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HUKUK BÜROSU



# LABOR LAW TRAINING

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## Fundamental terminology

**Right:**

A legally protected interest.

**Law:**

The body of rules that regulate society and are enforced by state sanctions.

**State:**

A legal entity formed by a politically organized nation or community of nations based on territorial integrity.



## GENERAL INFORMATION ON INDIVIDUAL LABOUR LAW



## Main Laws Regulating the Employment Relationship

### **The Constitution:**

Regulates competing rights in working life, such as the employee's freedom to work, right to bodily integrity and prohibition of forced labour, and the employer's freedom of enterprise.

### **Labour Law (Law No. 4857):**

Generally applies to persons defined as employees.

### **Turkish Code of Obligations:**

Applies to those who do not fall within the definition of “employee” under labour laws.

### **Labour Courts Law:**

Regulates procedural principles.

# GENERAL DEFINITIONS

- ▶ **Employee:**  
A real person working under an employment contract.
- ▶ **Employer:**  
A real or legal person, or an institution without legal personality, employing employees.
- ▶ **Employment Relationship:**  
The relationship established between the employee and the employer.
- ▶ **Workplace:**  
The unit where employees are organized together with tangible and intangible elements to produce goods or services.  
The workplace constitutes a whole together with its annexes, vehicles and connected locations.

**Employer's Representative** A person who acts on behalf of the employer and takes part in the management of the work, workplace or enterprise. The employer is directly responsible for the acts and obligations of the employer's representative toward employees. Employer representatives cannot claim reinstatement.

**Principal Employer - Subcontractor Relationship** A relationship established between the principal employer and another employer who undertakes auxiliary work or a specialized part of the main work requiring expertise, and employs its own workers solely for this purpose at the same workplace.

### **Employment Contract**

A contract whereby the employee undertakes to work dependently, and the employer undertakes to pay wages.

## TYPES OF EMPLOYMENT CONTRACTS

### According to Duration

#### **Indefinite-Term Employment Contract:**

- Most common type
- End date not specified
- Job security provisions apply
- Presumed indefinite if no duration is stated

#### **Fixed-Term Employment Contract:**

- Duration determined in advance
- Ends automatically upon expiry
- Cannot be terminated early without just cause
- Repeated renewals may convert it into an indefinite-term contract
- Job security provisions generally do not apply

*Example: A 6-month project contract*

- ▶ **Job Security**
- ▶ To benefit from job security, the employee must:
- ▶ Work under an indefinite-term contract
- ▶ Be employed in a workplace with at least 30 employees
- ▶ Have at least 6 months of seniority
- ▶ Not be an employer's representative

## According to Working Time

### Full-Time Employment:

- Weekly working time: 45 hours
- Full wages and benefits

### Part-Time Employment:

- Less than two-thirds of full-time hours
- Rights apply proportionally
- Does not eliminate employee rights

## Special Employment Contracts

### On-Call Work:

- Minimum weekly working time: 20 hours (unless otherwise agreed)

### Temporary Employment Relationship:

- Established via licensed private employment agencies or within company groups
- Both employers are jointly responsible for employee rights

### Important Note:

The actual working relationship is decisive, not the title of the contract.

## According to Working Method

### Probationary Contract:

- Maximum 2 months (4 months with collective agreement)
- Termination without notice is possible
- Wage and insurance obligations remain

### Remote Work Contract:

- Work performed wholly or partially outside the workplace
- Must be in writing
- OHS obligations continue

## **BASIC PRINCIPLES OF LABOUR LAW - OBLIGATIONS OF THE PARTIES**

### **Employer Obligations**

- Pay wages
- Treat employees equally
- Manage and instruct employees
- Ensure occupational health and safety
- Comply with relevant legislation

### **Employee Obligations**

- Perform duties diligently
- Act loyally
- Follow instructions
- Avoid unfair competition
- Maintain confidentiality
- Comply with legislation

## **FUNDAMENTAL CHANGES IN WORKING CONDITIONS**

Any substantial change to the employee's detriment must be:

- Notified in writing
- Approved in writing by the employee within 6 business days

Otherwise, the change cannot be implemented.

Retroactive changes are not allowed.

## **WAGES**

Wages must be paid in money and may be determined daily, weekly, monthly or per piece.

### **Types of Wages:**

- Gross basic wage
- Net basic wage
- Gross wage including benefits
- Net wage including benefits

## **PRINCIPLE OF EQUAL TREATMENT**

Discrimination based on language, race, color, gender, disability, political opinion, belief, religion or similar grounds is prohibited.

Equal pay for equal work is mandatory.

The **Turkish Human Rights and Equality Institution Law No. 6701** regulates complaint mechanisms and sanctions.

## **WORKING HOURS**

- Weekly maximum: 45 hours
- Daily maximum (including overtime): 11 hours

## **Rest Periods**

- 15 minutes for work up to 4 hours
- 30 minutes for 4-7.5 hours
- 1 hour for over 7.5 hours

## **OVERTIME**

- Overtime: Work exceeding 45 hours per week
- Compensated by increased pay or time off (employee's choice)



## LEAVES

### Annual Paid Leave

Granted after one year of service. Leave may be used in parts.

| HİZMET SÜRESİ  | YILLIK ÜCRETLİ İZİN SÜRESİ |
|--|----------------------------|
| 1 Yılda 5 Yıla Kadar Olanlar                                 | 14 Gün                     |
| 5 Yılda 15 Yıla Kadar Olanlar                                | 20 Gün                     |
| 15 Yıl ve Daha Fazla Olanlar                                 | 26 Gün                     |
| 18 (veya daha küçük) veya 50 (veya daha büyük)<br>Çalışanlar | En Az 20 Gün               |

### Public Holidays

Employees are entitled to pay even if they do not work.  
If they work, they receive double pay.

### Excuse Leave

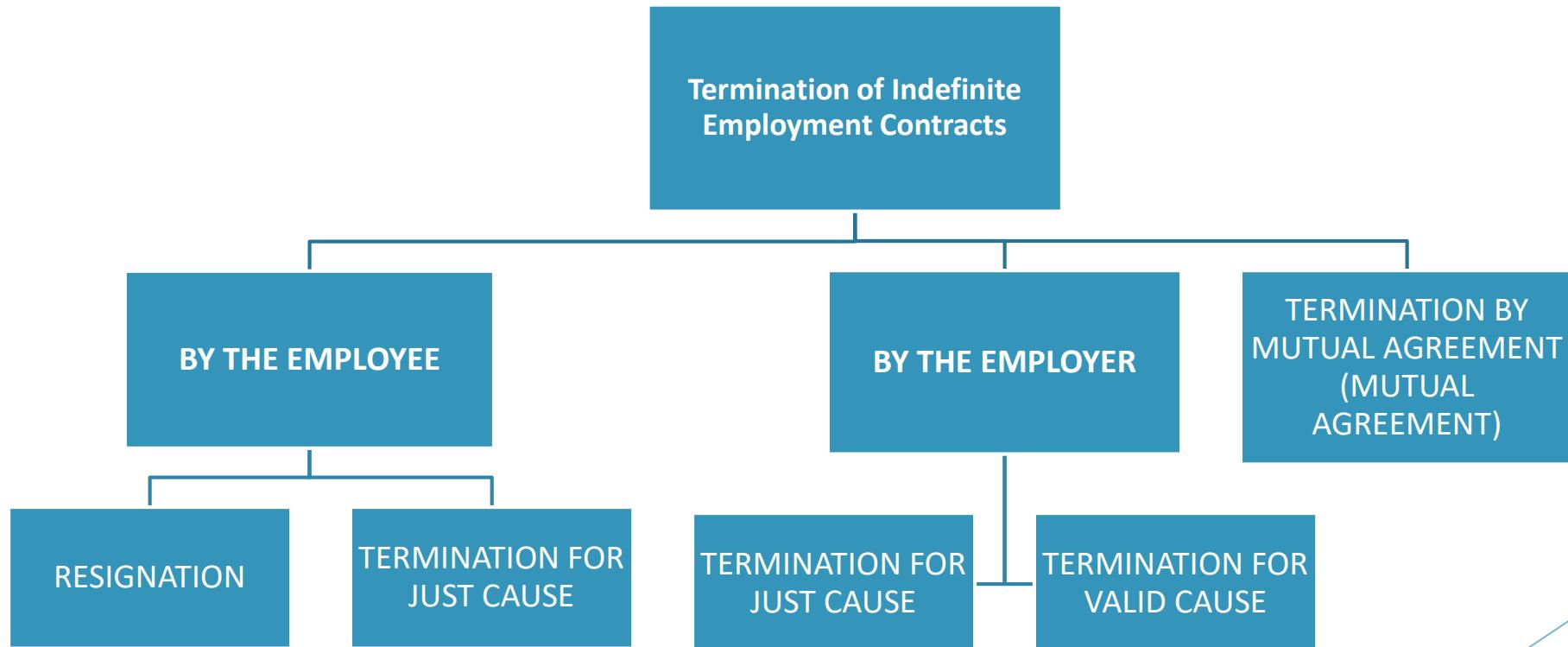
- Marriage, death of close relatives: 3 days
- Birth of spouse: 5 days

### MATERNITY & SICK LEAVE

- Maternity leave: 8 weeks before and after birth  
(extended for multiple pregnancies)
- Nursing leave: 1.5 hours daily until the child turns one



# Termination of Indefinite Employment Contracts





# Termination of Employment Contract by the Employee: Reasons for Termination Justifiably

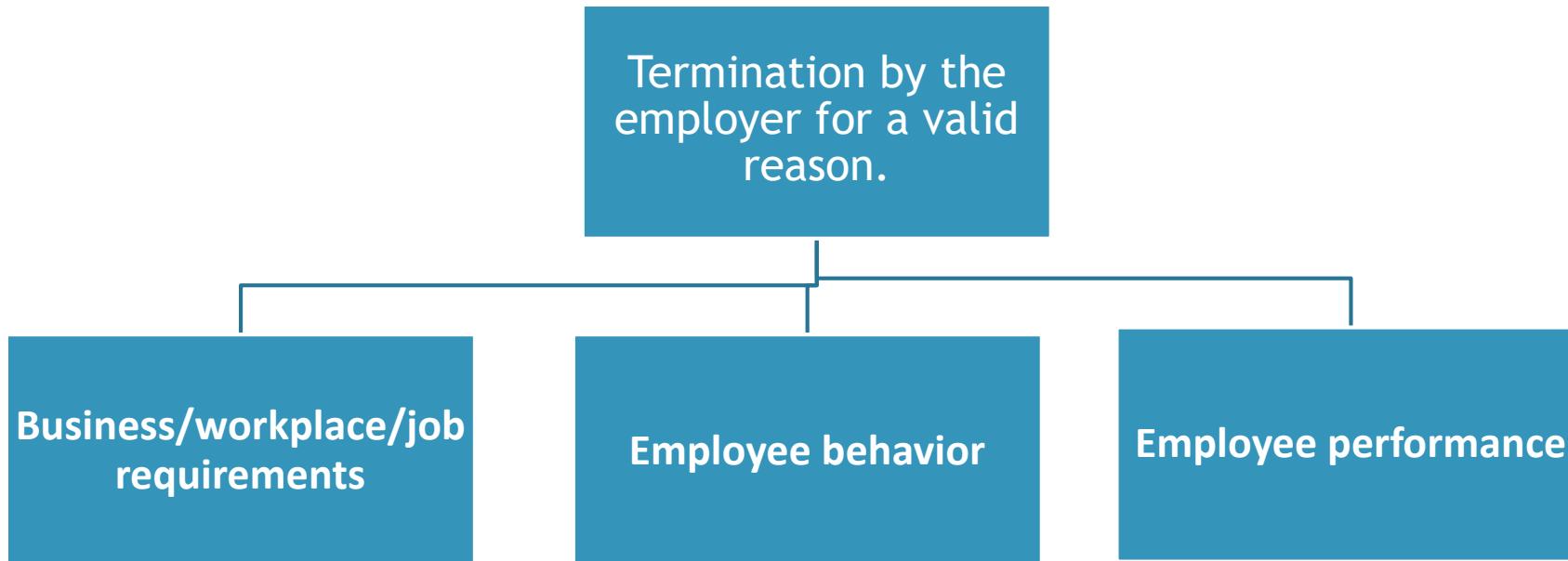
*I. Health reasons*

*II. Cases that do not comply with moral and good faith rules and similar situations: The right to terminate the employment contract must be exercised within 6 working days after learning of the incident and/or after the incident occurred.*

*III. Force majeure: If force majeure circumstances arise that require the cessation of work at the employee's workplace for more than one week.*



# Termination of Employment Contract by the Employer





# Termination of Employment Contract by the Employer





## What is Mobbing

In the workplace, harassment is a set of malicious, intentional, and negative attitudes and behaviors carried out by one or more individuals against another, systematically and intentionally over a certain period, aimed at intimidation, marginalization, or removal from work; harming the victim(s)' personal values, professional status, social relationships, or health. It can occur between superiors and subordinates, or between subordinates and equals. The primary goal is to discredit, exclude, wear down, and/or force the targeted employee to resign. In short, it is not a one-off or accidental rude behavior, courtesy, or mistake; it is a systematic and intentional psychological harassment.

Mobbing is defined as:

- occurring in the workplace;
- being systematically applied by one or more individuals;
- showing a certain frequency and continuity;
- being intentional (malicious intent, hostile attitude, or unethical approach);
- aiming to intimidate, neutralize, or force resignation;
- being of a nature that will harm the victim's personality, professional position, or health;
- negative attitudes and behaviors towards the individual may be covert or overt.

Although mobbing most often occurs when applied from a superior to a subordinate, it can also be seen from a subordinate to a superior or between equals.



## **MOBBING (WORKPLACE BULLYING)**

Mobbing refers to systematic, intentional psychological harassment aimed at isolating, intimidating or forcing an employee to resign.

### **Examples**

- Constant criticism
- Social exclusion
- Unfair performance evaluations
- Damage to personal reputation

### **Employee Rights**

- Criminal complaints
- Administrative applications
- Termination with just cause
- Compensation claims
- Reinstatement lawsuits



## What to do against mobbing

### **For Employees:**

Gathering documents (emails, witnesses, etc.)

Contacting HR or management

Using the ethics hotline, if available  
Legal support

### **For Employers:**

Establishing a mobbing policy

Organizing training sessions

Making the complaint mechanism clear and accessible