

Turkey Introduces New Legislative Regimes for Temporary Employment Arrangements and Remote Working

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Turkey has introduced new legislation governing temporary employment arrangements. Companies must now employ temporary staff via private employment agencies ("**Employment Agencies**"). Restrictions are also introduced for when temporary employees can be engaged, detailed maximum lengths for these arrangements, and party responsibilities. A legislative regime is also introduced for remote working, establishing minimum standards for contracts and working conditions.

The Law no. 6715 on Amending the Labor Law and Turkish Employment Agency Law ("**Amendment Law**") was published in Official Gazette number 29717 on 20 May 2016.

Employers continue to be able to temporarily transfer employees to another workplace within the related holding company, or within the same group of companies.

Temporary staff

Employers may only engage temporary staff in specific situations (Article 7 of the Amendment Law). These include situations where employment agreements are suspended, seasonal agricultural workers, domestic workers, urgent work relating to occupational health and safety, as well as interval workload increases.

Temporary staff cannot be employed:

- Within six months of employing temporary staff for the same work.
- By public institutions, organizations and workplaces which conduct underground mining activities.
- Within eight months at workplaces where collective redundancy has occurred.
- During strikes and lockouts (without prejudice to Article 65 of Law on Trade Unions and Collective Labour Agreements No. 6356).

In temporary employment relationships established through Employment Agencies, the Employment Agency is deemed to be the employer, rather than the company seeking temporary employees ("**Procuring Company**"). Therefore, the Employment Agency is liable for payment of remunerations to the employees. The Procuring Company is also responsible for:

- Ensuring on a monthly basis whether the Employment Agency fulfils its payment obligations to temporary employees who have been engaged for more than a month.
- Deducting any outstanding payments from money owed to the Employment Agency and directly transferring such payments to the temporary employees' bank accounts. Such deductions can equate to maximum three month' salary for the temporary employee.
- Giving notice to provincial labor directorates and Employment Agency about employees and amounts which remain unpaid.

Remote working

The Amendment Law introduces a definition for remote working (or teleworking) as work performed by an employee outside of the workplace, whether at home or through use of technological communication tools.

Employment agreements for teleworking must include:

- Job description and conduction method.
- Term and place of work.
- Remuneration and payment method.
- Protective equipment provided by the employer, and their maintenance.
- Communication means between the employee and the employer.
- General and specific working conditions.

The Amendment Law requires telework employees to be treated the same as other employees, unless an essential ground requires otherwise. Occupational health and safety measures are also included for the telework employees.

Further regulations will be published to address procedures and principles for teleworking, as well as types of work which cannot be subject to a teleworking arrangement.

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

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