

## MEMORANDUM

**No** : 2017/5

**Subject** : Memorandum regarding the amendment of the way of obtaining the consent given by employees for overtime working.

**A**s it is known, Labor Code prescribes certain mandatory conditions in regard to employee's overtime work. One of those mandatory conditions **is the written consent of an employee given in the beginning of every new year**. Article 41 of the Labor Code prescribes the necessity of employee's consent and lays out that the implementation of overtime works will be regulated by the regulation.

On this matter, *"The Regulation Overtime Work and Work at Extra Hours Related to Labor Code"* has been published on the Official Gazette No.25425 dated 06/04/2004. As per the Article 9 of the regulation obliges that, with the exception of force majeure incidents and extraordinary conditions, employee's consent should be obtained and held in the relevant employee's personal file.

Kindly be informed that Article 9 of the concerning regulation has been amended with the Official Gazette No.30165 dated 25/08/2017. Amended version of the subject article is stated as below;

*"Article 9 – Employee's written consent is required for overtime working and working at extra hours. This consent should not be required for overtime works and working at extra hours to the extent that force majeure incidents and extraordinary conditions appear.*

*An employer which is in the need of overtime work may obtain the employee's consent during the contracting phase of the labor agreement or it may be obtained on occurrence of such need. An employee who is reluctant to perform overtime work or work at extra hours can revoke his/her consent to the extent that he/she informs the employer 30 days earlier accordingly in writing.*

With subject amendment, in contrary to former regulation, **consent of the employee is only required for once, not every year**. Please note that it is significant to obtain the consent in a reasonable time before overtime work. Also kindly be noted that an administrative fine may be sanctioned if the overtime work is implemented without any consent.

Yours Sincerely,

TILEGAL LAW FIRM