

Amendment of regulation regarding employee consent for overtime

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**Overtime legislation
Amendment
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Overtime legislation

Overtime in Turkey is regulated by Article 41 of the Labour Act (4857) and the Regulation on Overtime. According to the Labour Act, employee consent is required for overtime. Before the recent amendment was introduced, overtime was regulated by the Regulation on Overtime, under which employers were obliged to obtain the written consent of employees for overtime at the beginning of each year. However, the obligation of receiving employee consent annually was highly criticised by legal scholars, as there was no regulation in the Labour Act to this effect and the measure had no practical use.

Legal scholars were of the opinion that:

- employee consent could be given through an employment contract; and
- the rule regarding the receipt of written consent at the beginning of each year should be applied only if there was no such provision in the employment contract regarding overtime.

Amendment

In line with the criticism raised by legal scholars, the Regulation on Overtime was amended by the Regulation Amending the Regulation on Overtime, which was published in the *Official Gazette* on August 25 2017. Under the new amendment, an employee's written consent for overtime is no longer required at the beginning of each year; as a result, it can be obtained by employers during the execution of an employment contract or the employment relationship, if and when required. Another notable change is that employees who no longer wish to work overtime can withdraw their consent by providing 30 days' written notice to their employer.

Comment

The new amendment to the Regulation on Overtime has clarified that an employee's written consent for overtime can be obtained through an employment contract or during the employment relationship if needed. Therefore, obtaining employee consent at the beginning of each year is no longer required.

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