

Remote Working Regulation

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The rules and procedures applicable to the remote working, which has been regulated under Article 14 of the Labor Law numbered 4857 (the “**Labor Law**”) in general terms, is regulated with the Remote Working Regulation (the “**Regulation**”) published in the Official Gazette dated 10 March 2021 and numbered 31419.

With the amendments made in 2016, remote working has been regulated in general terms under the Labor Law and the Ministry of Family, Labor and Social Services (“**Ministry**”) was expected to regulate the rules and procedures applicable to remote working. The long-awaited Regulation was published after the emerging importance of remote working due to pandemic.

The main issues regulated under the Regulation can be summarized as follows:

- ❖ Remote working is an employment relationship according to which the employee performs his/her duties outside of the workplace.
- ❖ The Regulation reestablishes the written form requirement provided for remote working agreements under the Labor Law, and provides that definition and duration of work, place of employment, salary and matters related to the salary payment must be regulated under the agreement.
- ❖ Unless provided otherwise, work equipment must be provided by the employer and the equipment list must be added to employee’s personal file.
- ❖ Considering the nature of the work, the employer is obliged to inform and train the employee in relation to the occupational health and safety measures, supervise the employee and take necessary precautions.
- ❖ Works involving (i) chemical and radioactive substances, (ii) processing these substances or (iii) working with the wastes of these substances; and works that carry the risk of exposure to biological factors cannot be carried out remotely.
- ❖ Pursuant to the Regulation, the employment agreement can be entered into directly as a remote working agreement or the existing employment agreement can also be converted into a remote working agreement. Employee is entitled to request to work remotely. As such, employee’s request to work remotely must be made in writing and the employer must respond to such request within thirty days. If remote working will be implemented in the workplace for compelling reasons, the employee’s request or approval will not be sought for transition to remote working.
- ❖ The Regulation provides that the employee must be informed of the rules regarding protection and processing of workplace and work data and the employer must take necessary precautions for protection of such data.

The Regulation has entered into force on 10 March 2021.

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