

Law No. 6663
Amendments Concerning
the Employment Law



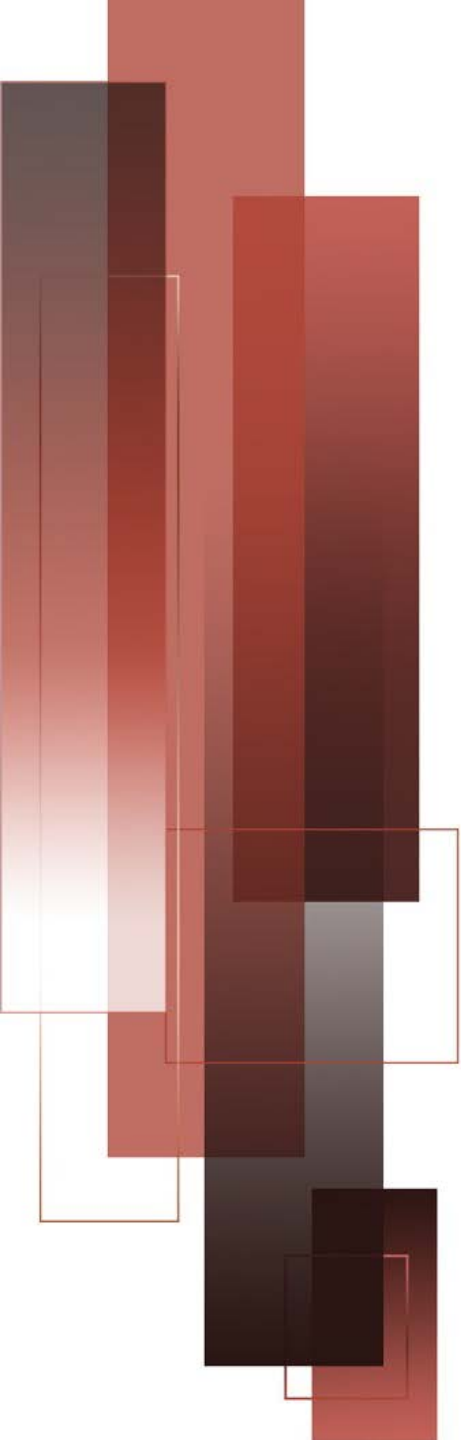
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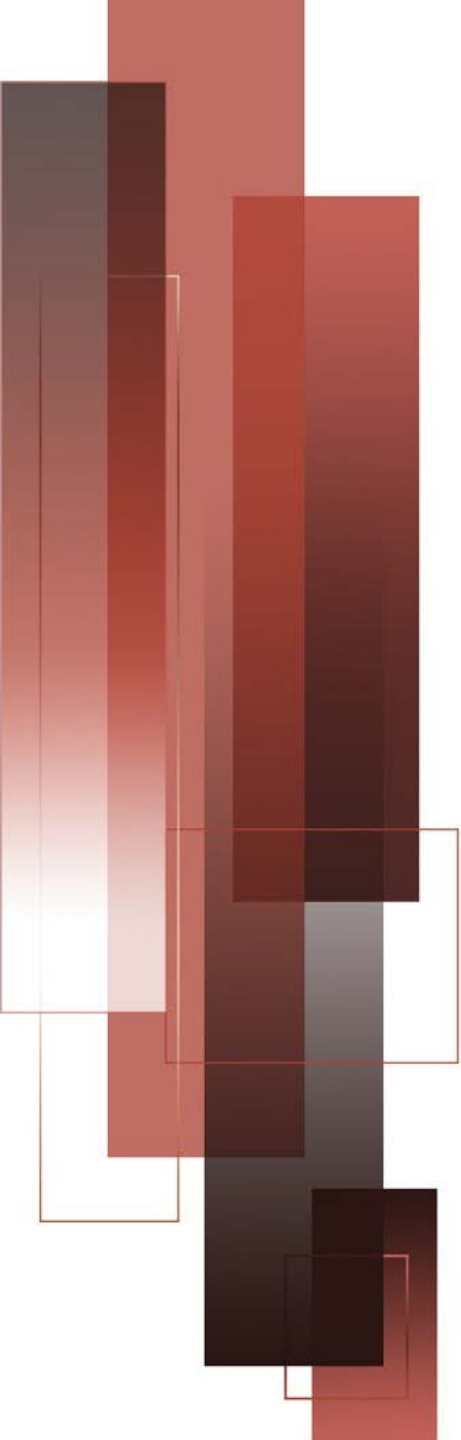
LAW FIRM

INTRODUCTION

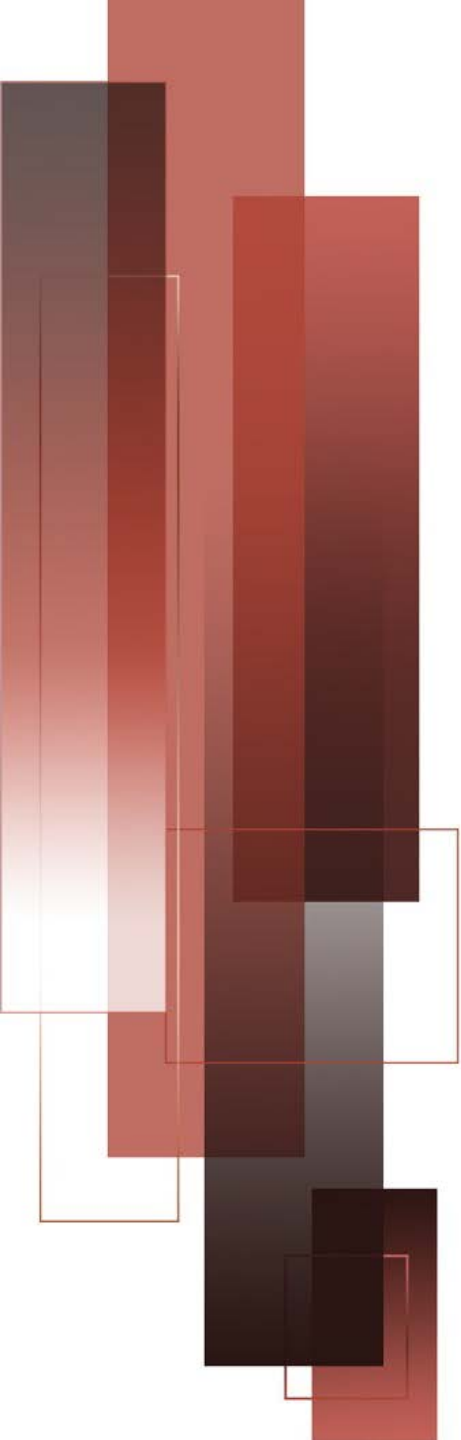
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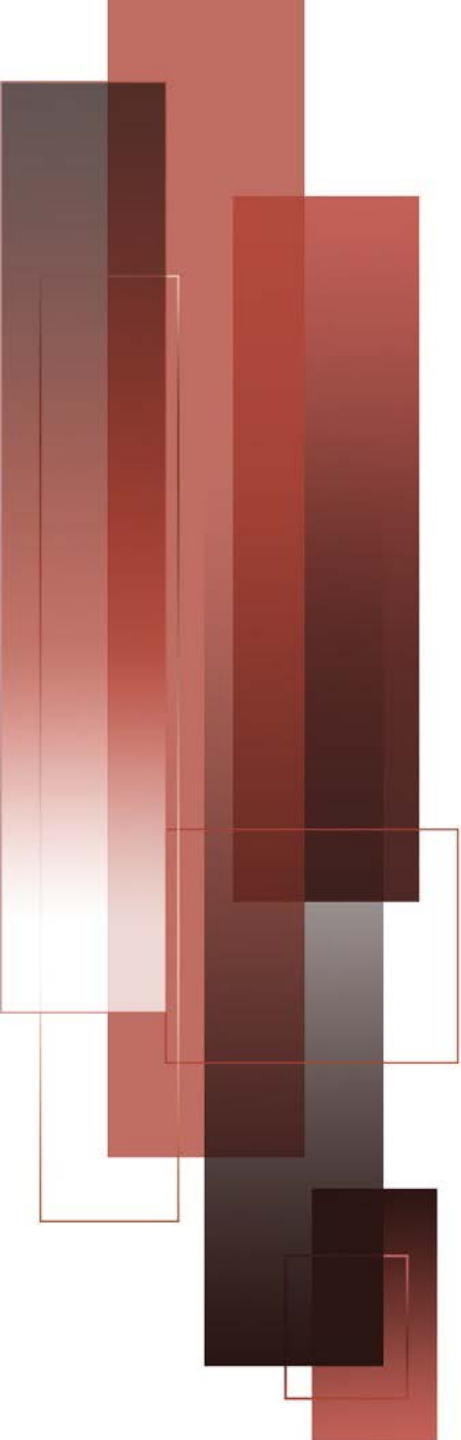
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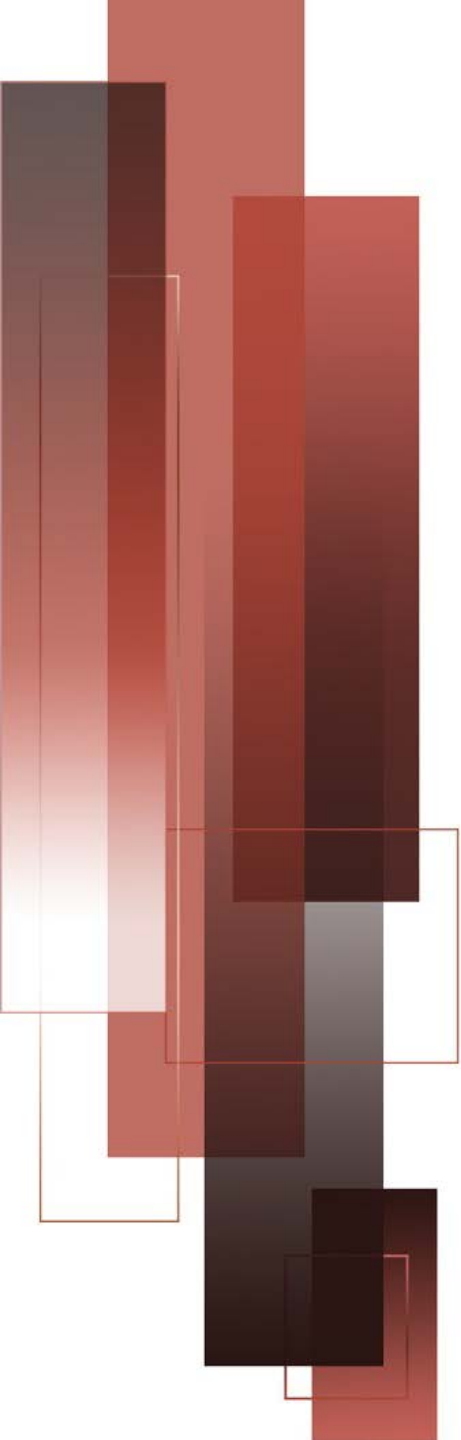
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- ∅ Please be informed that the Law Regarding the Amendment of Income Tax Law and Certain Laws (Law No:6663) (the “New Law”) has been published on the Official Gazette on February 10, 2016.
 - ∅ By the enforcement of the New Law in addition to the Income Tax Law (Law No: 193), certain laws such as Public Officers Law (Law No: 657), Unemployment Insurance Law (Law No: 4447), the Labour Code (Law No: 4857) and the Social Security Law (Law No: 5510) have been amended.

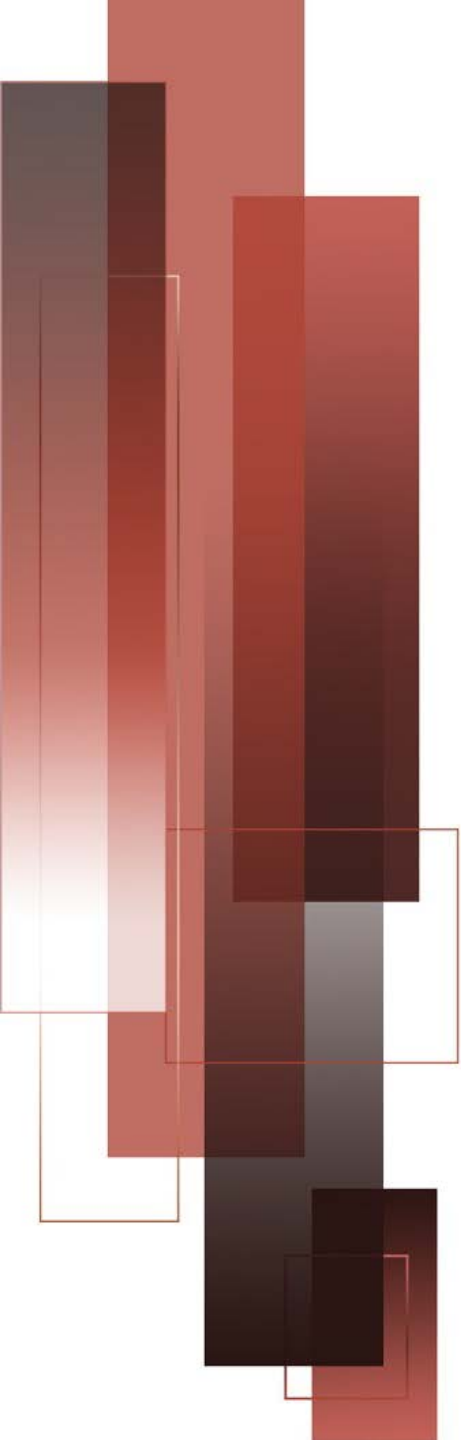
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- ⌘ This publication provides general information on those amendments concerning the employees and employers and the consequences thereof.
 - ⌘ Accordingly, the following provisions are added to Article 13 of the Labour Code titled “Part Time and Full Time Employment Contract”.
 - ⌘ After the expiration of the leave rights foreseen under Article 74 of the Labour Code, one of the parents may demand to work part-time until the beginning of the month following the commencement date of compulsory primary school age.

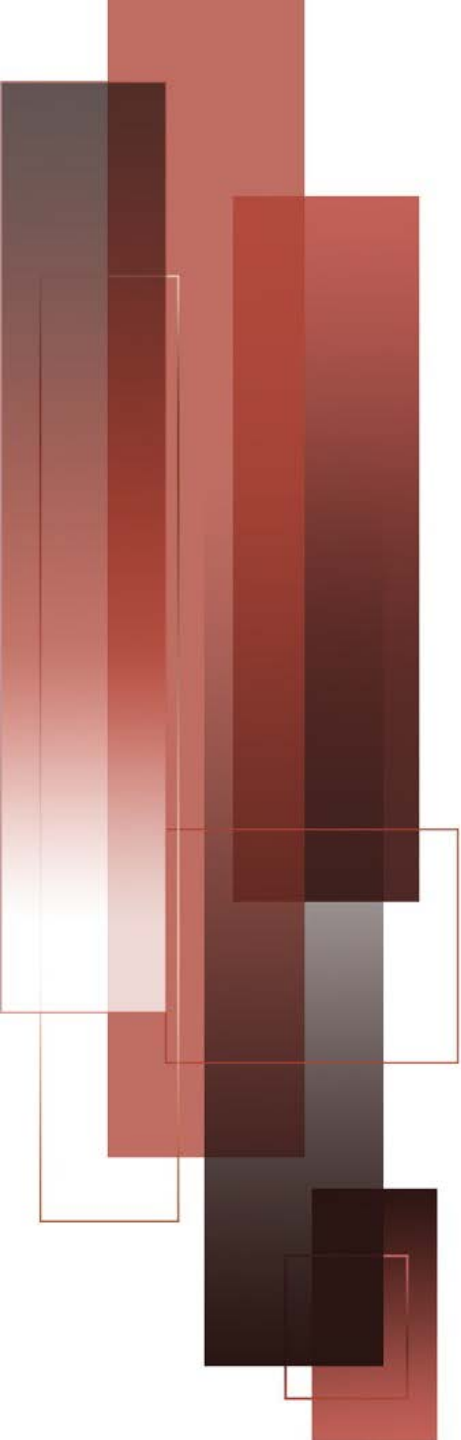
- ⌀ This demand shall not be deemed as valid reason for termination of the employment contract. Please refer to our publication titled Termination of Employment Contracts for further details (<http://dablawfirm.com/wp-content/uploads/2013/04/Termination-of-Employment-Contracts.pdf>).
- ⌀ However, further to the same law, if one of the parents is not employed, then the working parent shall not be entitled to demand a part-time employment.
- ⌀ Moreover, under certain conditions the employee in question may change back to full-time employment. In that case, the employee shall notify the employer in writing at least one month in advance.

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- ∅ Accordingly, the employment contract of the substitute employee shall expire automatically.
 - ∅ Additionally, the Labour Code regulates the parental rights of the private sector employees who adopt a child.
 - ∅ Consequently, an employee who adopts a child under the age of three (solely or jointly with his/her spouse) shall benefit from the abovementioned rights as of the date that the adopted child starts living with the employee.

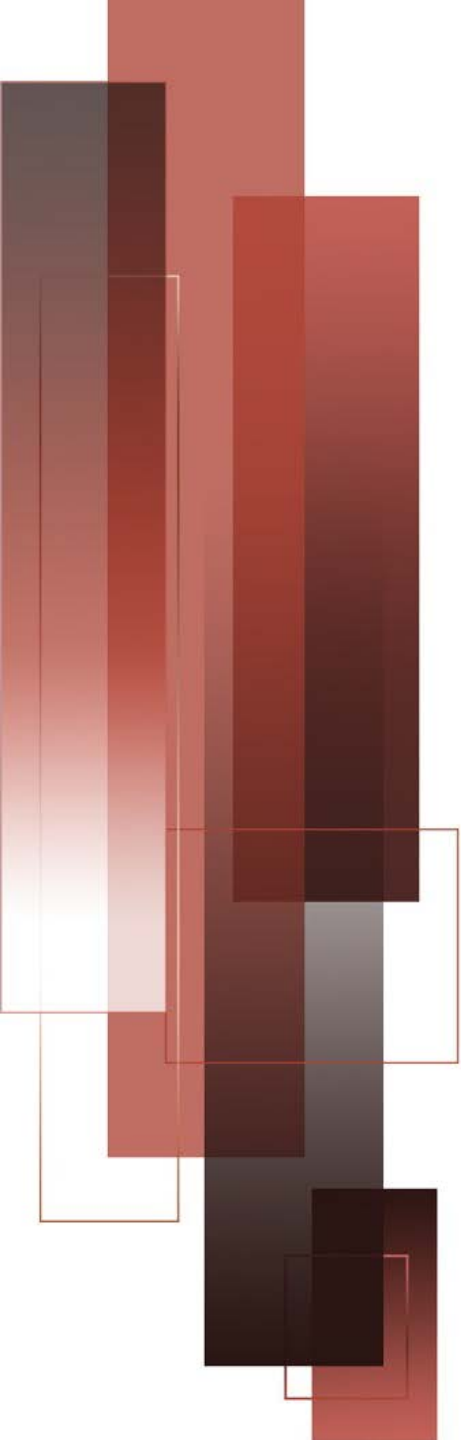
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- ⌘ The procedures and principles concerning the industries or professions that the employees may demand to work part time shall be determined with a regulation to be issued by the Ministry of Labour and Social Security.
 - ⌘ In other words, the details of the abovementioned rights and implementation of Article 13 of the Labour Code will be determined by a regulation to be issued in the near future.

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- ⌘ With the enforcement of the New Law, Article 74 of the Labour Code which regulates the maternity leave rights of the employees is also amended. Article 74 of the Labour Code generally states that the pregnant employees are entitled to a maternity leave of 16 weeks in total, eight of which shall be taken before and eight of which must be taken after the delivery of the child. Where the employee is pregnant with more than one child, such employee shall be entitled to additional two weeks of maternity leave.
 - ⌘ Article 22 of the New Law also states that a father is entitled to the remainder of the maternity leave if the child's mother dies giving birth or after the birth.
 - ⌘ Moreover, an employee who adopts a child under the age of three shall be entitled to 8 weeks of maternity leave as of the date that the adopted child starts living with the employee.

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- ⌘ After the post-natal maternity leave period, half of the weekly working time may be granted as unpaid leave (hereafter will be referred as “Half-time Working Leave”) to the employee who gives birth to a child or adopts a child (male or female employee).
 - ⌘ However, the duration of such leave is limited by the New Law depending on certain conditions such as the number of children of the employee in question. For instance, the duration of such Half-time Working Leave right shall be 60 days for the first child. Moreover, such period shall be 360 days if the child is born with disabilities.
 - ⌘ The provisions regarding the nursing leave shall not apply during these periods.

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- ⌘ In addition to the foregoing, Article 74 of the Labour Code states that the employee may take unpaid maternity leave up to six months following the expiration of 16 weeks of maternity leave as stated above. The New Law has also granted such unpaid leave right to the employees who adopt a child under the age of three.
 - ⌘ The abovementioned provisions shall apply to all of the employees who work under an employment contract regardless of the fact that they are covered by the Labour Code or not.
 - ⌘ Please refer to our publication titled Termination of Employment Contracts for further details (<http://dablawfirm.com/wp-content/uploads/2013/04/Termination-of-Employment-Contracts.pdf>).

- ⌘ Lastly, a new provision is also added to Unemployment Insurance Law (Law No. 4447) with the enforcement of the New Law. Accordingly, employees who have been granted unpaid leave as Half-time Working Leave as explained above shall be entitled to Half-time Working Leave pay during the terms to be determined as per Article 74 of the Labour Code.
- ⌘ Such Half-time Working Leave pay shall be reimbursed by the unemployment insurance fund which is under the governmental guarantee. The daily amount of the Half-time Working Leave pay shall correspond to the amount of the daily minimum gross wage.
- ⌘ The employee in question shall fulfil certain conditions in order to be covered by these terms and such conditions are specifically determined by this new provision. It is also stated in the new provision that such payments are exempt from any tax and deduction except the stamp tax.

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- ⌘ Furthermore, employees who have been entitled to temporary incapacity pay shall not benefit from the Half-time Working Leave pay. Otherwise, the employers may be held responsible for the payments made due to the wrong information and documents provided by the employer together with the interest.
 - ⌘ The principles and procedures regarding the implementation of the abovementioned provision shall be jointly determined by the Ministry of Finance, Social Security Authority and Undersecretariat of Treasury.

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