
	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1 Page: 1 of 8

TABLE OF CONTENTS

1. OBJECTIVE	2
2. SCOPE.	2
3. RESPONSIBILITIES.....	2
4. REFERENCES.	2
5. DEFINITIONS	2
6. POLICIES.....	3
7. DEVELOPMENT.....	4
7.1. FLOWCHART	4
7.2. ACTIVITY DESCRIPTION	4
8. ANNEXES.....	8
9. CHANGE LOG.....	8

	Prepared by:	Reviewed by:	Approved by:
Signature			
Position:	Head of Human Resources	Human Resources Manager	General Manager

	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1
		Page: 2 of 8

1. OBJECTIVE.

Define the guidelines and controls for dismissing personnel, ensuring that the requirements for the departure of the personnel are met, in compliance with the provisions of the internal work regulations and the guidelines of the parent company, Yilport Holding.

2. SCOPE.

Applicable to all employees at Yilport Puerto Bolívar. It begins with the request to terminate the employment contract for any of the current legal grounds, and it includes the review of the requirement, approval, and the dismissal process of a worker in order to terminate the obligation and employment relationship.


3. RESPONSIBILITIES.

Position	Responsibility
Head of Human Resources	Prepare the procedure in accordance with the guidelines established at YILPORTECU S.A. and current regulations. Verify that the documentation generated in the procedure complies with the guidelines established at YILPORTECU S.A.
General Manager	Approve the procedure.
Human Resources Manager	Review, coordinate the approval, and supervise the dissemination and compliance of the process.
Head of the Legal Division	Verify that the procedure complies with current labor regulations.
Payroll Specialist	Execute and fulfill the procedure.

4. REFERENCES.

Document or Standard Code	Document or Standard Name
N/A	Internal work regulations YILPORTECU S.A.
N/A	Regulation for Safety and Hygiene at Work at YILPORTECU S.A.
Executive Decree 2393	Regulation for the Health and Safety of Workers and for Improving the Work Environment.
Employer User Manual	SUT-Worker Registration Module and Certificates of Settlement
Official Registration Supplement 167 of Dec 16, 2005	Labor code
ISO 9001:2015 Standard	Quality Management


5. DEFINITIONS.

	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1 Page: 3 of 8

Term	Definition
Termination of the employment contract:	The individual employment contract ends: 1. For the grounds legally provided for in the contract. 2. By agreement of the parties. 3. For the completion of the project, or period of work or services under the contract 4. Due to the death or disability of the employer or extinction of the contracting legal entity, if there is no legal representative or successor to continue the company or business. 5. Due to the death of the worker or permanent and total disability for work. 6. Due to unforeseen events or force majeure that fully hinder the possibility to work, such as fires, earthquakes, storms, explosions, countryside plagues, war, and, in general, any other extraordinary event that the contracting parties could not foresee, or if foreseen, they could not prevent. 7. By will of the employer in the cases under Article 172 of the Code. 8. By will of the worker according to Article 173 of the Code. 9. For eviction filed by the worker.
Trial period:	Maximum period of 90 days from the start of work, during which the employee or employer can freely terminate the employment contract.
Resignation:	Resignation is a unilateral legal act of the worker, by means of which they express their will to terminate the employment contract.
Dismissal:	Unilateral termination of the employment contract by the employer.
Approval for termination (Visto Bueno):	Termination of the employment relationship that can be requested by the employer or worker through an administrative procedure filed by a lawyer and reviewed by a labor inspector.
Occupational examinations:	Medical act to interrogate and examine a worker, in order to monitor their exposure to risk factors and determine the consequences in the person from said exposure.
Post Occupational Examination:	Occupational examination carried out when an employee stops working in a company to determine the medical situation at the time they leave the company.
Compensation:	Economic compensation.
Settlement of obligations:	Calculating the values payable to a worker, in accordance with the social benefits set forth in the labor code upon terminating an employment relationship.
Certificate of termination:	This is the act or document issued by the Ministry of Labor establishing the end of an employment relationship.

6. POLICIES

- The notification of voluntary resignation must be submitted at least 15 days in advance of the departure date.
- Depending on the position, for security reasons, the immediate departure of the worker will be approved without completing the 15 days required by law.
- Once the resignation is accepted, neither party may desist from said decision.
- All employment terminations will be notified to the corresponding area managers in order to plan workloads until the arrival of new staff, if necessary.

	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1 Page: 4 of 8


- The maximum time for the termination process may not exceed 30 working days from the reception and approval of the termination by the human resources department until the timely registration of the proof of payment of the certificate of termination at the Ministry of Labor.
- The formats in this procedure will be used for the dismissal of personnel.
- Occupational examinations at the time of departure are mandatory and must be carried out before signing the notice of departure and the certificate of termination.
- In the event that the worker fails to hand in the tools given to them for work, these will be discounted in the settlement, as established in the internal work regulations.
- Each area manager is responsible for the productivity of their team, and they must request the timely termination of an employee in order to minimize risks and costs to the company.

7. DESARROLLO


7.1. FLOWCHART

7.2. ACTIVITY DESCRIPCION


No.	Activity	Description	Supervisor	Associated Documentation
Trial period				
1	Evaluate work performance	Evaluate the performance of the worker, in order to determine whether they meet the necessary characteristics for the position. In not, go to activity No. 20	HR Manager and Immediate Manager	RH-FO-008-1 Trial period evaluation performance
Voluntary Resignation				
2	Prepare resignation letter	Prepare the resignation letter and submit it to the Human Resources department. Go to activity 3	Worker	RH-FO-009-1 Resignation Letter
3	Receive the resignation letter	Receive the resignation letter and talk to the worker to understand the reasons for resignation. Assistance from HR Headquarters or Management may be requested depending on the severity of the matter. If the resignation is final, go to activity No. 4. Otherwise, end of process.	Payroll Specialist	
4	Notify the resignation	Notify the General Manager of the resignation, and request his/her signature for approval. Go to activity No. 20	Payroll Specialist	
Approval for Termination requested by the worker				
5	Request Approval for Termination	The worker files the request for termination at the Labor Inspectorate	Worker	

	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1
		Page: 5 of 8


		of a lawyer. Go to activity No. 6		
6	Notify the Approval for Termination	Send notification to the employer. Go to activity No. 7	Labor Inspector	
7	Receive and notify	Receive the notification and forward it to the legal division and the General Manager to start the legal process. Go to legal process. Go to activity No. 8	Payroll Specialist	
8	Solve the process	The administrative process is carried out and to later obtain the relevant result. Go to activity No. 9	Labor Inspector and Head of the Legal Division	
9	Communicate results	Communicate the results to the General and HR Manager. If favorable to the worker, go to activity No. 20 . Otherwise, go to activity 15	Head of the Legal Division	
Approval for Termination requested by the employer				
10	Request termination	Request the HR Manager to terminate the worker's contract by email, attaching the relevant documentation. Go to activity No. 11	Area Manager	Discipline Committee minutes, if applicable.
11	Review and authorize	Review the request and send it to the Head of the Legal Division for review. Go to activity No. 12 . If rejected, this will be the end of the process .	Human Resources Manager	
12	Review and authorize	Review the case and authorize the continuation of the process. Go to activity No. 13 if rejected, the immediate superior can review the case and choose to request the dismissal, otherwise end of process	Head of the Legal Division	
13	Request authorization	Forwards the case to General Management for approval. Go to activity No. 14	Head of the Legal Division	
14	Authorize	Review the case and authorize the continuation of the process. Go to activity No. 15 . If rejected, this will be the end of the process .	General Manager	
15	Request approval for termination	File request to approve termination by the employer at the labor inspectorate. Go to activity No. 16	Head of the Legal Division	
16	Solve the process	The administrative process is carried out to later obtain the results Go to activity No. 17	Labor Inspector and Head of the Legal Division	
17	Communicate resolution	Communicate the resolution to HR and to General Management. If favorable, Go to activity No. 21 . If not, go to activity No. 18	Head of the Legal Division	
Dismissal				
18	Request termination	Request the HR Manager to terminate the worker's contract by email, attaching the relevant documentation. Go to activity No. 10	Area Manager	Discipline Committee minutes, if applicable.
19	Review and notify	Review the request and forward it to the General Manager. Go to activity No. 19	Human Resources Manager	

	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1
		Page: 6 of 8

20	Review and authorize	Review the request and reach a solution. If approved, notify the relevant resolution to the parent company in Turkey. Go to activity No. 20. If rejected, this will be the end of the process.	General Manager	
Termination				
21	Communicate	Communicate this to the team by sending the General Manager's Authorization or the pertinent employment termination documents and request the start of the termination process. Also, notify this to the corresponding Area Manager and to the HR department at the parent company in Turkey. Go to activity No. 22	Human Resources Manager	
22	Prepare letter	Prepare the relevant labor termination letter, as appropriate, to be signed by the General Manager. Go to activity No. 23	Payroll Specialist	RH-FO-009-2 Employment Termination Letter
23	Notify the worker	Notify the worker of the termination of the employment relationship. Depending on the case, request the involvement of HR Headquarters or Management Go to activity No. 24	Payroll Specialist	
24	Coordinate termination	Coordinate the termination process with the SSO (Industrial Security and Occupational Health), Security, the IT departments, and the area that the worker was part of. Go to activity No. 25	Payroll Specialist	
25.1	Receive Uniforms	Receive uniforms and credentials. Go to activity No. 26	Payroll Specialist	RH-FO-005-1 Distribute the uniforms received
25.2	Receive PPE	Receive personal protective equipment and verify whether the employee was part of a security committee or brigade and coordinate their replacement. Go to activity No. 25	SSO and MA Specialist	
25.3	Receive IT equipment	Receive IT equipment and deactivate the corporate email account. Go to activity No. 26	IT specialist	
25.4	Inactivate access permission	Deactivate the employee's access code at the gate. Go to activity No. 26	Identification Data Entry Officer	
25.5	Interview at departure	Carry out the employee's interview at departure, and cancel private insurance, if necessary. Go to activity No. 26	Social worker	RH-FO-009-3 Post Occupational Questionnaire
25.6	Post Occupational Examination	Take the post-occupational medical examination, and submit a copy of the certificate to HR. Go to activity No. 25	Occupational doctor	
25.7	Prepare Certificate	Prepare the work certificate and get the signature of the HR Manager. Go to activity No. 25	Office Assistant	

	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1
		Page: 7 of 8

25.8	Receive the post	Receive the outgoing employee's post, with the pertinent information and documentation, as well as all pending activities (for applicable positions). Go to activity No. 25	Immediate Superior	
25.9	Communicate	Send out a mass email to communicate the departure of the employee. Go to activity No. 26	Human Resources Manager	
26	Verification	Verify that all tools have been returned by confirming with the relevant areas and filling out the termination checklist. Go to activity No. 27	Payroll Specialist	RH-FO-009-4 Termination checklist
27	Record departure	Record overtime, if applicable, and notify the employee's departure at IESS (Ecuadorian Social Security Institute). Remove the employee from the payroll system. Go to activity No. 28	Payroll Specialist	
28	Prepare Settlement of obligations	Prepare the settlement of obligations by reviewing all pending amounts payable or relevant discounts. Go to activity No. 29	Payroll Specialist	
29	Prepare the Certification of Termination	Complete the Certificate of Termination at the Ministry of Labor, and verify that the values perfectly match those registered in the payroll system. Go to activity No. 30	Payroll Specialist	Ministry of Labor
30	Review, approve, and sign	Review and sign the Departure Notice and the Certificate of Termination Go to activity No. 31	General Manager	
31	Review and sign the Certificate of Termination	Review and sign the Departure Notice and the Certificate of Termination And receive the Work Certificate. Go to activity No. 32	Former employee	
32	Send Certificate of Termination	Send the signed Certificate of Termination, the accounting policy of the settlement, and the former employee's bank account to the Finance Department for the corresponding payment. Go to activity No. 33	Payroll Specialist	
33	Make payment	Make the payment by bank transfer, and send the payment slip in a pdf. file to HR Go to activity No. 34	Head of Accounting	
34	Notify the payment and record it	Notify the employee that the payment has been made. Register the payment of the Certificate of Termination on the website of the Ministry of Labor in order to end the obligation. Go to activity No. 35	Payroll Specialist	
35	File documentation	Print and file the employment termination documentation. End of process	Payroll Specialist	

	Manager	Code: RH-PR-009
	PROCEDURE	Date: 08/05/2020
	TERMINATION AND DISMISSAL	Version: 1 Page: 8 of 8

8. ANNEXES

Code	Name	Permanence
RH-OR-00	Flow chart of the termination and dismissal procedure	N/A
RH-FO-008-1	Trial period performance evaluation	N/A
RH-FO-009-1	Resignation Letter	N/A
RH-FO-00	Discipline Committee minutes	N/A
RH-FO-009-2	Employment termination letter	N/A
RH-FO-005-1	Return and reception of uniforms	N/A
RH-FO-009-3	Post Occupational Questionnaire	N/A
RH-FO-009-4	Employment termination checklist	N/A

9. CHANGE LOG

Date	Version created	Section/Item Table of Contents	Description of the change	Reason
08-05-2020	1		Document creation	Creation