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LABOUR LAW

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PART ONE
General Provisions

Objective and scope
ARTICLE 1. – The objective of this Law is to regulate the rights and obligations regarding working conditions and work environment of employers and workers employed based on a labour contract.

This Law shall apply for all businesses, other than the exceptions given in article 4, employers and employer representatives and workers of these businesses, regardless of their subjects of activity.

Businesses, employers, employer representatives and workers are bound by the provisions of this Law, notwithstanding the date of notification stated in article 3.

Definitions
ARTICLE 2. – Any person working based on a labour contract is called worker, any real or corporate person or agencies and organizations not having corporate personality employing workers are called employer, and the relation instituted between the worker and the employer is called labour relation. Any unit where material and immaterial elements and workers are organized together by the employer for producing goods or services is called business.

Places qualitatively connected to the goods or services produced by the employer at the business and organized under the same management (places connected to the business) and other annexes such as rest rooms, day nurseries, dining rooms, dormitories, washing, medical examination and care, physical and vocational training locations and courtyards and equipment are also considered within the business.

Business is integral within the scope of the work organization formed by places connected to the business, annexes and equipment.
Persons acting on behalf of the employer and assigned in the management of the work, business and enterprise are called employer representatives. The employer is directly responsible for the actions and obligations of the employer representative against the workers with this capacity.

All responsibilities and obligations set forth in this Law for the employer are also applicable for the employer representatives. The capacity of being an employer representative does not prejudice the rights and obligations furnished to the workers.

The relation established between an employer who assumes work from another employer in auxiliary works regarding the good or service production or in some part of the main

works requiring expertise due to technologic reasons as a requirement of the enterprise and the work and employs its workers assigned for this work only in the work assumed in that business and the employer from which it assumes the work is called main employer – sub-employer relation. In this relation, the main employer is responsible against the workers of the sub-employer with respect to the relevant business for liabilities arising out of this Law, labour contract or collective labour contract that the sub-contractor is a party to together with the sub-employer.

The rights of workers of the main employer can not be restricted through employment by the sub-contractor or sub-employer relation can not be established with any person previously employed in that business. Otherwise and in general, it is considered that the relation between the main employer and the sub-employer is based on false procedures and the workers of the sub-employer are considered and proceeded as the workers of the main employer. The main work can not be divided and assigned to sub-employers unless for technologic reasons required by the enterprise and the work and for works other than those requiring expertise.

Notification of the business
ARTICLE 3. – Any employer who establishes, takes over in any manner whatsoever, partially or completely changes the subject of activity or ceases the activity of and closes for any reason the business covered by this Law shall notify the title and address of business, the number of workers employed, the subject of business, the date of commencement or cease of business, his/her name and surname or title, address, and the names, surnames and addresses of the employer's representative or representatives, if any, to the regional directorate within one month.

Sub-employer is obliged to make notification under the provision of the first paragraph for his/her business established for good or service production with this capacity.

(Addendum: 11/6/2003-4884/art. 10) However, the registration of corporations are made based on the documents sent by the offices of commercial registry and such documents are forwarded to the relevant regional directorates of Ministry of Labour and Social Security by the relevant office of commercial registry within one month.

Exceptions
ARTICLE 4.- The provisions of this Law shall not apply for the below specified businesses and business relations;

a. Sea and air transport businesses,

b. Businesses or enterprises carrying out agricultural and forestry works and employing less than 50 (including 50) workers,

c. All building works related with agriculture within the limits of family economy,

d. Houses and businesses where handicrafts are performed among the members of a family and relatives up to 3rd grade (including 3rd grade) without participation of external persons,

e. Domestic services,

f. Apprentices, provided that the provisions of occupational health and safety are reserved,

g. Sportspeople,

h. Persons being rehabilitated,

i. Businesses where three persons pursuant to the definition given in article 2 of Law 507 on Tradesmen and Craftsmen.

However;

a. Loading and unloading businesses from ships to shore and from shore to ships at the landing stages or ports and quays,

b. Businesses performed at all ground facilities of aviation,

c. Works performed at the workshops and factories where agricultural arts and agricultural tools, machinery and parts are produced,

d. Construction works performed at agricultural enterprises,

e. Works performed at parks and gardens open to public use or annexed to the business,

f. Works related with sea products producers working at seas and not covered by Maritime Labour Law and not considered as agricultural works,

Are subject to the provisions of this Law.

Principle of equal treatment
ARTICLE 5. – No discrimination based on language, race, sex, political thought, philosophical belief, religion, sect and similar grounds can be made in the business relation.

The employer can not treat part-time worker against full-time worker and definite-term worker against indefinite-term worker differently unless on founded reasons.

The employer can not treat a worker differently in concluding the labour contract, establishing the conditions thereof, implementation and termination thereof due to sex or pregnancy, unless biological reasons or those pertaining to the work qualifications oblige.

A lower wage can not be decided for an equal or equivalent job on the grounds of sex.

Implementation of special protective provisions due to the sex of the worker does not justify the application of a lower wage.

In case of contradiction to the provisions of the above paragraph in the business relation or termination, the worker can demand the rights that he/she has been deprived of besides an appropriate indemnity equivalent up to four months' wage. Provisions of article 31 of Law 2821 on Trade Unions are reserved.

Without prejudice to the provisions of article 20, the worker is obliged to prove that the employer has contradicted to the provisions of the above paragraph. However, when the worker puts forward a situation strongly suggesting the probability of the existence of an infringement, the employer becomes obliged to prove that no such infringement exists.

Transfer of the business or a part thereof
ARTICLE 6. – When the business or a part thereof is transferred to another person based on a legal procedure, the labour contracts effective in the business or a part thereof on the date of transfer are transferred to the transferee with all rights and liabilities.

The transferee employer is obliged to proceed according to the date of work commencement of the worker with the transferor employer with respect to rights taking the service duration of the worker as a basis.

In case of transfer pursuant to the above provisions, the transferor and transferee employers are jointly liable for the debts incurred prior to the transfer and have to be

settled on the date of transfer. However, the responsibility of transferor employer for such liabilities is limited to two years from the date of transfer.

In case of termination by way of merging or participation or type modification of corporate personality, the provisions for joint liability are not applied.

Transferor or transferee employer can not terminate the labour contract merely on the grounds of the transfer of the business or a part thereof and the transfer does not constitute a justified ground for termination on the part of the worker. The termination rights of transferor or transferee employer necessitated by economic and technologic reasons or change of work organization or the immediate termination rights of workers and employers based on justified reasons are reserved.

The above provisions do not apply for transfer of the business or a part thereof to another person due to liquidation of assets as a result of bankruptcy.

Temporary labour relation
ARTICLE 7.- Temporary labour relation occurs when the employer temporarily transfers a worker for employment on the condition that it is within the holding or in another business subsidiary to the same group of companies or in works similar to the worker's current work, provided that he/she receives the written consent of the worker at the time of transfer. In this case, while the labour contract continues, the worker becomes liable to perform the work that he/she has undertaken under such contract for the employer with whom a temporary labour relation has been established. The employer with whom a temporary labour relation has been established is entitled to instruct the worker and liable to provide the necessary training against health and safety risks to the worker.

Temporary labour relation is established in writing not to exceed six months and it can be renewed maximum two times when required.

The wage paying liability of the employer continues. The employer with whom a temporary labour relation has been established is responsible for the unpaid wage, worker supervision liability and social insurance premiums of the worker during his/her employment by him/her together with the employer.

The worker is responsible against the employer with whom a temporary labour relation has been established for the damage pertaining to the workplace and work, which his/her default has given rise to. Unless otherwise understood from the temporary contract of the worker, the arrangements in this Law regarding other rights and obligations of the worker are applied to his/her relation with the employer with whom a temporary labour relation has been established, as well.

If the employer temporarily taking over the worker is the party of a collective labour dispute at the stage of strike and lockout, the worker can not be employed during the exercise of strike and lockout. However, the provisions of article 39 of Law 2822 for Collective Labour Agreements, Strike and Lockout are reserved. The employer is obliged to employ the worker at his own business during the strike and lockout.

At businesses where workers are dismissed in mass, no temporary labour relation can be established for the works subject to mass worker dismissal within six months from the date of dismissal.

PART TWO
Labour Contract, Its Types and Termination

Definition and form
ARTICLE 8. – Labour contract is the contract where one party (worker) agrees to work dependently and the other party (employer) undertakes to pay wage. Unless otherwise set forth in Law, labour contract is not subject to a special form.

Labour contracts with one year and longer term shall be made in writing. These instruments are exempt from stamp duty and all taxes and fees.

In cases where no written contract is made, the employer is obliged to present to the worker a written document indicating the general and special working conditions, daily or weekly work period, basic wage and wage additions, if any, wage payment period, term of contract, if definite, and the provisions that the parties should observe in case of termination within two months at the latest. The provision of this paragraph do not apply for definite-termed labour contracts with a term of less than one month. In case the labour contract is terminated before the expiry of two months, such information should be presented to the worker in writing on the date of termination at the latest.

Freedom to determine type and forms of work
ARTICLE 9 – The parties can arrange the labour contract in the type appropriate for their requirements, provided that the limitations brought about by the provisions of Law are reserved.

Labour contract are made with definite or indefinite terms. These contracts may be made with full-time or part-time, with probation period, or in other types with respect to forms of work.

Labour contracts in continuous and non-continuous works
ARTICLE 10. – Works that last maximum thirty days are called non-continuous works and that last more than that are called continuous works.

Articles 3, 8, 12, 13, 14, 15, 17, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 53, 54, 55, 56, 57, 58, 59, 75, 80 and provisional article 6 of this Law do not apply for labour contracts made in non-continuous works. In non-continuous works, the provisions of the Code of Obligations apply for the issues arranged in the above articles.

Definite and indefinite-termed labour contract
ARTICLE 11 – In cases where the labour relation is not dependent upon a definite period, the contract is considered as indefinite-termed. The labour contract concluded between the employer and worker in writing in definite-termed works or depending on objective conditions such as completion of a certain work or occurrence of a certain phenomenon is a definite-termed labour contract.

Definite-termed labour contract can not be made successively more than once (in chain) without any founded reason. Otherwise, the labour contract is considered as indefinite-termed from the beginning.

Chain labour contracts based on founded reasons maintain their features of being definite-termed.

Limits of discrimination between definite and indefinite-termed labour contracts
ARTICLE 12 – Any worker employed on a definite-termed labour contract can not be subjected to a different treatment compared to an equivalent worker employed on an indefinite-termed labour contract merely on the grounds that his/her labour contract has a definite term, unless a reason justifying discrimination exists.

Divisible benefits regarding the wage and money payable to a worker employed on a definite-termed labour contract based on a certain period of time are given in proportion to the period that the worker has worked. When the length of service in the same business or enterprise is sought for benefiting from any working condition, the seniority taken as a basis for the equivalent worker employed on an indefinite-termed labour contract is applied for a worker employed on a definite-termed labour contract, unless a reason justifying the application of different seniority exists.

Equivalent worker is the worker employed on an indefinite-termed labour contract at the business in the same or a similar work. In case no such worker exists at the business, a worker employed on an indefinite-termed labour contract in the said line at a business with conforming conditions and undertaking the same or a similar work is taken into consideration.

Part-time and full-time labour contract
ARTICLE 13 – When the normal weekly work time of the worker is established substantially less than an equivalent worker employed on a full-time labour contract, such contract is a part-time labour contract.

The worker employed on a part-time labour contract can not be subjected to any procedure different than a full-time equivalent worker merely on the grounds that his/her labour contract is a part-time one, unless a reason justifying such discrimination exists. Divisible benefits of the part-time worker pertaining to wage and money are paid in proportion to the employment time compared to the full-time equivalent worker.

An equivalent worker is one employed full-time in the business for the same or a similar work. In case no such worker exists at the business, a worker employed on an indefinite-termed labour contract in the said line at a business with conforming conditions and undertaking the same or a similar work is taken into consideration.

The requests of workers to pass from part-time to full-time or from full-time to part-time employment when there are vacant positions matching their qualifications are considered by the employer and vacant positions are announced in due time.

On-call employment
ARTICLE 14. – The labour relation where it is agreed through a written contract that the action of working shall be performed when worker is required in relation with the work undertaken by him/her is a part-time labour contract based on on-call work.

Unless the parties determine the employment duration of the worker within a period of a week, month or year, the weekly employment time is deemed to be agreed as twenty hours. The worker is entitled for the wage either he/she is employed or not during the time determined for on-call employment.

The employer, who is entitled to require the worker to fulfill his/her working liability by call, should make such call at least four days in advance of the work time of the worker, unless otherwise agreed. The worker is obliged to fulfill the action of working upon call observing the time condition. Unless a daily working period is agreed in the contract, the employer has to employ the worker during at least four consecutive hours for each call.

Labour contract with probation period
ARTICLE 15. – When the parties include a probation condition in the labour contract, the period of such period can be maximum two months. However, the probation period can be extended up to four months through collective labour contracts.

The parties can terminate the labour contract without the need for a notification period and without indemnity within the probation period. The wage and other rights of the worker for the days that he/she has worked are reserved.

Labour contracts constituted by gang contracts
ARTICLE 16. – The contract concluded with the employer by a worker representing a gang composed of several workers with the capacity of gang leader is called a gang contract.

The gang contract shall be made in writing regardless of the period agreed for the labour contracts to be concluded. The identification and wage of each worker is separately indicated in the contract.

A labour contract on the conditions of the gang contract is considered to be concluded between each worker and the employer upon starting to work of each worker named in the gang contract. However, the provision of article 110 of the Code of Obligations also applies for the gang contract.

The employer or employer's representative has to separately pay the wages of the workers with whom a labour contract is established upon starting to work. No deduction can be made from the wages of the workers included in the gang for the gang leader for reason of mediation or a similar reason.

Termed termination
ARTICLE 17. – The situation has to be notified to the other party prior to the termination of indefinite-termed labour contracts.

Labour contracts are considered to be terminated;

a. Two weeks after the notification of the other party for workers who have worked less than six months,

b. Four weeks after the notification of the other party for workers who have worked between six months and one and a half year,

c. Six weeks after the notification of the other party for workers who have worked between one and a half year and three years,

d. Eight weeks after the notification of the other party for workers who have worked more than three years.

These periods are minimum periods and can be extended through contracts.

The party that does not observe the condition of notification is obliged to pay an indemnity equal to the wage pertaining to the notification period.

The employer may terminate the labour contract by paying the wage pertaining to the notification period in advance.

Non-compliance with the condition of notification or termination of the contract through advance payment of the wage pertaining to the notification period by the employer does not preclude the application of provisions of articles 18, 19, 20 and 21 of this Law. Pursuant to first paragraph of article 18, the worker is paid an indemnity equal to three times of the notification period in case the labour contracts of workers not covered by articles 18, 19, 20 and 21 of this Law are terminated through misuse of the right of termination. Non-conformity with the condition of notification for termination also requires the payment of an indemnity under the fourth paragraph.

In the calculation of the indemnities payable under this article and the wage payable in advance for notification periods, the benefits of the worker arising out of the contract and the Law that are in cash or can be measured in cash are considered in addition to the wage indicated in the first paragraph of article 32.

Grounding termination on valid reasons
ARTICLE 18. – Any employer who terminates the indefinite-termed labour contract of a worker with at least six months of service at a business employing thirty or more workers has to ground the termination on a valid reason arising out of the qualification or behaviors of the worker or the requirements of the enterprise, business or work.

The periods given in article 66 of this Law are taken into consideration for the calculation of the six-month service.

Particularly the following issues do not constitute a valid reason for termination:

a. Membership in a trade union or participation in union activities out of work hours or within work hours with the consent of employer.

b. Being the trade union representative of the business.

c. Application to administrative or judicial authorities against the employer for seeking the rights arising out of laws or the contract or participation in a proceeding already instituted on this issue.

d. Race, color, sex, marital status, family obligations, pregnancy, birth, religion, political opinion and similar reasons.

e. Not coming to work during the periods set forth in article 74 and when it is prohibited to employ woman workers.

f. Temporary absence from the business during the waiting period set forth in indent (I), sub-indent (b) of article 25 due to illness or accident.

The six-month seniority of the worker is calculated by merging the periods elapsed in one or various businesses of the same employer. In case the employer has more than one business in the same line, the number of workers employed at the business is determined by the total number of workers employed at these businesses.

This article, articles 19 and 21 and the last paragraph of article 25 do not apply for the employer's representative who manages the complete enterprise and his/her assistants and the employer's representatives who manage the complete enterprise and are authorized for worker admission and dismissal.

Procedure for termination of contract
ARTICLE 19. – The employer is obliged to serve the notice for termination in writing and specify the ground of termination clearly and definitely.

The indefinite-termed labour contract of a worker can not be terminated on grounds regarding the behavior or efficiency of that worker without receiving his/her defense against such claims. However, the employer's right for termination under the requirements of indent (II) of article 25 is reserved.

Objection against notice of termination and its procedure
ARTICLE 20. – Any worker whose labour contract is terminated can institute a lawsuit at the business court within one month from the serving of the notice of termination with the claim that no ground is asserted in the notice of termination or the asserted ground is not valid. In case a provision is made in the collective labour contract or the parties mutually agree, the dispute is referred to a special arbitrator within the same period.

The employer is obliged to prove that the termination is based on a valid reason. If he/she alleges that the termination is based on another reason, the worker is obliged to prove such allegation.

The case is finalized within two months based on serial judgment procedure. In case of appeal of the decision taken by the court, the Court of Appeals gives the final verdict within one month.

The formation and working rules and procedures of the special arbitrator are established through a regulation to be issued.

Consequences of termination based on invalid grounds
ARTICLE 21. – In case the employer does not assert a valid reason or the court or special arbitrator decides that the asserted reason is not valid and the termination is decided to be ineffective, the employer is obliged to employ the worker within one month. If the employer does not employ the worker within one month upon his/her

application, the employer becomes liable to pay an indemnity equal to minimum four and maximum eight months' wage to the worker.

When the court or special arbitrator decides that the termination is invalid, they also determine the amount of indemnity payable in case the worker is not employed.

The worker is paid the wages and other benefits that have accrued during maximum four months for the period that he/she has not been employed until the finalization of award.

If the worker is employed, the wage and seniority indemnity paid in advance for the notification period is deducted from the payment to be made under the provisions of the above paragraph. If the worker who is not employed is not granted a notification period or the wage pertaining to the notification period is not paid in advance, the amount of wage pertaining to such periods is paid separately.

The worker is obliged to apply to the employer for starting work within ten business days from the service of the finalized court award or special arbitrator decision. If the worker does not apply within such period, termination by the employer is considered a valid termination and the employer is responsible only for the legal consequences thereof.

The provisions of first, second and third paragraphs of this article can not be amended through contracts; contradicting contract provisions are ineffective.

Change in working conditions and termination of labour contract
ARTICLE 22. – The employer can make a fundamental change in the working conditions occurring by means of the labour contract or personnel regulations annexed to the labour contract and similar sources or business applications only by notifying the worker in writing thereof. Changes that are not made in this manner and not accepted by the worker in writing within six business days do not bind the worker. If the worker does not accept the proposal for change within such period, the employer may terminate the labour contract by explaining in writing that the change is based on a valid reason or that he/she has another valid reason for termination and by observing the notification period. In this case, the worker may institute a lawsuit under the provisions of articles 17 to 21.

The parties may change the working conditions anytime upon mutual consent. Any change in the working conditions can not be introduced with retrospective effect.

Responsibility of new employer
ARTICLE 23. – In case any worker working for an employer on a definite or indefinite-termed labour contract quits work and starts to work for another employer prior to the expiry of contract period or without observing the notification period, the new employer is jointly responsible with the worker for such termination of the contract in the following cases:

a. If the new employer has caused such behavior of the worker.

b. If the new employer has employed the worker by knowing this behavior.

c. If the new employer continues to employ the worker after learning about this behavior.

Right of immediate termination of worker on justified grounds
ARTICLE 24. – The worker can terminate the labour contract with definite or indefinite term before the expiry of its period or without waiting for the notification period in the following cases:

I. Health reasons:

a. If the performance of the work subject to the labour contract poses hazard against the health or life of the worker due to a reason arising out of the character of the work.

b. If the employer or another worker that the worker continuously meets closely and directly suffers from an epidemic or an illness that is incompatible with the work of the worker.

II. Cases contradicting to rules of ethic and goodwill and similar cases:

a. If the employer misleads the worker at the time of conclusion of the labour contract by showing false characteristics or conditions about one of the important points of the contract or providing unreal information or telling unreal things.

b. If the employer tells words that harm the honor and good name of the worker or one of the members of his/her family, behaves in such manner or attempts sexual harassment against the worker.

c. If the employer teases or intimidates the worker or one of the members of his/her family or encourages, provokes and drives the worker or one of his/her family members to act unlawfully or commits an offense requiring conviction against the worker or one of his/her family members or makes grave attributions or accusations harming the worker's honor and dignity against the worker.

d. If the required measures are not taken although the worker becomes subject to sexual harassment at the business by another worker or third persons and notifies the employer thereof.

e. If the wage of the worker is not calculated or paid by the employer in accordance with legal provisions or contract conditions.

f. In cases where the wage is agreed to be paid against piece of work or over the work amount and the employer assigns the worker works below the number and amount that the worker can perform, if the deficient wage of the worker is not compensated by paying the wage difference on the basis of time or if the working conditions are not implemented.

III. Force major:

If force major requiring the suspension of work at the business where the worker is employed for more than one week occur.

Right of immediate termination of employer on justified grounds
ARTICLE 25. – The employer can terminate the labour contract with definite or indefinite term before the expiry of its period or without waiting for the notification period in the following cases:

I- Health reasons:

a. In case the worker suffers from an illness or disability arising out of his/her intention or disorganized living or alcohol addiction, when the absence due to such reason lasts three consecutive days or more than five business days in a month.

b. In case it is established by the Health Board that the illness that the worker suffers can not be treated and the employment of the worker at the business is inconvenient.

The employer becomes entitled for termination of labour contract without notification in cases such as illness other than the reasons indicated in sub-indent (a), accidents, birth and pregnancy after the duration of the specified cases the notification periods given in

article 17 depending on the employment period of the worker at the business exceed six months. In cases of birth and pregnancy, such period starts at the end of the period indicated in article 74. However, the wage does not apply for the periods that the worker can not go to work as the labour contract is suspended.

II- Cases contradicting to rules of ethic and goodwill and similar cases:

a. If the worker misleads the employer at the time of conclusion of the labour contract by asserting that he/she has the characteristics or conditions required for one of the important points of the contract although he/she does not have them, providing unreal information, or telling unreal things.

b. If the worker tells words that harm the honor and good name of the employer or one of the members of his/her family, behaves in such manner or makes unreal attributions or accusations harming the honor and dignity of the employer or one of his/her family members against the employer.

c. If the worker attempts sexual harassment against another worker of the employer.

d. If the worker teases the employer or one of his/her family members or another worker of the employer or acts in contradiction to article 84.

e. If the worker attempts behaviors contradicting to honesty and loyalty, such as misuse of the trust of the employer, theft and disclosure of professional secrets of the employer.

f. If the worker commits an offense at the business, which leads to conviction to imprisonment more than seven days and the conviction of which is not deferred.

g. If the worker does not come to work during consecutive two business days or two times in a month on a day following any holiday or three days within one month without receiving the permission of the employer or without any justified reason.

h. If the worker insists on not performing his/her assignments although he/she is reminded thereof.

i. If the worker jeopardizes the safety of work due to his/her own will or negligence or causes damage and loss on the machines, installations or other property and materials that belong to the business or do not belong to the business, but are available there at a degree that he/she can not compensate with the amount of his/her thirty-day wage.

III- Force major:

If force major preventing the employment of the worker at the business for more than one week occur.

IV- In case the worker is detained or arrested, when his/her absence exceeds the notification period indicated in article 17.

The worker can institute legal proceedings within the framework of the provisions of articles 18, 20 and 21 with the allegation that the termination does not comply with the reasons set forth in the above indents.

Term of exercise of the right for immediate termination
ARTICLE 26. – The authorization for terminating the contract furnished to the worker or employer based on the cases contradicting to rules of ethics and goodwill as indicated in articles 24 and 25 can not be exercised after the elapse of six business days from the knowledge of one of the parties of the performance of such behaviors by the other party

and one year after the realization of the act in any case. However, the term of one year does not apply when the worker has material benefits in the occurrence.

The rights of indemnification by the other party of the workers or employers who terminate the labour contract within the period set forth in the above article based on such cases are reserved.

Permission for seeking a new job
ARTICLE 27. – The employer is obliged to give the worker permission to seek a job for finding a new job within business hours and without any deduction from his/her wage within the notification periods. The duration of job seeking permission can not be less than two hours a day and the worker may merge the job seeking hours and use them in mass, if he/she desires. However, any worker willing to use the job seeking permission in mass is obliged to choose the days immediately before his/her quitting the work for this and to inform the employer thereof.

If the employer does not give permission for seeking a new job or allows for it less than required, the wage pertaining to such missing period is paid to the worker.

If the employer makes the worker work during the permission for seeking a new job, he/she pays the wage of such work period twice as normal wage in addition to the wage that the worker shall receive without any work correspondence by using a leave.

Employment certificate
ARTICLE 28. – The employer issues a certificate indicating the type and duration of work to the worker quitting work.

The worker or the new employer admitting the worker, who sustains a damage due to non-issuance of the certificate on time or appearance of incorrect information on the certificate can claim indemnity from the former employer.

Such certificates are exempt from all duties and fees.

Mass dismissal
ARTICLE 29. – When the employer intends to dismiss workers in mass due to economic, technologic, structural and similar enterprise, business or work requirements, he/she notifies this to the business trade union representative, respective regional directorate and Turkish Employment Agency in writing at least thirty days in advance.

The dismissal of the following numbers of workers under article 17 and on the same date or different dates within the same month is considered as mass dismissal:

a. At least 10 workers, if 20 to 100 workers are employed,

b. At least ten percent of workers, if 101 to 300 workers are employed, and

c. At least 30 workers, if more than 301 workers are employed.

The notification to be made under the first paragraph should include information on the reasons of worker dismissal, the number and group of workers who will be affected and the period of time that the dismissal procedures will take place in.

In the negotiations to be made between the business trade union representatives and the employer, the issues of prevention of mass dismissal or decreasing the number of workers to be dismissed or minimizing the negative effects of dismissal on the workers are discussed. A document indicating that the meeting was held is prepared at the end of negotiations.

Notices of termination become effective thirty days after the notification of regional directorate by the employer of his/her intention of mass dismissal.

In case the business is completely closed and its activities are finally and continuously ceased, the employer is only obliged to notify the situation to the respective regional directorate and Turkish Employment Agency at least thirty days in advance and to announce it at the business. In case the employer intends to employ workers for a work with the same qualifications within six months from the finalization of mass dismissal, he/she preferably invites qualified ones for the work.

If dismissal is made based on the qualification of works in the dismissal of workers employed in seasonal and campaign works, provisions regarding mass dismissal do not apply.

The employer can not exercise the provisions regarding mass dismissal in order to preclude the implementation of provisions of articles 18, 19, 20 and 21; otherwise, the worker can institute a lawsuit according to such articles.

Obligation to employ handicapped, formed convicts and terror sufferers
ARTICLE 30. – Employers are obliged to employ handicapped and former convicts in the ratios to be determined by the Council of Ministers to be effective as from the beginning of January every year and terror sufferers, who should be employed under paragraph (B) of 1st supplementary article of Law 3713 on Struggling Terrorism, in jobs appropriate for their professions and physical and psychological statuses at businesses where they employ fifty or more workers. The total ratio of workers to be employed in this scope is six percent. However, the ratio to be established for the handicapped can not be less than half of the total ratio. The number of workers that any employer who has more than one business within the borders of the same province has to employ in this scope is calculated based on the total number of workers.

The workers employed on indefinite-termed labour contract and definite-termed labour contract are taken as a basis in determining the number of workers to be employed in this scope. Those employed on part-time labour contract are converted to full-time employment through consideration of the work durations.

Fractions up to half are neglected and half and more are rounded up to full figures in calculating the ratios.

Priority is given to those who become handicapped, former convicts or terror sufferers while they are employed at the business.

The employers provide the workers that they are obliged to employ through Turkish Employment Agency.

The qualifications of workers to be employed in this scope, the jobs that they can be employed, their professional orientation through special studies that they shall be bound at the businesses besides general provisions and their admission by the employer with respect to profession is arranged through a regulation to be issued jointly by the Ministry of Justice and Ministry of Labour and Social Security.

Handicapped workers can not be employed in underground and underwater works and the workers employed in underground and underwater works are not taken into consideration in determining the number of workers at the businesses under the above provisions.

In case workers who were obliged to quit from a business because of disability and whose disability have been eliminated request reemployment at their former businesses, the employers are obliged to reemploy them on the current conditions immediately, if there is vacancy in their former jobs or similar jobs, or by preferring them over other applicants for the first vacancy to occur, if there is no vacancy. If the employer does not fulfill the obligation of concluding a labour contract although the sought qualifications

exists, he/she pays an indemnity equal to six months' wage to the former worker requesting reemployment.

Special provisions of legislation regarding services related with public security are reserved for employment of former convicts.

With respect to employers who employ handicapped, former convicts and terror sufferers over the ratios determined by the Council of Ministers, employers who employ handicapped for workers exceeding the quota although they are not obliged to employ handicapped and former convicts or employers who employ handicapped who has lost more than eighty percent of his/her labour power, such employers pay fifty percent of the employer's insurance premium that they should pay under Law 506 on Social Insurance and the Treasury pays the remaining fifty percent thereof for each handicapped employed in this manner.

In cases contradicting to this article, the fines to be collected under article 101 are registered as revenue in the special order of the budget of Turkish Employment Agency to be opened by the Ministry of Finance. The money collected in this account is transferred to Turkish Employment Agency for utilization in the professional training and professional rehabilitation of the handicapped and former convicts, establishing their own businesses and similar projects. The places and amounts of allocation of the collected money is decided upon by a committee under the coordination of Directorate General of Turkish Employment Agency, composed of one representative each of Directorate General for Labour of Ministry of Labour and Social Security, Directorate General for Occupational Health and Safety, Department of Administration for the Handicapped, Directorate General for Prisons and Custodies of Ministry of Justice, Turkish Confederation for the Handicapped and superior organizations representing the highest numbers of workers and employers. The operating rules and procedures of this committee are arranged through a regulation issued by the Ministry of Labour and Social Security.

Military service and employment arising out of law
ARTICLE 31. – The labour contract of any worker who is called to arms for maneuvers or any other reason other than regular military service or quits works because of any working liability arising out of any law is considered to be terminated by the employer two months after the date of quitting work.

The worker should have worked in the respective business for at least one year to benefit from this right. Two more days are added for each excess year against work for more than one year. However, the total period can not exceed ninety days.

The worker's wage does not count within the waiting period required to consider the labour contract as terminated. However, relevant provisions of special laws are reserved. Even though it is notified by the employer or worker to the other party that the labour contract is terminated based on another reason arising out of Law within such period, the period set forth by Law for termination starts after the end of such period. However, if the labour contract is made for a definite period and is automatically terminated within the above-specified period, the provisions of this article do not apply.

In case workers who have quitted work because of any military or legal obligation request to be employed within two months from the end of such obligation, the employer is obliged to reemploy them on the current conditions immediately, if there is vacancy in their former jobs or similar jobs, or by preferring them over other applicants for the first vacancy to occur, if there is no vacancy. If the employer does not fulfill the obligation of concluding a labour contract although the sought qualifications exists, he/she pays an indemnity equal to six months' wage to the former worker requesting reemployment.

PART THREE
Wage

Wage and payment of wage
ARTICLE 32. – In general terms, wage is the amount provided and paid in cash to a person by the employer or third persons in return for work performed.

As a rule, wage is paid in Turkish liras at the business or deposited in a bank account opened specially. If the wage is decided as foreign currency, it can be paid in Turkish liras based on the current rate on the date of payment.

Wage can not be paid in promissory notes (bonds), coupons or any bill allegedly representing the currency of the country or in any other way.

Wage is paid once a month at the latest. The payment period can be decreased down to one week through labour contracts or collective labour contracts.

Upon termination of labour contracts, it is obligatory to pay the worker's wage and benefits measurable by cash arising out of the contract and Law fully.

At bars and similar entertainment places and shops and stores selling retail goods, wage payment can not be paid to persons other than those employed there.

Prescription period is five years for wage receivables.

Payment inability of the employer
ARTICLE 33. – A separate Wage Guarantee Fund is established under Unemployment Insurance Fund to meet the last three monthly wage receivables of workers arising out of labour relation, effective for the cases where the employer becomes unable to make payments due to declaration of composition of debts, the employer receiving an instrument of incapability or going bankrupt.

Wage Guarantee Fund is one percent of the annual sum of payments made as unemployment insurance premiums. Rules and procedures regarding the formation and implementation of Wage Guarantee Fund are arranged through a regulation issued by the Ministry of Labour and Social Security.

Nonpayment of wage on due date
ARTICLE 34. – Any worker whose wage is not paid within twenty business days from the date of wage payment except for a forced reason can abstain from fulfilling his/her working liability. Even if the non-fulfilling of working liabilities for this reason based on personal decisions of workers gains a collective character numerically, this can not be considered as a strike. The highest interest rate applied for deposits is applied for wages not paid on due date.

The labour contracts of such workers can not be terminated, new workers can not be admitted in their places and their works can not be assigned to other persons for not working due to this reason.

Reserved portion of wage
ARTICLE 35. – More than one fourths of the monthly wages of workers can not be sequestrated or transferred and assigned to other persons. However, the amount to be adjudicated by the judge for the dependants of the worker is not included in this amount. The rights of beneficiaries of alimony debts are reserved.

Obligation of public authorities and main employers to deduct the wage from payments
ARTICLE 36. – Departments subject to general or added budget, local administrations or state economic enterprises or banks and institutions established based on a special law or on the authority conferred upon by a special law as well as the main employers pay the wages of those workers employed in such contracted construction and repair works as construction of any buildings, bridges, lines and roads, whose wages are found

not paid by contractor or subcontractors, upon inspection or application by unpaid worker, based on the payrolls to be submitted by contractor or subcontractors.

To this end, the relevant administration announces that payment will be made by posting announcements at the business visible by the workers, such as announcement board of the site office or places where workers are present in masses. The said administrations have no responsibility for the wage receivables of workers for each payment period exceeding the amount of three months' wage.

All transfer and assignment procedures or sequestration and bailiff proceedings to be carried out on all types of guarantees and payments of the said contractors to such employers are applicable on the portion remaining after reserving the portion meeting the wage receivables of the workers employed in such work.

The sequestration and bailiff proceedings on the installations, materials, raw, semi-finished and finished products and other assets at the business arising out of the debts of any employer to any third person are applicable on the portion remaining after reserving the portion meeting the wage receivables of the workers employed in such business for three months before the date of bailiff award.

All employers liable under sixth paragraph of article 2 are also authorized to exercise the authorities conferred upon the public corporate personalities and some enterprises through this article.

Payroll
ARTICLE 37. – The employer is obliged to give a payroll to the worker in the payments that he/she makes at the business or deposits to the bank showing the wage breakdown, which is signed or bears the special sign of the business.

Such payroll should separately indicate the date of payment, respective period, the amount of all additions to the basic wage, such as overtime, week holiday, festival and general holiday fees and all deductions from it, such as tax, insurance premium, advance setoff, alimony and bailiff.

These procedures are exempt from stamp duty and all duties and fees.

Wage deduction penalty
ARTICLE 38. – The employer can not exercise wage deduction penalty for the worker for reasons other than those specified in the collective contract or labour contract.

The deductions to be made from worker's wages as penalties should be forthwith informed to the worker along with reasons thereof. Such deductions from worker wages can not exceed two daily wages in a month or two days' earning of the worker in wages paid against piece or amount of work performed.

Such deductions are deposited with the account of the Ministry of Labour and Social Security within one month from deduction for utilization for the training and social services of the workers in a bank established in Turkey and entitled to accept deposits, to be nominated by the Ministry. Every employer is obliged to keep a separate account of such deductions at the business. The places and amounts of allocating the accumulated deductions are decided upon by a board presided by the Minister of Labour and Social Security, where workers' representatives also participate in. The composition of this board and its manner and procedures of operation is indicated in a regulation to be issued.

Minimum wage
ARTICLE 39. – Minimum limits of wages are determined every two years at the latest by the Ministry of Labour and Social Security through the Minimum Wage Determination

Committee for regulating the economic and social conditions of all workers working on labour contracts, which are covered or not by this Law.

The Minimum Wage Determination Committee is established under the presidency of one of the members to be nominated by the Ministry of Labour and Social Security with the following composition: Director General for Labour of Ministry of Labour and Social Security or his/her assistant, Director General for Occupational Health and Safety or his/her assistant, Head of Economic Statistics Department of State Statistics Institute or his/her assistant, representative of Undersecretariat for Treasury, head of relevant department of Undersecretariat for State Planning Organization or an official to be authorized by him/her and five representatives to be elected for different lines from the most superior workers' organization having the highest number of workers and five representatives to be elected for different lines from the employers' organization having the highest number of employers. The Minimum Wage Determination Committee convenes with the participation of minimum ten members. The Committee decides with majority of votes of its members. In case of equality of votes, the part where the President is included in is considered to have achieved majority.

Decisions of the Committee are final. Decisions enter into effect through publication in the Official Journal.

Manner of convening and operation of the Committee, procedures to be implemented in determining minimum wages and the attendance fees to be paid to the president, members and reporters are defined in the regulations jointly prepared by the Ministry of Finance and Ministry of Labour and Social Security.

Secretariat services are provided to the Minimum Wage Determination Committee by the Ministry of Labour and Social Security.

Half wage
ARTICLE 40. – Any worker who can not work or can not be employed due to the force major indicated in indents (III) of articles 24 and 25 is paid a half wage for each day until one week within this waiting period.

Overtime wage
ARTICLE 41. – Overtime can be implemented for reasons such as general interests of the country or the character of work of for increasing production. Overtime is the work exceeding forty-five hours a week within the framework of the conditions set forth in the Law. In cases where the principle of balancing is applied under the provision of article 63, even if the weekly average working time of the worker exceeds totally forty-five hours during some weeks, on the condition that it does not exceed normal weekly working time, such working times are not considered as overtime.

The wage payable for each hour of overtime is paid by increasing the amount of normal work wage per hour by fifty percent.

In cases where the weekly working time is determined below forty-five hours through contracts, the work times exceeding the average weekly working time applied within the above principles up to forty-five hours are working with extra periods. In working with extra periods, the wage payable for each hour of extra period is paid by increasing the amount of normal work wage per hour by twenty-five percent.

If the worker who is working overtime or with extra periods agrees, he/she may utilize one hour and thirty minutes for each hour of overtime and one hour and fifteen minutes for each hour of extra period as free time instead of increased wage.

The worker utilizes the free time that he/she is entitled within six months, during work times and without any deduction from his/her wage.

Overtime can not be made in short or limited-termed works based on health reasons specified in the last paragraph of article 63 and during the night work specified in article 69.

The worker's approval is required for working overtime.

The total overtime period can not exceed two hundred and seventy hours a year.

The manner of implementation for overtime and extra period works is defined in the issued regulation.

Overtime due to forced reasons
ARTICLE 42. – Either during a failure or a potential failure, or emergent works that should be performed for the machines or equipment, or in case of occurrence of force major, all or some of the workers can be made to work overtime, with the condition that this does not exceed the degree required to ensure normal operation of the business. In this case, it is obligatory to grant an appropriate refreshment time to the workers working overtime.

However, provisions of first, second and third paragraphs of article 41 apply for overtime due to forced reasons.

Overtime under extraordinary conditions
ARTICLE 43. – In case overtime is required during mobilization in enterprises meeting the requirements of national defense, the Council of Ministers may increase the daily working hours to the maximum labour power of the worker, depending on the nature of the work and level of requirement, provided that the mobilization period is not exceeded.

The provisions of the first, second and third paragraphs of Article 41 hereof apply for the wages to be paid to workers so caused to work overtime.

Working on national festivals and general public holidays
ARTICLE 44. – It is agreed with collective labour contracts or labour contracts whether or not to work on national festivals and general public holidays. In case nothing is provided for in such contracts, worker's approval is required for overtime on such days.

The wages for such days are paid according to Article 47.

Reserved rights
ARTICLE 45. – Provisions contradicting to the rights conferred upon workers in week holidays, national festivals, general holidays and paid leaves and the rights conferred upon workers working on percentage through this Law can not be included in collective labour contracts or labour contracts.

Acquired rights providing rights and benefits that are more convenient to the workers, arising out of laws, collective labour contracts, labour contracts or traditions, are reserved.

Wage for week holiday
ARTICLE 46. – At workplaces covered by this Law, at least twenty-four hours of rest time (week holidays) is given to the workers within a period of seven days, on the condition that they have worked the business days determined under article 63 before the holiday.

The employer pays the wage for the non-worked week holiday completely without any work correspondence.

However;

a. Periods that are legally considered within work time although not worked and holidays arising out of the law or contract with or without daily wage,

b. Leave periods that should be given up to three days in weddings and up to three days in the death of mother or father, spouse, brother/sister or children,

c. Other leaves allowed by the employer to be limited to one week and illness and repose leaves allowed through physician's report,

Are counted as worked days.

In case the employer temporarily closes the workplace for one or more days of the week without any forced and economic reason, the non-worked days of the week are considered as worked for entitlement to paid week holiday.

In case forced reasons requiring the temporary closure of any workplace for more than one week occur, the half wage paid to the workers for non-worked days due to force major specified in indents (III) of articles 24 and 25 is also paid for the day of week holiday.

At workplaces where the procedure of percentage is applied, the wage for week holiday is paid to the worker by the employer.

Wage for general holiday
ARTICLE 47. – If the workers employed at businesses covered by this Law do not work on days accepted as national festivals and general holidays in the laws, they are paid the wages pertaining to such day completely without any work correspondence and if they do not go on holiday and work on such days, they are additionally paid the wage of one day for each worked day.

At workplaces where the procedure of percentage is applied, the wages for national festivals and general holidays are paid to the workers by the employer.

Temporary incapability
ARTICLE 48. – In case it is required to pay temporary incapability benefits to the workers, payment is made by the payment agencies or funds for the national festivals, general holidays and week holidays coinciding with the period of temporary incapability over the criterion of temporary incapability.

The temporary incapability benefit paid by the Social Insurance Agency for the non-worked days due to illness is set off from the wages of monthly-waged workers.

Holiday wage as per forms of wage
ARTICLE 49. – The holiday wage of the worker is the wage corresponding to one day as per the worked days.

The holiday wages of workers working per piece, on accord, lump sum or on percentage basis is calculated by dividing the wage earned by the worker within the payment period by the days that he/she has worked within the same period.

The holiday wage of workers working on hourly rate is seven and a half times the hourly rate.

The provisions of articles 46, 47 and first paragraph of article 48 do not apply for monthly-waged workers who receive their wages fully even if they have excuses due to illness, leave or other reasons. However, one daily wage is additionally paid for each worked day on national festivals and general holidays.

Portions not covered by holiday wage
ARTICLE 50. – Wages received for overtime, premiums and wages and social benefits

received by permanent workers of the workplace working in preparation, completion and cleaning works out of normal work hours are not accounted for in the determination of the wages paid for national festivals, week holidays and general holidays.

Payment of percentages
ARTICLE 51. – At hotels, restaurants, entertainment places and similar places and at enterprises that sell spirits and food for immediate consumption, which implement the procedure of "percentage", the employer is obliged to fully pay the money received by the employer against service or by adding a "percentage" to the bills of the customers under other names or collected in other ways and the money voluntarily left by the customer to the employer or collected under the control of the employer to all workers employed at the workplace.

The employer or employer's representative is obliged to document that the money mentioned in the above paragraph is fully distributed to the workers upon receipt by him/her.

The procedures and ratios for distributing the money collected through percentages among the workers employed at the workplace depending on the job qualifications are defined in a regulation to be prepared by the Ministry of Labour and Social Security.

Documentation of percentages
ARTICLE 52. – At workplaces where the procedure of percentage is implemented, the employer is liable to submit a document showing the sum of each bill to a representative to be selected by the workers from among them. The forms and procedures of implementation of such documents are defined in the labour contracts or collective labour contracts.

Right for annual paid leave and leave durations
ARTICLE 53. – Workers who have worked for at least one year, including the probation period, from the date of recruitment are entitled for annual paid leave.

The right for annual paid leave can not be waived.

The provisions of this Law regarding annual paid leaves do not apply for those working in seasonal or campaign works lasting less than one year due to their qualifications.

The duration of annual paid leave to be allowed to workers can not be less than;

a. Fourteen days for those having a service period between one year and five years (including five years),

b. Twenty days for those having a service period more than five and less than fifteen years,

c. Twenty six days for those having a service period of fifteen years (included) and more.

However, the duration of annual paid leave to be allowed to workers at the age of eighteen and younger and fifty and older can not be less than twenty days.

Durations of annual leaves can be increased through labour contracts and collective labour contracts.

Entitlement for annual paid leave and period of using the leave
ARTICLE 54. – In calculating the period required for entitlement to annual paid leave, the periods that the worker has worked in one or several workplaces of the same employer are considered jointly. However, the periods that the workers have worked at the workplaces of an employer without being covered by this Law are also accounted for workers who work at a workplace of the same employer within the scope of this Law.

In case the attendance of the worker is interrupted within the period of one year for reasons other than those listed in article 55, a service period to fill these gaps is added and thus, the date of elapse of one year required for entitlement to leave is transferred to the following service year.

The service period of one year that should be elapsed for the future leave entitlements of the worker is calculated started from the date of previous entitlement towards the following service year and pursuant to the provisions of the above paragraph and article 55.

The worker uses his/her annual leave within the following service year for each service year calculated under the provisions of the above paragraphs and article 55.

Periods elapsed at the workplaces reporting to the same ministry and workplaces of corporate persons reporting to the same ministry and those elapsed at public economic enterprises or banks or organizations incorporated under special laws or authorization conferred through special laws or at workplaces reporting to the same are taken into account in calculating the annual paid leave entitlement of the worker.

Circumstances considered worked with respect to annual leave
ARTICLE 55. – The following periods are considered as worked in calculating the entitlement for annual paid leave:

a. The days that the worker can not attend work due to any accident or illness that he/she suffers from (However, periods exceeding that set forth in article 25, indent (I), sub-indent (b) are not accounted for).

b. The days that the women workers are not worked before and after delivery under article 74.

c. The days that the worker can not attend work during assignment for maneuvers or under any law, other than regular military service (More than 90 days in a year of such period is not accounted for).

d. Fifteen days of the period that the worker does not work as a result of temporary suspension of work at the workplace more than one week due to force major (on the condition that the worker restarts work).

e. Periods mentioned in article 66.

f. Week holidays, national festivals and general holidays.

g. Half day leaves other than Sunday that should be allowed to those working at X-ray examination rooms under the regulation issued on the basis of Law 3153.

h. The days that the workers can not attend work because of participation in mediation meetings of workers, attendance to arbitration boards, serving as workers' representatives at such boards, participation with the capacity of workers' or trade union representative in councils, boards, committees and meetings established under legislation regarding business life or conferences, congresses or assemblies regarding workers' issues of international organizations.

i. Leaves to be allowed up to three days upon marriage and up to three days in case of death of mother or father, spouse, brother/sister or children of workers.

j. Other leaves allowed by the employer and short work periods defined in article 65.

k. The annual paid leave period granted to the worker upon implementation of this Law.

Implementation of annual paid leave
ARTICLE 56. – The annual paid leave can not be divided by the employer.

The employer is obliged to grant such leave uninterruptedly within the periods specified in article 53.

However, the leave periods set forth in article 53 can be divided to maximum three upon agreement by parties, on the condition that one portion can not be less than ten days.

Other paid and unpaid leaves or repose and illness leaves granted by the employer within the year can not be set off from the annual leave.

National festivals, week holidays and general holidays coinciding with the leave period are not accounted for in the leave period in calculating the days of annual paid leave.

For those who will pass their annual paid leaves at a place other than that where the workplace is established, the employer is obliged to grant totally maximum four days of unpaid leave to meet the travel periods to and from such place, on the condition that they make a request and document the circumstance. The employer is obliged to keep a leave record indicating the annual paid leaves of the workers employed at the workplace.

Wage for annual leave
ARTICLE 57. – The employer is obliged to pay in advance or raise as an advance payment the wage pertaining to the period of annual leave of each worker using his/her annual paid leave prior to commencement of the leave.

Provision of article 50 applies for the calculation of this wage.

The wage to be paid for the leave period of any worker earning wage on an indefinite period and amount, such as accord, commission rate, profit share and percentage, without any definite daily, weekly or monthly wage is calculated on the basis of the average to be found by dividing the total wage that he/she has earned within the last year by the actual number of worked days.

However, in case any rise has occurred in the wage of the worker within the last year, the leave wage is calculated by dividing the wage earned between the start of the month where the worker goes on leave and the date of rise by the days worked within the same period.

This wage is paid by the employer other than the money collected from percentages at workplaces where the procedure of percentage is implemented.

The wages pertaining to week holidays, national festivals and general holidays coinciding with the period of annual paid leave are paid separately.

Prohibition on working during leave period
ARTICLE 58. – If it is determined that the worker is employed in a paid job during his/her leave period, the wage paid for such leave period may be withdrawn by the employer.

Leave payment upon termination of contract
ARTICLE 59. – In case of termination of labour contract by any reason, the wage of the worker for annual leave periods which he/she is entitled to but did not use is paid to himself/herself or his/her beneficiaries over his/her wage on the date of termination of the contract. Prescription for such wage commences from the date of termination of labour contract.

In case of termination of the labour contract by employer, the notice period described in Article 17 hereof and the leaves for looking a new job that should be granted to he worker pursuant to Article 27 hereof may not coincide with annual paid leave periods.

Arrangements for leaves
ARTICLE 60. – The terms of annual paid leaves, the persons who are authorized and the ways to grant or establish the turns for the leaves, the measures to be taken by the employer for a useful leave as well as the procedures for use of leaves and the form of records to be kept by the employer are established by a regulation to be prepared by the Ministry of Labour and Social Security.

Insurance premiums
ARTICLE 61. – Payment of insurance premiums except those for occupational accidents and occupational diseases is continued by employers and workers according to the provisions of Social Insurance Law No. 506, over the wages to be paid during annual paid leave period.

Circumstances under which no wage reduction may be made
ARTICLE 62. – No reduction may be made in workers' wages in any way on grounds relating to statutorily decreasing the working periods applying to any works to lower limits, or fulfillment of a legal obligation conferred upon the employer, or based on the result of implementation of any of the provisions hereof.

PART FOUR
Arrangement of Work

Working period
ARTICLE 63. – The working period is maximum forty five hours a week in general aspect. Unless otherwise agreed, such period is applied by equally assigning it to working days of the week.

The normal weekly working period may be differently assigned to working days of the week without exceeding eleven hours a day, upon agreement of the parties. In this case, the average weekly working period of the worker may not exceed normal weekly working period during a period of two months. The compensation period may be increased by up to four months by collective labour contracts.

The ways of implementation of working periods under the above mentioned principles are established by a regulation to be prepared by the Ministry of Labour and Social Security.

The jobs, which require working for as long as seven and a half hours or shorter, are established by a regulation to be prepared jointly by the Ministry of Labour and Social Security and Ministry of Health.

Compensation work
ARTICLE 64. – In case work is performed substantially below normal work periods or completely stopped because the work is stopped due to force major, the workplace is temporarily closed prior to or after national festivals or general holidays or due to similar reasons or the worker goes on a leave upon his request, the employer may effect compensation work for vacant periods within two months. Such works are not considered overtime or work with excess periods.

Compensation works may not exceed three hours in a day, provided that they do not exceed daily maximum working period. Compensation works may not be made on holidays.

Short work and short work benefit
ARTICLE 65. - The employer who substantially decreases weekly working periods temporarily or completely or partially stops the activities of workplace temporarily due to a general economic crisis or force major immediately notifies the situation to Turkish Employment Agency and the union party to the collective labour contract, if any, with a letter together with reasons thereof. The request is evaluated by the Ministry of Labour and Social Security. The rules and procedures therefor are established by a regulation.

In case the work is temporarily stopped at the workplace for minimum four weeks or short work is applied due to the above-mentioned reasons, short work benefits are paid to the workers from unemployment insurance for the periods that they do not work. Short work period may not exceed the duration of force major and in any case three months. In order for the worker to be entitled to short work benefit, he/she should fulfill the requirements for entitlement to unemployment benefit in respect of working periods and number of days of unemployment insurance premium payment.

Amount of daily short work benefit equals to that of unemployment benefit.

In case the activities of workplace are temporarily stopped completely or partially due to force major, payments of unemployment benefit commence after the one-week period set forth in indent (III) of Article 24 and in Article 40 hereof.

During the period when the worker receives short work benefit, the worker's premiums of disease and maternity insurance are transferred by the Unemployment Insurance Fund to Social Insurance Organization at a ratio of 2/3. Such premiums are calculated over the minimum earning limit taken as a basis in the calculation of insurance premiums. If the worker resumes before completing the period of receiving unemployment benefit and becomes unemployed before the conditions set forth in Law no. 4447 for benefiting from unemployment insurance occur, he/she receives unemployment benefit until completing the unemployment benefit period that he/she was entitled before, after deducting the period of receiving short work benefit.

The amount of temporary inefficiency benefit that should be paid within the payment period of short work benefit may not exceed the amount of short work benefit. The disease and maternity insurance premiums set forth in this Article are not paid within the payment period of temporary inefficiency benefit.

Periods reckoned as working period
ARTICLE 66. – The following periods are reckoned from daily working period of the worker:

a. The periods required for accessing the wells, halls or actual working places for workers to be employed in mine galleries, quarries, or underground or underwater positions in whatsoever way.

b. Traveling periods in case the workers are sent by the employer from the main workplace to any other places to work.

c. Free periods of the worker available at the workplace for working but waiting for any possible work, without working.

d. Periods of the worker being sent by the employer to another place, or being made occupied at the home or office of or any place relating to the employer, without performing his/her main job.

e. The periods of breast-feeding female workers to be specified for breast feeding.

f. Periods elapsing for collective and regular transport of workers from and to their workplaces which are distant from their settlement area such as construction, maintenance or repair and modification of railways, motorways and bridges.

Periods elapsing for transport from and to the workplace by the employer not arising out of the nature of the work but just for social benefit purposes are not reckoned from working period.

Starting and finishing times of daily working
ARTICLE 67. – The workers are informed of starting and finishing times of daily working period as well as of break times.

Starting and finishing times of the working period may be arranged differently for workers.

Breaks
ARTICLE 68. – The workers are granted a break for;

a. Fifteen minutes for jobs lasting four hours or shorter,

b. Half hour for jobs lasting longer than four hours but shorter than seven and a half hours (included),

c. One hour for jobs lasting longer than seven an a half hours,

At some time during daily working period, considering the local traditions and requirements of the work.

Such breaks are the minimum, and applied uninterruptedly.

However, such periods may be applied intermittently by agreement, considering climatic and seasonal conditions and local traditions.

Breaks may be used by workers at a time or at different times.

Breaks are not reckoned from working period.

Night period and nighttime working
ARTICLE 69. – The "nighttime" in work life is the period starting latest at 08.00 p.m. and ending earliest at 06.00 a.m., and in any case lasting for eleven hours maximum.

Regulations may be issued to take earlier the start of "nighttime" for work life, depending on the nature and requirements of certain jobs or characteristics of certain regions of the country, or to set summer and winter time, or to establish the ways of implementation of the provision set forth in the first paragraph by specifying the start and end of daytime, or to provide for the procedure for additional payment for certain nighttime works at any rate, or to prohibit to cause the workers to work at nighttime in enterprise which are not economically required to be operated at nighttime.

Nighttime working of the workers may not exceed seven and a half hours.

It is certified by a health report to be obtained before recruitment that the health condition of the workers to be caused to work at nighttime are suitable for nighttime working. Nighttime workers undergo a periodic medical check by the employer latest once every two years. The costs of such medical checks are covered by the employer.

The employer employs the worker who evidences that his/her health condition has been disturbed due to nighttime working, in a suitable position in dayshift if possible.

The employer is obliged to submit the list of workers to be employed in nightshifts as well as one copy of health reports for such workers obtained before recruitment and of the periodic health reports to respective regional directorate.

In enterprises operated at day and nighttime using shifts, the shifts are so arranged as to ensure that the workers who worked at nighttime for a working week, work at daytime during subsequent working week. Two-week duty period may be applied for day and night shifts.

The worker to change his/her shift may not be caused to work in another shift before having a rest for at least eleven hours uninterruptedly.

Preparation, completion and cleaning works
ARTICLE 70. – It is established by a regulation to be prepared by the Ministry of Labour and Social Security which of the provisions on arrangement of the work or what different rules and procedures shall apply to the workers employed in preparation, completion or cleaning works before or after certain working period in an enterprise.

Age of employment, prohibition on employment of children
ARTICLE 71. – It is prohibited to employ children who did not complete the age of fifteen. However, those children who have completed the age of fourteen and primary education may be employed in light positions which do not obstruct their physical, mental and moral development and education of those who attend schools.

Security, health, physical, mental and psychological development, personal inclination and capability aspects are considered in employment of children and young workers. Employment of the child may not obstruct him/her to attend his/her school, professional education and regularly trace he courses.

Those jobs which are prohibited for children and young workers below eighteen as well as those which are prohibited for young workers who completed fifteen but not eighteen and the light jobs which are allowed for children who completed the age of fourteen and primary education, and the working conditions are established by a regulation to be prepared by the Ministry of Labour and Social Security within six months.

The working hours for children who completed their basic education and do not attend school may not be longer than seven hours a day and thirty five hours a week. However, that period may be increased up to eight hours a day and forty hours a week for children who completed the age of fifteen.

The working hours during the education term of the children attending school may be two hours a day and ten hours a week maximum, outside the education hours. The working hours for holiday terms may not exceed the periods set forth in the first paragraph above.

Prohibition on employment in underground and underwater positions
ARTICLE 72. – It is prohibited to employ men below the age of eighteen and women at any age in underground or underwater positions such as mine galleries, cabling, sewerage and tunnel construction.

Prohibition on causing to work at nighttime
ARTICLE 73. – It is prohibited to cause children and young workers below the age of eighteen to work at nighttime in industrial works.

The rules and procedures for causing female workers who completed the age of eighteen to work in night shifts are established by a regulation to be prepared by the Ministry of Labour and Social Security based on the opinion to be delivered by the Ministry of Health.

Working during maternity and breast feeding leave
ARTICLE 74. – It is the principle that the female workers should not be caused to work for a period of sixteen weeks in total, eight weeks before and eight week after delivery. In case of plural pregnancy, such eight-week period before delivery is increased by two weeks. If, however, health condition allows, the female worker may work until three weeks before delivery, upon approval of physician. In this case, suck worked periods are added to the periods after delivery.

The above mentioned periods may be prolonged before and after delivery, when required, depending on the health condition of the worker and the nature of the job. Such periods are established by a physician report.

Female workers are granted paid leave for periodic checks during pregnancy.

The pregnant female worker is employed in lighter positions suitable for her health, when required by physician report. In this case, no discount is made in her wage.

The female worker is granted unpaid leave for up to six months after expiry of sixteen-week, or in case of plural pregnancy, eighteen-week period, upon request. Such period is not considered in calculating the annual paid leave right.

Female workers are granted breast feeding leave for one and a half hours a day in total to feed their infants below the age of one. The worker is entitled to determine the time segments and the number of parts in which she should use such leave. This period is reckoned from daily working hours.

Worker's personal file
ARTICLE 75. – The employer arranges for a personal file for each employee. The employer is obliged to keep the identity particulars of the employee as well as any documents and records pursuant hereto and to other laws, and submit he same to authorized officials and bodies, when required.

The employer is obliged to use the information on the employee he/she acquired lawfully and in accordance with integrity principles, and not to disclose such information that would be kept confidential for justified interest of the employee.

Regulations
ARTICLE 76. – The procedures to ensure the working hours to be applied without exceeding the legal daily working hours and by allowing a compensation period in case of jobs and enterprises where daily and weekly working hours may not be applied as described in Article 63 hereof due to its nature, are established by regulations to be prepared by the Ministry of Labour and Social Security.

In case of jobs, which are carried out by changing shifts without interruption, special rules and procedures for working hours, holidays and nighttime working, are established by regulations to be prepared by the Ministry of Labour and Social Security.

PART FIVE
Occupational Health and Safety

Obligations of employers and workers
ARTICLE 77. – The employers are obliged to take all measures make available all equipment required to ensure occupational health and safety at workplaces, and the workers to comply with such measures as taken for occupational health and safety.

The employers are obliged to check whether the measures taken for occupational health and safety are complied with or not, to keep the workers informed of occupational risks they are exposed to, measures to be taken, and their legal rights and obligations, and to train them on issues relating to occupational health and safety. The rules and procedures for such training are governed by a regulation to be issued by the Ministry of Labour and Social Security.

The employers are obliged to inform the respective regional directorate in writing of any occupational accident that may occur and occupational disease that may be determined in their enterprises, within latest two business days.

The provision set forth herein as well in the statuses and regulations on occupational health and safety also apply to apprentices and trainees in the enterprises.

Statutes and regulations on health and safety
ARTICLE 78. – The Ministry of Labour and Social Security issues statutes and regulations, after obtaining the opinion of the Ministry of Health, to ensure measures for occupational health and safety to be taken in enterprises, to prevent occupational accidents and diseases that may be caused by machinery, installations, equipment and materials used, and to arrange the working conditions of the persons that should be protected because of their age, sex and special conditions.

Furthermore, it is determined which enterprises among those hereunder are subject to establishment permission to be submitted to the Ministry of Labour and Social Security, before establishment, and to operation certificate to be issued by the same authority after establishment, in respect of number of employees, size, work performed, nature of the work, difficulty and risk of the work.

Suspension of business or closing of enterprise
ARTICLE 79. – In case any matter is determined in the facilities and assemblies, working methods and procedures, machinery and equipment of an enterprise which may endanger the life of workers, the operation is fully or partially suspended, or he enterprise is closed, depending on the nature of danger, upon a decision of a five-member committee formed by two inspectors in charge of inspecting the enterprise in respect of occupational health and safety, one labour representative and one employer representative and Regional Director, until such danger is eliminated. The committee is chaired by the senior labour inspector. Secretariat of the committee is carried out by regional directorate.

The structure and rules and procedures for operation of the committee in military organizations and enterprises manufacturing products required for national security are established by a regulation to be prepared jointly by the Ministry of National Defense and Ministry of Labour and Social Security.

The employer is entitled to raise objection against any decision for suspension or closing to be taken in accordance herewith, at local business court within six business days.

Objection at business court does not suspend the enforcement of decision for suspension or closing.

The court first discusses the objection, and takes decision within six business days. The court decisions are final.

If the age, sex and health conditions of the workers employed in an enterprise present obstacle for their employment in such positions, they are also prevented from being employed.

It is established by a regulation to be prepared by the Ministry of Labour and Social Security how the facilities an assemblies or machinery and equipment in the enterprises which endanger the workers are to be prevented from operation pursuant to above paragraphs, how they shall be allowed to resume, closing or resumption of enterprise, measures to be taken in case of emergency until the decision for suspension of operation or closing of the enterprise is taken, as well as qualifications, selection of the employer and labour representatives to be involved in the committee, the rules and procedures for operation of the committee.

Granting permission for establishment and operation of an enterprise never prevent implementation of the provisions of the regulation set forth in Article 78 hereof.

The employer is obliged to pay to the workers who became unemployed due to suspension of machinery, installations and assemblies or closing of the enterprise pursuant to the first paragraph of this Article, their wages or provide them with other jobs suitable for their positions without any reduction in their wages.

Board on occupational health and safety
ARTICLE 80. – For enterprises which are hereby considered included in industrial sector, permanently employing at least fifty persons, where works are performed continuously for longer than six months, each employer is obliged to establish a board on occupational health and safety.

The employers are obliged to implement the decisions taken by boards on occupational health and safety in accordance with legislation on occupational health and safety.

Composition, methods of operation, tasks, authorities and obligations of boards on occupational health and safety are established by a regulation to be prepared by the Ministry of Labour and Social Security.

Workplace physician
ARTICLE 81. – Those employers who permanently employ at least fifty persons are obliged to employ one or more workplace physician(s) and establish a workplace health care unit depending on the number of employees and the degree of danger of the work performed to ensure good health condition of the workers and to take occupational health and safety measures, as well as to provide first aid, emergency therapy and protective health care services, in addition to the health care services provided by Social Insurance Organization.

Qualifications, number, recruitment, tasks, authorities and responsibilities, training, working hours, operation of workplace physicians, as well as the workplace health care units are governed by a regulation to be issued by the Ministry of Labour and Social Security based on the opinion to be delivered by Association of Turkish Physicians.

Engineers or technical personnel in charge of labour safety
ARTICLE 82. - For enterprises which are hereby considered included in industrial sector, permanently employing at least fifty persons, where works are performed continuously for longer than six months, employers are obliged to employ one or more engineer(s) or technical personnel, depending on the number of employees, nature of the enterprise and degree of danger of the work performed, to take labour safety measures at the workplace, to determine and monitor the implementation of the measures to be taken to prevent occupational accidents and occupational diseases.

Qualifications, number, tasks, authorities and responsibilities, as well as training, working conditions, procedures for operation of engineers or technical personnel in charge of labour safety are governed by a regulation to be issued by the Ministry of Labour and Social Security based on the opinion to be delivered by the Union of Chambers of Turkish Engineers and Architects.

Rights of workers
ARTICLE 83. – The worker who faces with close, urgent and vital hazard at the workplace in respect of occupational health and safety that may disturb his/her health or endanger his/her body integrity, may apply to the board on occupational health and safety to fix the situation and take decision to take necessary measures. The board urgently meets during the same day, takes the decision, and fixes the situation in a minutes. The worker is informed of the decision in writing.

In enterprises where the board on occupational health and safety does not exist, application is lodged with the employer or employer representative. The worker may request fixation of the situation and the notification of the result to himself/herself in writing. The employer or his/her representative is obliged to respond in writing.

In case the board allows the worker's request, the worker may avoid from working until necessary occupational health and safety measures are taken.

The wage and other rights of the worker during the period during which he/she avoids from working, are reserved.

In case necessary measures are not taken notwithstanding the decision of the board on occupational health and safety and the worker's request, the workers may, within six business days, promptly terminate their service contracts with limited or unlimited period in accordance with Article 24(I) hereof.

The provision of this Article do not apply in case of suspension or closing of the enterprise according to Article 79 hereof.

Ban on use of alcohol or narcotics
ARTICLE 84. – It is prohibited to come to the workplace drunken or having administered narcotics, and to use alcohol spirits or narcotics at the workplace.

The employer is authorized to establish the periods during which and the conditions under which alcohol spirits may be drunk at the enterprise or parts considered extensions thereof.

Prohibition on use of alcohol spirits does not apply to those workers who;

a. Are employed in enterprises producing alcohol spirits and charged with inspecting the product,

b. Are obliged to drink alcohol spirits in enterprises where alcohol spirits are sold or drank in closed containers or in open form,

c. Are obliged to drink alcohol spirits together with clients.

Heavy and dangerous works
ARTICLE 85. – Young workers and children who did not completed the age of sixteen may not be caused to work in heavy and dangerous positions.

It is established by a regulation to be prepared by the Ministry of Labour and Social Security based on the opinion to be delivered by the Ministry of Health, which works are to be considered heavy and dangerous, in which heavy and dangerous positions the women and young workers, who completed sixteen but not eighteen are to be employed.

Report for heavy and dangerous works
ARTICLE 86. – Unless it is reported by workplace physician, occupational health dispensaries, or where they are not available, in turn by physicians in the closest Social Insurance Organization, public healthcare clinics, local government or municipality, at the time of recruitment and thereafter at least once a year that the workers to be employed in heavy and dangerous positions are suitable for and resistant to such works, it is prohibited to recruit or employ such persons in such positions. Social Insurance Organization may not avoid from carrying out the recruitment examination.

In case of objection to the report issued by the workplace physician, the worker is subjected to examination by the health board of the closest Social Insurance Organization Hospital, and the report issued is final.

The employer is obliged to show such reports upon request by authorized officials.

Such reports are exempted from stamp duties and any fees and duties.

Report for workers under age of eighteen
ARTICLE 87. – It is obligatory to have child and young workers between fourteen and

eighteen (including eighteen) examined by workplace physician, occupational health dispensaries, or where they are not available, in turn by physicians in the closest Social Insurance Organization, public healthcare clinics, local government or municipality prior to recruitment, establish through reports that their physical structures are resistant to the qualifications and conditions of the work, to have them similarly examined by physicians every six months until filling the age of eighteen, control whether there is any drawback to continue to employ them in the respective work and to keep all these reports at the workplace and present them to authorized officials upon request. Social Insurance Organization may not avoid from carrying out the recruitment examination.

In case of objection to the report issued by physician mentioned in the first paragraph, the worker is subjected to examination by the health board of the closest Social Insurance Organization Hospital, and the report issued is final.

Such reports are exempted from stamp duties and any fees and duties.

Regulation on pregnant or breast-feeding women
ARTICLE 88. – The positions in which and the periods during which it is prohibited to cause the pregnant or breast-feeding women to work, and the requirements and procedures which such women should comply with in positions in which they are allowed to work, the conditions under which breast feeding rooms or day nurseries should be established, are governed by a regulation to be prepared by the Ministry of Labour and Social Security based on the opinion to be delivered by the Ministry of Health.

Various regulations
ARTICLE 89. – The Ministry of Labour and Social Security may prepare, considering the opinion to be delivered by the Ministry of Health, regulations providing for;

a. The workers to undergo a medical examination by a physician before recruitment, also for jobs other than heavy and dangerous ones,

b. Workers employed in certain positions to undergo a periodic check-up,

c. Removal of those workers employed in various or certain positions whose health standing gets worse, or damages the products of their work or general health or other workers with which they work together, from such positions,

d. The conditions and characteristics of enterprises which require provision of facilities for sleeping, resting and mess as well as housing and training for workers.

PART SIX
Arrangement for Employment

Mediation for employment
ARTICLE 90. – Mediation for employment of those who are looking for a job in suitable positions and for providing suitable labours for various positions is carried out by Turkish Employment Agency and private employment offices authorized in this respect.

PART SEVEN
Control and Inspection of Work Life

State authority
ARTICLE 91. – The state monitors, controls and inspects the implementation of legislation on work life. This task is carried out by labour inspectors in required number and having required qualifications who are authorized to inspect and control reporting to the Ministry of Labour and Social Security.

Inspection and control of military organizations as well as enterprises manufacturing products required for national security, and procedures for scope and results of such inspection and control are carried according to the regulation to be prepared jointly by the Ministry of National Defense and Ministry of Labour and Social Security.

Authorized bodies and officials
ARTICLE 92. – The labour inspectors in charge of monitoring, inspection and control of work life for the purpose of implementation of provisions of Article 91 hereof, are authorized to investigate and examine the workplaces and extensions thereof, manner of performing the work and associated documents, tools and equipment, devices and machinery, raw materials and finished products and the items required for the job in accordance with the principles set forth in Article 93 hereof at times whenever required, and the facilities for health, security, training, resting or living and sleeping of workers at any time, and in case actions which are hereby considered offence are found, to prevent such actions by ways described in Statute on Labour Inspection to be issued by the Ministry of Labour and Social Security.

Employers, workers and all other persons involved in the work are obliged to become available when called by labour inspectors in charge of monitoring, control and inspection, to provide testimony and information, submit necessary evidences and documents, and provide them with all facilities to perform their tasks set forth in the first paragraph, and perform their respective orders and requests without delay, during such inspection and control.

Minutes drawn up by labour inspectors in charge of monitoring, control and inspection of work life are valid until otherwise is proven.

Obligation of authorized officials
ARTICLE 93. – Labour inspectors in charge of monitoring, control and inspection of work life are obliged to avoid interrupting, stopping and making difficult the normal progress of work and operation of workplace as possible depending on the nature of inspection, and to keep confidential the information on professional secrets and conditions, economic and commercial standing of the employer and enterprise they determined or are made known, and not to disclose the names and identities of the workers and other persons they testified, or who applied or made notice to themselves, during performance of their tasks.

Exemption
ARTICLE 94. – In case of written application to the Ministry of Labour and Social Security by workers and employers as well as their professional organizations in issues relating to themselves and work life, such applications and associated minutes, instruments, books and transactions are exempted from stamp duty and any and all fees and duties.

Inspections by other authorities
ARTICLE 95. – Municipalities as well as other relevant authorities that are authorized to grant permission for establishment and operation of enterprises investigate, before granting such permission, the existence of establishment permission and operation certificate which should be issued by the Ministry of Labour and Social Security according to labour legislation. Those enterprises which did not obtain the establishment permission and operation certificate from the Ministry of Labour and Social Security, may not be granted establishment or operation permission by municipalities or other relevant authorities.

Public agencies and institutions inform the respective authorized regional directorate of the results of inspections and controls they would carry out at the enterprises regarding occupational health and security as well as the action they would take.

Municipalities as well as other relevant authorities that are authorized to grant permission for establishment and operation of enterprises submit monthly lists to respective regional directorate indicating the title and address of the employers and enterprises they granted permission, and description of the work performed, until the fifteenth day of the following month.

Responsibility of worker and employer
ARTICLE 96. – Employers are prohibited to directly or indirectly inspire the workers who are testified by labour inspectors in charge of control and inspection of work life, or to force them to conceal or modify the facts, or to misbehave against those who applied to, call or are testified by respective authorities.

The workers are prohibited to disclose unreal information about enterprises and employers where they are already or formerly employed to cause them challenge with unnecessary transactions, or to attempt to unjustly bring the employers in a bad condition, or give false answers to questions asked by labour inspectors to make control and inspection difficult or to mislead them.

Police assistance
ARTICLE 97. – Police forces are obliged to provide such labour inspectors in charge of inspecting the workplaces, with any and all assistance, when they require and request, to enable them to perform their tasks properly, for full and due implementation of the provisions hereof.

PART EIGHT
Provisions on Administrative Fines

Failure to comply with the obligation to notify enterprise
ARTICLE 98. – Those employers or employer representatives who fail to comply with the obligation to notify the enterprise provided for in Article 3 hereof are fined for fifty million Turkish Liras for each worker employed.

In case of continuation of such failure after finalization of fine, the same amount of fine is applied for each subsequent month.

Failure to comply with general provisions
ARTICLE 99. – Those employers or employer representatives who;

a. Fail to comply with principles and obligations set forth in Articles 5 and 7 hereof,

b. Fail to provide the worker with the certificate set forth in the last paragraph of Article 8 hereof, and to comply with provisions of Article 14 hereof,

c. Fail to issue employment certificate in contrary to Article 28 hereof, or include incorrect information in the certificate,

are fined for fifty million Turkish Liras for each such worker.

Failure to comply with provisions on mass dismissal
ARTICLE 100. - Those employers or employer representatives who dismiss the workers in contrary to provisions of Article 29 hereof are fined for two hundred million Turkish Liras for each such worker.

Failure to comply with obligation to employ handicapped people and former convicts
ARTICLE 101. - Those employers or employer representatives who fail to employ handicapped people and former convicts in contrary to provisions of Article 30 hereof are fined for seven hundred and fifty million Turkish Liras for each month for each

handicapped people and former convict not employed. Public institutions may in no way be exempted from such fine.

Failure to comply with provisions on wages
ARTICLE 102. - Those employers or employer representatives who;

a. intentionally fail to pay within due time, or incompletely pay to the worker the wage set forth in Article 32 hereof as well as the wage established by this Law or the collective labour contract, or fail to pay or incompletely pay the minimum wage established by the committee set forth in Article 39 hereof are fined for one hundred million Turkish Liras for each such worker;

b. fail to issue a payroll for the wage in contrary to Article 37 hereof, or apply wage deduction penalty form wages in contrary to Article 38 hereof, or fail to provide the reason for or account of such wage deduction, fail to provide the certificate set forth in Article 52 hereof are fined for two hundred million Turkish Liras,

c. fail to pay for overtimes set forth in Article 41 hereof, to allow the workers to use free time acquired within six months, to obtain worker's consent for overtimes, are fined for one hundred million Turkish Liras for each such worker.

Failure to comply with provisions on annual paid leaves
ARTICLE 103. – Those employers or employer representatives who divide the annual paid leave in contrary to Article 56 hereof, or pay the leave wage in contrary to the procedure set forth in the third and fourth paragraphs of Article 57 or incomplete, or in case of termination of labour contract before using acquired leave in accordance with Article 59 hereof, do not pay the wage for that leave, or do not permit leave or permits incomplete leave in contrary to the provisions of the regulation set forth in Article 60 hereof, are fined for one hundred million Turkish Liras for each such worker.

Failure to comply with provisions on arrangement of work
ARTICLE 104. - Those employers or employer representatives who cause their workers to work in contrary to working hours established in Article 63 hereof and in the regulation referred to therein, or do not apply the pauses mentioned in Article 68 hereof duly, or cause their workers to work longer than seven and a half hours at night in contrary to Article 69 hereof, or do not change the day and night shifts, or act in contrary to the provision of Article 71 hereof, or employ boys, youths under eighteen and women at every age in workplaces set forth in this article in contrary to the provisions of Article 72 hereof, or cause boy and young workers to work at nighttime in contrary to Article 73 hereof, or act in contrary to the provisions of said regulation, or cause women who are pregnant or in childbed to work or do not allow unpaid leave during prenatal and postnatal periods in contrary to the provisions of Article 74 hereof, or do not draw up personal files set forth in Article 75 hereof, or fail to comply with the provisions of the regulation mentioned in Article 76 hereof, are fined for five hundred million Turkish Liras.

Those employers or employer representatives who fail to comply with provisions of Articles 64 and 65 hereof are fined for one hundred million Turkish Liras for each such worker.

Failure to comply with provisions on occupational health and safety
ARTICLE 105. – Those employers or employer representatives who fail to comply with the provisions of statutes and regulations mentioned in the first paragraph of Article 78 hereof are fined for fifty million Turkish Liras for each occupational health and safety measure no taken. The same amount of fine applies for each following month proportional to the measures not taken.

Those employers or employer representatives who fail to comply with Article 77 hereof, open an enterprise without obtaining permission for establishment and operation certificate in contrary to second paragraph of Article 78 hereof, resume an operation

which was interrupted without obtaining permission in contrary to Article 79 hereof, resume their closed enterprise without permission, or fails to comply with provisions of Article 80 on establishment and operation of occupational health and safety boards, or fail to implement the decisions taken by occupational health and safety boards, or fail to perform the obligation to employ a physician at the workplace and to form a workplace health care unit in contrary to Article 81 hereof, or fail to perform the obligation to employ an engineer or technical personnel in charge of labour safety in contrary to Article 82 hereof, are fined for five hundred million Turkish Liras.

Those employers or employer representatives who employ persons under sixteen in heavy and dangerous works in contrary to Article 85 hereof, or employ workers in contrary to age provisions set forth in the regulation mentioned therein are fined for five hundred million Turkish Liras.

Those employers or employer representatives who fail to obtain physician report for their workers pursuant to Article 86 hereof are fined for one hundred million Turkish Liras for each such worker, and Those employers or employer representatives who fail to obtain physician report for children are fined for one hundred million Turkish Liras for each such child.

Those employers or employer representatives who fail to comply with the requirements and procedures set forth in regulations referred to in Articles 88 and 89 hereof are fined for five hundred million Turkish Liras.

Failure to comply with provisions on employment
ARTICLE 106. – The employer who operates without obtaining the permission provided for in Article 90 hereof is fined for one billion Turkish Liras.

Failure to comply with provisions on inspection and control of labour life
ARTICLE 107. – Those employers or employer representatives who;

a. fail to perform obligations set forth in second paragraph of Article 92 hereof,

b. fail to comply with prohibitions set forth in Article 96 hereof,

are fined for five billion Turkish Liras.

Those who obstruct labour inspectors to perform and conclude their tasks during performance of their tasks according to their any inspection and control tasks and authorities conferred upon by this Law or other laws, are fined five billion Turkish Liras, even the act constitutes another offence.

Provisions on enforcement of administrative fines
ARTICLE 108. – Administrative fines provided for herein are applied by Regional Directorate of Ministry of Labour and Social Security, indicating the reason.

Administrative fines set forth herein are applied by respective Regional Directorate of Ministry of Labour and Social Security. A notice is made to those concerned for such administrative fines according to the provisions of Law on Notices dated 11.2.1959 and no. 7201. Objection may be raised to such fines before administrative court having jurisdiction within latest seven days from the date of notice. The award upon objection is final. The objection is finalized as soon as possible upon examination of documents unless otherwise necessitated. Administrative fines applied pursuant hereto are collected according to the provisions of the Law on Procedure for Collection of Public Receivables dated 21.7.1953 and no. 6183.

PART NINE
Miscellaneous, Transitory and Final Provisions

Written notice
ARTICLE 109. – The notices provided for herein should be made to those concerned in writing and upon signature. In case the notified person does not sign such notice, it is fixed in a minutes. However, notices under the Law no. 7201 are made according to the provisions thereof.

Specific working conditions of concierges
ARTICLE 110. – Different rules and procedures to apply in regulating the scope and qualifications of services of concierges, as well as their working hours, weekly holidays, national festivals and general public holidays, annual paid leaves and concierge housing are governed by a regulation to be issued by Ministry of Labour and Social Security.

Industrial, commercial, agricultural and forestry activities
ARTICLE 111. – The Ministry of Labour and Social Security establishes with a regulation whether or not a specific work could be considered among industrial, commercial, agricultural and forestry activities, for the purpose of implementation of this Law.

Provisions relating to working conditions, service contract, rates and arrangement of the work for those who are employed in activities which are considered among agricultural and forestry activities, are governed by a regulation to be issued by Ministry of Labour and Social Security.

Severance pay for those who are employed in certain public institutions and agencies
ARTICLE 112. – Payments qualified severance pay to those personnel of the institutions and agencies established based on the law or on the authority conferred by law who are not subject to provisions of this Law and Laws No. 854, 5953 and 5434, and those who are employed under contract in public institutions, are considered severance pay.

Security for wages of those who are employed in certain works
ARTICLE 113. – Provisions of Articles 32, 35, 37 and 38 hereof apply for those workers who are employed in enterprises listed in Article 4 subparagraph 1(b) and 1(ı). In case of failure to comply with those articles, relevant penal provisions apply.

Tripartite Advisory Board
ARTICLE 114. – A consultative advisory board is established based on triple representation to ensure effective solidarity between government and employer, civil servants and confederations of workers' unions, for the purpose of developing labour peace and industrial relations, and monitoring preparation and implementation of legislation on labour life.

The rules and procedures for operation of the board are governed by a regulation to be issued.

Operation of canteen facilities
ARTICLE 115. – In case more than one hundred and fifty workers are employed in enterprises, spaces may be assigned by employers for consumers' cooperatives to be established by employees to meet requirements of employees and their families.

ARTICLE 116. – The last paragraph of Article 6 of the Law dated 13.6.1952 and no. 5953 regulating the Relations Between Employees and Employers in Press Sector is amended to read as follows.

Articles 18, 19, 20, 21 and 29 of Labour Law apply by comparison.

ARTICLE 117. – The wording "... of Labour Law No. 1475" contained in the first paragraph of and the wording "... 13/D of Labour Law No. 1475" contained in second paragraph of Article 30 of Unions Law dated 5.5.1983 and no. 2821 are amended to read as "... 21 of Labour Law".

ARTICLE 118. – The wordings "...13/A, 13/B, 13/C, 13/D, 13/E of the Law No. 1475" contained in sixth paragraph of Article 31 of the Law No. 2821 are amended to read as "18, 19, 20 and 21 of Labour Law", the wording "13/D of the Law no. 1475 " as "21 of Labour Law", the wording "13/A of the Law no. 1475" in seventh paragraph as "18 of Labour Law ", the wordings "13/A, 13/B, 13/C, 13/D and 13/E " as "18, 19, 20 and 21 ".

Regulations
ARTICLE 119. – The regulations stipulated herein are issued within six month from the date of publication hereof.

Repealed provisions
ARTICLE 120. – All articles of Labour Law dated 25.8.1971 and no. 1475, except Article 14 are hereby repealed.

TRANSITORY ARTICLE 1. – References in other legislation to Labour Law No. 1475 are deemed to have been made hereto.

References to Articles 16, 17 and 26 of the Law no. 1475 in subparagraphs 1 and 2 of the first paragraph and in eleventh paragraph of Article 14 of said Law which is kept in force by Article 120 hereof, are deemed to have been made to Articles 24, 25 and 32 hereof.

TRANSITORY ARTICLE 2. – Those provisions of statuses and regulations already in force according to the Law No. 1475 which are not in contrary o the provisions hereof remain in force until new regulations are issued.

TRANSITORY ARTICLE 3. – The minimum wage decision taken according to the Law No. 1475 remains in force until it is determined according to Article 39 hereof.

TRANSITORY ARTICLE 4. – The severance pay mentioned in transitory article 6 hereof is reckoned as of 12.8.1967 for those for whom the provisions of Article 13 of annulled Labour Law No. 3008 do not apply.

The severance pay for those who are subject hereto for the first time is reckoned from the date of entry into force of this Law.

TRANSITORY ARTICLE 5. – The rates contained in Article 25 of the Law No. 1475 and in Supplementary Article 1(B) of the Law No. 3713 prevail until the new rates are determined by Council of Ministers pursuant to Article 30 hereof.

TRANSITORY ARTICLE 6. – A severance pay fund is formed for severance pay. The severance pay benefits according to Article 14 of the Law No. 1475 are reserved until the date of entry into force of the Law relating to severance pay fund.

Entry into force
ARTICLE 121. – This Law enters into force on the date of its publication.

Enforcement
ARTICLE 122. – The provisions of this Law are enforced by the Council of Ministers.