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Employment Law Quarterly

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20TH ANNIVERSARY

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New Regulation on Occupational Health and Safety Training for Employees

Date: 2 April 2026

Introduction

The Regulation on the Procedures and Principles of Occupational Health and Safety Training for Employees (the "**Regulation**") was published in the Official Gazette dated 2 April 2026 and numbered 33212. The Regulation entered into force on the date of publication and replaced the previous regulation governing occupational health and safety ("**OHS**") training.

The Regulation applies to workplaces falling within the scope of Occupational Health and Safety Law No. 6331 and introduces detailed rules on induction training, basic training, refresher training, documentation and remote training methods.

Employer Obligations

The Regulation requires employers to ensure that employees receive induction training before commencing work, basic OHS training within the prescribed period following commencement of employment, and supplementary or refresher training where required.

Induction training must be delivered in person and include practical instruction tailored to the employee's duties, work equipment, workplace-specific hazards and applicable OHS measures. The training must last at least two hours. Employers must document completion of the training through a record signed by the trainer, the employee and the employer or its representative, and retain such record.

The Regulation also requires employers to prepare annual training programmes setting out the scope, objectives, participants, dates, duration and venue of each training session. Employee representatives, or employees where no representative has been appointed, must be consulted during the preparation of these programmes.

Basic Training Requirements

Basic OHS training must be completed as soon as practicable after employment begins and, in any event, within three months of the employee's start date.

The minimum duration depends on the workplace's hazard classification:

- Low-risk workplaces: at least eight class hours;
- Hazardous workplaces: at least twelve class hours; and
- Very hazardous workplaces: at least sixteen class hours.

Each class hour consists of fourty five minutes of instruction followed by a fifteen minutes break. Training may be divided into separate sessions, provided that each session lasts at least one class hour.

The Regulation also introduces mandatory refresher training every three years for low-risk workplaces, every two years for hazardous workplaces and annually for very hazardous workplaces. Each refresher programme must comprise at least eight class hours.

Remote Training and Assessment

Certain components of basic OHS training may be delivered remotely or through a hybrid model. However, workplace-specific OHS training for employees working in hazardous and very hazardous workplaces must always be conducted in person.

Where remote learning is used, employers must ensure that the relevant platform records and monitors employee participation, prevents participants from skipping, forwarding or otherwise bypassing the training content, and incorporates interactive features, such as periodic questions or prompts, to encourage active participation.

Employees must complete an assessment at the end of the training programme. A minimum score of 60 out of 100 is required to pass. Employees who fail may retake the assessment twice. Those who remain unsuccessful must repeat the relevant basic training programme.

Conclusion

The Regulation places greater emphasis on structured training programmes, proper documentation and effective participation monitoring. Employers should review their existing OHS training practices, update annual training plans and ensure that both induction and remote training procedures comply with the new requirements.

The full text of the Regulation is available at this link.

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New Social Security Premium Exemption for Meal Benefits

Date: 17 April 2026

Introduction

Law No. 7577 on Amendments to Certain Laws, published in the Official Gazette dated 17 April 2026 and numbered 33227, introduced a statutory social security premium exemption for certain meal benefits by amending Article 80 of the Social Insurance and General Health Insurance Law No. 5510.

Following the legislative amendment, the Social Security Institution (the “SSI”) issued Circular No. 2026/12 on 7 May 2026 to clarify its implementation. The Circular applies as of 17 April 2026 and provides guidance on the treatment of different meal benefit models.

Scope of the Exemption and SSI Guidance

Where meals are not provided by the employer at the workplace or its annexes, the portion of the daily meal benefit for actual working days that does not exceed TRY 300 is excluded from earnings subject to social security premiums. The amount will be increased annually in accordance with the revaluation rate determined under the Tax Procedure Law. Fractions of up to five per cent are disregarded.

The exemption applies to cash meal allowances, meal cards, meal vouchers and similar benefits. The Circular clarifies that the method of providing the benefit does not affect the exemption, provided that it is granted for actual working days and used to meet employees' nutritional needs. Amounts exceeding the daily threshold remain subject to social security premiums.

Where meals are provided at the workplace, whether directly or through an external catering provider, the full cost of the meal service remains exempt without any monetary cap.

The Circular also clarifies the treatment of mixed meal benefit models. Workplace meals remain fully exempt, while alternative meal benefits provided for days on which no workplace meal is available benefit from the exemption only up to the applicable daily limit. Where both workplace meals and additional meal benefits are provided for the same working day, the additional benefit is fully subject to social security premiums.

Conclusion

Law No. 7577 establishes a statutory social security premium exemption for meal benefits provided outside the workplace up to a daily limit of TRY 300, while preserving the full exemption for meals provided at the workplace.

SSI Circular No. 2026/12 supplements this framework by explaining how the exemption applies to different meal benefit models, including mixed arrangements.

Employers should review their meal benefit policies and payroll practices to ensure that exempt and premium-liable amounts are correctly identified and reported.

The full text of the Law is available at this link.

Extended Maternity Leave and Revised Parental Leave Rights

Date: 1 May 2026

Introduction

Law No. 7578 on Amendments to the Social Services Law and Certain Other Laws, published in the Official Gazette on 1 May 2026, introduced significant changes to maternity leave, paternity leave, foster-parent leave and certain employment restrictions applicable to child-focused workplaces.

Following the legislative amendments, the Social Security Institution (the "SSI") issued Circular No. 2026/13 on 8 May 2026, setting out the implementation of the additional eight-week postnatal leave period and the transitional arrangements applicable to employees whose maternity leave overlapped with the entry into force of the new legislation.

The relevant provisions entered into force on 1 May 2026.

Extended Maternity Leave and Transitional Rules

The Law extends the statutory maternity leave entitlement from sixteen weeks to twenty-four weeks by increasing the postnatal leave period from eight weeks to sixteen weeks. Employees may continue working until two weeks before the expected date of birth, subject to medical approval, and any unused pre-birth leave may be added to the postnatal leave period. The Law also aligns the commencement of the existing unpaid leave entitlement with the extended maternity leave period.

The SSI Circular further clarifies the transitional arrangements for employees affected by the legislative change.

For insured employees whose postnatal maternity leave had not expired as of 1 May 2026, the existing medical report is automatically extended by eight weeks without any application or additional administrative procedure.

Employees whose postnatal leave had already expired before 1 May 2026 may also benefit from the additional eight-week leave, provided that they satisfy the statutory conditions and qualify for temporary incapacity benefits under maternity insurance. In such cases, employers must submit an application through the SSI's electronic medical report system.

Paternity and Foster Parent Leave

The Law increases statutory paternity leave from five days to ten days. In addition, employees who become foster parents are entitled to ten days of unpaid leave from the date on which the child is placed with the foster family to support the child's adaptation to the new family environment.

Employment Restrictions in Child-Focused Workplaces

The Law introduces restrictions on the employment of individuals convicted of certain serious offences in workplaces where children are present. Employers operating such workplaces should therefore review their recruitment and HR compliance procedures, including the periodic collection and review of criminal record certificates where required.

Conclusion

The amendments significantly expand maternity and parental leave rights while introducing new compliance obligations for employers operating child-focused workplaces. Employers should update employment contracts, leave policies, employee handbooks and payroll procedures to reflect the revised entitlements. Employers should also identify employees who may benefit from the transitional maternity leave provisions and ensure that any required SSI applications are submitted in a timely manner.

The full text of the Law is available at this link

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Principle Decision on Biometric Data Proccessing for Attendance Tracking

Date: 2 June 2026

Introduction

The Personal Data Protection Board’s Principle Decision No. 2026/921, dated 29 April 2026 and published in the Official Gazette on 2 June 2026, sets out the Board’s approach to the use of biometric data for employee attendance tracking.

The Decision examines attendance systems based on fingerprint, facial recognition, iris scanning, retina scanning, palm vein recognition and similar biometric technologies.

Legal Basis for Processing

The Board reaffirmed that biometric data constitutes special category personal data under the Personal Data Protection Law. While employers are legally required to monitor employees’ working hours, the Board emphasized that no legislation specifically requires attendance tracking through biometric identification systems. Accordingly, employers cannot rely on the statutory legal basis permitting processing where expressly provided by law.

The Board also reiterated that explicit consent obtained within the employment relationship is subject to heightened scrutiny because of the inherent imbalance between employer and employee. Where employees may reasonably fear adverse consequences if they refuse or withdraw consent, such consent cannot be regarded as freely given.

For this reason, the Board concluded that explicit consent will, in most cases, not constitute a valid legal basis for biometric attendance systems.

Proportionality and Alternative Methods

The Decision places particular emphasis on the principles of necessity, proportionality and data minimisation. Before implementing biometric attendance systems, employers should assess whether the intended purpose can reasonably be achieved through less intrusive alternatives.

The Board identified several examples, including password-protected cards, PIN-based attendance systems, paper attendance records, RFID cards, NFC cards and manually supervised attendance records.

According to the Board, the availability of these alternatives means that biometric attendance systems used solely for recording working hours will generally fail the necessity and proportionality assessment.

Conclusion

The Decision reflects the Board’s increasingly restrictive approach to biometric data processing in employment relationships. Employers currently using biometric attendance systems should reassess whether such processing can be justified in light of the Board’s position, consider less intrusive alternatives where appropriate, and review their retention periods, access controls and internal documentation to ensure ongoing compliance.

The full text of the Decision is available at this link.

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Public Announcement on Workplace Security Camera Systems

Date: 8 June 2026

Introduction

On 8 June 2026, the Personal Data Protection Authority (the "Authority") published a public announcement outlining its expectations regarding the use of security camera systems in workplaces.

The announcement reiterates that camera recordings constitute personal data processing under the Personal Data Protection Law No. 6698 and emphasises that employers must ensure such processing complies with the fundamental principles of data protection law.

Legitimate Purpose and Proportionality

The Authority confirms that security cameras may be used for legitimate purposes such as ensuring workplace security, preventing and detecting criminal activity, protecting occupational health and safety and preventing theft, misconduct or other security-related incidents.

However, camera systems must not be installed for vague or overly broad purposes. In particular, objectives such as monitoring employee productivity, maintaining discipline or exercising general supervision do not, in themselves, justify continuous video surveillance.

The announcement further emphasises that employers must comply with the principles of necessity, proportionality and data minimisation when determining whether camera monitoring is appropriate. Employers should carefully assess:

- whether camera monitoring is genuinely necessary;
- the areas to be monitored;
- camera angles and fields of vision;
- zoom capabilities;
- the frequency of monitoring; and
- whether continuous recording is proportionate to the intended purpose.

Areas Where Camera Use Is Inappropriate

The Authority makes clear that camera surveillance must not extend to areas where employees have a heightened expectation of privacy. These include toilets, changing rooms, prayer rooms and designated rest areas.

The announcement also discourages the use of wide-angle or face-focused recording that unnecessarily captures large portions of the workplace. In addition, audio recording is regarded as particularly intrusive and should only be used where its necessity can be clearly justified under the applicable legal framework.

Transparency, Security and Retention

Employers remain subject to the transparency obligations under the Personal Data Protection Law and must clearly inform employees whenever camera surveillance is in operation. The Authority also expects employers to implement appropriate technical and organisational safeguards to prevent unlawful processing, unauthorised access and the improper disclosure of recordings.

Access to camera footage should be limited to authorised personnel under documented access procedures.

Finally, recordings should be retained only for as long as necessary to fulfil the relevant purpose. Employers are encouraged to implement automatic deletion mechanisms and retain footage for longer periods only where required for a specific legal or investigative purpose.

Conclusion

The announcement reinforces the Authority's expectation that workplace camera systems be designed in accordance with the principles of necessity, proportionality and transparency.

Employers should review existing surveillance practices, reassess the legal basis and purpose of each camera system, and ensure that retention periods, access controls and employee privacy notices are aligned with the Authority's guidance.

The full text of the Announcement is available at this link.

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Court of Cassation Decision on Weekly Rest Days During Annual Leave

Date: 9 June 2026

Introduction

In its decision numbered 2025/9525 E. and 2026/757 K., dated 3 February 2026 and published in the Official Gazette on 9 June 2026, the 9th Civil Chamber of the Court of Cassation clarified how weekly rest days should be taken into account when calculating annual paid leave.

The decision was rendered following a review in the interest of law and provides important guidance on the calculation of unused annual leave entitlements upon termination of employment.

Court of Cassation's Assessment

Referring to Article 56 of Labour Law No. 4857, the Court reaffirmed that weekly rest days, national holidays and public holidays falling within an annual leave period cannot be counted against an employee's statutory annual leave entitlement.

The Court also reiterated that, upon termination of employment, unused annual leave must be compensated based on the employee's final wage. Employers bear the burden of proving that annual leave has been duly granted, typically through signed leave records or other documentary evidence.

In the case at hand, the employee had accrued twenty-eight days of annual leave. Although the employer produced records indicating that the employee had taken leave covering twenty-eight calendar days, four weekly rest days fell within those periods. The Court held that these weekly rest days could not be deducted from the employee's annual leave entitlement. As a result, the employee remained entitled to payment for an additional four days of unused annual leave.

Conclusion

The decision confirms that annual leave calculations must distinguish between calendar days and statutory leave days. Employers should review their leave administration procedures and ensure that weekly rest days, national holidays and public holidays are not treated as part of an employee's annual leave entitlement. HR systems and leave records should likewise be reviewed to ensure that annual leave is tracked accurately and consistently.

The full text of the Decision is available at this link.

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Severance Compensation Ceiling Increased for the Second Half of 2026

Date: 3 July 2026

Introduction

The Ministry of Treasury and Finance published Circular No. 5 on Financial and Social Rights on 3 July 2026, setting out the financial coefficients applicable between 1 July and 31 December 2026. Among other updates, the Circular increases the statutory severance compensation ceiling.

New Ceiling

Effective from 1 July 2026, the severance compensation ceiling has been increased to TRY 73,729.87.

This represents the maximum gross amount that may be taken into account in calculating statutory severance compensation for each completed year of service. Where an employee’s gross salary exceeds this threshold, severance compensation must be calculated based on the applicable statutory ceiling.

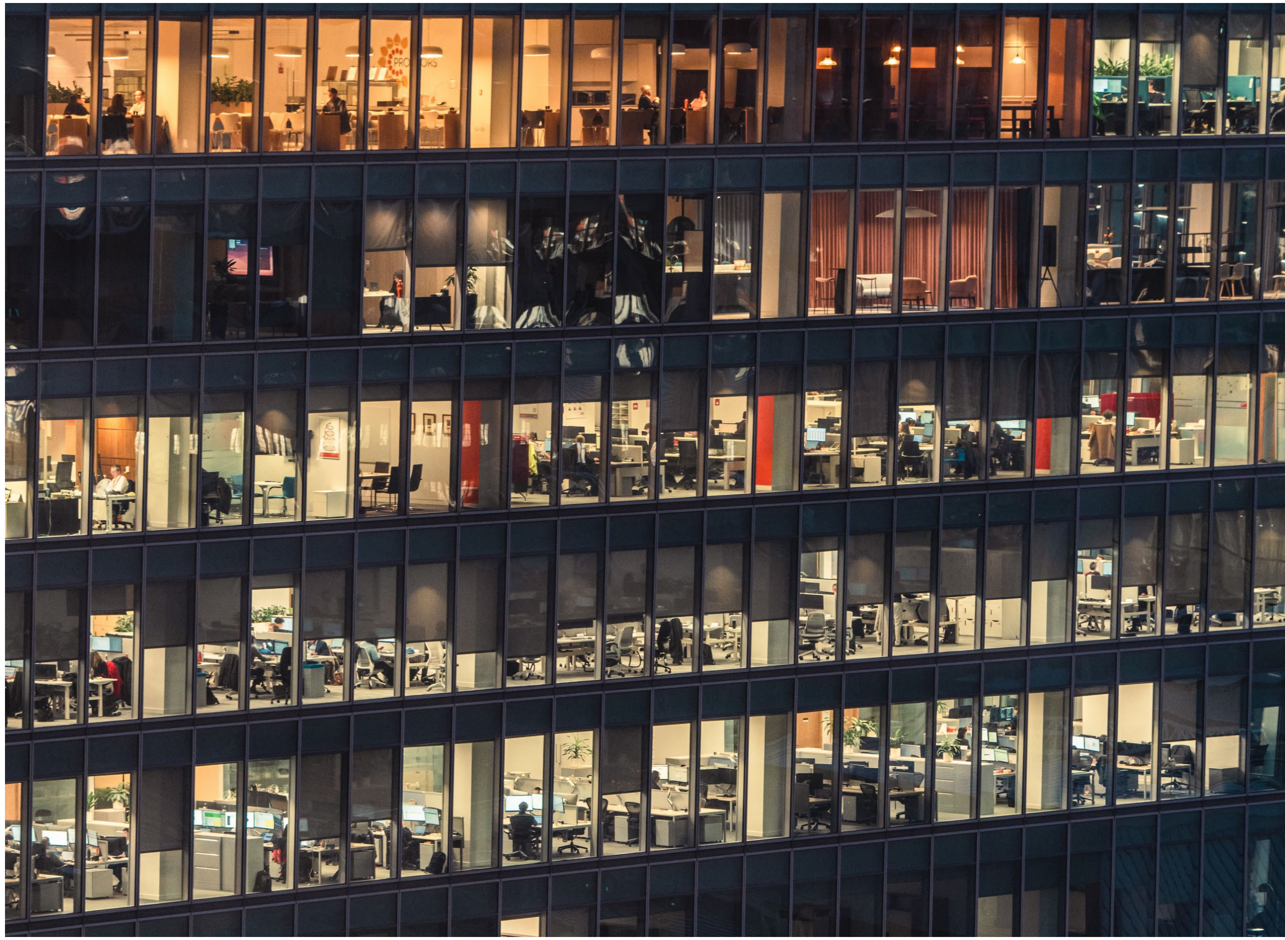
Conclusion

Employers should apply the revised ceiling to all employment terminations taking effect on or after 1 July 2026.

Where an employee’s period of service spans different ceiling periods, calculations should be carefully reviewed to ensure that the appropriate statutory ceiling is applied to each relevant period.

Employers should therefore ensure that payroll and termination calculations reflect the revised ceiling, particularly where an employee's length of service covers both halves of 2026.

The full text of the Circular is available at this link.



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