

The "Labor Law," adopted at the session of the Assembly of the Turkish Republic of Northern Cyprus on 28 April 1992, is hereby promulgated by the President of the Turkish Republic of Northern Cyprus by being published in the Official Gazette in accordance with Article 94(1) of the Constitution.

LABOR LAW (22/1992)

Amended by Laws No. 30/1993, 25/2000, 51/2002, 15/2004, 50/2010, and 23/2015

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FIRST SECTION

ARTICLE 1: Short Title

This law shall be referred to as the Labor Law.

ARTICLE 2: Interpretation

In this Law, unless the context otherwise requires:

- **"Independent Worker"** means those working for themselves.
- **"Minister"** means the Minister responsible for labor affairs.
- **"Council of Ministers"** refers to the Council of Ministers of the Turkish Republic of Northern Cyprus.
- **"Ministry"** refers to the Ministry responsible for labor affairs.
- **"Department"** refers to the Labor Department.
- **"Irregular Working Hours"** refers to working hours outside regular shifts, such as night shifts and weekend work.
- **"Former Convict"** refers to individuals who have served a sentence of six months or more in a correctional facility of the Turkish Republic of Northern Cyprus and have completed their sentence.
- **"Flexible Working Hours"** means working hours that start and end within normal working hours, with daily working hours and weekly rest days adjustable based on an agreement between the employer and the worker.
- **"Young Person"** refers to someone who has completed compulsory education but has not yet turned 18 years old.
- **"Unjustified Termination"** refers to termination by an employer for reasons unrelated to the job or worker, including terminations based on gender, race, religion, language, belief, or political opinion.
- **"Employment Contract"** refers to a contract, either written or oral, between an employer and worker that defines working conditions and wages, and may be for a fixed or indefinite duration.
- **"Worker"** refers to a person working for an employer under an employment contract for wages.
- **"Work Accident"** refers to any unexpected, unplanned, or undesired event resulting in physical or mental harm to a worker while performing work at a workplace or during commutes, including accidents occurring during breastfeeding breaks for female workers.
- **"Employer"** refers to any natural or legal person employing a worker.
- **"Employer's Representative"** refers to a person authorized by the employer to manage or direct the workplace on behalf of the employer, with the authority stemming from an agency contract, employment contract, or assignment document.
- **"Workplace"** refers to the location where work is carried out, including any associated facilities, such as rest areas, nursing rooms, and places for food, sleep, or physical and vocational training.

- **"Part-Time Work"** refers to work that is performed for less than eight hours a day and less than 40 hours a week.
- **"Occupational Disease"** refers to physical or mental diseases or disabilities caused by the conditions of the work or workplace.
- **"Manager"** refers to the Director of the Labor Department.
- **"Normal Working Hours"** refers to working hours between 6:00 AM and 8:00 PM from Monday to Saturday, with a maximum of eight hours per day.
- **"Union"** refers to any trade union established under the Trade Unions Law.
- **"Full-Time Work"** refers to work that is performed for eight hours a day and 40 hours a week.
- **"Hazardous Incident"** refers to any event in a workplace that poses a threat to the health and safety of workers but does not result in immediate harm.
- **"Competent Court"** refers to the Labor Court, or if unavailable, the competent court where the work is located.

ARTICLE 3: Purpose

The purpose of this Law is to regulate labor relations and employment conditions between workers and employers.

ARTICLE 4: Scope

- 1) All workers, employers, independent workers working on their own behalf and account, as well as their workplaces and factories, are covered by this Law.
- 2) The provisions of this Law do not apply to the following:
 - A. In maritime and air transport jobs;
 - B. Concerning spouses, parents, and children working without pay;
 - C. Regarding individuals rehabilitated or performing educational or internship work, provided that it is deemed appropriate by the Department, regardless of whether they receive wages;
 - D. Regarding individuals working in domestic services on their own behalf and account; Regarding military personnel working in workplaces where military services are conducted or in military tasks.

However, civilian personnel (workers) working at coasts, ports, and piers in loading and unloading tasks between ships and land, in all land facilities of aviation, and in military facilities are subject to the provisions of this Law.

SECOND SECTION: Registration of Workplaces and Workers

ARTICLE 5: Workplace Registration

1. Individuals or legal entities who establish, acquire, partially or completely change the business activity of, close, or otherwise cease the operations of a workplace covered by this Law are required to complete the declaration form prepared by the Department and submit it to the Department within one month.
2. A document acknowledging receipt of the declaration is provided to the submitter.

3. Failure to submit the declaration or submitting it late does not eliminate the rights and obligations stipulated in this Law.
4. Workplaces are registered based on the declaration submitted in accordance with this article.
5. The registration fee for establishing or acquiring a workplace is 7,000,000 Turkish Lira (Seven Million Turkish Lira). This fee may be increased by the Council of Ministers each year, considering the annual inflation rate, provided it does not exceed ten times the original amount.
6. If the employer does not comply with the deadline for registering the establishment or acquisition of a workplace in accordance with this article, a late fee will be applied to the registration fee starting from the expiration date, based on the rates specified in the Law on the Collection of Public Receivables.

ARTICLE 6: Notification of Employed Workers

- 1) Employers must obtain three copies of a worker's card from the Department within 15 days of hiring a worker, for a fee of 700,000 Turkish lira. The card must contain details such as the worker's name, job start date, and job nature. One copy is kept by the employer, one is given to the worker, and one is submitted to the Department.
- 2) The fee can be adjusted annually by the Council of Ministers based on inflation rates.
- 3) The worker's card is standardized and issued by the Department for a fee.
- 4) The worker's card must include:
 - A. Worker's identification details;
 - B. Start date of employment;
 - C. Job nature;
 - D. Worker's status;
 - E. Duration of the employment contract;
 - F. Termination date and reasons for termination (if applicable).

ARTICLE 7: Notification of Terminated Workers

When a worker's employment ends, the employer must notify the Department within seven days, providing the termination date and reasons on the worker's card.

ARTICLE 8: Work Cessation Due to Strike

Participation in a legal strike or trade union action by a worker shall not be considered as employment termination for the purposes of this Law.

THIRD SECTION: Employment Contracts

ARTICLE 9: Employment Contracts

- 1) It is mandatory for employment contracts longer than three months to be in writing. The employment contract must be signed in three copies by both the worker and the employer. The original copy is sent to the Department to be kept in the employer's file. One of the

remaining copies stays with the employer, and the other is given to the worker. A fee of 700,000 Turkish Lira (Seven Hundred Thousand Turkish Lira) is charged for the employment contract form prepared according to this paragraph. This fee may be increased by the Council of Ministers each year, considering the annual inflation rate, provided it does not exceed ten times the original amount.

- 2) In cases where the employment contract is for less than three months and is not in writing, the employer is obligated, upon the worker's request, to provide a document signed by the employer that specifies the general and specific working conditions. If the document is not provided, the rules of this Law will apply between the worker and the employer.
- 3) In workplaces where a collective agreement is in force, it is not mandatory to draw up a separate employment contract for workers covered by the collective agreement.

However, if both an employment contract and a collective agreement exist, the terms of the collective agreement take precedence, but any provisions in the employment contract that are more favorable to the worker will remain valid.

ARTICLE 9A: Exemption from Fees for Official State Institutions

The Presidency, Prime Ministry, Ministries, other State organs, and independent agencies, in their capacity as employers, are exempt from paying the fees stipulated in Article 5 for workplace registration, in Article 6 for issuing worker cards for each employed worker, contracted, or temporary personnel, in Article 9 for employment contracts, and in cases where operational, installation, modification, and preliminary permits are required for devices covered by the regulations issued under Article 55 of this Law.

ARTICLE 10: Form of Written Contract

When employment contracts must be in writing, they must include the following details:

- 1) The full name and surname of the employer and the worker, along with their identification card numbers. If the worker is a foreign national, the passport number should be provided.
- 2) The nature of the job.
- 3) The address of the workplace.
- 4) In fixed-term employment contracts, the duration of the contract.
- 5) Working hours, wage, payment method, and schedule;
- 6) The worker's Social Security and Provident Fund numbers;
- 7) Any special conditions proposed by the parties;
- 8) The place and date of the employment contract;
- 9) The start date of employment; and
- 10) The signatures of both parties.

ARTICLE 11: Probation Period

In employment contracts, the probation period is a maximum of three months. Probation periods shorter than three months must be specified in the written contract. During the probation period, either party may terminate the contract without notice or compensation.

However, the wages and other rights accrued for the days worked are preserved.

ARTICLE 12: Notification of Termination

- 1)** It is mandatory to notify the other party in writing before terminating contracts of indefinite duration.
 - A.** Provided it applies to both parties, an employment contract may be terminated under the following conditions for a worker who has completed the probation period:
 - a)** For a worker whose period of service has lasted up to six months, one week after the notice has been given to the other party;
 - b)** For a worker whose period of service has lasted from six months to one year, three weeks after the notice has been given to the other party;
 - c)** For a worker whose period of service has lasted from one to two years, four weeks after the notice has been given to the other party;
 - d)** For a worker whose period of service has lasted from two to five years, five weeks after the notice has been given to the other party;
 - e)** For a worker whose period of service has lasted more than five years, six weeks after the notice has been given to the other party.
 - B.** The periods mentioned in paragraph (A) are the minimum and may be extended by contract.
 - C.** The party that fails to comply with the notice requirement mentioned in this paragraph must pay compensation equivalent to the wages for the notice periods specified in paragraph (A).
 - D.** The employer may terminate the employment contract by paying the worker in advance for the wages related to the notice periods specified in paragraph (A).

However, advance payment of such wages does not grant the employer the right to terminate the employment contract without justification.

- 2)**
 - A.** When the term of a fixed-term employment contract comes to an end, it is mandatory to notify the other party in writing whether the contract will be terminated, in compliance with the notice periods specified in paragraph (1), section (A).
 - B.** The notice periods mentioned in paragraph (A) are the minimum and may be extended by contract.
 - C.** If either party terminates the employment relationship at the end of the contract period without providing notice within the specified periods, that party must pay compensation equivalent to the wages for the notice periods specified.
 - D.** If the employment relationship continues beyond the expiration of the contract period without being renewed within one month, the expired fixed-term contract will be considered extended for the same period under the same conditions.
 - E.** If a fixed-term employment contract is terminated by the employer before the end of the contract period for reasons other than those specified in Article 15 of this Law, and for insufficient reasons, the employer must pay an additional week's wage for each remaining

month of the contract period, in addition to the wages for the notice periods specified in paragraph (1), section (A).

In cases of unjust termination, the rules of Article 13, paragraph (3) of this Law regarding compensation payable to the worker shall apply.

- 3) Any employment contract that lasts for at least three years will be considered an indefinite-term contract under the rules of this Law.

ARTICLE 13: Responsibilities of Employer and Worker

- 1) The employer is required to state the reason for termination in the written notice of dismissal. The worker may request the competent court to declare the termination invalid, claiming that no reason was given in the notice, that the reason given is insufficient, that the termination was carried out for illegal or unjust reasons, or that the required notice periods were not followed. This request must be made within seventy-five days from the date of receiving the notice of termination; otherwise, the right to apply will be forfeited. The worker's right to claim compensation for other rights arising from the termination, as well as for material and moral losses from the time of dismissal until the court's decision, is reserved.
- 2) The burden of proof that the termination was based on a valid reason lies with the employer. A valid reason is exclusively one that is based on the employment relationship.
- 3) If the employment contract is terminated by the employer for unjust reasons and in violation of the provisions of this Law, the worker is entitled to compensation equivalent to three times the wages for the notice periods stipulated in Article 12 of this Law. In the case of fixed-term contracts, the compensation payable to the worker shall include an additional amount equivalent to one week's wage for each remaining month of the contract term.
- 4) If a worker employed under a fixed-term contract leaves their job before the end of the contract period or without complying with the notice period and enters the employment of another employer, they are responsible for the damage caused to the former employer due to the termination of the employment contract. The former employer's right to apply to the court is reserved.

ARTICLE 14: Worker's Right to Terminate Without Notice

Whether the employment contract is for a fixed term or not, the worker may terminate the contract in writing without waiting for the end of the term or the notice period under the following conditions:

- 1) If the performance of the work subject to the employment contract poses a danger to the worker's health or life due to a reason related to the nature of the work that was unknown at the time of the contract;
- 2) If the employer deceives the worker by providing false qualities or conditions, or incorrect information about any of the mandatory matters outlined in Article 10 of this Law at the time the contract is made;
- 3) If the employer fails to calculate or pay the worker's wages according to the rules of this Law or the conditions of the employment contract;

- 4) If technical failures, fire, floods, or other unforeseen compelling reasons cause the work in the workplace to stop continuously for more than a week, and the employer does not pay the worker for this period;
- 5) If the employer refuses to provide the document specified in Article 9 of this Law upon the worker's request;
- 6) Unless otherwise stipulated in the employment contract, if it is agreed that the wage is to be paid on a piece-rate or job amount basis, but the employer provides the worker with less work than they can perform, and the wage difference is not compensated according to the time principle, and if the working conditions change, deteriorate, or are not implemented in a fundamental way;
- 7) If the employer uses language or behavior that violates the honor, dignity, or moral values of the worker or any member of the worker's family.

ARTICLE 15: Employer's Right to Terminate Without Notice

Whether the employment contract is for a fixed term or not, the employer may terminate the contract in writing without waiting for the end of the term or the notice period under the following conditions:

- 1) If the worker, without the employer's permission or a valid reason, does not come to work for three consecutive business days, or five business days in one year, or fails to show up on the business day following a public holiday three times in one year;
- 2) If the worker deceives the employer at the time of making the contract by providing false information or making false statements regarding the qualifications or conditions required for the job;
- 3) If the worker commits theft and/or is convicted of a crime involving dishonesty, or if the worker discloses the employer's trade secrets;
- 4) If the worker is convicted by a court for a crime committed in the workplace;
- 5) If the worker refuses to perform the tasks specified in the employment contract and persists in this refusal despite receiving at least two written warnings;
- 6) (A) If the worker, due to negligence, endangers workplace safety or causes damage or loss to machinery, equipment, or other materials belonging to the workplace or under the worker's control, which the worker is unable to cover with an amount equal to ten days' wages;
- 7) (B) If the worker intentionally endangers workplace safety or causes damage or loss to machinery, equipment, or other materials belonging to the workplace or under the worker's control, which the worker is unable to cover with an amount equal to five days' wages;
- 8) If it is determined that the worker, despite receiving treatment for at least forty-five days from the date the illness is diagnosed, is suffering from a contagious or repulsive disease that poses a life-threatening risk or is incompatible with the job;
- 9) If the worker uses language or behavior that violates the honor, dignity, or moral values of other workers, the employer, or any of their family members;
- 10) If the worker, despite warnings from the employer, comes to the workplace under the influence of alcohol to the extent that they cannot perform their job or consumes alcohol at the workplace.

The employer is authorized to determine in what circumstances, times, and conditions alcohol may be consumed in the workplace, depending on the nature of the job.

ARTICLE 16: Prohibited Grounds for Termination

The following situations are not grounds for termination:

- 1) The worker's membership in a union;
- 2) The worker's participation in a lawful action at the workplace;
- 3) Acting as a worker representative, becoming a worker representative, or having acted as a worker representative;
- 4) Filing a lawsuit or participating in the filing of a lawsuit against an employer for violations of laws and regulations, or applying to competent administrative authorities;
- 5) Temporarily being unable to come to work due to maternity, illness, or injury, provided that it is documented; and
- 6) The worker's language, religion, race, gender, or political opinion.

ARTICLE 17: Time Off for Job Searching

- 1) The employer is obligated to grant the worker time off during work hours, without wage deductions, to search for a new job during the notice period.
- 2) The duration of the job search leave cannot be less than two hours per day, and the worker may combine these hours to use them collectively if they wish.

However, if the worker wishes to use the job search leave collectively, they must arrange this for the days immediately before their leaving and notify the employer in advance.

ARTICLE 18: Work Certificate

- 1) Upon the request of a worker who has left their job, the employer is obligated to provide a document indicating the nature and duration of the work performed.
- 2) If the employer refuses to provide the document mentioned in paragraph (1) or includes incorrect information about the worker, the worker or the new employer may request an investigation from the Department. Following this investigation, the Department must issue a document with the findings to the worker or the new employer within ten days.
- 3) If the document is delayed by the employer or contains incorrect information, the worker or the new employer who has suffered damage may seek compensation from the former employer.

ARTICLE 19: Collective Dismissal or Re-employment

- 1) If the employer wishes to dismiss at least 20% of the workers at the workplace, either temporarily or permanently, due to economic, technological, structural, or similar reasons, and if this involves at least five workers within a short period or at the same time:

- A. The employer must notify the Labor Department at least one month in advance, providing the reasons for the dismissals, the names and duties of the workers to be dismissed, and the timeframe for the implementation.
 - B. The employer must also provide written notice to the workers to be dismissed at least one month before the dismissal date.
- 2) For workers dismissed for the reasons mentioned in paragraph (1), the employer must pay severance compensation based on their length of service, without prejudice to the notification rules set forth in Article 12 of this Law:
- A. For workers with three to six months of service: compensation equal to one week's wage;
 - B. For workers with six months to one year of service: compensation equal to two weeks' wages;
 - C. For workers with one to two years of service: compensation equal to three weeks' wages;
 - D. For workers with two to five years of service: compensation equal to four weeks' wages;
- 3) The employer cannot hire new workers to replace those dismissed for a period of three months after the dismissal. If the employer resumes activities in the same line of work or needs to hire workers within this period, they must notify the dismissed workers through the Department. Workers who do not apply to the Department within fifteen days of the notification will forfeit their right to be rehired.
- 4) The rules of this article do not apply to seasonal workers or workers in campaign jobs lasting less than six months.
- 5) The burden of proof regarding the necessity of collective dismissals lies with the employer. The worker has the right to file a lawsuit, claiming that the reasons for the collective dismissal are insufficient, and to request the court to declare the termination invalid and/or to claim compensation.
- 6) In dismissals carried out under this article, the "last in, first out" rule applies, taking into account the nature of the work actually performed and the duties specified in the employment contract.

ARTICLE 19A: Transfer, Succession, and Relocation of Workplaces

The Presidency, Prime Ministry, Ministries, other State organs, and independent agencies, in their capacity as employers, are exempt from paying the fees stipulated in Article 5 for workplace registration, in Article 6 for issuing worker cards for each employed worker, contracted, or temporary personnel, in Article 9 for employment contracts, and in cases where operational, installation, modification, and preliminary permits are required for devices covered by the regulations issued under Article 55 of this Law.

ARTICLE 20: Hiring of Martyrs' Families, Former Convicts, and Registered Unemployed

- 1) In workplaces employing 50 or more workers, the employer is obligated to employ one family member of a martyr (the spouse or child of the martyr) in a job suitable to their profession for every fifty workers. The martyr's family members to be employed are provided through the Department.
- 2) A. In workplaces employing 50 or more workers, the employer is also obligated to employ one former convict in a suitable job for every fifty workers.

B. The special rules in the laws regarding public security and the specific requirements of certain jobs are reserved when employing former convicts.

C. The employer is required to hire former convicts through the Department.

- 3) When determining the number of martyr family members and former convicts to be employed, the total number of employees in workplaces belonging to the same employer in the same line of business is taken into account.
- 4) A worker who has worked for at least one year and has left their job due to military service has the right to return to their job at the end of their military service. The worker must notify both the employer and the Department of this request within two months following discharge. This request is recorded in the employer's file at the Department and in the explanatory section of the unemployed worker registration list. If the employer requests workers from the Department, the worker's request will be given priority.

FOURTH SECTION: Wages

ARTICLE 21: Definition and Payment of Wages

- 1) Wage refers to the amount of money paid to a person for their work or services, and must be paid in cash.
- 2) Wages must be paid at least once a month, although this period can be shortened to a week through an employment contract or collective bargaining agreement. Delays in monthly payments cannot exceed one week.
- 3) Workers performing the same type of work under equal conditions cannot be paid differently based on gender.
- 4) Workers' wages include payment for non-working days such as weekly rest days. If a worker works on their rest day, the overtime payment specified in Article 27(3) will apply.
- 5) If an employment relationship ends, the worker's wages must be paid in full within seven days. Other entitlements must be paid within one month.
- 6) Payments cannot be made to workers in entertainment venues or retail shops unless they are employed at such establishments.

ARTICLE 22: Protection of Wages

No more than one-fourth of a worker's monthly wage can be seized or transferred to someone else. However, the court may order additional amounts for family support or alimony obligations.

ARTICLE 23: Protection of Wage and Other Rights

- 1) Public institutions and organizations, public economic enterprises, banks, or institutions established by special laws must check whether there are any workers whose wages have not been paid before making any payment to the contractor and/or subcontractor for any type of construction, repair, or other work. If there are unpaid workers, they must pay the unpaid wages from the contractor's, subcontractor's, and/or contractor's due payments based on the payroll records requested from the contractor, subcontractor, and/or contractor.

For this purpose, notice must be given to the workers to whom the payment will be made. Workers with outstanding wage claims are prioritized, and their claims are fully paid.

- 2) Any transfer or change of ownership of all types of guarantees and entitlements held by the contractors, subcontractors, and/or contractors at the institutions mentioned above, or any legal action, enforcement, or collection proceedings, will only apply to the portion remaining after the payment of the workers' wage claims.
- 3) For the purposes of this article, "wage" also includes overtime, allowances, and social security contributions.

ARTICLE 24: Wage Slips

The employer is obligated to give the worker a signed or employer-stamped slip showing the wage calculation with each payment.

However, small workplaces employing ten or fewer workers may have workers sign the payroll sheet instead of issuing a wage slip. It is mandatory to list the base wage, additions, and all types of deductions separately on the slip or payroll sheet.

ARTICLE 25: Wage Deductions

- 1) The employer cannot make wage deductions from the worker without a court decision, except for reasons specified in the laws, collective bargaining agreements, or employment contracts.
- 2) **A.** For wage deductions to be applied as a penalty for a disciplinary offense, the disciplinary offenses and the penalties to be applied must be clearly stated in the collective bargaining agreement or employment contract.
B. The penalties for disciplinary offenses mentioned above must be imposed by a workplace disciplinary board, as specified in the collective bargaining agreement or employment contract. It is mandatory for the legal representative of the employees to be part of the disciplinary board.
C. In workplaces where a disciplinary board has not been established by collective bargaining agreement or employment contract, the penalties for disciplinary offenses shall be determined by a board consisting of a representative of the employer and a representative of the worker, chaired by a representative from the Labor Department.
- 3) A wage deduction penalty cannot be imposed on a worker without giving them the right to defend themselves.
- 4) The worker must be informed in writing of the wage deduction and the disciplinary offense committed.
- 5) The total deductions made from a worker's wages for disciplinary offenses cannot exceed the equivalent of three days' wages in a month, or, for wages paid based on piecework or job quantity, the worker's earnings for three days of work.
- 6) The employer is required to keep a record of the wage deductions made for disciplinary offenses and must deposit the deductions into the account where the revenues specified in Article 60 of this Law are collected within one month from the date of the deduction.

ARTICLE 26: Wages During Periods of Inability to Work Due to Compelling Reasons

If a worker is unable to work due to compelling reasons outlined in Article 14(4), the employer must pay the worker at least half of their daily wage for up to two weeks.

ARTICLE 27: Overtime Conditions and Overtime Pay

- 1) Overtime work beyond the daily working hours specified in this Law may be done for reasons such as the general interests of the country, the nature of the job, or increasing production, provided that it is paid.
- 2) The duration of overtime work cannot exceed four hours per day on normal working days. The total number of days on which overtime work can be performed must not exceed ninety working days in a year.
- 3) **A.** The wage for each hour of overtime work is paid by increasing the hourly rate of the normal daily wage by 10%.
B. The wage for each hour of overtime work performed on weekends and public holidays is paid by increasing the hourly rate of the normal daily wage by 50%.
C. The overtime wage increase rates mentioned in paragraphs (A) and (B) are minimum rates and may be increased by collective agreements or employment contracts.
D. In workplaces where payment is made on a monthly basis, the hourly wage for calculating overtime is found by dividing the worker's gross monthly wage by the total number of hours worked in that month according to the normal working schedule of the workplace.
E. In places where payment is made on a weekly basis, the weekly wage is multiplied by fifty-two and then divided by twelve to find the gross monthly wage. The hourly wage is then calculated in the same way as described in paragraph (Ç).
- 4) Overtime cannot be performed in jobs that are short-term or limited due to health reasons, as provided for in Article 31, paragraph (3) of this Law.
- 5) The consent of the worker must be obtained for overtime work. However, the worker's consent for overtime may be obtained in advance through collective agreements or employment contracts.
- 6) Despite having given prior consent, the worker cannot be forced to work overtime in cases related to health, death, or childbirth if they do not wish to.

ARTICLE 28: Compulsory Overtime

In the event of a breakdown or when a breakdown is deemed likely, or in cases of urgent work that must be done immediately on machines or equipment, or when compelling reasons arise, workers may be required to work overtime, provided that the overtime does not exceed what is necessary to restore the normal operation of the workplace. Overtime wages for such work will be calculated according to paragraph (3) of Article 27 of this Law.

ARTICLE 29: Overtime in Extraordinary Situations

During periods of mobilization, working hours may be extended by the Council of Ministers to meet national defense needs, but must not exceed the worker's maximum working capacity.

ARTICLE 29A: Irregular Working Hours Allowance

- 1) In addition to the overtime pay specified in Article 27, workers engaged in irregular working hours are entitled to an additional allowance of 15%.
- 2) This allowance may be increased through a collective agreement or employment contract.

ARTICLE 30: Safeguarded Rights

- 1) No rules contrary to workers' weekend breaks, public holidays, paid leaves, and other rights granted by this Law can be included in collective agreements or employment contracts. However, rights and benefits provided by law, collective agreements, employment contracts, or established traditions that are more favorable to workers are preserved.
- 2) In the event of the expiration of a collective agreement or employment contract, the existing collective agreements or employment contracts shall remain in effect until a new one is signed.

ARTICLE 31: Daily and Weekly Working Hours

- 1) In any given week, excluding meal breaks, no work can be performed for more than eight hours a day or a total of forty hours a week.
However, in cases where overtime work is necessary, with the consent of the workers and/or in accordance with the provisions of Article 29, the employer may require the worker to work up to four extra hours a day, provided that the wages are paid according to the rules of Article 27.
- 2) The rules of paragraph (1) do not apply to those employed under paragraph (4) of Article 32 and Article 37 of this Law or to those employed in irregular work schedules mentioned in paragraph (3) of Article 39.
- 3) Work that requires fewer than eight hours per day due to health regulations shall be regulated by a regulation prepared by the Ministry and approved by the Council of Ministers.

ARTICLE 32: Night Work and Shift Work

- 1) For the purposes of this Law, night is defined as the period that starts no later than 8:00 PM and ends no earlier than 6:00 AM, and in any case, covers a maximum of eleven hours. According to the nature and requirements of the work, or in jobs or workplaces where work is conducted 24 hours a day, shifts may be organized so that work is done at night without exceeding eight hours. In this case, the shift system is applied in such a way that workers who work at night for one workweek are employed during the daytime in the following second workweek.
However, a worker may choose to work continuously at night upon their own request.
- 2) A job is considered a night job if more than half of the daily working hours specified in Article 31 of this Law fall during the night period.
- 3) In industrial enterprises that require skill, speed, attention, continuous effort, and do not require excessive energy and strength, or in industrial enterprises other than those where

members of the same family work together, female workers over the age of eighteen may be allowed to work night shifts, provided that they comply with the rules of this Law and that permission is granted by the Department.

- 4) No woman, regardless of age, can be employed in underground jobs, physically working in any enterprise established for the extraction of any material underground, or in any enterprise classified as a mine.
- 5) For the purposes of this article, an “industrial enterprise” refers to workplaces such as mines, quarries, and other establishments related to the extraction of minerals, factories, construction work, and engineering projects, as well as jobs involving the transportation of passengers or goods in ports, docks, roads, railways, airways, and warehouses, excluding manual handling.

ARTICLE 33: Weekend Break

Unless otherwise stated in employment contracts or collective agreements, the weekend break starts at 1:00 PM on Saturday and ends at the end of the day on Sunday.

In cases where the nature of the job requires work on Saturday and/or Sunday, and in workplaces where the second paragraph of Article 35 applies, the employer must ensure that workers receive at least one full day off per week.

ARTICLE 34: Saturday Work

The hours worked on Saturday until 1:00 PM are considered regular working hours and do not count as overtime, provided that the total weekly working hours do not exceed 40.

ARTICLE 35: Opening and Closing Hours of Workplaces

- 1) The Council of Ministers, upon the Ministry’s proposal, determines the opening and closing hours of workplaces between October and March and between April and September based on regional and local conditions.
- 2) The Council of Ministers may also determine which workplaces must remain closed on Sundays, or may designate another day as the closing day instead of Sunday.
- 3) Compliance with this article and Article 36 is monitored by Department inspectors or police officers.

ARTICLE 36: Summer Afternoon Closures of Workplaces

Between May 15 and September 30, the Ministry may mandate, through a decision published in the Official Gazette, that all or certain workplaces in designated areas must remain closed between 12:00 PM and 4:00 PM during the summer months.

ARTICLE 37: Employment of Young Persons

- 1) No person who has not completed their compulsory education may be employed in any job.

- 2) Persons who have completed compulsory education but are under the age of 18 may not work more than six hours a day or 30 hours a week, regardless of the provisions of Article 31.
- 3) Young persons under the age of 18 may not be employed in hazardous or dangerous jobs, night shifts, or overtime.
- 4) The health of young workers must be certified by an official medical report at least every six months, confirming their physical suitability for the job.
- 5) Employment contracts between employers and young workers must also be signed by the legal guardian of the young worker.
- 6) Young workers who complete their daily or weekly working hours must be paid as though they have worked full hours.
- 7) The terms and conditions of employment for young workers will be regulated by a Ministry directive approved by the Council of Ministers.

ARTICLE 38: Breaks and Meal Times

- 1) Workers must be granted the following rest and meal breaks based on the duration of the workday:
 - A. For work lasting up to four hours: a 15-minute break.
 - B. For work lasting between four and six hours: a 20-minute break.
 - C. For work lasting more than six hours: a 30-minute break.
- 2) Breaks must be uninterrupted, and all workers in the same section of a workplace must take their break at the same time, unless otherwise arranged in a collective agreement or employment contract.
- 3) Breaks and meal times are not counted as part of working hours.

ARTICLE 39: Time Considered as Working Hours

- 1) The following periods are considered part of the worker's legal daily working hours:
 - A. The time required for workers in mines, quarries, or any kind of underground or underwater work to descend into or enter shafts, tunnels, or the main work areas, and the time required to exit these areas;
 - B. The time spent on the road when workers are sent by the employer to work at a location other than the workplace;
 - C. The time spent by a worker who, during normal working hours, is present at the workplace or on duty but is not working and is waiting for work to be assigned by the employer;
 - D. The time spent by a worker who is sent to another location by the employer or is engaged in activities at the employer's home, office, or any place related to the employer, without performing their main job duties;
 - E. The time specified for breastfeeding breaks for female workers who are nursing;
 - F. In jobs such as the construction, maintenance, or repair of roads and bridges, or in any work requiring workers to be transported as a group to and from work sites located far from their residences, the time spent during organized and scheduled transport.
- 2) Time spent in vehicles solely for social welfare purposes, such as when workers are transported to and from the workplace by the employer, and not due to the nature of the work, is not considered part of the working hours.

3) (Repealed by Article 29 of Law No. 25/2000)

ARTICLE 40: Official Holidays and Payment for Official Holidays

- 1) Workers employed in workplaces covered by this Law shall not work on the public holidays designated in the Public Holidays and Commemorative Days Law and shall receive their full wages for those days without performing any work.
- 2) If work is performed on the days mentioned in paragraph (1), the wages of the workers for those days shall be paid at one time the regular wage in addition. The public holiday pay is determined as follows:
 - A. In workplaces where payment is made monthly, the amount to be paid to the worker is calculated by dividing the worker's gross monthly wage by the total number of hours worked in that month according to the normal working schedule of the workplace, and multiplying the hourly wage by eight.
 - B. In workplaces where payment is made weekly, the weekly wage is multiplied by fifty-two and divided by twelve to find the gross monthly wage, and the public holiday pay is calculated in the same way as described in paragraph (A).
 - C. For workers paid by piece-rate, lump sum, or percentage method, the public holiday pay is calculated by dividing the worker's total earnings during the last payment period by the number of days worked during the same period. In workplaces where the percentage method is applied, the public holiday pay is paid by the employer.
 - D. For workers paid by the hour, the public holiday pay is eight times the hourly wage.
- 3) Workers employed for less than one month and casual laborers are not entitled to public holiday pay. However, if these workers are required to work on a public holiday, they shall be paid at one time the regular wage in addition.

ARTICLE 41: Exclusions from Holiday Pay

Bonuses, overtime payments, and social assistance benefits are not included in the calculation of holiday pay.

ARTICLE 42: Distribution of Tips and Gratuities

- 1) In hotels, restaurants, entertainment venues, and similar establishments where the percentage system is applied, the employer is required to fully distribute and record the money collected by adding a "percentage" to customers' bills, either as a service charge or under another name, or the money voluntarily left by customers at the workplace, or the money gathered under the employer's control, to all the workers employed at the workplace.
- 2) Workers, through their representatives and/or unions, may inspect whether the percentages have been distributed properly and fully recorded.

FIFTH SECTION: Annual Paid Leave

ARTICLE 43: Entitlement to Annual Paid Leave

- 1) Workers who have been employed for at least six months, including the probation period, are entitled to annual paid leave based on their length of service:
 - A. Workers with six months to five years of service: 14 working days of annual leave.
 - B. Workers with five to ten years of service: 18 working days of annual leave.
 - C. Workers with ten to fifteen years of service: 22 working days of annual leave.
 - D. Workers with more than fifteen years of service: 25 working days of annual leave.However, workers under the age of 18 are entitled to at least 18 working days of annual leave.
- 2) The above periods may be increased by collective agreements or employment contracts.
- 3) Workers cannot waive their entitlement to annual paid leave.
- 4) Workers employed for less than a full year are entitled to pro-rated annual leave based on the length of service.

ARTICLE 44: Calculation of Annual Paid Leave

- 1) The calculation of annual leave entitlement takes into account the total length of service with the same employer, even if the worker has worked in different branches or locations of the same employer.
- 2) Any breaks in employment not covered by Article 45 must be added to the length of service when calculating annual leave entitlement.
- 3) The one-year period required for future leave entitlements begins from the date the worker last became entitled to annual leave.
- 4) Workers must take their annual leave during the year following the year in which they became entitled to it.

ARTICLE 45: Days Considered as Worked

The following periods are considered as worked time when calculating the right to annual paid leave:

- 1) Days when the worker could not go to work due to an accident or illness;
- 2) Days when female workers could not work before and after childbirth as per the provisions of Article 56;
- 3) Days when the worker could not go to work due to being assigned under any law, except for compulsory military service;
- 4) If the worker resumes work, a maximum of fifteen days during which the worker could not work due to the forced closure of the workplace for more than one continuous week;
- 5) Periods considered as worked time according to the provisions of Article 39;
- 6) Weekly rest days and public holidays;
- 7) Days when workers could not attend work because they participated in conciliation meetings, served on arbitration boards, or fulfilled their duties as worker representatives on boards, councils, commissions, and meetings established according to labor-related legislation, or

attended conferences, congresses, or committees of international organizations on labor matters as worker or union representatives;

- 8) Leave granted for marriage, the death of parents, spouses, siblings, or children, or the birth of the worker's spouse.

ARTICLE 46: Application of Annual Paid Leave

- 1) Annual paid leave cannot be divided, and the employer is obligated to grant the entire duration of the leave in a continuous period as specified in Article 43. However, upon mutual agreement between the employer and the worker, the leave can be divided into periods, with each period being no less than eight days.
- 2) When calculating annual leave, public holidays and weekends that fall within the leave period are not counted as part of the annual leave.
- 3) If the worker plans to spend their annual leave abroad, the employer, upon the worker's request, must grant additional unpaid leave of up to seven days to cover travel time.
- 4) Workers must use at least 14 days of their entitled annual leave within the year it is earned. Any remaining leave can be carried forward to the following year upon the worker's request.
- 5) Workers may accumulate and carry forward a maximum of 50 working days of annual leave.

ARTICLE 47: Change of Employer

A change of employer, through the transfer or acquisition of the business, does not affect the worker's right to annual paid leave. Even if a different agreement is in place, the new employer is responsible for the payment of the worker's accumulated leave days.

ARTICLE 48: Payment for Annual Leave

- 1) The employer must pay the worker their wages for the annual leave period in advance, either as a full payment or as an advance payment, before the worker begins their leave. The calculation of this payment follows the same rules as those for holiday pay outlined in Article 41.
- 2) For workers who are paid on a commission basis, profit-sharing, or based on variable earnings, the employer calculates the worker's average daily wage by dividing the worker's total earnings in the last pay period by the number of days worked.
- 3) In establishments where the percentage system applies (e.g., tips or gratuities), the worker's leave pay must be paid by the employer, excluding any tips or gratuities collected.
- 4) If public holidays occur during the leave period, the worker is entitled to additional compensation for these days.

ARTICLE 49: Prohibition of Working During Leave

Workers who are on annual paid leave may not engage in any paid work for another employer during their leave period.

ARTICLE 50: Payment of Leave Entitlement upon Termination of Employment

- 1) If a worker has accrued annual leave but has not taken it by the time their employment ends, the employer must pay the worker for the unused leave, calculated at the worker's wage rate at the time of termination.
- 2) If the employer terminates the contract of an indefinite-term worker, they must pay the worker for the unused leave, in addition to the severance or notice compensation outlined in Article 12.

ARTICLE 51: Organization of Annual Leave

- 1) The employer must keep accurate records of the annual leave taken by each worker. These records must be available for inspection upon request by the relevant authorities.
- 2) The employer must organize and schedule the annual leave of workers in a way that ensures business continuity while also allowing workers to take their leave in a timely manner.

ARTICLE 52: Leave Records

The employer must keep a register of annual leave granted to each worker, showing the dates when leave was taken and the corresponding duration. These records must be kept up to date and retained for inspection by the Labor Department.

ARTICLE 53: Paid Leave for Justified Absence

In the event of the worker's marriage, three days of paid leave shall be granted, and in the event of the death of the worker's parent, spouse, sibling, or child, or the spouse giving birth, two days of paid leave shall be granted. These durations are minimum and can be increased through employment contracts or collective agreements.

SIXTH SECTION: Occupational Health and Safety

ARTICLE 54: Health and Safety Conditions

- 1) Every employer is obligated to take the necessary measures to ensure the health and safety of the workers at the workplace, provide the necessary conditions, and fully supply the tools and equipment needed for this purpose.
- 2) Workers are also obligated to comply with the procedures and conditions regarding occupational health and safety. The principles and procedures concerning health, safety, and other conditions in workplaces and factories will be determined by a regulation issued under the provisions of Article 55 of this Law.
- 3) The employer, regardless of whether the workplace is considered a factory, must report any work-related accidents, occupational diseases, or dangerous incidents related to the workplace or job to the Department within two working days from the date of the accident or incident, or the date the illness is diagnosed by a doctor and submitted to the employer. Notifications made to the relevant units of the Ministry of Labor will be considered as having

been made to the Department. In the event the employer themselves experiences a work-related accident, the two-day notification requirement for the work accident, occupational disease, or dangerous incident will not apply if the accident is deemed to be for a valid reason by the Department.

- 4) If a worker is diagnosed with an occupational disease due to their work, the treating physician or hospital officials must immediately notify the Department.
- 5) If a life-threatening condition is identified for workers in any workplace, the work will be partially or completely halted by the Department until the danger is eliminated, depending on the nature of the danger.

The principles and procedures regarding the halting of work in this manner will be determined by a regulation issued under the provisions of Article 55 of this Law.

- 6) The employer may appeal the decision to halt work according to the rules of paragraph (5) to the court.
- 7) The employer is required to fully pay the wages of workers who are left without work due to the halting of work under the provisions of paragraph (5).

ARTICLE 55: Application of the Law to Factories and Authority to Issue Regulations

- 1) Unless otherwise expressly provided in this Law, the rules of this Law shall apply to all factories, construction works, and engineering projects.
- 2) The definition and content of the factory or group of factories within the scope of this Law, the registration processes related to work or engineering construction works, and issues related to health, safety, and welfare at such places; matters concerning elevators, machines, construction works, and engineering construction works, and generally all matters regarding these, as well as issues related to worker health, workplace safety, and other conditions in workplaces and factories, shall be determined by a Regulation to be prepared by the Ministry and approved by the Council of Ministers.

ARTICLE 56: Maternity Leave

- (1) (A) Female workers are prohibited from working for six weeks before and six weeks after childbirth, for a total of twelve weeks.
(B) In addition to the periods mentioned in subparagraph (A), female workers are entitled to an additional six weeks of unpaid maternity leave both before and after childbirth. Female workers who wish to use this right may return to the same job and position at the end of these periods.
However, these periods may be extended, before or after childbirth, if necessary, based on the worker's health condition and the nature of the job, as documented by a Health Committee Report.
- (2) (A) Female workers who have given birth are entitled to two hours of breastfeeding leave per day, one hour in the morning and one hour in the afternoon, for a period of nine months from the date of childbirth.
(B) The employer is obliged to grant the breastfeeding leave periods mentioned in subparagraph (A) during work hours without any wage deduction.

(C) The female worker must inform the employer in advance of the times she will use the breastfeeding leave during the morning and afternoon periods of the workday.

ARTICLE 57: Prohibition on the Use of Alcohol or Drugs

It is prohibited to come to the workplace under the influence of drugs or in a state of intoxication that prevents one from performing their job, and to consume alcoholic beverages or use drugs in the workplace. However, those who are required to consume alcoholic beverages due to the nature of the workplace are exempt from this rule.

ARTICLE 58: Official Health Reports

- 1) It is mandatory for workers to document with an official health report that they are physically suitable and resilient for these jobs at the time of starting work or during the continuation of the work.
- 2) The expenses related to the health report to be obtained at the time of starting work shall be covered by the worker. However, the expenses related to the health reports to be obtained during the continuation of the work shall be covered by the employer, and no deductions can be made from the worker's wages for this purpose.
- 3) The principles and procedures regarding in which workplaces, at what intervals, and to what extent the rules of this article will be applied shall be determined by a regulation prepared by the Ministry and approved by the Council of Ministers

SEVENTH SECTION: Employment Services

ARTICLE 59: Employment Services

- 1) The Department acts as an intermediary for the placement of workers in suitable jobs and for finding suitable workers for various jobs.
- 2) Workplaces registered in accordance with the rules of this Law meet their worker requirements through the Department.
- 3) However, employers may hire the worker or workers they desire and wish to employ by registering them as unemployed with the Department. Otherwise, those registered as unemployed with the Department are prioritized over other applicants. It is prohibited to employ foreign workers without a work permit.
- 4) If employers commit the offense specified in paragraph (3) above, and if the offense is proven, their applications to participate in tenders by the State and semi-official institutions affiliated with the State will not be processed by the relevant authorities within one year. As soon as those who are ineligible to participate in tenders are identified, they are notified to the relevant institutions by the Department.
- 5) The procedures and principles regarding the Department's mediation in finding jobs and workers, as well as other matters, shall be determined by a regulation prepared by the Ministry and approved by the Council of Ministers.

ARTICLE 60: Duties of the Labor Department

- 1) The Department collects information for all kinds of economic enterprises and other freelance jobs, carries out the necessary work to regulate worker demand and job search, and assists in the formation of employment contracts.
- 2) The following matters are arranged by the Department in an appropriate manner and provided to employers in return for fees to be determined:
 - A. (a) Registration processes to be carried out pursuant to Article 5 of this Law,
(b) The worker card provided for in Article 6 of this Law,
(c) The employment contract provided for in paragraph (1) of Article 9 of this Law, and
(d) Certificates, registration books, and other documents related to other matters provided for in regulations to be issued pursuant to this Law,
 - B. Books on matters within the scope of the Department's activities. However, such books are provided free of charge to the personnel of the Department of Labor and the Official State Institutions mentioned in Article 9A of this Law if approved by the Director of the Department.
 - C. Equipment necessary for work safety.
- 3) In the event that the equipment provided for in paragraph (C) of clause (2) above cannot be supplied domestically by employers, the Department shall procure the necessary equipment through a tender process.
- 4) The procedures and principles for how the revenue obtained from the fees collected under paragraph (2) above, as well as the worker wage penalties given by employers under the rules of Article 25 of this Law and other revenues to be obtained, will be used by the Department, shall be determined by a regulation prepared by the Ministry and approved by the Council of Ministers.

ARTICLE 61: Prohibitions

It is prohibited to engage in activities, work, or open an office, whether for profit or not, for the purpose of finding jobs for workers or finding workers for employers and jobs.