

Amendment of the Compensatory Work Provision

31 Mar 2020

Article 64 of the Employment Law numbered 4857 ("**Employment Law**") regulates employers' right to request compensatory (make-up) work. In accordance with this provision, employers are entitled to request compensatory work to be performed if the regular hours of work at the workplace have been reduced significantly or the workplace has been closed due to force majeure or other similar reasons.

The above-mentioned compensatory work provision has been amended with article 43 of the Law numbered 7226 ("**Law**") which has been published in the Official Gazette number 31080 and dated 26 March 2020. In accordance with the new amendment, employers now have the right to request compensatory work to be performed within four months.

In other words, compensatory work can only be carried out within four months after the cause which has stopped the operations or decreased the working hours has been removed and after the working hours return to normal. The employer will not be able to request compensatory work if such work has not been carried out within four months after the working conditions return to normal.

Article 43 paragraph 2 of the Law states that the President of the Republic is entitled to double this period.

In addition to the above, the following rules should be considered while carrying out compensatory work;

- Compensatory work cannot be carried out on statutory holidays or holidays which have been specified within an agreement.
- Compensatory work cannot exceed three hours for each day.
- In any case, the working hours cannot exceed the maximum daily limit of 11 hours.

Employers acting in breach of the regulations stated above will be under the obligation to pay administrative fines and the employees will have the right to terminate their employment agreements with a valid reason.

Please see this [link](#) for the full text of the Law (only available in Turkish).

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