

Newsletter

EMPLOYMENT LAW
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Obligation to Appoint Occupational Safety Specialists and Workplace Physicians

Legal Basis: Occupational Health and Safety Law numbered 6331

Effective Date: 1 January 2025

As of 1 January 2025, the obligation to appoint occupational safety specialists and workplace physicians also applies to workplaces classified as less hazardous and employing fewer than 50 employees. Failure to comply with this requirement will result in an administrative fine of TRY 88,663 per month for each obligation not fulfilled in 2025.

Amendment to the Daily Meal Allowance Exemption

Legal Basis: Social Security Institution (“SSI”) Circular numbered 2024/17 dated 31 December 2024

Effective Date: 1 January 2025

Starting from 1 January 2025, the amount of meal allowance paid by employers to employees that is excluded from the social security premium base will be calculated as follows:

- Daily exemption amount (TRY 158) × number of actual working days = Monthly exemption amount
- Monthly meal allowance – Monthly exemption amount = Amount subject to premium

This rule applies to payments made in cash or through instruments such as meal cards, vouchers, or coupons where meals are not provided directly by the employer.

Amendment Regarding Calculation Periods for Temporary Incapacity Allowance

Legal Basis: Law Amending the Civil Servants Law and Various Laws and Decrees numbered 7537

Effective Date: 27 December 2024

Amendments made to the Social Insurance and General Health Insurance Law numbered 5510 (“SSI Law”) include:

- The temporary incapacity allowance will be calculated based on earnings and the number of premium days within the 12-month period prior to the date of the incident (work accident, illness, occupational disease, or childbirth).
- For work accidents and occupational diseases, the income used to calculate the benefit will be based on the last 3 months of that 12-month period.

- For individuals with fewer than 180 days of service within the preceding 12 months, the daily income used in calculation cannot exceed twice the minimum daily earnings valid on the date the incapacity began.

Authorization of Employee Health Centers (ÇASMER)

Legal Basis: Law Amending the SSI Law and Certain Other Laws numbered 7538

Effective Date: 27 December 2024

- Workplaces required to employ occupational safety specialists and physicians may now fulfill this obligation through Employee Health Centers (ÇASMER) under the Ministry of Health.
- For less hazardous workplaces with fewer than 50 employees, health reports may now be issued by family physicians, public healthcare institutions, or ÇASMER.

Minimum Wage for 2025

The net monthly minimum wage to be applied from 1 January to 31 December 2025 has been announced at the Ministry of Labor and Social Security's website as TRY 22,104.00, reflecting a 30% increase.

Severance Pay Cap

Legal Basis: Circular issued by the Directorate General of Public Financial Management and Transformation, Ministry of Treasury and Finance

Effective Date: 1 January 2025

For the period between 1 January and 30 June 2025, the maximum gross monthly salary to be used in severance pay calculations has been set at TRY 46,655.43.

Minimum Wage Support for 2025

Legal Basis: Law Amending Certain Laws numbered 7539

Effective Date: 1 January 2025

For 2025, employers will receive wage support for registered employees whose daily earnings are reported as TRY 1,000 or less. The total number of premium payment days for these employees, multiplied by TRY 33.33, will be deducted from the employer's premium. This amount will be covered by the Unemployment Insurance Fund, and newly registered employers in 2025 will also benefit from this support.



SSI Circular on Employer Contribution Discount for Insurance Premiums

Legal Basis: SSI Circular numbered 2025/6 dated 13 February 2025

Effective Date: 1 February 2025

Pursuant to the Law numbered 7538 Amending the SSI Law and Certain Other Laws, sector-based differentiation has been introduced in the employer's share of social security premium discounts starting from 2025. Accordingly, the 5-point discount previously applied to all private sector workplaces has been reduced to 4 points for non-manufacturing workplaces. However, the 5-point discount will continue to apply to manufacturing sector workplaces until the end of 2026. The President is authorized to extend this period until the end of 2027. The applicable discount rate will be automatically determined by the SSI based on the workplace's NACE code.

Workplaces falling under section "C (Manufacturing)" of the NACE Rev.2 Classification will continue to benefit from the 5-point discount. If a workplace's NACE code has been falsely declared and this is later detected, any unjustified benefits gained from the discount will be recovered from the employer along with penalties and interest.

Amendments to Insurance Procedures under SSI Circular

Legal Basis: SSI Law; SSI Circular numbered 2025/07 dated 19 February 2025

Effective Date: 19 February 2025

SSI Circular numbered 2025/07 introduces changes regarding overlapping insurance statuses:

- (i) For those working less than 30 days under 4(a) and simultaneously registered under 4(b), the 4(b) status will be cancelled, and the 4(a) record will be completed to 30 days.
- (ii) A month will be deemed to have 30 days, and overlapping service days under 4(a) and 4(b) will be aggregated.

(iii) Part-time employees under 4(a) will not be allowed to voluntarily insure themselves for missing periods or purchase those missing periods later under general health insurance.

Amendments on Occupational Health and Safety Trainings

Legal Basis: Regulation Amending the Regulation on the Procedures and Principles of Occupational Health and Safety (“OHS”) Training of Employees, published in the Official Gazette dated 5 March 2025

Effective Date: 5 March 2025

With the recent amendment, workplaces classified as less hazardous and employing fewer than 10 employees are now allowed to conduct both initial and refresher OHS trainings through distance education. In less hazardous workplaces with 10 or more employees, as well as in hazardous and very hazardous workplaces, only refresher trainings may be delivered remotely, provided that the employer prepares job- and workplace-specific content and establishes a proper distance education management system.

Provision of OHS Services by Employers or Employer Representatives

Legal Basis: Regulation Amending the Regulation on Occupational Health and Safety Services to be Provided by the Employer or the Employer’s Representative, published in the Official Gazette dated 5 March 2025

Effective Date: 5 March 2025

The regulation published on 5 March 2025 facilitates the provision of occupational health and safety (OHS) services by employers or their representatives, provided that they complete the required training and obtain a Certificate of Completion. Employers who hold this certificate may undertake OHS services at multiple less hazardous workplaces within the same province, provided that the total number of employees across all such workplaces does not exceed 50. Employer representatives may only provide OHS services at the single workplace where they are employed under a full-time employment contract. The requirement to pass an exam following the completion of the relevant training has been abolished; completing the training is now sufficient to obtain the certificate.

SSI Circular on Correction of Employment Termination Codes

Legal Basis: SSI Circular numbered 2025/08 dated 11 March 2025

Effective Date: 11 March 2025

Pursuant to the relevant circular, it is now possible to correct the reason for termination of employment previously reported to the SSI in certain cases. If an employee was initially reported under a termination code that does not entitle them to severance or notice pay, but it is later determined—through a mediation settlement or court decision—that severance and/or notice compensation is payable, the termination reason may be updated accordingly.

To request the correction, the employee or employer must apply to the relevant SSI directorate with the mediation agreement or court decision supporting the revised reason.

Update on Positive Discrimination Program for Female Employment (KİPAP)

Basis: 2025 Implementation of İŞKUR's "Positive Discrimination Project for Increasing Female Employment"
Effective Date: 10 March 2025

The Positive Discrimination Project for Increasing Female Employment (KİPAP), which was implemented solely in the manufacturing sector in 2024, was expanded in 2025 to also cover the information and communication, and human health and social services sectors. Under the project, the monthly support amount provided to employers has been increased to TRY 32,500 per female employee. In order to benefit from the support, the employer must have at least two insured employees in the workplace, be registered with İŞKUR, and commit to employing the relevant employee for at least twice the duration of the support period. Employers wishing to benefit from the support can apply through İŞKUR's e-Branch system and may receive the support for a maximum period of three months.

Amendment to the Communiqué on Workplace Hazard Classes

Legal Basis: Communiqué Amending the Communiqué on OHS Hazard Classes of Workplaces, published in the Official Gazette dated 13 March 2025

Effective Date: 13 March 2025

With the relevant amendment, the hazard classes of certain business lines have been revised in terms of OHS. Since hazard classes are determined based on the NACE code indicated in the SSI workplace registration number and the main activity of the workplace, this amendment may affect the OHS obligations of the relevant workplaces. In particular, changes have been made to the hazard classes corresponding to certain NACE codes.

IMPORTANT JUDICIAL DECISIONS

Court of Cassation 9th Civil Chamber Decision, Case No. 2024/5116, Decision No. 2024/7086 - dated 18 April 2024

In a lawsuit concerning compensation claims arising from the termination of the employment contract following the employer's refusal to reinstate the employee despite a reinstatement request, the Court ruled that even if the claims are identical, a mediation session held prior to the reinstatement lawsuit does not fulfill the mandatory mediation requirement. A separate mediation application is required for such monetary claims.

With this decision, the Court of Cassation resolved the divergence of opinions among regional courts of appeal.

Court of Cassation 9th Civil Chamber Decision, Case No. 2024/12205, Decision No. 2024/15970 – dated 10 December 2024

The Court examined a case in which the employee was paid severance and notice compensation following a voluntary mediation after the employment contract had been terminated for just cause. The Court ruled that this situation does not justify amending the termination code, and rejected the employee's lawsuit requesting a code correction.

Constitutional Court Decision, Application No. 2020/12353 – dated 18 July 2024

The Constitutional Court ruled that the termination of an employee's contract on the grounds of disclosing trade secrets in a doctoral assignment constituted a violation of freedom of expression.

Key Findings:

- The first instance court held that the assignment contained general information and ruled the termination was unlawful, ordering reinstatement.

- The regional appellate court reversed the decision on the grounds that the employee had violated a confidentiality undertaking.
- The Constitutional Court found that the appellate court had not sufficiently examined which parts of the assignment allegedly breached the undertaking.
- The Court also emphasized that the allegation that the assignment had been submitted prior to the undertaking was not properly considered.
- It was noted that the principle of last resort in termination had not been respected, and that the assignment was not a thesis and had not been made public.

Conclusion:

The Constitutional Court concluded that the employee's freedom of expression had been indirectly and unjustifiably restricted, constituting a violation of Article 26 of the Constitution.

Constitutional Court Decision, File No. 2023/158, Decision No. 2024/187 – dated 10 March 2025

The Constitutional Court annulled Article 27(1) of the Turkish Code on Private International Law and Civil Procedural Law which allowed parties to freely choose the applicable law in employment contracts, on the grounds that it did not provide minimum safeguards for employees.

Key Findings:

- The Court emphasized that the right to choose applicable law lacked any safeguard or control mechanism against abuse that could harm the employee.
- Within the scope of the state's positive obligation to protect employees, it was held that the chosen law must not result in outcomes detrimental to the worker.
- The annulled provision did not prevent employers from choosing laws that offer less protection than the mandatory provisions of the law of the habitual workplace.

- However, the Court rejected the annulment request for Article 27(2), which allows the application of the law most closely connected to the employment relationship, considering it grants judicial discretion and does not result in disadvantage to the employee.

Conclusion:

Since the provision failed to prevent potential violations of workers' rights by allowing laws that fall below minimum protection standards, Article 27(1) was found unconstitutional under Articles 2 and 49 of the Constitution. The annulled provision will enter into force on 10 September 2025.



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