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NEWS REPORT

Country:	Turkey
Title:	Part-Time Work as an option for puerperant workers
Date:	6 January 2017
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<u>Context</u>	
Issue at stake:	Work-life balance initiatives; enhancement of female labour
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment; pregnancy and maternity
Applicable law:	By-Law on Part-Time Work Following Maternity Leave or Unpaid Leave of 8 November 2016

Content

Law/policy development: The By-Law on Part-Time Work Following Maternity Leave or Unpaid Leave is an implementing regulation for female workers who want to benefit from part-time work following expiration of their maternity leave or unpaid leave. It was issued by the Ministry of Labour and Social Security and published in the Official Gazette of 8 November 2016. It became effective on its publication date.

In Turkey, maternity leave is 16 weeks and two additional weeks are to be added to the ante-natal period if there is multiple pregnancy. The total period of maternity leave is compulsory. The ante-natal resting period of eight weeks may be reduced to three weeks at the request of the worker and the approval of a doctor. The unused period is to be added to the post-natal resting period. If there is early delivery, again the unused period is to be added to the post-natal resting period. The worker, if she so requests, has to be granted unpaid leave for up to six months following the post natal period. For an adoptive parent worker, if the adopted child is less than 3 years of age, there will be an eight weeks' leave (same as post-natal leave) following which is a six-month unpaid leave upon request. Law no. 6663 amending Income Tax Law and Some Other Laws that became effective with its publication in the Official Gazette of 10 February 2016 amended the Labour Law, envisaging part-time work as an option for the puerperant (and also adoptive) worker. The By-Law on Part-Time Work Following Maternity Leave or Unpaid Leave provides details on the issue of part-time work.

A woman worker (or adoptive worker if the child is less than 3 years of age) may opt for 'half-time work' (half of the statutory working time, which is 45 hours per week) following the end of maternity leave (or adoption leave). This will be to the amount of 60 days for the first child, 120 days for the second child, and 180 days for the third child. The duration of 'half-time work' work will be longer in the case of multiple births (specified period plus 30 days) or if the child is disabled (360 days) (By-Law, Art. 6). If she opts for a time reduction of 50 %, she will receive half of her regular wage from her employer. For the remaining period she will be paid from the Unemployment Fund. The daily amount of this payment (allowance) will be 80 % of the daily gross minimum wage (Law no. 4447, Art. 53B/g, Additional Art. 5). A woman worker benefitting from this

option is not entitled to nursing breaks (By-Law, Art. 6/4).

A puerperant worker or her husband also has the option of working part-time until the first day of the month following the compulsory schooling age (completion of 66 months of age at the latest at the end of September of the registration year but it is also possible for a child of 60-66 months to start with the written approval of the parent(s)). The worker will be paid half of her/his regular wage if she/he opts for a time reduction of 50 % (By-Law, Art. 8/1). The employer has to be informed in written form at least a month before starting part-time work (By-Law, Art. 8/3). It will be the employer to prepare a working timetable by considering the nature of work and worker's requests (By-Law, Art. 15/1). A request for this option will not constitute a valid reason for an employer to terminate his/her contract (By-Law, Art. 11/4). If one of the parties is not employed, then the other (worker) spouse cannot benefit from this option unless the other spouse is suffering from an illness requiring constant care, or if the requesting worker is the sole parent with parental authority, or if the requesting worker is the sole adoptive parent (By-Law, Art. 10). This part-time work will start following the maternity leave, or following 60/120/180 days of 'half-time work,' or following a six-month unpaid leave (By-Law, Art. 8/1). A woman worker using her six-month unpaid leave may ask for its termination and start working part-time (By-Law, Art. 8/2). The employer's approval will be required if the requesting worker is: a) employed in the health sector under particular titles such as responsible director, responsible doctor, responsible from medical lab, or in a position requiring permanent employment; b) employed in seasonal or campaign works with a duration of less than one year; c) employed in industrial shift works necessitating indivisibility; or d) if the work performed is indivisible into workdays due to its nature (By-Law, Art. 12). These limitations are not imperative (absolutely binding); the social partners are free to define works in which part time work is possible through collective agreements (By-Law, Art. 13). A worker who has opted for part-time work may return to full-time work by informing the employer at least a month in advance. This decision cannot be reversed later on. If a temp has been employed for the remaining period of this job, then the temp's employment ends automatically. If a worker using the part-time option decides to leave work, then with the temp's approval, the temp's employment will automatically be converted into full-time employment with an indefinite duration (By-Law, Art. 14).

Key points of analysis: These are measures to reconcile work and family obligations and also to encourage women to continue working after giving birth.

Internet link source: (all links accessed 20 December 2016) Official Gazette website: <http://www.resmigazete.gov.tr>

By-Law on Part-Time Work Following Maternity Leave or Unpaid Leave (*Analık İzni veya Ücretsiz İzin Sonrası Yapılacak Kısmi Süreli Çalışmalar Hakkında Yönetmelik*), Official Gazette 8 November 2016, No. 29882.

Law no. 6663 amending Income Tax Law and Some Other Laws (*Gelir Vergisi Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun*), Official Gazette 10 February 2016, No. 29620.

Labour Law (*İş Kanunu*), Law no. 4857, Official Gazette 10 June 2003, No. 25134.

Unemployment Fund Law (*İşsizlik Sigortası Kanunu*), Law no. 4447, Official Gazette 8 September 1999, No. 23810.

Law amending the Law on Primary Education and Education (*İlköğretim ve Eğitim Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun*), Law no 6287, Official Gazette 11 April 2012, No. 28261.