

PRESIDENTIAL DECREE



PRESIDENTIAL DECREE ON MEASURES TAKEN IN THE FIELD OF LABOUR AND SOCIAL SECURITY WITHIN THE SCOPE OF THE STATE OF EMERGENCY

Decree No: 125

Purpose

ARTICLE 1 - (1) The purpose of this Presidential Decree is to take some measures in the field of labour and social security within the scope of the state of emergency declared by the Presidential Decree no. 6785 dated 8 February 2023.

Measures for short-time work practice

ARTICLE 2 - (1) Concerning the applications for the short-time work filed during the state of emergency with the Turkish Employment Organization by the employers due to the regional crisis that broke out as a result of the impacts of the earthquakes, the short-time work payment shall be granted upon the application of the employers pursuant to Additional Article 2 of the Law no. 4447 on Unemployment Insurance dated 25 August 1999, depending on the level of impact endured due to the earthquakes, without waiting the results of eligibility check for workplaces in provinces/districts determined by the Ministry of Labour and Social Security and/or workplaces which substantiates that they are ruined, to be demolished immediately, and severely or moderately damaged in the region for which the state of emergency was declared. Overpayments to be made due to false information and documents submitted by employers will be collected from them together with statutory interest pursuant to final paragraph of the article in question.

Measures for maintaining employment

ARTICLE 3 - (1) Every work and service contract in the provinces for which the state of emergency was declared, cannot be cancelled by the employers during the state of emergency starting from the date, when this article enters into force, except cases incompatible with the rules of morals and good will or other similar cases as set out in sub-paragraph (II) of the first

paragraph of Article 25 of the Labour Law no. 4857 dated 22 May 2003 and in relevant provisions of other laws, expiry of the term of work and service contracts with fixed term, closure of the workplace due to any reason and termination of its activities, and completion of work in all kinds of purchases of services and construction works carried out in accordance with the relevant legislation.

(2) An administrative fine shall be imposed on the employer or the employer's representative who terminates the employment contract in violation of the provisions of this article in the amount of the monthly gross minimum wage determined by Article 39 of the Law No. 4857 in force at the relevant time for each employee whose contract is terminated by the provincial directorates of labour and employment agency.

Measures as regards the provision of wage support in cash

ARTICLE 4- (1) In the provinces where a state of emergency has been declared, the workers who have an employment contract as of 6/2/2023 and whose employment contract was terminated due to the closure of the workplace due to the effects of earthquakes within the scope of subparagraph (e) of the first paragraph of Article 51 of the Law No. 4447 on and after 6/2/2023 and who do not have a new unemployment benefit entitlement under the same Law shall be provided with a daily cash wage support of 133.44 Turkish Liras from the Unemployment Insurance Fund, provided that they do not receive an old-age pension from any social security institution and after completing the remaining periods of their entitlements, if any, which may be started before, during the period of short-time employment or for the period of unemployment, not exceeding the duration of the state of emergency. No deduction shall be made from the payments made except for stamp tax. Payments shall be made according to the principles set forth in Article 50 of the Law No. 4447, provided that they do not contradict the provisions of this article.

(2) Persons benefitting from wage support in cash within the scope of this article who are not covered by universal health insurance or who are not dependents of the universal health insurance holders pursuant to the Law no. 5510 on Social Insurance and Universal Health Insurance dated 31/5/2006 and numbered shall be deemed to be covered by the universal health insurance within the scope of subparagraph (g) of the first paragraph of Article 60 of the same Law and their premiums for the universal health insurance shall be paid from the Unemployment Insurance Fund.

(3) Overpayments due to the employer providing false information and documents shall be collected from the employer together with legal interest.

(4) The Ministry of Labour and Social Security is authorised to determine the payment procedures and principles regarding cash relief support and to resolve any uncertainties that may arise regarding the implementation of this article.

Measures relating to time limits

ARTICLE 5- (1) The periods for granting authorisation determinations, conclusion of collective labour agreements, settlement of collective labour disputes and strike and lockout under the Law on Trade Unions of Public Employees and Collective Agreements (Law no. 6356) dated 18/10/2012 have been extended for the duration of the state of emergency in the provinces where a state of emergency has been declared as of 6/2/2023 (including this date).

(2) For the workplaces in the provinces where the state of emergency has been declared, the one-month period stipulated in the third paragraph of Article 38 of the Law no. 4857 has been extended for the duration of the state of emergency.

Measures in respect of social security

ARTICLE 6- (1) The Social Security Institution is authorised to take measures and determine the procedures and principles regarding the health services to be financed by the Social Security Institution from the Institution's budget during the state of emergency. Expenditures to be made within this scope shall be covered from the budget of the Social Security Institution.

(2) Advance payments of health service providers located in and/or providing services in the provinces where state of emergency has been declared shall be exempt from Article 35 of the Law on Public Financial Management and Control (Law no. 5018) dated 10/12/2003 for the duration of the state of emergency should it include 6/2/2023 and beyond.

(3) Invoices, documents and annexes that are required to be submitted to the Social Security Institution by health service providers located in and/or providing services in the provinces where state of emergency has been declared may not be sought in the invoice audit for the payment of health expenses that should be submitted to the Social Security Institution but cannot be provided due to the effects of earthquakes.

(4) The Social Security Institution may postpone the overpayment and improper payment and contractual penal clause debts of health service providers located in and/or providing services in the provinces where state of emergency has been declared during the state of emergency.

Entry into force

ARTICLE 7- (1) This Presidential Decree shall enter into force on the date of its publication.

Execution

ARTICLE 8- (1) The provisions of the hereby Presidential Decree shall be executed by the President.

21 February 2023

Recep Tayyip ERDOĞAN

PRESIDENT