WageIndicator

DECENT WORK CHECK
TÜRKIYE 2025

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

Acknowledgements

Many people contributed to developing the Decent Work Check as a tool and to this document for Türkiye. Those who contributed to the development of the tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online by building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which has been working on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

The Minimum Wages Database and Labour Law Database are maintained by the global labour law office of the WageIndicator Foundation, i.e., the Centre for Labour Research, Pakistan (Labour Law Research team), together with the country and regional teams. The Labour Law Research team is headed by Iftikhar Ahmad, Global Lead – Labour Law.

Bibliographical information

WageIndicator Foundation, February 2025. *Türkiye Decent Work Check 2025.* Amsterdam: WageIndicator Foundation.

For an updated version in the national language, please refer to https://maascetveli.org/

WageIndicator Foundation, 2025

Address: Mondriaan Tower, 17th floor, Amstelplein 36, 1096 BC, Amsterdam, The Netherlands.

Email office@wageindicator.org

TABLE OF CONTENTS

INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining "decent work". The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their workplace rights while enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysis of the impact of regulatory regimes.

The text in this document was last updated in February 2025. For the most recent and updated text on Employment & Labour Legislation in Türkiye in Turkish, please refer to: https://maascetveli.org/

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of the Republic of Türkiye Act No. 2709, 1982 (last amended in 2011)
2. Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)
3. Regulations pertaining to working time which cannot be divided into weekly working days
4. Labour Act No. 1475, 1971
5. Occupational Health and Safety Law No. 6331, 2012
6. Social Insurance and Universal Health Insurance Law No. 5510, 2006
7. Regulation on Overtime and Extra Hours No. 25425, 2004
8. Regulation on the Principles and Procedures Governing the Employment of Children and Young Workers published in gazette No. 25425 (April 2004)
9. Law on Trade Unions and Collective Bargaining Agreements No. 6356, 2012

The text in this document was last updated in February 2025. For the most recent and updated text on Employment & Labour Legislation in Türkiye in Turkish, please refer to: https://maascetveli.org/

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)
Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Türkiye has ratified the Convention 95 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and their family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Constitution of the Republic of Türkiye Act No. 2709, 1982 (last amended in 2011)
- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Minimum Wage

In accordance with the provisions of the Constitution of Türkiye, the State must take all necessary measures to ensure that workers earn a fair wage commensurate with the work performed as well other social benefits. The Constitution further requires that the living conditions of workers and economic situation of the country should be taken into account while determining the minimum wage (Art. 55). In order to regulate the economic and social conditions of all kinds of workers working under an employment contract, the minimum wages are assessed every two years at the latest, by the Ministry of Labour and Social Security through the mediation of the Minimum Wage Determination Commission. The Commission is comprised of fifteen members, five of each from the government, employer and employee side (Art. 39 of the Labour Law). Although the Labour Law requires a determination of the minimum wage at least once in 2 years, the minimum wage in Türkiye is determined every six months (January to June & July to December).

Under the Omnibus Law 6552 of 2014, the minimum wages of underground workers who work at workspaces where lignite (brown coal) and mineral coal (pit coal) are mined are increased. Under Art. 9 of the Mining Law No. 3213, at workplaces where brown coal and pit coal are mined, the minimum wage paid to the underground workers cannot be less than twice as much of the minimum wage determined under Art. 39 of the Labor Law (4857).

Compliance with provisions of Labour Law including those on minimum wages is ensured by the Ministry of Labour and Social Security. If an employer pays less than the minimum wage, determined by the Commission, or as determined under a collective agreement or employment contract, he has to pay 167 TRY for each such violation.

Source: §55 of the Constitution of the Republic of Türkiye Act No. 2709, 1982; §39 of the Labour, 2003; §9 of the Mining Law No. 3213; §39 of the Labour Law (4857); Omnibus Law No. 6552 of 2014; http://turkishlaborlaw.com/news/legal-news/457-labor-law-administrative-fines-for-2017

For updated minimum wage, kindly refer to Minimum Wage section.

Regular Pay

In accordance with art. 32 of the Labour Law, basic wage use is paid in monetary terms while other benefits may be paid in cash or in kind. Wages must be paid in a legal tender, i.e., Turkish currency, and in cash or may be deposited in the employee's bank account. Wages must be paid once a month. The wage period may be fixed as one week through the employment contract or collective agreement. If a worker has not been paid wages within 20 days of the due date, except in case of force majeure, such worker may refrain from performing his/her duties.

In accordance with the Regulation on amending the Regulation regarding Payments of Wages, Bonuses, Premiums and Every Kind of Remuneration through Banks, published in the official gazette dated 21 May 2016 with the effect date of 1st June 2016, the employee limit has been lowered to 5 employees (previously it was 10 employees), and establishments with 5 or more employees have to pay all kind of remuneration via bank accounts.

Source: §32-35 of Labour Law, 2003

02/13 COMPENSATION AND WORKING HOURS

ILO Conventions

Compensation overtime: Convention 01 (1919)
Night work: Convention 171 (1990)

Türkiye has not ratified any of the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, the overtime pay rate should not be less than one and a quarter-time (125%) of the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions fare found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, they should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the following week. Similarly, if a worker has to work on a public holiday, they must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Constitution of the Republic of Türkiye Act No. 2709, 1982 (last amended in 2011).
- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Overtime Compensation

The maximum working hours are 7.5 hours a day and 45 hours a week. Weekly working hours (45 hours) can be distributed unevenly in 6 days with the condition that the daily working time must not exceed 11 hours. The reference period is usually two months for maximum weekly working hours however this period may be extended to four months through a collective agreement. Under the Omnibus Law No. 6645, the working hours of workers in underground mining operations have been set 7.5 hours per day and at most 37.5 hours per week.

Under the Labour Law, there are three types of overtime; normal overtime, compulsory overtime, and overtime in cases of emergency. Overtime is permitted under the Labour Law for reasons regarding: national interests, increasing production, technical reasons, and compulsory situations such as a breakdown (whether actual or threatened), and urgent work to be performed on machinery, tools or equipment and in case of force majeure or emergencies. Work beyond 45 hours a week is considered overtime and Labour Law requires that overtime is compensated at 150% of the normal wage rate. An employee cannot be forced to perform overtime. If a worker's weekly working hours have been set as less than 45 hours, the worker may be asked to work extra hours up to 45 hours a week. In such a case, each extra hour is remunerated at the rate 125% of the normal wage rate. Instead of getting payment for overtime, workers may get free time which is set as follows in the Labour Law:

i. 90 minutes for every 60 minutes of overtime; and
ii. 75 minutes for every 60 minutes of extra time.

Employees opting for free time are required to use this free time within 6 months since it became due. Law also sets limits to overtime. Employees are not allowed to work overtime for more than 270 hours in a year. Overtime is prohibited for the following works except under obligatory and exceptional cases:

i. Works in which the total hours of work should be 7.5 hours or less for health reasons;
ii. Work at night;
iii. Work performed underground or underwater like; mining, cable installation work sewage system or tunnel construction work.

With the amendments in Labour Code through Omnibus Law No. 6552, for the overtime work in obligatory and exceptional cases, the hourly wage for the worker must be paid with at least a 100% increase (at least 200% of the normal hourly wage rate).

Overtime is also prohibited for workers under the age of 18 years, workers that are pregnant or breastfeeding, workers whose health does not allow working overtime and workers on fixed term contracts.

Source: §41-43, 63 of Labour Law, 2003; Regulations pertaining to working time which cannot be divided into weekly working days; Regulations on overtime and extra hours

Night Work Compensation

Work performed between 20:00 hours and 06:00 hours is considered night work. No statutory premium payment for overtime has been provided under the Labour Law. However, the Labour Law requires that the total working hours for night workers cannot exceed 7.5 hours and night workers cannot be made to work overtime. Under the Omnibus Law No. 6645, the above prohibition to work more than 7.5 hours (during night time) has been lifted for workers in the tourism, health and private security sectors provided that employee's consent to work more hours is obtained in writing.

Source: §69 of Labour Law, 2003; Omnibus Law No. 6645

Compensatory Holidays / Rest Days

There is no provision for a compensatory rest day when workers have to perform work on weekly rest days or public holidays.

Weekend / Public Holiday Work Compensation

There is a premium payment for working on a weekly rest day/Sunday and public holidays. When a worker performs work on a weekly rest day/public holiday, he/she is entitled to 200% of the normal wage rate for a day. An employment contract or collective agreement may contain provisions for working on public holidays. If nothing is mentioned in both documents, the workers' consent is needed for working on a public holiday. If work has to be done continuously without any breaks, working on a weekly rest day may be regulated through a regulation issued by the Ministry of Labour and Social Security. However, no such regulation could be located.

Source: §44, 47 & 76 of Labour Law 2003 & EWI

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Türkiye has ratified the Conventions 14 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave, excluding national and religious holidays. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours every 7 days, i.e., a week.

Regulations on annual leave and holidays:

- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Paid Vacation / Annual Leave

Workers are entitled to a paid annual leave within Türkiye; however, its length depends on the seniority of a worker. The qualifying period for annual leave is at least one year of service inclusive of the trial/probation period. The total length of a worker's annual leave is at least:

i. 14 working days for workers with one to five years of service (both included);
ii. 20 working days for workers with six to fourteen years of service (both included);
iii. 26 working days for workers with more than fifteen years of service;
iv. 20 days at any time for workers under the age of 18 years and over the age of 50 years.

The Labour Law proposes only the minimum of annual leave, which can be increased through an employment contract or collective agreement. National holidays, weekly rest days and public holidays coinciding with the duration of the annual leave are not considered to be part of the annual leave. The employer must pay a worker his/her remuneration for the annual leave period either as a lump sum or as an advance payment before the commencement of leave. If a worker is found working during the term of his/her annual leave, he/she may be asked by the employer to reimburse the annual leave remuneration paid to him by the employer. Under the Omnibus Law No. 6552, the paid annual leaves of the subcontracted employees who continue to work in the same workplace is provided and controlled by the employers, even if the subcontractor has changed. Under the same law, the annual leave duration for underground workers has been increased by four days.

The Labour Code allows for splitting of annual leave on mutual agreement between the worker and employer. It can be divided in at most parts with no part less than 10 days in duration. Other types of paid or unpaid leave taken by the worker during a year for convalescence or sickness cannot be deducted from annual leave. National holidays, weekly rest days and public holidays which coincide with the annual leave cannot also be included in the annual leave period.

Source: §53-60 of Labour Law 2003; Omnibus Law No. 6552

Pay on Public Holidays

Workers are entitled to paid holidays during (public and religious) holidays. These include memorial holidays and religious holidays (Muslim origin). The public holidays are usually fourteen and a half days (14.5) in number. These holidays are: New Year's Day (January 01), the National Sovereignty and Children's Day (April 23), the Labour and Solidarity Day/May Day (May 01), the Ataturk Memorial Youth and Sports Day (May 19), RamazanBayramı (August 7-10; 3.5 days depending on the sighting of the moon), the Victory Day (August 30), KurbanBayramı (October 14-18; 4.5 days depending on the sighting of the moon) and the Republic Day (October 29; 1.5 days as the holiday starts in the afternoon of October 28).

Source: §47 of Labour Law 2003; Act 2429 of 19 March 1981

Weekly Rest Days

A weekly rest period is provided under the Labour Law 2003. Every worker is entitled to enjoy a weekly rest/uninterrupted free time of at least 24 hours within a seven-day period, on the condition that they have performed work during the preceding week.

Workers are entitled to rest breaks of 15 minutes for work lasting four hours or less; 30-minute rest break for work lasting 4-7.5 hours and one-hour rest break for work exceeding 7.5 hours per day. The rest breaks, identified under the law, are the minimum and must be applied uninterruptedly.

Daily rest periods are also provided under the law. Within a period of 24 hours, workers cannot be required to work continuously without a rest period of at least 11 hours.

Source: §46 of the Labour Law, 2003; §09 of the Regulations pertaining to working time which cannot be divided into weekly working days

04/13 CONTRACTS & DISMISSALS

ILO Conventions

Convention 158 (1982) on employment termination

Türkiye has ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirements are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed-term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written; however, workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed for workers to learn new skills. During this period, a newly hired employee may be fired without any negative consequences.

Depending on the length of service an employee has, an employer may require a reasonable notice period before severing the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)
- Labour Act No. 1475, 1971

Written Employment Particulars

An employment contract is a contract constituted by the undertaking of one party (the employee) to perform a job and of the other party (the employer) to pay wages. The employment contract is not subject to a specific form, unless it is specified otherwise under the Labour Code. Contracts of employment for a given period of one year and over is concluded in writing. These documents are exempt from stamp duty and every kind of dues and charges. A contract of employment may be concluded for a definite (fixed term) or indefinite term (open ended). These contracts may be concluded on a full time or part time basis or with a trial/probation clause in them or in any other form possible. The other types of contracts include "gang contract" (where an employer concludes a contract with a large number of employees represented by one of the employees as a leader) and "on call contract" which is a type of part time contract. Only definite/fixed term contracts and part time contracts have to be in writing. The indefinite term contract must also be put into writing only after passing one year of the employment relationship. If a written contract has not been made, the employer is required to provide the employee, within two months of the start of the employment relationship, with a written document which should contain the following information:

i. General and special conditions of work;
ii. Daily or weekly working hours;
iii. Basic salary and any salary supplements;
iv. Time intervals for remuneration;
v. Duration if it is a fixed-term agreement; and
vi. Conditions concerning the termination of the agreement within two months of employment commencement.

The requirement to provide this written document does not apply if the duration of the fixed term contract does not exceed one month.

The International Labour Force Law (No. 6735), which regulates work permits for foreigners. The new law has repealed and replaced the earlier law on on Work Permits of Foreigners (Law No. 4817) of 2003.

Under the law, the Turkish Ministry of Labour and Social Security is required to formulate international labour force policy to be taken into consideration while assessing an applicant's eligibility to work in Türkiye. The International Labour Force Law defines three types of work permits, namely:

i. ordinary work permit;
ii. freelance work permit; and
iii. permanent work permit subject to the satisfaction of the respective statutory conditions.

Other than the above referred work permits, there is also provision for a "Turquoise Card" which will be issued to highly qualified, resourceful foreigners whose level of education, professional experience, contribution to science and technology, and foreign investors. Turquoise Card holders will be allowed to to work indefinitely/permanently in Türkiye and

their dependents will also be able to reside permanently in Türkiye.

Source: §8-14 of Labour Law, 2003; International Labour Force Law (No. 6735) of 2016

Fixed Term Contracts

Turkish Labour Law prohibits hiring fixed term contract workers for tasks with a permanent nature. There is no specific duration of fixed term contracts however, the law requires a fixed term contract may not be concluded more than once except when there is some essential reason necessitating repeated fixated term (chain) contracts. If fixed term contracts are concluded without an essential business reason, these are deemed to have been made for an indefinite period from the very beginning.

Source: §11 of Labour Law, 2003; EWI

Probation Period

The maximum duration of probationary/trial period is usually fixed as 2 months. However, the trial period may be extended up to four months by a collective agreement. During the probationary period, either party may terminate the employment contract without having to observe the notice term and without having to pay any compensation.

Source: §15 of Labour Law, 2003

Notice Requirement

Both the parties (employer and employee) are entitled to terminate the employment contract of an indefinite period by observing a minimum notification period. An indefinite contract is terminated by giving a written notice to the other party or paying in lieu of notice. The length of the notice period depends on the length of the employment. The minimum notice period is:

i. 2 weeks if the length of employment is less than 6 months;
ii. 4 weeks if the worker has worked with the employer for more than 6 months but less than 18 months;
iii. 6 weeks if the worker has worked with the employer for more than 18 months but less than 3 years;
iv. 8 weeks if the worker has worked with the employer for more than 3 years.

The above-mentioned periods are the minimum periods mentioned in the law which can be increased by contracts between the parties. A party which does not observe a notice requirement has to pay compensation in lieu of notice. Either party may terminate the employment contract with immediate effect without giving any notice in case of certain justified reasons which may include reasons of health, morality/good character and force majeure. Termination for justified reasons must take place within 6 working days, immediately following the acknowledgement of misconduct and in no case later than one year after the misconduct.

Source: §17, 24-26 of the Labour Law, 2003; 42-52 of Social Security Institution Circular

Severance Pay

Labour Law 2003 provides for severance pay in its transitional article no. 6. It foresees establishment of a severance pay to employees in case of a redundancy. It

indicates that provisions of art. 14 of the Labour Act No. 1475 (which was repealed after passage of the Labour Law 2003) will remain in force until a new Act relating to severance pay is passed. To be entitled to severance pay, a worker must have worked with the employer for at least one year. Severance pay is paid at the rate of 30 days' wages for each completed year of service. For periods exceeding one year, payment on pro-rata basis would be made. Severance pay is due if the employment contract is terminated on the following grounds:

i. By the employer for just cause other than those specified in Article 25/II of the Labour Law, (employee's immoral or dishonourable conduct or similar behaviour);
ii. By the employee according to Article 24 of the Labour Law (for any just cause);
iii. Due to being called up for military service;
iv. Due to qualifying for an old-age, retirement, disability pension;
v. Female employee's resignation due to her marriage within one year following the marriage;
vi. In the event of employee's death.

Since workers are entitled to one month of salary for each year of service, the government has introduced payment ceiling for the severance which will be revised after every six months. The payment ceiling for severance pay is TL7,638.69 (gross) for the period between 1 January 2021 to 30 June 2021.

Source: Transitional §6 of Labour Law 2003; §14 of the Labour Act No. 1475, 1971

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Türkiye has not ratified both the Conventions 156 and 165.

Summary of Provisions under ILO Convention

Paternity leave is for new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take a long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Paternity Leave

Under the Omnibus Law No. 6645 in 2015, new types of paid leave are provided. An employee whose spouse has given birth to a child is entitled to five days of paid leave. There is also an option of three days' paid leave in the case of a adoption of a child for adoptive employees. The Civil Servants Code (No. 657) contrastingly grants a 10-day period of paid leave for male civil servants whose spouses have given birth.

Source: Additional §2 of the Labour Law 4857 (inserted through Law No. 6645)

Parental Leave

Parental leave is provided under the Labour Law 2003. On the request of a female employee, an unpaid leave for 6 months may be granted after the expiration of the maternity leave. However, this period is not being considered in determining the employee's year of service for entitlement to a paid annual leave.

Employed parents whose child has at least 70% disability or chronic disease based on a medical report, are allowed to take up to 10 days' paid leave in a year for attending the treatment of the child on condition that leave may be taken only by one of the parents and without interruption.

Source: §74 of Labour Law 2003; Additional §2 of the Labour Law 4857 (inserted through Law No. 6645)

Flexible Work Option for Parents / Work-Life Balance

Female employees who have recently given birth to a child cannot be forced to work more than 7.5 hours a day. Similarly, these workers cannot be employed for overtime and even night work (during the six months after the birth of a child). This period may be extended by a doctor's certificate.

Once the maternity/adoption leave finishes, either parent may claim to work part-time until the start of child's compulsory schooling. Working part-time in this way cannot constitute a just cause for terminating the employment contract. Such employees may switch to full time work provided that they cannot benefit from this right again for the same child.

Employee wishing to benefit from this right or wanting to switch to full time work must notify the employer in writing at least one month before.

Source: §63 & 88 of the Labour Law, 2003

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Türkiye has not ratified the Conventions 103 and 183.

Summary of Provisions under ILO Convention

A worker should be entitled to medical and midwife care during pregnancy and maternity leave without additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two-thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to the same or equivalent position after availing maternity leave.

After childbirth and re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Free Medical Care

Healthcare facilities are provided to the insured workers under an agreement with the Social Security Institution. In case the medical services for pregnancy and child birth cannot be provided under the Social Security Institution or some other government-run hospital, a lump-sum is paid according to a schedule in the law. The lump sum is higher in case of multiple births.

Source: ISSA Country Profile

No Harmful Work

Art. 88 of Labour Law 2003 requires the Ministry of Labour and Social Security to prepare a regulation, in consultation with the Ministry of Health, which specifies the periods and types of jobs in which the employment of pregnant and nursing women is to be prohibited. Similarly, the regulation also specifies the conditions and procedures that female workers should abide by while working on jobs in which they may be employed as well as how the nursing rooms and child care centres will be established. The Regulation on Working Conditions of Pregnant or Nursing Woman, Nursing Rooms and Child Care Units, 2004 sets out how the duration and types of employment for pregnant and nursing women must be arranged, the conditions and procedures to be accomplished and terms for setting up crèches and child care centres. The regulation requires the employers to employ their pregnant workers in lighter work. Keeping in view the nature of work and the health of a female employee, a physician may also recommend that the pregnant employee may be assigned to even lighter duties. However, it will not lead to a reduction in her wages.

Pregnant workers cannot be forced to work more than 7.5 hours or in night shifts during the pregnancy.

Source: §74 & 88 of the Labour Law 2003; Regulation on Working Conditions of Pregnant or Nursing Woman, Nursing Rooms and Child Care Units, 2004

Maternity Leave

Female employees are entitled to 112 calendar days (16 weeks) of paid maternity leave. Of these 16 weeks of leave, eight weeks have to be taken before the birth while the other eight weeks have to be taken after the birth of the child. In case of a multiple pregnancy, an extra two-week period is added to the eight weeks before confinement in which a women worker may not work. However, if a women worker's health permits her to work, as indicated by a physician's certificate; she may work at the establishment until three weeks before delivery. She can then avail 13 weeks leave after confinement. The above-mentioned 16 weeks/18 weeks may be increased before and after confinement in view of the female employee's health and nature of work. However, a physician must recommend in all such increases. The physician may also recommend that the pregnant employee may be assigned to lighter duties. However, it will not lead to a reduction in her wages. Female workers are also allowed leave for periodic examinations during pregnancy.

The adoptive parents are also allowed 8-week maternity leave starting from the date the child, under three years of age, is handed over to them. The right of mothers to a 6 months' unpaid leave is also available once a child under three years is adopted.

On completion of maternity/adoption leave, adoptive parents (as well as women after giving birth) may work half time and receive full pay as follows: 60 days on first child; 120 days on second child; and 180 days for the third child.

In the event of multiple births, one month is added to above referred periods.

Source: §74 of the Labour Law, 2003

Income

During the term of maternity leave of 112 days/126 days (16 weeks/18 weeks in the case of multiple pregnancies); workers are paid 66% of their daily earnings. This is paid by the Social Security Institution. The worker must have been covered by the Social Security Institution for at least 90 days before the estimated date of delivery. The other relevant cash benefits related to maternity include the Pregnancy Benefit (subject to certification of pregnancy before the date of child birth), the Child Birth Benefit (depending on the type of child birth) and Nursing Grant (on live birth).

Source: §48 of Labour Law, 2003; §16-18 of Social Insurance and Universal Health Insurance Law 2006

Protection from Dismissals

A female worker cannot be dismissed during the period of her pregnancy or during the term of her maternity leave. Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his (her) employment contract due to the employee's sex or maternity. It would be unfair to terminate the contract of a worker on maternity leave or due to temporary absence for pregnancy related reasons.

Source: §5, 18 & 25 of Labour Law 2003

Right to Return to Same Position

The right to return is not guaranteed under the Labour Law. However, it can be implied from the provisions of non-dismissal during the term of maternity leave.

Source: §5, 18 & 25 of the Labour Law 2003

Breastfeeding

Female workers are allowed paid nursing breaks of one-and-a-half-hour duration on a daily basis to breastfeed their children until the child reaches the age of 12 months. A female worker decides the timing of nursing breaks herself.

Source: §74 of the Labour Law, 2003

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.
Convention 155 (1981) is the relevant general convention here.
Labour Inspection Convention: 81 (1947)

Türkiye has ratified both the Conventions 81 and 155.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Occupational Health and Safety Law No. 6331, 2012

Employer Cares

With a view to ensure the occupational health and safety of workers in the workplace, the employer must take all necessary measures. The employer should also:

i. Monitor and check whether the occupational safety and health measures are being followed by the workers;
ii. Carry out a risk assessment at the workplace or get one carried out;
iii. Take into consideration the worker's capabilities with regards to health and safety while entrusting tasks to the worker.

The law also requires that measures related to the health and safety at the workplace may in no circumstances involve financial costs to the workers.

Source: §4 of Occupational Health and Safety Law No. 6331, 2012; Act No. 6645 dated 4 April 2015 to amend the Occupational Health and Safety Act and certain Statutory Decrees

Free Protection

Employers are required to provide free Personal Protective Equipment (PPE) to the workers in order to avoid the occurrence of workplace hazards. Employer has to procure and provide workers with such auxiliary equipment or other devices when the nature of work, working conditions or appropriate work performance requires it. Such equipment should be appropriate to the risks present at the workplace. Employees are also required to use protective equipment and safety devices properly. OSH law also requires an employer to consult with workers or worker representatives on the identification of the protective equipment and other protective and preventive measures to be introduced as a consequence of risk assessment. Workers are also under obligation to "make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production; use such safety devices correctly and refrain from changing or removing arbitrarily safety devices fitted".

Source: §10, 18 & 19 of the Occupational Health and Safety Law No. 6331, 2012; Regulations on the Use of Personal Protective Equipment in the Workplace, 2004

Training

Employers are required to provide necessary health and safety training on hazards and risk factors at the workplace and should provide such training on recruitment, in the event of a transfer or a change of job and in the event of a change in equipment or introduction of any new technology. The training is adapted to take account of new or changed risks and repeated periodically if necessary. If a worker fails to present a proof of getting training on the job, he/she may not be employed in jobs classified as hazardous. The safety and health training should not bring financial burden to workers. The time spent on training has to be considered as work time. In case the time allocated for training exceeds the weekly working hours (45 hours), workers would be eligible for overtime.

Source: §17 of the Occupational Health and Safety Law No. 6331, 2012

Labour Inspection System

The Labour Inspection system is provided under the Labour Inspection Regulation 1979. Similar provisions are found in the Occupational Health and Safety Law No. 6331, 2012. The Labour Inspection system is also provided under Labour Law 2003.

Source: §24-27 of the Occupational Health and Safety Law No. 6331, 2012; §90-108 of the Labour Law, 2003

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Türkiye has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefits may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during the first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

A worker should be entitled to medical care without any additional cost during illness. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, they must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage, while in the case of fatal injury, the survivors may be provided 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)
- Social Insurance and Universal Health Insurance Law No. 5510, 2006

Income

Sick workers are entitled to a paid sick leave in the event of sickness. Workers who can document their sickness with a doctor's report are entitled to time-off during the period of rest recommended by the doctor/physician. Employers are not obliged to pay remuneration to workers on sick leave. However, employees are entitled to compensation through government disability programs. In case of non-occupational illness, sickness benefit is payable from the third day of sickness or injury. During the first two days of sickness or non-occupational injury, full wages are paid by the employer. Employers usually pay full salary to the workers during the term of sick leave and then deduct the amount paid by the Social Security Institution from the sick worker's salary. The sickness benefit is 50% of the daily earnings for inpatient treatment while it is 67% of the daily earnings for outpatient treatment. The sickness benefit is payable for an unlimited time period but only up to six months for a worker who has left the job.

Source: Social Insurance Law; ISSA Country profile

Medical Care

Medical benefits are available to the all Turkish citizens under the Universal Health Program. Medical care includes general and specialist care, hospitalization, clinical and laboratory examinations required for diagnosis and treatment, medication, maternity care, appliances and transportation to and from the place of treatment. Benefits are provided up to 6 months or up to 18 months if a cure is considered likely after continuing treatment.

Source: §63-65 of Social Insurance and Universal Health Insurance Law No. 5510, 2006

Job Security

Employment of a worker is secure during the term of his/her sickness or accident. Workers who can document their sickness with a doctor's report are entitled to time-off during the period of rest recommended by the doctor/physician. However, if the period of illness or injury exceeds the employee's valid notice period by six weeks (the maximum notice period is 8 weeks), the employer has the right to terminate the employment agreement with immediate effect by paying the employee's severance payment on the grounds that the employee's sickness cannot be cured. However, this period is not more than 14 weeks in this case.

Source: §25 of the Labour Law, 2003

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker. There is no

minimum qualifying period for access to benefits under work injuries.
In the case of permanent total incapacity/disability, a pension based on the insured worker's annual covered earnings is paid. The disability pension is calculated as the normal retirement pension but at the rate of 70%. If the injured worker needs constant attendance, 100% of the pension is paid.

In case of permanent partial incapacity, for an assessed degree of disability of at least 10%, a percentage of the full pension is paid according to the assessed degree of disability. In case of temporary disability, workers receive a temporary disability benefit of 50% (67% if there are dependants) of the daily earnings from the first day of incapacity. 33% (50% if there are dependants) of daily earnings is paid as temporary disability benefit if worker is hospitalized.

In case of fatal injury, survivors' benefits are paid to the dependants (spouse, children younger than 18 years/25 years for university students, no age limit for unmarried, widowed or divorced daughter, dependent parents). The maximum survivors' pension is 70% of the deceased worker's average earnings. The spouse receives 50% of the survivors' pension or 67% if there are no dependants. Each dependent child receives 25% of the survivors' pension (50% in the case of full orphan). If total survivors' pension awarded to spouse and children is less than 70% of the insured worker's annual earnings, the difference is paid to the dependent parents (father and mother). However, if the survivors' pension awarded to the spouse and children is more than 70% of the insured worker's annual earnings, no pension is paid to the dependent parents. A funeral grant is also paid to the family of the deceased worker as lump sum payment.

Source: §6 & 18-20 of Social Insurance and Universal Health Insurance Law No. 5510, 2006

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions
Employment Injury Benefits: Conventions 121 (1964),
Invalidity, Old age and survivors' benefits: Convention 128(1967)
Medical Care and Sickness Benefits: Convention 130 (1969)
Unemployment Benefits: Convention 168 (1988).

Türkiye has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Social Insurance and Universal Health Insurance Law No. 5510, 2006

Pension Rights

The Labour Law provides for both a full pension and an old age allowance. For a full pension, a worker must have attained the age of 60 years (58 years for women) with at least 7,200 days of contributions (9000 days for civil servants and self-employed persons). The retirement age will gradually rise to 65 years for men (in 2046) and women (in 2048). Old age settlement is payable to workers aged 50 years (men and women) if prematurely aged and not eligible for an old-age or disability pension. An old age pension is paid based on 2% of the insured worker's last salary and the coverage period up to a maximum of 90% of the average salary over the contribution period. A special calculation procedure applies if the worker was first insured before October 01, 2008. The old age settlement is paid as a lump sum amount.

Source: §28-31 of Social Insurance and Universal Health Insurance Law No. 5510, 2006

Dependents' / Survivors' Benefit

The Social Insurance Law provides for the survivors' benefit (these include dependants including widow, widower, children and parents). A survivors' pension is payable provided that the deceased worker was a pensioner or had qualified for a disability pension or an old age pension. The insured person must have been insured for at least five years and paid contributions for a minimum of 900 days or must have been insured for at least 1,800 days. 50% of the pension a deceased worker received or was eligible to receive is paid to the widow(er). This percentage rises to 75% when there are no children or if the widow(er) is not working. 25% of the pension a deceased worker received or was eligible to receive is paid to each eligible orphan (50% for a full orphan). Dependent parents also receive a benefit of 25% of the pension. All survivors' benefits cannot exceed 100% of the pension a deceased worker received or was eligible to receive.

Source: §32-33 of Social Insurance and Universal Health Insurance Law No. 5510, 2006

Unemployment Benefit

Workers are entitled to an unemployment benefit if they have contributed for at least 600 days in the three years before unemployment including in the last 120 days of employment. The minimum daily benefit is 50% of the average daily earnings based on the average of last 4 months. The duration of benefit is dependent on the number of contribution days. It is paid for:

i. 180 days with 600 days of contributions;
ii. 240 days with 900 days of contributions;
iii. 300 days with 1,080 days of contributions.

The maximum amount of unemployment benefit is equal to 80% of the minimum wage for the industry in which the insured worker worked.

Source: Unemployment Insurance Law No. 4447; www.iskur.gov.tr/en-us/jobseeker/insurance.aspx; ISSA Country Profile

Invalidity Benefits

Disability pension is paid for a permanent total disability (loss of at least 60% of normal earnings capacity) and it requires at least 1800 days of contributions. The worker must have been insured for at least 10 years. In the event of constant attendance, full pension (100%) is paid. However, in normal cases, disability pension is 70% of the average indexed earnings of a person in need of constant attendance. If the disabled person was insured after October 01, 2008, the disability benefit is calculated similar to the old age pension which is 2% of the insured worker's last salary and the coverage period up to a maximum.

Source: §26-27 of Social Insurance and Universal Health Insurance Law No. 5510, 2006; ISSA Country Profile

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.
Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.
Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Türkiye has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and a clear matching of pay and position should be in place to help prevent wage discrimination.

Convention No. 190 recognises the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as "a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aims at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment". This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against a worker in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of the Republic of Türkiye Act No. 2709, 1982 (last amended in 2011)
- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Equal Pay

The Turkish Constitution requires the state to "take necessary measures to ensure that workers earn a fair wage commensurate with the work they perform and that they enjoy other social benefits".

The Labour Law 2003 requires that "differential remuneration for similar jobs or work of equal value is not permissible". Application of special protective provisions due to the employee's sex does not justify paying him/her a lower wage.

Source: §55 of the Constitution of the Republic of Türkiye, 1982; §5 of the Labour Law, 2003

Sexual Harassment

Harassment in general and sexual harassment are prohibited under the Labour Law 2003. An employee may terminate the employment contract with immediate effect without having to observe some specific notice periods in the following cases related to sexual harassment:

i. If the employer harasses the employee sexually;
ii. If the employee is harassed by a co-worker or some third person at the workplace and adequate corrective measures were not taken by the employer when he/she was informed of such conduct.

An employer is required to pay the employee severance pay if the contract is terminated by the employee for the above-mentioned reasons. Turkish Criminal Code also has a provision on sexual harassment. In accordance with the article 105 of the Criminal Code, the perpetrator of sexual harassment faces an imprisonment term ranging from three months to two years or an administrative fine on the complaint of a victim. If the act of sexual harassment has been committed by a person abusing the relationship of trust and confidence (employer-employee relationship), by abusing the family relationship or by taking advantage of the opportunity to work in the same workplace, the punishment must be increased by half. If, as a result of harassment, the victim quits the job, the imprisonment term cannot be less than one year. Similarly, under the Turkish Code of Obligations No. 6098, 2011, an employer is obliged to protect and respect the employee's rights and manage the workplace according to the principles of honesty. An employer is also required to take necessary steps to prevent employees from sexual harassment at the workplace and protect the employees who have been sexually harassed from being harmed further.

Source: Labour Law 2003; §105 of the Criminal Code; §417 of the Turkish Code of Obligations No. 6098, 2011

Non-Discrimination

In accordance with art. 10 of the Constitution, everyone is equal before the

law irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. Similarly, no privileges can be granted to any individual, family, group or class.

The Labour Law 2003 states that no discrimination may be made on the basis of language, race, sex, political opinion, philosophical belief, religion and sect, and any such reasons in an employment relationship. Except for biological reasons or reasons related to the nature of job, an employer must not discriminate, either directly or indirectly against an employee in the conclusion, conditions, execution and termination his/her employment contract due to the employee's gender or maternity. If an employer violates the equality provision in execution or termination of the employment relationship, the employee may demand compensation up to his/her four months' wages plus any other benefits he/she has been deprived of. An employer who violates the non-discrimination provisions of the Labour Law is liable to a fine.

Source: §10 of the Constitution of the Republic of Türkiye, 1982; §5 & 99(A) of the Labour Law, 2003

Equal Choice of Profession

The Constitution provides that "everyone has the freedom and right to work in the field of his/her choice" and "no one can be required to perform work unsuited to their age, sex and capacity". This enjoying special protection with regard to working conditions includes "minors, women and persons with physical or mental disabilities". Labour Law is also protective in nature and it prohibits employment of women, irrespective of their age, in underground or underwater work such as in mines, cable laying and construction of sewers and tunnels. Regulation on Heavy and Dangerous Work No. 25494, 2004 also provides a long list of works in which employment of women is prohibited.

Source: §48 & 50 of the Constitution of the Republic of Türkiye, 1982; §72 of the Labour Law, 2003; Regulation on Heavy and Dangerous Work No. 25494, 2004

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)
Worst Forms of Child labour: Convention 182 (1999)

Türkiye has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years; however, developing countries may set this at 14 years. The minimum age for hazardous work, which is likely to jeopardise young persons' health, safety or morals, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm their health, safety, or morals. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Minimum Age for Employment

A worker must have reached the age of 15 years to enter an employment contract. Children under the age of 15 years (who have reached the age of 14 years and have reached their compulsory schooling age) may be employed in light work that does not hinder their physical, mental and moral development and should not prevent them from attending the school.

The changes made by Omnibus Law No. 6645 in article 71 of Labour Law 4857 make it possible for younger children (10-14 years) to work in cultural and artistic activities provided that it does not affect the continuity of education, there is a contract in writing and permission is obtained from the related authorities for each activity.

Workers under the age of 18 years are also prohibited to perform overtime. The regulation on the Principles and Procedures Governing the Employment of Children and Young Workers published in gazette No. 25425 (April 2004), lays out a list of work acceptable for children aged 14 such as selling newspapers, selling and arranging flowers, help desk service jobs, etc. There is also a list of works in which workers over the age of 15 years (but less than 18 years) are to be employed.

The working time of children who have completed their basic education and yet who are no longer attending school cannot be more than seven hours daily and more than thirty-five hours weekly. However this working time may be increased up to forty hours weekly. The working time of school attending children during the education period must fall outside their training hours and it should not be more than two hours daily and ten hours weekly.

For children over 15 years of age, maximum working hours are set at 8 hours per day and 40 hours per week. For children working in cultural and artistic activities maximum hours are capped at 5 hours per day and 30 hours per week.

Source: §71 of Labour Law No. 4857, 2003; §8 of the Regulation on Overtime and Extra Hours No. 25425, 2004; Regulation on the Principles and Procedures Governing the Employment of Children and Young Workers published in gazette No. 25425 (April 2004)

Minimum Age for Hazardous Work

The minimum age for dangerous or arduous work is 16 years under the Labour Law. However, as is evident from various regulations, the actual minimum age for hazardous work is 18 years. The law requires issuance of a regulation specifying categories of arduous or dangerous work in which young employees, who have completed the age of sixteen but are under the age of eighteen, may be employed. The regulation on the Principles and Procedures Governing the Employment of Children and Young Workers published in gazette No. 25425 (April 2004) provides a list of works (working at night, working in mines, working in alcohol or tobacco production, working in high noise or vibration environments, etc.) in which workers under the age of eighteen years are not allowed to work. The regulation on

Heavy and Dangerous Work provides a long list of 153 works in which workers under the age of eighteen may not be employed. Boys under the age of eighteen and women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels.

Source: §72 & 85 of Labour Law No. 4857, 2003; Regulation on the Principles and Procedures Governing the Employment of Children and Young Workers published in gazette No. 25425 (April 2004); Regulation on Heavy and Dangerous Work No. 25494, 2004

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)
Abolition of Forced labour: Conventions 105 (1957)
Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Türkiye has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers must allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this forced labour.)

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of the Republic of Türkiye Act No. 2709, 1982 (last amended in 2011).
- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)

Prohibition on Forced and Compulsory Labour

Everyone has the freedom and right to work in the field of his/her choice. No one can be forced to work and forced labour is prohibited. Similarly, no one is required to perform work unsuited to his age, sex or capacity. Forced labour is a liable offense under the Criminal Code of Türkiye. The following provisions are found in Criminal Code:

(1) Any person who violates the freedom of work and labour by using violence, threat or performing an act contrary to the law, is sentenced to imprisonment from six months to two years and imposition of punitive fine upon complaint of the victim.

(2) Any person who employs helpless, homeless and dependent person(s) without payment or with a low wage incomparable with the standards or forces him to work and live in inhumanly conditions, is sentenced to imprisonment from six months to three years or imposed punitive fine no less than a hundred days.

(3) The same punishment is imposed also to a person who provides or transfers a person from one place to another to have him/her live and work under the above-mentioned conditions.

(4) Any person who unlawfully increases or decreases the wages, or forces employees to work under the conditions different than agreed in the contract, or causes suspension, termination or re-start of the works, is sentenced to imprisonment from six months to three years.

Source: §18, 48-50 of the Constitution of Türkiye; §117 of the Criminal Code

Freedom to Change Jobs and Right to Quit

An employee, before terminating the employment relationship, must also observe the notice periods as provided user art. 17 of the Labour Law 2003.

For more information, please refer to the section Employment Security.

Source: §17 of the Labour Law, 2003

Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty-five hours per week and seven and a half hours a day. Weekly working hours (45 hours) can be distributed unevenly in 6 days with the condition. However, daily working time must not exceed 11 hours. The reference period is usually two months for maximum weekly working hours however this period may be extended to four months through a collective agreement.

Any work done beyond 45 hours per week is considered overtime and it is permitted only in case of national interests, increasing production, technical reasons, and compulsory situations such as a breakdown (whether actual or threatened), and urgent work to be performed on machinery, tools or equipment and in case of force majeure or emergencies.

For more information on this, please refer to the section on compensation.

Source: §41-43, 63 of Labour Law, 2003; Regulations pertaining to working time which cannot be divided into weekly working days; Regulations on overtime and extra hours

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Türkiye has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be disadvantaged when they are active in the trade union outside of working hours. The list of exclusions for sectors of economic activity and workers in an organisation should be short.

Trade unions are entitled to negotiate with employers on terms of employment without hindrance. The freedom of a trade union to negotiate with employers to try to conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violations of this principle.)

Workers have the right to strike to defend their social and economic interests. This right is incidental and corollary to the right to organize provided in ILO Convention 87.

Regulations on trade unions:

- Constitution of the Republic of Türkiye Act No. 2709, 1982 (last amended in 2011)
- Labour Law No. 4857, 2003 (last amended through law No. 6645 in 2015)
- Law on Trade Unions and Collective Bargaining Agreements No. 6356, 2012

Freedom to Join and Form a Union

The Constitution and Labour Law provide freedom of association and allow workers and employers to join and form unions as well as professional associations. Workers are allowed to join unions without prior authorization. Similarly, no one can be forced to join or not to join a union/association. Workers cannot be a member of more than one union at the same time and in the same work branch. Anti-union discrimination is also prohibited. In accordance with art.118 of the Turkish Criminal Code, a person who uses violence or threat against another person in order to force him to become or not to become a member of a trade union, or to participate or not to participate in the activities of the trade union, or to cancel his membership from the trade union or to declare his resignation from the management of the trade union, is sentenced to imprisonment from six months to two years. In case of prevention of the activities of the trade union/syndicate by using violence or threat or performing any other act contrary to the law, the offender is subject to punishment of imprisonment from one year to three years.

Source: §33 & 51 of the Turkish Constitution; §18 of Labour Law 2003; §3, 17 & 25 of the Law on Trade Unions and Collective Bargaining Agreements No. 6356, 2012

Freedom of Collective Bargaining

The right to collective bargaining is guaranteed under the Constitution and regulated under the Labour Law on Trade Unions and Collective Bargaining Agreements No. 6356, 2012 (Art. 33-57). Workers and employers can regulate their economic and social position and conditions of work through collective bargaining agreements. A collective bargaining agreement (CBA) must be concluded in writing. Its duration varies from one (minimum) to three years (maximum). This duration cannot be extended or shortened once agreed and a CBA cannot be terminated before its completion.

Source: §53 of the Turkish Constitution; §33-57 of the Labour Law on Trade Unions and Collective Bargaining Agreements No. 6356, 2012

Right to Strike

The right to strike is guaranteed under the constitution and workers can resort to strike/and employer can resort to lockout if a dispute arises during the collective bargaining process. The right to strike and lockout cannot be exercised in a manner contrary to the principle of goodwill, to the detriment of society and in a manner damaging the national wealth. Politically motivated strikes and lockouts, solidarity strikes and lockouts, general strikes and lockouts, occupation of work premises, labour go-slows, and other forms of

obstruction are prohibited. Those workers who refuse to go on strike can in no way be barred from working at their workplace by strikers. There are excessive obligations to start a strike and one fourth of the workers must vote in favour of the strike to initiate the strike action. There is a long list of organizations/occupations as wide as banking services, hospitals, public transportation where strike action is prohibited. The employer can also hire replacement workers in the place of striking workers.

Source: §54 of the Turkish Constitution; §58-75 of the Law on Trade Unions and Collective Bargaining Agreements No. 6356, 2012

QUESTIONNAIRE