

To: Mr. (Ms.) Ombudsman

From: Malkhaz Khitarishvili  


### Application

Let me inform you that on June 4, 2016, I started working at the SCPX Project on Area 81 (Vale site), on a rigger's position at Company Enka.

As they have "explained" to us at the HR Office at the time of concluding a contract, there were no rigger's vacancies on the site (while 7 cranes were worked on the site, and a total of 10 riggers were servicing them); hence, they would register me and 7 other colleagues as "steel installers" while actually we would work as riggers (our remuneration would respectively be those of riggers); similarly, out of those 10 riggers, 6 individuals had been registered as steel installers.

They promised that later, at the time of the extending the contract, our contracts would be revised and we would be registered as riggers, but the promise was never fulfilled.

During the period of my work on the site, up until January 4, 2017, I discovered numerous breaches, and will try to list those:

- 1) Those of us who worked with the cranes, had not taken appropriate trainings for riggers (anchor handler, signman, working at high elevation, etc.) and effectively all moving and lifting works were performed by non-qualified and inexperienced staff;
- 2) Technical inspection of cranes is perfunctory, and involves just attaching technical inspection sign on a crane cabin every month;
- 3) Accessories necessary for lifting are not inspected by a qualified specialist – this task is allocated to "steel installers" operating the cranes and involves rolling different color insulation tape on accessories by them;
- 4) In case of several cranes, heavy wooden pallets are lifted and taken off to the crane platform manually, which is extremely taxing, especially during snowy and rainy weather;
- 5) during lifting works, while loading and offloading constructions, we would get on/off trailers without using a ladder, since we did not have ladders;
- 6) The site would not be inspected by qualified specialists prior to lifting works, and this task was also allocated to crane operators;
- 7) The number of individuals working on cranes was less than the number necessary for the work process.

Furthermore, there were numerous other violations:

- 1) During a 2-week period they allow just 1 day off, the duration of working hours is not 8 hours, but from 7:30 to 18:30 daily, on a regular basis, and on a massive scale, they made us stay after 18:30 for an additional 2-3 hours; as a result, workers would be exhausted and they often get sick. Everyone knows that in case of complaining about the above-mentioned, their contract will not be extended and they are putting up with such exploitation. I would also

- like to add that often additional hours worked are omitted and effectively workers work certain portion of these hours without remuneration;
- 2) There difference in the remuneration of the citizens of Turkey and Georgia is huge. On the same position, Turkish citizens receive 3-4 times higher and more salaries than the citizens of Georgia;
  - 3) The dimensions of a canteen does not match the number of workers; therefore, workers had to spend one-hour lunch break in lines and they would be left without rest time after lunch. The quality of food was very poor; therefore, majority of workers developed gastrointestinal problems;
  - 4) The time of departure from the site towards minibuses (minibuses were parked outside the entrance to the site) is at 18:25. The departure of the workers is controlled by timekeeper whose watch, I do not know why, was 10 minutes slow, and he was forcing workers to leave the site late. I personally indicated to the timekeeper to fix the watch, not to abuse the patience of people, not to belittle them;
  - 5) Company Enka does not care about contract terms, unilaterally fires workers (without providing timely written notice envisaged under the contract) and is taking advantage that workers lack legal education and is making them sign document as if based on mutual agreement;
  - 6) There are great violations in the area of hiring and firing. Big importance is attached to acquaintances and friends.

There is one law that is applicable on the site – Turkish nationals are always right and giving a simple remark costs a person losing one's job.

Having been fired, I submitted a written complaint (see the annex) to Company ENKA INSAAT VE SANAYI AS, asking them to explain the reason for my firing and to pay the outstanding amount at the time of final settlement, but although the Labor Code of Georgia mandates employer companies to respond within 7 days as well as make final settlement within 7 days from firing, the Company ignores the requirements of the law. This is the case with hundreds of fired workers.

Company ENKA provided a response in 1 month, and this response is entirely based on lie and falsehood.

I applied to Company BP about existing problems and violations (the letter was submitted on February 13, 2017), but despite my numerous telephone conversations with BP PR office representatives, I still have not received an answer, and, as far as I am aware, no response is taken for eliminating the above-listed violations and problems.

I have the impression that the project is implemented not in the 21<sup>st</sup> century, but during the slavery period, while BP is performing safety oversight functions on the site.

Companies ENKA INSAAT VE SANAYI AS and BP are breaching the rules very amicably; these are the rules both companies have declared for the purposes of PR (see the PB safety 8 golden rules).

Based on all of the above-mentioned, I humbly ask you to accept my complaint into consideration and help us to restore justice, as well as help with the elimination of safety violations on the site.

I sincerely apologize for not providing an English translation of the letter.

Respectfully yours,

Malkhaz Khitarishvili,

Applicant

/Signature/

29.03.2017

Contact phones:

[REDACTED]

Annex 1

To: HR Office, Company ENKA INSAAT VE SANAYI AS Georgia Branch

From: Malkhaz Khitarishvili  
[REDACTED]

Date: 30.01.2017

Application

Let me inform you that I worked at Company Enka site – Area 81 under the SCPX Project for 7 months starting from June 4, 2016.

Over this period, I have never received an admonition or a warning. I have received verbal thank you's from [REDACTED] head of my team, Safety Officer and [REDACTED] Manager.

On January 4, 2017, unexpectedly, [REDACTED] Timekeeper, informed me that I (my two colleagues and I) was called at the HR Office where we were told that we have been fired.

Please inform me as to the reason for my dismissal from work.

I would also like to ask you to mediate with the Finance Office for me so that at the time of final settlement, the payment omitted earlier is processed:

- 1) Inflation interest for June and October;
- 2) Additional hours worked - (the so called 'mesai') in June (8 hours), September (8 hours), December (2 hours);
- 3) Underpayment for hours worked on December 6 (4 hours), December 31 (0.5 hours).

According to my calculation, a total of Lari 128.00.

Respectfully yours,

Malkhaz Khitarishvili,

Applicant

/signature/

Contact phones: [REDACTED] [REDACTED]