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Subject: Labour Courts Law No 7036

The Labour Courts Law No 7036 was published on the Official Gazette dated 25 October 2017 and no 30221. With this Law, the Labour Courts Law no 5521 was annulled. The provisions referred to in the first paragraph below on mediation shall enter into force as of 01.01.2018. The other provisions of the Labour Courts Law No 7036 were entered into force on the date of its publication.

- In this Law, the establishment, duty, authority and adjudicatory procedures of the labour courts and the provisions concerning mediation as the cause of action were regulated. Accordingly, the mediation organization was introduced to the front of the process of filing an action in the worker's and employer's receivable, compensation and reemployment claims. For the disagreement between the parties, first of all, the parties shall apply to the mediation offices. If no agreement is reached as a result of this, then the lawsuit stage will start. For the pecuniary and non-pecuniary compensations caused by occupational accident or occupational disease and the pertaining lawsuits, it shall not be required to apply to mediation. For instance, the worker whose employment contract has been terminated must make an application to the mediator with the employment request within one month from the date of notification of the termination notice by alleging that no reason was shown in the termination notice or that the reason shown is not a valid reason. If no agreement is reached, a lawsuit can be filed at the labour court within two weeks as of the date when the last protocol is issued. If the lawsuit is directly filed without applying to the mediator, however, the dismissal of the action due to the procedure is notified to the parties ex officio. An application can be made to the mediator within two weeks from the ex officio notification of the finalized dismissal decision. These provisions shall enter in the force as of 01.01.2018.
- In certain compensations, amendments were made in terms of the lapse of time. That is to say, the timeout period of the annual leave wage, the Severance Pay, the compensation arising from the termination of the Employment Contract without complying with the notification obligation, the compensation for bad faith damages and the compensations arising from the termination of the Employment Contract without complying with the equal treatment principle, regardless of which law they are subject to, was determined as 5 years, provided that they arise from the employment contract.

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