



Department of Petroleum Resources

## **GUIDELINES FOR THE RELEASE OF STAFF IN THE NIGERIAN OIL AND GAS INDUSTRY 2019**

### **1 PREAMBLE**

1.1 These Guidelines are issued pursuant to the provisions of Regulation 15A of the Petroleum (Drilling and Production) Regulations 1969 (as amended), which are made pursuant to Section 9 of the Petroleum Act, Cap P10 LFN, 2004.

1.2 Regulation 15A of the Petroleum (Drilling and Production) (Amendment) Regulations 1988 states that “the holder of an oil mining lease, licence or permit issued under the Petroleum Act 1969 or under regulations made thereunder or any person registered to provide any services in relation thereto, shall not remove any Worker from his employment except in accordance with guidelines that may be specified from time to time by the Minister.”

1.3 The purpose of these Guidelines is to establish the procedure for obtaining the approval of the Minister of Petroleum Resources through the Department of Petroleum Resources, for the release of any Worker employed by the holder of an oil mining lease, licence or permit under the Petroleum Act or under Regulations made thereunder or any person registered to provide any services in relation thereto.

### **2.0 DEFINITION OF TERMS**

**Conditions of Service** means any document by whatever name which governs the relationship between the Employer and the Worker. Such documents include Collective Bargaining Agreements, Letters of Employment, Conditions of Service, Employee handbooks, Corporate Policy and Procedure Guides etc.

**Director** means the Director of Petroleum Resources.

**DPR** means Department of Petroleum Resources.



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**Employer** means any organisation, company, partnership, or registered business name which holds an oil mining lease, licence or permit (or an interest therein) issued under the Petroleum Act or under Regulations made thereunder or any person registered to provide any services in relation thereto.

**Minister** means the Minister of Petroleum Resources.

**Worker** means any Nigerian national who is employed by the holder of an oil prospecting licence, oil mining lease, or any other licence or a permit issued under the Petroleum Act or under Regulations made thereunder.

### **3.0 WHAT CONSTITUTES STAFF RELEASE**

3.1 Staff Release means the removal of a Worker in a manner that permanently separates the said Worker from the Employer. Instances of staff release shall include the following:

- i. Dismissal
- ii. Retirement
- iii. Termination
- iv. Redundancy
- v. Release on medical grounds
- vi. Resignation
- vii. Death
- viii. Abandonment of Duty Post.

### **4.0 PROCEDURE FOR STAFF RELEASE**

4.1 Any Employer who wishes to release a Worker shall apply in writing to the Director for the Minister's approval stating the manner of staff release, the reasons for the proposed release, the compensation due to the Worker, and any proposed replacement for the Worker. The application shall contain a copy of any document relevant to the Worker's employment including the Employer's Conditions of Service as defined under these Guidelines.



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4.2 Where the Employer fails to submit any required information to the DPR, such application for staff release shall not be eligible for the Minister's approval.

4.3 An Employer shall only be required to notify the Minister through the DPR where the Worker's release occurs by way of:

- i Voluntary Retirement.
- ii Resignation.
- iii Death.
- iv Abandonment of Duty Post.

4.4 Where the Worker's release is by involuntary retirement, dismissal, termination, redundancy or on medical grounds, the DPR shall conduct an inquiry into the circumstances of the proposed staff release and make a decision on whether to convey the Minister's approval or otherwise. To this extent the Employer shall not advertise, publish or make a press release in respect of the release of the Worker prior to the DPR's decision as such an advertisement, publication or press release may prejudice the outcome of the inquiry.

4.5 The DPR's decision shall be implemented no later than ten days after it is received by the Employer.

## **5.0 DUTY TO PROVIDE INFORMATION**

5.1 Every Employer shall submit to the Director the following information, in a manner prescribed by the Department, on or before the 31<sup>st</sup> of March of every year:

- i Name and designation of all its Workers.
- ii The number of Workers employed during the period ending 31<sup>st</sup> March.
- iii The number of Workers released prior to the period ending 31<sup>st</sup> March.



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## **6.0 BREACH OF GUIDELINES**

6.1 As provided in Regulation 60B of the Petroleum (Drilling and Production) (Amendment) Regulations 2019 any person who fails to comply with these Guidelines is liable to a penalty issued by the Director of Petroleum Resources not exceeding Two Hundred and Fifty Thousand United States Dollars (USD \$250,000.00), and in addition any permit, licence or lease granted to that person may be withdrawn or cancelled by the Director of Petroleum Resources.

## **7 CITATION**

These Guidelines shall be cited as the Guidelines for the Release of Staff in the Nigerian Oil and Gas Industry 2019.

## **8 REPEAL**

The Guidelines No 1 of 2015 for the Release of Staff in the Nigerian Oil and Gas Industry are hereby repealed and replaced with these Guidelines.

MADE THIS 17<sup>th</sup> DAY OF OCTOBER 2019