

Descriptive Summary of the Presidential Decree on Measures Taken Concerning the Field of Labour and Social Security Under the State of Emergency

As indicated in the notice of Derogation dated 10 February 2023, additional measures may be taken on issues required in scope of the State of Emergency declared on the ground of the natural disaster by virtue of Article 119 of the Constitution. In this context, following measures have been adopted with the Presidential Decree no. 125.

In this context, a pressing need for taking some measures in the field of labour and social security has emerged in order to reduce the negative impacts of the earthquakes in terms of employment, to share and to eliminate the burden endured by the employees and employers due to the earthquakes in accordance with the principle of social state and to ensure continuity of employment.

In this sense, the Presidential Decree no. 125 on Measures Taken in the Field of Labour and Social Security under the State of Emergency, which has been prepared to meet the needs in question, has entered into force after being published in the Official Gazette no. 32112 and dated 22 February 2023.

Article 3 of the Presidential Decree no. 125, a translation of which is attached, titled “Measures for the protection of employment” stipulates that the employer may not terminate the employment contract during the state of emergency, with certain exceptions, and that acting in contrary shall be punished with an administrative fine.

In Article 5 titled “Measures relating to durations”, it has been decided to extend the periods durations of strikes and lockouts and some other periods within the scope of the Law on Trade Unions of Public Employees and Collective Agreements (Law No. 6356) during the state of emergency.