

MEMORANDUM

SUBJECT: Short Term Employment and New Regulations

After the declaration of World Health Organization regarding COVID-19 is a pandemic disease, employers and employees encounter various problems of preventing the spread of the COVID-19 and maintenance of their business. Most of the employers around the world are questioning new employment methods such as "short-term employment".

1. WHAT IS THE SHORT TERM EMPLOYMENT?

- Shortening of Working Hours or Suspension of Operation

Short-term employment may be enforced in cases of temporal shortening of the weekly working hours in a workplace by at least 1/3 or suspension of operation completely or partially at least for four weeks because of general, sectorial or regional crisis and compulsory reasons in workplaces in which the employees are subject to Unemployment Insurance Law.

- Short Term Employment Because of COVID-19 Pandemic

After the Public Release of President on this subject, an announcement was issued by ISKUR (Turkish Employment Association) on 22/03/2020. It was declared that it is decided to start the enforcement of short term employment allowance within the grounds of "*the compulsory reason arising from the periodic situations because of external influences*".

- A New Obligation for the Employers During Short Term Employment

Employees should not be dismissed by the employer, **except for the reasons mentioned in the paragraph (II) of the first paragraph of Article 25 of the Labor Law**, during the period of short work in the workplace. As you may now, Article 25/II is regulating the cases that do not comply with the rules of ethics and good faith.

- Time Limitation

Short term employment allowance aims to provide support to employees for the period that they cannot work on the condition that not exceeding three months. This three months period may be extended up to six months by President.

2. WHAT ARE THE CONDITIONS FOR THE EMPLOYEES?

Short term employment allowance may be paid to the employees who have been subjected to service contract for the last 60 days prior to the start of the short-term work, for 450 days in the last three years. In the previous version of this regulation, periods of 60 days and 450 days were longer, the conditions are lightened with the Law published in Official Gazette dated 26/03/2020 and numbered 31080 .

The amount of daily short term employment allowance is 60% of the average daily gross income of an employee which shall be calculated by taking into account the income for the last twelve months, on the condition that not exceeding 150% of the monthly minimum gross salary.

If the employer decides to start its normal activity before the announced period, this decision should be notified to ISKUR and employees before six working days in writing. As of the date specified in the notification, short term employment will be ended.

Please do not hesitate to contact to us if you have any queries.

TILEGAL LAW FIRM