination of employment contracts with senior managers;
- Consulting on labour safety issues;
- Representation of clients, employers, as well as employees in labour disputes in the courts of Georgia;
- Study of personnel documentation as part of legal due diligence.

**Kazakhstan**

Advising:
advising one of the major Kazakh Mining Company on hiring and dismissing senior managers;
advising one of the major Kazakh Metallurgical Company on implementation of the staff incentive system;
advising the major Kazakh Gas Producer on hiring foreign staff;
advising Kazakh Telecom Holding on staff optimisation in connection with reorganisation.
advising a leading Kazakh mining company on issues of employment and dismissal of key employees;
assistance to major Kazakh metallurgical company on implementation of employee incentive plans;
acting for a large European financial holding in connection with introduction of new labour agreement in its Kazakh subsidiary bank;
advising of major Kazakh gas producer on issues of employment of foreign expatriates.

Audit of HR Documentation:

auditing HR documentation in Kazakh subsidiaries of an international manufacturer and supplier of telecom equipment for mobile networks, the Hungarian Oil and Gas Holding Companies, the major Chinese Energy Company, the representative office of the international pharmaceutical company, the largest Kazakhstani cement producer, and a Kazakhstani subsidiary of Chinese Oil-and-Chemical Corporation.

Development of Employment Documentation:

drafting labour agreements for Kazakh subsidiaries of major international companies specialising in the manufacture of aircraft and aerospace technology, and power equipment, Kazakh gold mining company;
implementation of the new form of a labour agreement in Kazakh Subsidiary Bank of a major European Financial Holding;
drafting a bonus clause for Kazakh subsidiary company of a major International Engineering Holding;
drafting job descriptions, labour regulations for representative offices of a major Innovative Production Company, American company – one of the world market leaders in manufacturing and marketing consumer goods, the international group that produces confectionery.

Legal Support of Employment Termination Procedure:

legal support of the termination of labour agreements with senior managers of representative offices of several major pharmaceutical companies, an international manufacturer of confectionery, a leading Kazakhstani mining company, and Kazakhstani subsidiary of the International Producer and Supplier of Infant Food.

Instruction on Hiring, Changing Working Conditions and Termination of Employment Agreements:

development of the Instruction for representative offices of several major pharmaceutical companies, and for an Italian–Netherlands manufacturer of confectionery.
Representation of a client in relations with Employees and Governmental Authorities:

- representation of employers in the course of state inspections and audits in an American leading company on manufacturing and selling consumer goods;
- support of termination of labour agreements with senior managers of representative offices of several major pharmaceutical companies, the Kazakh subsidiary of the International Producer and Supplier of Infant Food.

**Kyrgyzstan**

- Advised a leading bank on several labour disputes with ex-employees (Collective claim) on payment of regional coefficient, allowance and compensation for unused additional leave provided for employees working in high mountain area;
- Advised a major Kazakh supplier of home appliances on labour regulation in the Kyrgyz Republic, in particular employment agreements regulation and liability of employees. (Reviewing and amending employment agreement);
- Advised Central Asian university on employment of foreign citizens and issues related to state guarantees for employees working in high mountain area (Amending employment agreement, Memorandum, Opinion);
- Advised LC Waikiki Turkish clothing-retail company on general labour regulation in the Kyrgyz Republic (Memorandum);
- Advised a Kazakh gas company on labour issues related to change of owner after reorganisation of the company (more than 100 employees);
- Advised a world leading dialysis company and producer of medical equipment on termination of labour relations with director of the local subsidiary;
- Advised a leading bank on labour dispute with ex-employee on payment of seniority compensation, regional coefficient and additional annual leave for work in high mountain area;
- Advised a world leading dialysis company and producer of medical equipment on different labour matters. such as:
  - (i) employment agreements with management, doctors and nurses;
  - (ii) hire of employees;
  - (iii) obtainment of work permit and permit for engaging foreign employees;
- Advised a Kazakh seller of mining and construction equipment on termination of employment agreement and regulation of additional duties;
- Advised the management of a bank on employment regulation in the Kyrgyz Republic, in particular payment of compensation (preparing draft amendment);
- Advised a Chinese telecommunications company on change of management board in the subsidiary;
- Advised an international humanitarian organisation on drafting of staff regulation;
- Assisted in obtaining work permit, working and business visa, registration for foreign employees and companies hiring foreign employees.
Moldova

- Represented employers in court hearings on labour dispute;
- Drafted hire agreements for short term positions;
- Drafted confidentiality agreements for employees;
- Advised and revised HR documentation;
- Assisted in obtaining work permits for foreign employees;
- Advised on employment and migration law issues for a subsidiary of an international group of companies providing pharmaceutical services.

Mongolia

- Drafted employment agreements for various positions;
- Drafted Executive Director’s resolution to hire, promote, dismiss and other employment terms change;
- Advised and drafted internal labour policy for companies;
- Advised on calculation of annual leave payment and overtime;
- Advised on expatriates’ workforce ratio adopted annually by the Government of Mongolia;
- Represented employer in labour disputes with employees and mediated cases;
- Represented employers in court hearing on labour disputes;
- Drafted hire agreements for short term positions;
- Drafted confidentiality agreements for employees;
- Advised and assisted on getting investor, employment visas for expatriates and their spouses or family members, work permits and residence permits;
- Assisted and advised the Employer’s representative on massive redundancy processes and drafted all required documentation.

Tajikistan

- Advising an American non-profit company on labour issues in Tajikistan and preparing corporate documents on labour issues;
- Preparation of employment contracts for an American outstaffing company, preparation of a memorandum on labour issues and support for the state registration of its subsidiary (LLC) in Tajikistan;
- Advising a branch office of an American university in Tajikistan on various labour issues;
- Support of liquidation and advising on tax and labour issues in the process of liquidation of the Representative office of a European pump systems manufacturer in Tajikistan;
- Advising a Chinese telecommunication company on labour issues in Tajikistan;
- Advising an international law firm on labour issues in Tajikistan;
- Advising a multinational IT corporation on IT, labour and migration issues in Tajikistan;
Advising an international non-profit organisation on labour issues in Tajikistan;
Advising an Indian power transmission company on labour, tax and contractual issues in Tajikistan;
Advising an international law firm on labour, customs, license and other issues of Tajik legislation.

**Russia**

**Moscow:**
- Advising a subsidiary of an international group of pipeline transport companies on employment and migration law issues;
- Advising a subsidiary of a major French food products manufacturer in connection its employee share programme;
- Preparing model employment agreements for a Russian subsidiary of a world leading company in testing, inspection and certification services;
- Adapting and implementing standard policies for a European pharmaceutical company in Russia;
- Preparing local regulatory acts (including the regulations on personal data protection and on commercial secret) and advising a Russian subsidiary of a major European medical devices manufacturer on staff reduction and employees disciplinary liability issues;
- Advising a US-based company on termination of employment relations with its branch employees.

**St Petersburg:**
- Successful resolution of an individual labour dispute with an employer on the issue of collecting salary arrears. The labour dispute was complicated by the fact that by the time the client applied for legal assistance, the Statute of limitations established by the provisions of Article 392 of the Labour code of the Russian Federation had been for over two years;
- Providing legal assistance in resolving an individual labour dispute of a client-a large IT company with a former employee who was dismissed for absenteeism. Not agreeing with the grounds for dismissal, the employee filed a lawsuit to declare the dismissal illegal and collect payment for forced absenteeism. At the time of the appeal, the amount of claims totalled 500 000 RUB;
- Successful defense of the client’s interests, Labmedconsulting LLC, in a dispute with one of the employees who committed a number of disciplinary offenses and intended to avoid disciplinary liability for more than two months;
- Supporting client’s downsizing initiatives. The situation was complicated by the fact that the position of chief editor, who is a special subject of legal relations regulating the activities of mass media, was being reduced;
- Successful legal assistance in resolving a conflict with the Prosecutor’s office of the Kalininsky district of Saint Petersburg in bringing enterprises to administrative responsibility for violating the legislation of part 4 of article 12 of the Federal law of 25.12.2008 N 273–FZ (as amended from 26.07.2019) “on combating corruption”;
- Carrying out an HR audit of the client company LLC “Laborconsuming”, bringing the personnel and document in accordance with the current legislation of the Russian Federation due to the fact that as a professional equipment Supplier and participant of the trading platforms for government contracts;
Legal support of industrial accident investigation. Based on the results of the audit, it was established and confirmed that the client (employer) was deemed not responsible;

Successful protection of the interests of the workforce in the process of merging two companies. As a result, the new employer was forced to enter into employment contracts on terms that meet the interests of employees and in accordance with the labour legislation of the Russian Federation;

Successful protection of the interests of a group of companies engaged in design and construction throughout Russia, the CIS and Europe in a dispute with a counterparty. The absence of labour relations with the opposite party of the dispute was proved.

Samara:

Long-term cooperation with the multinational corporation Philip Morris International on issues of representation in labour disputes with employees in Russian Federation, as well as consulting and representing top managers on various issues related to termination of employment relations, payments and compensation

Represented a top manager of Beluga Group (the largest alcohol company in Russia, a leader in vodka and liquor production, and one of the main alcohol importers in Russia), who was illegally dismissed. As a result of the negotiations, the company offered the client a settlement agreement and paid the full amount of monetary compensation;

Represented the chief accountant of JSCB "Gazbank", with whom the employment contract was illegally terminated, in a court dispute. As a result of the consideration of the case, the court confirmed the fact of illegality of the termination of the employment contract, reinstated the client and awarded the salary for the entire period of the disputed period. Later, the Constitutional Court of the Russian Federation issued a judicial act on the complaint of another person with similar circumstances, in which it adopted a legal position similar to that formed for our client.

Rostov-on-Don:

Successful representation of interests of industrial enterprise, part of the world's largest agricultural holding, in a dispute about restoration on work, collecting of average earnings during the period of forced absence, compensation for moral damages from a former employee – Director, dismissed due to unreasonable implementation of company's property, funds from the sale of which is not entered in the revenue.

Representation of ship crew members in labor disputes with employers in connection with non-payment of wages for a long period of time (negotiations, support of court proceedings and enforcement proceedings). In one of the cases, the lawyers managed to get a foreclosure on the ship, due to which funds were received to pay the crew's debts.

Uzbekistan

Advising a Japanese construction corporation on the legality of paying transport expenses and travel expenses in cash to representatives of the Inspection commission of the certification authority of Uzbekistan;

Implementing an anti-corruption policy for employees and founders in a subsidiary of the British international engineering and inspection company;
- Development and implementation of anti-corruption policies in the representative office of a European pharmaceutical company;
- Development of a system for reporting violations of the laws of Uzbekistan (whistle blowing system) in a representative office of a German company manufacturing radio-electronic devices;
- Examination of internal labour regulations and regulations of a subsidiary of an American pharmaceutical company for compliance with anti-corruption legislation of Uzbekistan;
- Drafting tailor-made employment contracts for CEO and CFO of a UK based international inspection company;
- Preparation of internal employment policies and agreements on financing education of employees and minimal mandatory employment term for the representative office of a Polish pharmaceutical company in Uzbekistan;
- Successful defence of a European television and radio broadcasting corporation in Uzbek civil court against a former employee’s lawsuit for reinstatement of employment and payment of moral damages;
- Preparation of internal employment policies for the Uzbek subsidiary of a Swedish mobile networks operator for accumulation, transferring outside of Uzbekistan and processing information stored on official electronic devices and servers (computers, notebooks, smartphones, tablet pcs, email);
- Assistance with structuring staffing lists for an Uzbek subsidiary of a Russian oil and gas service provider for the purposes of maintaining the status of a small enterprise;
- Carrying out a special employment due diligence for compliance of a representative office of an Indian pharmaceutical company with Uzbek employment laws.

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