

November 23 2022

Employee misbehaviour that disrupts workplace peace is grounds for termination

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According to article 25(2)(d) of the Turkish Labour Act,⁽¹⁾ an employee bullying their employer, one of their family members or another employee constitutes a just cause for termination. Several precedents of the Court of Cassation state that "bullying" refers to threats, insults or battery. That being the case, employers often wonder whether other acts of misbehaviour by employees, which do not technically qualify as bullying yet disrupt workplace peace, may constitute grounds for termination.

According to the Court of Cassation, having continuous and superfluous verbal disputes with other employees and creating conflicts with coworkers would constitute valid grounds for termination, even if such misbehaviour does not reach the level of bullying. This approach is adopted in the following two cases.

First case:

Based on the workplace records, witness statements and the case file, it is clear that the plaintiff did not batter his supervisor, nor that he threatened or insulted him. However, he rushed at him on the date of incident, and they had a verbal argument. Since it is understood that the plaintiff's behaviour caused negativity at the workplace, and from a reasonable point of view, the defendant employer can no longer be expected to sustain the employment relationship, the court should have accepted that the termination relied on valid grounds – although not just grounds – and dismissed the plaintiff's re-instatement case.⁽²⁾

Second case:

The plaintiff was terminated for just cause on grounds that he shared an internal information on purpose and committed allegations and statements insulting the dignity and honour of the company and company representatives before other employees both verbally and by way of e-mail . . . it must be accepted that the plaintiff's correspondences cannot be evaluated as 'making groundless statements and allegations insulting dignity and honour'. That said, the employee's statements and correspondences, which are not gross enough, should be deemed valid grounds if disrupt the work order. E-mail correspondences in the file do not concern one single day, but rather qualify as continuous. Since the negative feedbacks of other employees complaining about the tone in these e-mails are presented in the file, the e-mail correspondences which disrupt the work peace and order must be deemed valid grounds for termination.⁽³⁾

In light of the above, acts of misbehaviour by employees that do not qualify as just cause yet disrupt workplace peace may constitute valid grounds for termination, depending on the specifics of each case. As a procedural step, before proceeding with termination on valid grounds, employers should ensure that they take the written defence of the employee regarding their misbehaviour.

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Endnotes

(1) No. 4857

(2) Ninth Civil Chamber of the Court of Cassation, E 2016/27005 K 2017/17600 T, 7 November 2017.

(3) Ninth Civil Chamber of the Court of Cassation, E 2013/13973 K 2014/8256 T 13 March 2014.