

## Employment & Labour - Turkey

### Short-Time Working under the Labour Law

July 08 2009

In order to prevent collective redundancies in an unexpected economic crisis and to reduce adverse effects on employees, employers may take measures to protect employees by:

- allowing them to take unpaid leave;
- reducing production; and
- employing them for shortened periods.

Provisions regarding short-time working are presently regulated under the Unemployment Insurance Law and the Regulation on Short-Time Work and Short-Time Work Payment. According to this legislation, an employer may make a request for short-time working based only on (i) an economic crisis, or (ii) unanticipated and external events (eg, earthquake, fire, flood, epidemic or war), which are not attributable to the employer's mismanagement and which partially or completely disrupt the company's performance (*force majeure*).

An employer that employs employees under employment contracts must immediately notify the Employment Agency in writing stating the situation that necessitates short-time working. In order to request the temporary shortening of the weekly working time or the whole or partial suspension of work in the workplace, the employer must provide the agency with valid reasons and, if there is one, the union signatory to the collective labour agreement.

However, in order for an employer to request short-time working on the basis of an economic crisis, the Ministry of Labour and Social Security must have made a declaration regarding the crisis based on its own strong indications or the assertion of employers or the employer union confederations. Any short-time working requests made before the ministry's declaration will be rejected without examining the request in terms of its cause or content. Following the Employment Agency's evaluation of a request in terms of its form and reason, the request will be subject to evaluation by ministry inspectors. However, in case of employer requests for short-time working based on *force majeure*, declaration from the ministry is not required.

The Ministry of Labour and Social Security has so far accepted 1,024 of 3,299 requests from employers and 103,234 employees have been employed on short-time working.

Employers must make their request for short-time working through an online form prepared by the Employment Agency. Such form must include:

- the impacts of the economic crisis or the *force majeure* on the workplace and the specification of the *force majeure*;
- the employer's title, address, workplace registration number obtained from the regional labour directorate or the social security institution and the name of the union signatory to the collective labour agreement, if any;
- any concrete documents evidencing the claim; and
- information regarding the employees who will be put on short-time working.

Following approval of the short-time working request, the new regime will be announced at the workplace and short-time working will commence.

According to the Unemployment Insurance Law and the Regulation on Short-Time Work and Short-Time Work Payment, once the request is accepted, short-time working will be applied by: (i) temporarily shortening working time at the workplace by a minimum of one third for a maximum of three months; or (ii) suspending work for between four weeks and three months. In light of the current global economic crisis, for 2009 this

### Authors

**Melek Onaran  
Yüksel**



**Ahu Pamukkale**



period has been extended to six months.

Even where the duration of short-time working has been determined for a longer term, it can be cut short at any time.

Upon implementation of short-time working, employees are entitled to short-time payment on the condition that certain requirements stated under the governing legislation are met. In cases where the work is temporarily shortened, but not wholly suspended, the short-time payment will constitute the reduced part of the wage paid by the employer for the work performed during the employment. In cases of work suspension, the short-time work payment is equal to unemployment payment. For 2008 and 2009, the daily amount of short-time payment is 60% of the gross earnings for the last four months, taken as a base rate for social insurance contributions. The ceiling amount is 120% of the minimum gross wage and the ceiling monthly amount is TRY799.

The provision of short-time working compensation may be interrupted if the employee receiving the compensation:

- gets a job;
- starts receiving a retirement pension;
- enlists in the armed services;
- resigns by reason of working liability arising from law; or
- becomes entitled to a temporary incapacity pension.

*For further information on this topic please contact [Melek Onaran Yüksel](#) or [Ahu Pamukkale](#) at [YükselKarkınKüçük](#) by telephone (+90 212 318 05 05), fax (+90 212 318 05 06) or email ([myuksel@yuksekkarkinkucuk.av.tr](mailto:myuksel@yuksekkarkinkucuk.av.tr) or [apamukkale@yuksekkarkinkucuk.av.tr](mailto:apamukkale@yuksekkarkinkucuk.av.tr)).*

The materials contained on this website are for general information purposes only and are subject to the [disclaimer](#).

ILO is a premium online legal update service for major companies and law firms worldwide. In-house corporate counsel and other users of legal services, as well as law firm partners, qualify for a free subscription. Register at [www.iloinfo.com](http://www.iloinfo.com).



Official Online Media Partner to the International Bar Association  
An International Online Media Partner to the Association of Corporate Counsel  
European Online Media Partner to the European Company Lawyers Association

© Copyright 1997-2009 Globe Business Publishing Ltd