



# BASIC INFORMATION ON LABOR LAW IN TURKEY FOR FOREIGN EMPLOYEES AND FOREIGN EMPLOYERS



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## FOREWORD

Turkey is hosting the largest number of asylum seekers in the world, both because it is a transit route to Europe and within the framework of the 'Open Door Principle' applied to Syria. According to official data, the number of registered Syrians in Turkey is 3.5 million, and the total number of asylum seekers, including unregistered ones, is estimated to be about 8 million.

A large part of the asylum seekers in question are in the position of unregistered employees. This situation makes it difficult to access basic rights and constitutes an obstacle for asylum seekers in claiming their own rights. It is obvious that foreigners will be subject to Turkish law as long as they live here. Thereby, our booklet basically aims to provide basic information about the Labor Law, Occupational Health and Safety Law and the Law on Foreigners and International Protection and to be instructive.

The fact that individuals who do not have Turkish citizenship but live in Turkey have information about the Occupational Health and Safety Law and the Labor Law is an acquisition for society. In this context, it will be our priority to explain the basics of the Labor Law and the Occupational Health and Safety Law, as well as other laws that apply equally to everyone living in Turkey.

Even though Turkish law is applied to migrant employees in our country, there are also areas where special regulations are made for them. It is important for individuals living in Turkey and involved in work life to know the standards of work life.

## **EMPLOYER AND EMPLOYEE RIGHTS**

### **1.Obligations Of The Employer Towards The Employee;**

The primary obligations of the employer towards the employee are a work permit, the right to have insurance, and the obligation to pay wages.

As for the other obligations of the employer; they can be stated as drawing up an employment contract before starting work, complying with the occupational health and safety measures, protecting the personality of the employee, providing weekend holidays, granting the employee permission to look for a job, granting annual leave, acting equally, providing work tools and materials, covering all expenses required to do the work, covering transportation tools and expenses.

The problems that take precedence over the employer's obligations to the employee and common are discussed in more detail below.

### **2.Rights and Responsibilities of the Employee Towards the Employer;**

The employee is obliged to do his job personally towards the employer and must work diligently while performing the job and must be loyal to the employer. The employee must deliver the goods belonging to the employer and be accountable. The employee must follow the instructions set by the employer. The employee is also obliged to comply with occupational health and safety measures.

**The employee has to act in accordance with the rules of morality and goodwill.**

Actions like neglecting duty intentionally and continuously, not coming to work without an excuse, as well as sexual harassment, swearing, theft, using drugs, etc. constitute a violation of the rules of morality and goodwill. The employer has the right to terminate the contract and dismiss the employee who commits these actions and actions alike.

### **3. What Are The Basic Rights Of The Employee?**

#### **a.Job Security and Work Permit**

The Law on Foreigners and International Protection No. 6458 of 2013 and the Temporary Protection Regulation come first among the special regulations for people who do not have Turkish citizenship but live in Turkey.

Foreigners need a work permit in order to work in Turkey. An administrative fine is imposed on employees who work at the workplace without a work permit and employers who employ them. Foreigners who are found to be working without a work permit can be deported.

Professions which Foreign Employees are not allowed to Work According to Turkish Law;

- Dentistry,
- Pharmacy,
- Responsible management in private hospitals,
- Security guard,
- Attorney,
- Notary,
- Customs consultancy,
- Tourist guidance

If such contracts are signed with foreigners related to these professions, the contracts signed will not be valid and they will not be able to claim their rights arising from labor law.

#### **b. Working Hours, Vacation and Illness**

In a full-time job, the weekly working hour is 45 (forty-five) hours. Part time work is also possible. The working time of the employees working underground mining works is; seven hours at most and a half hours a day, 37.5 (thirty-seven and a half) hours a week maximum.

The daily working time cannot exceed 11 hours on no account.

A person who has completed the age of 15 and has not completed the age of 18 is called a 'Young Worker'. A person who has completed the age of 14, has not completed the age of 15 and has completed primary education is called a Child Worker. The employment of children aged 14 and under is prohibited under Turkish law.

The young worker can be employed no more than 8 hours a day and no more than 40 hours a week. The working hours of the children attending the school cannot be more than seven hours a day and thirty-five hours a week during the periods when the school is closed.

The working hours of children attending school during the educational period may be a maximum of two hours a day and ten hours a week, including outside of educational hours.

### **c. Annual Leave Right**

Full-time employees are entitled to an average of 15 days off per year. Employees must work for one full year to be eligible for annual leave. The duration of the annual leave is calculated based on the time worked at the workplace. If the employee has served at the workplace from one year to five years (including five years), the annual leave period cannot be less than 14 days; if he has served more than five years, less than fifteen years, 20 days; if he has served fifteen years or more, not less than 26 days.

However, the annual paid leave period to be granted to employees aged eighteen and under and employees aged fifty and above cannot be less than twenty days.

#### **Can the employer offer money instead of annual paid leave or can it be requested by the employee?**

Rest is the employee's right, and therefore leave periods cannot be converted into money and offered to the employee, or the employee cannot make such request. Compassionate leave cannot be counted as annual leave.

#### **What happens to unused leave in case the employee quits work?**

In accordance with the Labor Code, the fee for all unused leave is paid to the employee if he/she leaves work.

Other paid and unpaid leave or rest and sick leave granted by the employer during the year cannot be deducted from annual leave.

National holidays, week holidays and general holidays that coincide with the leave period in the calculation of annual paid leave days are not counted from the leave period.

### **d. Working Conditions and the Right to Rest**

No one can be employed in jobs that are not suited to their age, gender and strength.

Minors and women, as well as those with physical and mental disabilities, are specially protected in terms of working conditions.

Rest is the basic right of employees. Breaks are not counted as working hours. 15 minutes for jobs lasting up to 4 hours; 30 minutes for jobs lasting 4 - 7.5 hours; for jobs lasting more than 7.5 hours, a 1-hour break is obligatory. Employees are given at least 24 hours of rest within a week of work. Employees working on a part-time employment contract are also entitled to a week's vacation.

Workers are also entitled to wages for a week's vacation.



## SPECIAL CASES

### 1. DISABLED EMPLOYEE

In order for an individual to qualify as disabled, the loss of function in the whole body must be at least 40%. Individuals with disabilities who have a loss of function at the level of 40% or more are officially qualified as disabled and can have a job within the scope of disability employment in private and public. Employers, are obliged to employ three percent disabled employees in private sector workplaces where they employ fifty or more employees, and four percent disabled employees in public workplaces in jobs suited to their professional, physical and mental status.

Some of the rights provided to people with disabilities are as follows:

- Early retirement
- Right to leave
- Reduction in income tax



### 2. CHILD LABOR

Child labor refers to a person who has completed the age of 14, has not completed the age of 15 and has completed primary education. Children who have completed the age of fourteen and have completed the compulsory primary education can be employed in light jobs that will not interfere with their physical, mental, social and moral development and the attendance of those who continue their education at school.

### 3. YOUNG WORKER

Young worker refers to a person who has completed the age of 15 and has not completed the age of 18. Young workers can be employed for a maximum of 8 hours a day and a maximum of 40 hours a week. However, the annual paid leave period to be given to workers aged eighteen and younger and workers aged fifty and over cannot be less than twenty days.



You can reach detailed information about the jobs where children and young workers can be employed and the relevant regulations from <https://www.mevzuat.gov.tr/> and the Ministry of Labor and Social Security contact line 170.

#### **4. FEMALE WORKER**

There are millions of female workers in work life. According to the Labor Law, women should be kept equal in working life and should not be subjected to discrimination.

The employer cannot in any way discriminate against a female worker on the basis of gender or pregnancy.

For work of the same or equal value, a lower wage cannot be agreed on the basis of gender.

You have the right to terminate your contract if the employer takes different actions from other employees.

#### **What are the most important rights women workers have?**

##### **a. Marriage Compensation**

A woman has the right to demand severance pay if she leaves the job voluntarily within one year from the date of her marriage.

##### **b. Maternity Leave**

A female worker should not be employed for a total period of sixteen weeks, eight weeks before childbirth and eight weeks after childbirth.

##### **c. Temporary Incapacity Benefit**

During the periods of maternity leave, the mother is provided with a "Temporary Incapacity Benefit", popularly known as "Report Allowance". The basic condition for entitlement to the benefit is that the premium has been paid for 90 days in the year before the birth.

##### **d. Pregnant Women Assistance**

Another type of support is the "Maternity Benefit" or, as it is known, "Child Benefit or Maternity Benefit", which is provided only once per child born. In order to benefit from maternity assistance, it is sufficient to be a Turkish citizen and to be born after the 15th day of May 2015.

##### **e. Six Months Of Unpaid Leave**

A female worker is granted unpaid leave for up to 6 months, upon her request, from the end of maternity leave.

##### **f. Breast-Feeding Permission**

A female employee has the right to milk leave for 3 hours a day for the first 6 months and 1.5 hours a day for the second 6 months to breastfeed a child under one year old.



## **BASIC INFORMATION ON OCCUPATIONAL HEALTH AND SAFETY**

### **1. Obligations Of Employers Are As Follows;**

- **Obligation to take precautions:** The employer is obliged to take all necessary occupational health and safety measures at the workplace.
- **Supervision obligation:** The employer is obliged to monitor, supervise whether the occupational health and safety measures taken at the workplace are being followed and ensure that nonconformities are eliminated.
- **Obligation to inform:** The employer is obliged to inform the employees about the hazards in the workplace, possible health effects, and the precautions taken.
- **Obligation to provide training:** The employer is obliged to provide occupational health and safety training before the employee starts to work, in case of a change of work place or job, in case of a change in work equipment or in case of application of a new technology.
- **Obligation to make a risk assessment,**
- **Obligation to fulfill health surveillance,**
- **Obligation to report occupational accidents and occupational diseases,**
- **Obligation to take measures in relation to emergency situations,**
- **Obligation to appoint an employee representative.**

### **2. Workers' Rights**

- **Right to stop work:** You have the right not to perform the work if a serious and imminent danger arises in the workplace. In this case, the worker cannot be forced to work.
- **Right to terminate the employment contract:** Employees with an employment contract may terminate their employment contracts immediately for a justifiable reason in cases where the necessary measures have not been taken despite their requests.
- **Right to apply to administrative authorities and complain:** If necessary occupational health and safety measures are not taken in the workplace, workers can apply verbally to the Provincial Directorates of the Ministry of Labor and Social Security in writing or by calling ALO 170, the telephone consultation and complaint line. Employees whose demands for their rights are not met can apply to the labor courts.

### **3. Employee Rights in Case of Occupational Accidents and Diseases**

- **Occupational accident;** these are the events that occur in the workplace or due to the conduct of the business, causing death or injuring the body integrity mentally or physically.
- **The employer is obliged to notify the Social Security Institution and law enforcement agencies to which the workplace is affiliated by the workplace immediately and no later than within three working days after the accident.**

- A worker who has had a work accident may request compensation for loss of work, compensation for loss of support, and material and moral compensation from his employer.
- Occupational disease is a temporary or permanent illness, physical or mental disability suffered by the insured for a repeated reason due to the nature of the duty the employee works or does, or due to the conditions of work execution.
- Authorized health service providers must notify the Social Security Institution of the cases they have diagnosed with occupational diseases within 10 days at the latest.
- If you want to get more detailed information about any of the issues we have mentioned in our booklet, you can call the Ministry of Labor and Social Security contact line 170.
- We wish you an equal and fair working environment where there is no discrimination and healthy days in your working life.



**İŞ SAĞLIĞI GÜVENLİĞİ VE MESLEK HASTALIKLARI  
ARAŞTIRMA MERKEZİ**



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