



## **Keeping in Step with the Changing Times: Regulation on Remote Work Entered into Force**

The Regulation on Remote Work [“Regulation”] came into force on 10.3.2021 with the aim of regulating new type of employment relationships that has been evolved with the Covid-19 pandemic. In this regard, the Regulation clarifies several points including the establishment and exercise of the remote work relationship which is regulated under Article 14 of the Turkish Labor Law No. 4857.

### **Accordingly:**

- Remote work can be exercised from home.
- Work that will be performed out of the workplace via using technologic communication devices will be within the scope.
- Partial remote work is also allowed.

### **Work That Cannot Be Performed Remotely**

- Remote exercise of work with dangerous chemicals and radioactive matters and their wastes and work which contain the risk of exposure to biologic factors is explicitly prohibited.
- In cases of contractual performance of a service for public authorities and work that is strategically important for national security, remote work will be left to the discretion of the relevant authority.

### **Content of the Contract on Remote Work and Requirement of Written Form**

- Remote work must be established in written form.
- Scope of the work, how the work will be performed, duration and the place of the work, wage, and its payment method should be determined within the contract.
- Organization of the place where the work will be performed and how the relevant expenses will be covered can further be settled in the contract. The expenses that are necessary for the performance of the work and how they will be defrayed should be agreed in the contract, in general.
- In principle, materials and devices that are required for the performance of the work should be provided by the employer, unless otherwise agreed.
- These materials and devices that are consigned to the employee must be listed alongside their prices at the time of delivery to the employee. A copy of the list bearing the employee’s signature should be kept within the personnel file. This list may be prepared separately or as a part of the contract on remote work.

- Nonetheless, the employee who is working remotely should not be treated differently than the peer employee solely due to the characteristics of his/her contract.

### Terms in Remote Work

- The term of the remote work and the time period when such work will be performed should be determined by the contract.
- For overtime work, a written request of the employer and the consent of the employee is required.

### Is It Possible to Convert an Existing Employment Contract into a Contract on Remote Work?

- Yes. Employees may request the conversion of their employment contract into a remote work relationship in writing. Employers are required to respond within 30 days by evaluating the characteristics of the work. Re-conversion to the normal work is subject to the same method.
- In case of force majeure, remote work may be applied without the request or the consent of the employee.

### Data Security Issue

As regards to the data privacy issue which is one of the most critical ones in the digital age, employers are responsible for informing employees on remote working rules and the applicable legislation on data security as well as for taking adequate measures. Relevant matters on the data to be protected should be specified by the employer in the contract, as well. Employees are certainly obliged to follow these rules.

Bu içerik yalnızca bilgi verme amaçlı olup hiçbir surette hukuki tavsiye niteliği taşımamaktadır.

Fikri mülkiyet hakları Güleriyüz & Partners Avukatlık Bürosu'na ait olan bu içeriğin yazılı izin alınmaksızın çoğaltılması, kopyalanması ve kullanılması yasaktır.

This content is solely produced for informative reasons and do not constitute legal opinion or advice under any circumstances. Güleriyüz & Partners Attorneys at Law is the sole owner of the intellectual property rights of this content and shall not be reproduced, copied, or used without written consent of Güleriyüz & Partners Attorneys at Law.