

iGlobal Law 2021 Annual Update : Turkey

Legal Change	Effective Date	Action required
<p>Short-time Working Due to Coronavirus</p> <p>Support for short time working due to Covid has been extended. Short-time working means the working hours within a workplace are temporarily reduced by at least one third in the whole or a part of the workplace, or the operation is suspended completely or partially for at least 4 weeks without seeking a continuity condition. Payment of short-time working allowance to the employees upon application by employers became easier with declarations and requests of the employers being accepted by the Labour Agency.</p> <p>Originally set until June 30, 2020, but now extended for the fourth time.</p>	<p>Extended - until December 31st, 2020</p>	<p>Track the new regulations as it is expected to be extended until June 30th, 2021.</p>
<p>Termination Ban Due to Coronavirus</p> <p>A provisional Article has been introduced banning employee terminations. In accordance with the relevant legislation, the employment contract of any employee within or outside the scope of the Labour Law may not be terminated by the employer for 3 months of the effective day of this Article except based on the employee's immoral, dishonourable or malicious conduct or other similar behaviour. The scope of termination ban had been extended on July 28th, 2020. The below stated reasons are also considered as exceptions to the termination restriction.</p> <ul style="list-style-type: none"> • Expiry of fixed term employment or service contracts, • Closure of workplace or business for any reason, • End of business with regards to any kind of service and construction. <p>An administrative fine in the amount of 2.943 TRY per each terminated employee shall be applicable to the employer who terminates the employment contract contrary to the termination ban. The reason for termination shall not be taken into account or evaluated by the court and the termination will be treated as invalid regardless of the validity of the termination reason.</p> <p>Originally set until July 17th, 2020, however extended for the fourth time.</p>	<p>Extended - until January 17th, 2021</p>	<p>Track the new regulations as it is expected to be extended until June 30th, 2021.</p>
<p>Unpaid Leave Due to Coronavirus</p> <p>Under a provisional Article of the Labour Law, the employer has the right to put employees on unpaid</p>	<p>Extended - until January 17th, 2021</p>	<p>Track the new regulations as it is expected to be extended until June 30th, 2021.</p>

<p>leave before terminating the employees' employment contracts until the termination ban ends. Putting the employee on unpaid leave will not grant the employee the right to terminate the employment contract based on just cause. The employees who are put on unpaid leave will be entitled to unpaid leave allowance to be paid through Unemployment Fund in the amount of 39,24 TRY per day which equals to 1.177 TRY per month for a period until the termination restriction ends.</p> <p>Originally set until July 17th, 2020, however extended for the fourth time.</p>		
<p>Change in Working Hours in Various Sectors</p> <p>In accordance with the Decision of the Provincial Directorate of Health dated November 4th, 2020, the working hours of employees working in various sectors have been regulated as below:</p> <ul style="list-style-type: none"> • Health Sector: 08:30 -16:30, • Elementary School – Middle School – High School: 09:00-17:00, • Pre-school Education Centres and Kinder Gardens: 07:00-19:00, • Organized Industrial Sites, Small Industry Sites and Industrial Enterprises: 07:00-16:00 <p>For workplaces with shifts the regulated working hours to start at 7:00. For workplaces working with 3 shifts regulated working hours are 07:00-15:00, 15:00-23:00 and 23:00-07:00.</p>	<p>The effective date has not yet been announced.</p>	<p>Follow up the new regulations removing the new practice.</p>