



Turkish Wage and Hour Law Shares Many Complexities With Its American Counterpart

Insights

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Wage and hour law in Turkey is deceptively complex despite its seemingly simple premise, just as its American counterpart. Indeed, many of the same issues American employers wrangle with relative to laws and regulations concerning employee pay (e.g., minimum wage, overtime, what constitutes time “worked,” etc.) , also must be considered by Turkish employers.

The majority of Turkish wage and hour law is governed by Turkey’s Labor Law No. 4857 (the “Labor Law”) as is much of the employer/employee relationship in Turkey. However, just as in the United States, governmental agencies also have a large role to play in matters of employee pay in Turkey. For example, Turkey’s Ministry of Labor sets the minimum wage for Turkish employees. The Ministry of Labor is required by law to reset the minimum wage at least once every two years. Recently, however, the Ministry of Labor has taken to resetting the minimum wage every six months, which, as one could imagine, has kept Turkish employers on their toes when it comes to determining the pay of its workers.

The standard work week in Turkey is 45 hours, with the usual schedule of seven and one-half hours per day, six days a week. Time and a half is paid for all overtime worked by employees who work at least a typical 45-hour work week. Employers and employees may agree to a shorter work week than the standard 45 hours by way of individual employment contracts, which are the basis of the employment relationship in Turkey. If an employee’s normal work week is less than 45 hours, then the employee is entitled to only one and one quarter hour of pay for every extra hour worked. Employees are also entitled to double-time pay if required to work on a national holiday.

Unlike in the US, regardless of whether a Turkish employee works a standard 45-hour per week schedule or a lesser amount pursuant to an employment contract, he or she may not work more than 11 hours per day, must consent to work any overtime, and is limited to working a maximum of 270 hours of overtime a year. Furthermore, the employee can chose whether to take comp time in lieu of overtime pay, which the employee may use within six months.

However, just as in many American employer/employee relationships, issues may arise in the Turkish employment setting regarding what is and is not compensable time “worked” by an employee. Under Turkey’s Labor law, certain travel time, idle time when an employee is at the employer’s disposal, and time spent by recent mothers nursing, are all considered time “worked.” But standard break times to which Turkish employees are entitled which range from 15 minutes to

But standard break times to which Turkish employees are entitled, which range from 15 minutes to one hour based upon the amount of time worked by the employee on a given day, are not considered time “worked.”

The above-discussed matters are only some of the most basic issues at the center of Turkish wage and hour law. Other issues regarding employee pay and work schedules, such as tips, record keeping and withholdings from pay checks, exist in Turkey just as in America. As one can see, the complexities that permeate the seemingly simple premise of wage and hour law in America are also present in Turkey.