

A blurred background image of a modern office meeting. Several people are seated around a long wooden conference table, working on laptops. The room has large windows in the background, letting in bright light. The overall scene is out of focus, emphasizing the text in the foreground.

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# Notice Compensation in Termination for Compelling Reasons: An Analysis of the Court of Cassation 9th Civil Chamber Decision

Date: 25 December 2025

## Introduction

The decision of the 9th Civil Chamber of the Court of Cassation (“**the Court**”), numbered 2025/5850 E. and 2025/6491 K., was published in the Official Gazette dated 25 December 2025 and numbered 33118. The decision concerns whether an employment contract may be terminated on the basis of compelling reasons under labour law and, if not, whether the employee remains entitled to notice compensation in such circumstances.

## Background of the Decision

The claimant employee asserted that they had been employed as a qualified worker by the defendant employer, that their employment contract had been unjustly terminated, and that notice compensation had not been paid. Accordingly, the claimant sought the recovery of various employment receivables.

The First Instance Court partially accepted the claim but rejected the request for notice compensation. The decision became final, and the Ministry of Justice applied for a review in the interest of law.

## Grounds for Review in the Interest of Law

In the application, it was argued that the

developments leading to the suspension of the contract between the employer and the employee could not be considered as compelling reasons within the meaning of the Labour Law. Therefore, it was asserted that termination on this basis was not permissible and that notice compensation should have been awarded.

## Court of Cassation’s Assessment

The Court examined the dispute within the framework of Article 25/III of the Labour Law No. 4857 and provided a detailed assessment of the concept of compelling reasons under labour law.

The Court first emphasised that, in order for a compelling reason to exist, the event must be beyond the control of the parties and must be unforeseeable and unavoidable. However, it underlined that, under labour law, an additional criterion applies: the compelling reason must arise in the sphere of the employee.

Accordingly, events that prevent the employee from performing their work and that originate from their personal environment such as natural disasters or extraordinary circumstances affecting the employee’s location may qualify as compelling reasons. In contrast, developments relating to the employer’s field of activity, including economic, sectoral, or administrative circumstances, cannot be considered within this scope.

In the present case, although it was established that certain developments affecting the employer’s field of activity made the continuation of the employment relationship difficult, the Court determined that these circumstances did not arise from the employee’s sphere but were directly related to the employer’s organization and operations.

The Court therefore concluded that such circumstances, even if burdensome for the employer, do not constitute a compelling reason within the meaning of Article 25/III of the Labour Law. Consequently, the termination of the employment contract could not be justified on this basis.

Furthermore, the Court noted that in cases where termination is based on compelling reasons, employers may be exempt from providing notice or paying notice compensation. However, since the conditions for such termination were not met in the present case, the employee was deemed entitled to notice compensation.

## Conclusion

The Court held that the First Instance Court’s decision rejecting the claim for notice compensation was unlawful and issued a decision of reversal in the interest of law. This decision clearly demonstrates that the

concept of compelling reasons under labour law is interpreted narrowly and that the “employee’s sphere” criterion is decisive. In this respect:

- Developments relating to the employer’s field of activity do not qualify as compelling reasons,
- In order to rely on compelling reasons, the event must arise within the employee’s sphere,
- If these conditions are not met, the employer remains liable to pay notice compensation.

The decision highlights the importance for employers to accurately classify the legal basis of termination and underscores the financial risks associated with mischaracterising a termination as one based on compelling reasons.

The full text of the Decision is available at this [link](#).

## Severance Pay Ceiling Updated (First Half of 2026)

**Date: 6 January 2026**

### Introduction

With the “Circular on Financial and Social Rights” dated 6 January 2026 issued by the Ministry of Treasury and Finance, the coefficients applicable to financial and social rights for the period between 1 January 2026 and 30 June 2026 have been updated.

Within this scope, the severance pay ceiling applicable to each year of service has been set at **TRY 64,948.77**.

### Details

Under the Circular:

- Salary coefficients and additional payment coefficients for public personnel have been revised.
- Various salary and compensation items applicable to public employees have been increased.
- In parallel with these changes, the severance pay ceiling has also been updated.

Accordingly, as of 1 January 2026, the maximum amount to be taken into account per [mariflaw.com](http://mariflaw.com)

year of service in severance pay calculations is **TRY 64,948.77**.

### Conclusion

This update has a direct impact on employers, particularly in terms of severance pay calculations. For terminations to be carried out in the first half of 2026, severance pay must be calculated in line with the updated ceiling.

In this context, where an employee’s gross salary exceeds the ceiling, the severance pay must be calculated based on the statutory cap.

Furthermore, where the employee’s length of service spans different periods with different applicable ceilings, separate calculations may be required for each period.



# Constitutional Court Decision: The Right to Benefit from a Collective Bargaining Agreement

**Date: 6 January 2026**

## Introduction

The decision of the Constitutional Court dated 1 October 2025 and numbered 2021/26482, concerning the right to benefit from a collective bargaining agreement, was published in the Official Gazette dated 6 January 2026 and numbered 33129.

## Background of the Decision

The applicant claimed that their right to unionisation had been violated on the grounds that they were not allowed to benefit from rights and monetary entitlements arising from a collective bargaining agreement (“**CBA**”) at their workplace.

The dispute stems from the fact that, due to authorization issues at the workplace, no CBA could be executed for a certain period, and subsequently, a CBA was concluded between the relevant unions with retroactive effect.

However, a protocol concluded between the unions stipulated that the retroactive improvements would apply only to employees

who were employed at the workplace on the date of signature.

As the applicant’s employment had already terminated before that date, they were excluded from benefiting from such rights.

The applicant filed a claim for receivables, arguing that this situation was unlawful; however, the claims were dismissed by the courts of first instance and the appellate court. The applicant then lodged an individual application before the Constitutional Court.

## Constitutional Court’s Assessment

The Constitutional Court examined the dispute within the scope of the right to unionisation and assessed the extent of the right to benefit from a collective bargaining agreement, particularly under Law No. 6356 on Trade Unions and Collective Bargaining Agreements.

The Constitutional Court emphasised that, pursuant to the relevant legislation, employees whose employment contracts terminate between the effective date and the signing date of a CBA are entitled to benefit from the CBA

provisions up until the date of termination of their employment.

However, in the present case, it was determined that the protocol concluded between the unions effectively shortened the duration of the CBA and narrowed its scope of application, thereby restricting the protection afforded under the law.

The Constitutional Court further noted that the lower courts based their decisions solely on the protocol without evaluating the clear provisions of the law and established case law and thus failed to properly assess the applicant’s right to benefit from the CBA. It concluded that such insufficient judicial review was incompatible with the State’s positive obligations to protect the right to unionisation.

## Conclusion

The Constitutional Court held that the applicant’s right to unionisation was violated due to the failure to protect their right to benefit from the collective bargaining agreement and the inadequate judicial assessment by the lower courts.

The Constitutional Court ordered a retrial to eliminate the consequences of the violation and awarded non-pecuniary compensation to the applicant.

The full text of the Decision is available at [this link](#).

## Constitutional Court Decision on the Social Security Institution Retirement Eligibility Letter Forming the Basis for Severance Compensation

**Date: 20 February 2026**

### Introduction

The decision of the Constitutional Court dated 16 July 2025 and numbered 2021/66060 was published in the Official Gazette dated 20 February 2026 and numbered 33174. The decision concerns a dispute arising from the Social Security Institution's ("SSI") failure to issue, in a timely manner, the document confirming retirement eligibility, which employees use to terminate their employment contracts and claim severance compensation.

### Background of the Decision

The applicant applied to the SSI in order to obtain a document confirming that the required number of premium days for retirement had been completed, with the aim of terminating the employment contract and becoming entitled to severance compensation.

However, due to a deficiency in the SSI records (the absence of a 20-day period of employment in the system), the request was initially rejected, and during this process, the applicant notified the employer of the intention to terminate the employment. Subsequently, the SSI corrected the missing records and issued the requested document.

Claiming that the delay in issuing the document prevented entitlement to severance compensation, the applicant first filed a lawsuit against the SSI

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and later against the employer.

### Constitutional Court's Assessment

The Constitutional Court noted that the 10th Civil Chamber of the Court of Cassation had accepted that the applicant's intention to terminate the employment contract was based on retirement and that the applicant obtained the relevant document from the SSI within a short period of time.

In contrast, the Regional Court of Appeal reached a different conclusion based on the same facts. The Constitutional Court concluded that such conflicting assessments by judicial authorities undermined the foreseeability of the proceedings and were incompatible with the principles of legal certainty and legal security.

In this context, the Constitutional Court held that the failure to resolve the contradiction between judicial decisions resulted in a violation of the applicant's right to a fair trial.

### Conclusion

The Constitutional Court ruled that the conflicting evaluations by the judicial authorities violated the applicant's right to a fair trial and ordered a retrial in order to eliminate the consequences of the violation.

The full text of the Decision is available at this [link](#).



# Proposed Amendments to Maternity Leave and Key Employment Regulations under Draft Law No. 2/3566

Date: 04 March 2026



## Introduction

On 4 March 2026, a draft law titled “Law on Amendments to the Social Services Law and Certain Other Laws” (Bill No. 2/3566) was submitted to the Turkish Grand National Assembly. If enacted, the draft would introduce significant changes, particularly in the fields of labour law, social security, and child protection mechanisms. The key amendments relevant to private sector employers and employees are summarised below:

## Key Highlights

### Incentives for the Employment of Youth Raised Under State Protection

Where individuals raised under state protection are employed in the private sector, all social security premiums (including both employee and employer contributions) would be covered by the Treasury for a period of five years.

### Extension of Maternity Leave

The total duration of maternity leave, currently set at 16 weeks, is proposed to be increased to 24 weeks by extending the postnatal leave period. The rationale of the draft emphasises that the postnatal period is critical for child development and aims to allow mothers to spend more time caring for their children.

### Reduction of the Pre-Birth Working Period

The period during which female employees may continue working prior to childbirth would be reduced from the last 3 weeks to 2 weeks, while maintaining the possibility of adding unused pre-birth leave to the postnatal period.

### Alignment of Unpaid Leave Entitlement

The starting point of the existing right to up to 6 months of unpaid leave would be aligned with the extended maternity leave periods.

### New Leave Right for Foster Parents

Employees who become foster parents would be entitled to 10 days of unpaid leave as of the date the child is placed with the family. This amendment aims to encourage the foster care model.

### Extension of Paternity Leave

The duration of paternity leave for male employees is proposed to be increased from 5 days to 10 days.

### Employment Restrictions in Child-Focused Workplaces

Individuals convicted of certain serious crimes would be prohibited from working in workplaces where children are present. Employers would also be required to regularly obtain criminal record certificates from employees.

### Harmonisation with Social Security Legislation

In line with the proposed extension of maternity leave, the duration of temporary incapacity benefits paid by the Social Security Institution would also be extended to 24 weeks, and the relevant provisions would be updated accordingly.

## Conclusion

The draft law aims to strengthen family structures, particularly by extending maternity leave and enhancing child protection mechanisms. However, the proposed changes are also expected to have significant implications for employers in terms of workforce planning and cost management.

If enacted, employers would need to review and update their internal HR policies and practices to ensure compliance with the new regulations.

The full text of the Bill is available at this [link](#).

# Social Security Institution Circular on Minimum Wage Support for 2026 Published

Date: 05 March 2026



## Introduction

The procedures and principles regarding the minimum wage support for 2026 have been set out under the Social Security Institution's ("SSI") Circular dated 5 March 2026 and numbered 2026/8. The Circular provides the implementation details of the support mechanism introduced under Provisional Article 112 of the Law No. 5510.

## Key Highlights

### Scope and Amount of the Support

A daily minimum wage support of TRY 42.33 will be provided for the period between January and December 2026. The support will be applied by offsetting it against the social security premium liabilities of eligible private sector employers.

In calculating the support, the earnings subject to premium declared for the same month of 2025 will be taken as a basis, and only employees with a daily earning of TRY 1,300 or below will be considered (TRY 2,600 for workplaces covered by collective bargaining agreements).

### Eligibility Conditions

In order to benefit from the support, employers must:

- submit their premium declarations within the statutory deadlines,
- pay social security premiums on time,
- have no outstanding debts to the SSI (or have such debts restructured or paid in instalments), and
- maintain the number of insured employees at or above the relevant reference threshold.

If the number of insured employees reported in any month of 2026 falls below the minimum number reported in any month of 2025, the support will not be granted for the relevant month.

## Audits and Sanctions

If inspections reveal underreporting, unregistered employment, or fictitious insurance, the support amounts already granted will be reclaimed together with default interest and penalties.

However, if minor discrepancies remain within certain thresholds and are remedied within 15 days upon notification by the SSI, the employer may continue to benefit from the support.

## Implementation Method

No separate application is required to benefit from the support; employers meeting the relevant conditions will be automatically included in the system.

## Conclusion

While the minimum wage support for 2026 provides a significant cost advantage for employers, it is subject to strict compliance requirements. In particular, accurate reporting of employees, timely submission of declarations, and payment of premiums remain crucial. Failure to meet these conditions may result not only in the loss of the support but also in the recovery of the amounts granted together with additional financial liabilities.

The full text of the Circular is available at this [link](#).

# Constitutional Court Ruling on Statute of Limitations in Employment Claims and the Right of Access to a Court

**Date: 16 March 2026**

## Introduction

In its decision dated 24 December 2025 and numbered Application No. 2024/70460 (“**Decision**”), published in the Official Gazette dated 16 March 2026 and numbered 33198, the Constitutional Court held that the dismissal of an employment receivables claim on statute of limitations grounds, without a proper assessment of the applicable law in a dispute involving a foreign element, constituted a violation of the right of access to a court.

## Background of the Decision

The application concerns a claim for employment receivables filed by applicants who had worked abroad following the termination of their employment contracts.

The first instance courts dismissed the case on statute of limitations grounds without conducting a detailed assessment of the applicable law, despite the presence of a foreign element in the dispute.

The applicants argued that the failure to

properly determine the applicable law led to an incorrect statute of limitations assessment and thus violated their right of access to a court.

## The Constitutional Court’s Assessment

The Constitutional Court carried out its review within the framework of the freedom to seek legal remedies and the right of access to a court guaranteed under Article 36 of the Constitution. The Constitutional Court emphasised that while the right of access to a court is not absolute, any limitation must comply with the principles of legality, legitimate aim and proportionality. In this context, the Constitutional Court highlighted the following points:

- The determination of the applicable law constitutes the basis of the statute of limitations assessment in employment relationships involving a foreign element.
- Evaluations based solely on the habitual place of work are insufficient; all connecting factors of the relationship must be taken into account.
- It must also be assessed whether a law

providing a higher level of protection for the employee should be applied.

- A statute of limitations assessment carried out without properly determining the applicable law may lead to unforeseeable consequences for the applicants.

The Constitutional Court found that the lower courts reached their conclusion without sufficiently addressing these elements and that their assessment remained superficial.

## Conclusion

The Constitutional Court concluded that the lower courts had failed to conduct a sufficiently comprehensive review of the applicable law before assessing the statute of limitations. Given the foreign element of the dispute, the courts were required to examine the potentially applicable legal systems rather than proceeding directly to a limitations analysis.

The Constitutional Court held that this overly formalistic approach imposed a disproportionate burden on the applicants and deprived them of an effective opportunity to have their

employment claims examined on the merits, thereby interfering with the right of access to a court.

Accordingly, the Constitutional Court found a violation of Article 36 of the Constitution and ordered a retrial in order to eliminate the consequences of the violation.

The Decision demonstrates that, particularly in employment relationships involving a foreign element, the determination of the applicable law is not a merely technical exercise but a decisive step in ensuring effective access to justice.

It also highlights the importance for employers to review governing law clauses together with mandatory employee protections and the factual connecting factors of the relationship in cross-border employment arrangements.

The full text of the Decision is available at [this link](#).

# Communiqué on Occupations Requiring Vocational Qualification Certificates Published

Date: 23 March 2026



## Introduction

The Communiqué on Occupations Requiring Vocational Qualification Certificates (Serial No: 2026/1) (“**Communiqué**”) issued by the Vocational Qualifications Authority was published in the Official Gazette dated 23 March 2026 and numbered 33202. The Communiqué updates the list of professions subject to mandatory vocational qualification certification.

## Key Highlights

### Occupations Subject to Certification Requirement

- Individuals working in occupations classified as “hazardous” and “very hazardous” and listed in the annex of the Communiqué are required to hold a vocational qualification certificate.
- Persons who do not hold such certificate and do not fall within the scope of exemptions will not be allowed to be employed in these occupations following the transition period.

### Exemptions from the Certification Requirement

Certain individuals holding specific qualifications or training will be exempt from the obligation to obtain a vocational qualification certificate. In this context:

1. those holding a mastership certificate under the Vocational Education Law No. 3308,
2. graduates of vocational and technical secondary or higher education institutions, and

3. individuals who successfully completed programs authorized by the Ministry of National Education before a specified date,

will be exempt from the certification requirement, provided that they are employed in fields corresponding to their qualifications.

### Effective Date and Transition Period

- The certification requirement will become effective as of 24 March 2027.
- Following this date, employers will be required to verify whether their employees working in the relevant professions hold the necessary certificates and ensure compliance accordingly.

### Conclusion

With the newly published Communiqué, the certification requirement for employees working in hazardous and very hazardous occupations has been clarified and systematised. Employers are expected to review the certification status of their employees during the transition period and take the necessary steps to ensure compliance. Otherwise, continued employment of uncertified individuals in the relevant occupations will not be permitted.

The full text of the Communiqué is available at this [link](#).

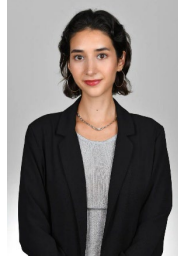
## CONTACTS



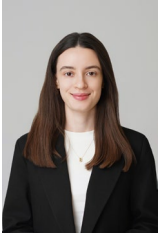
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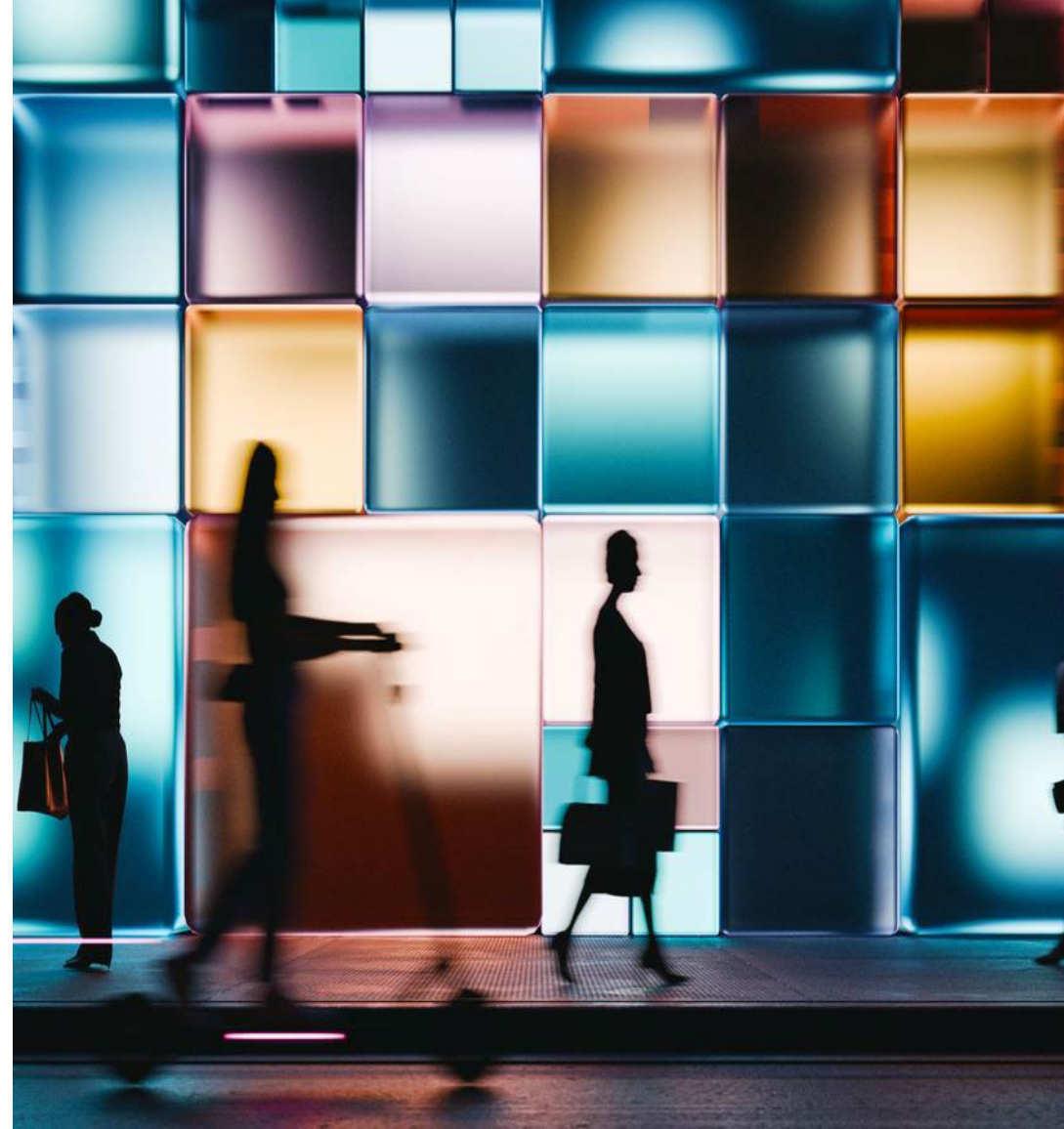
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