

ARE YOU COVERED BY SHORT-TERM EMPLOYMENT IN COVID 19 PERIOD¹?

This document is prepared for employers which are in difficulty because of legal and precaution measures take in the Covid 19 context. If you need more information for difficulties which are not due to COVID 19; we can provide you with information regarding your specific case.

- 1. Workplace Registration Necessity:** The employer should be registered on the work-places registration (İşyeri kaydı)
- 2. Reduction of Working Period:** You should be an employer who reduces the working period by one-thirds or suspends the operation completely or partially for at least four weeks without any condition.
- 3. Conditions Regarding Each Employee:** The employee should be recorded to SGK under the category 4A. In accordance with the Article 50 of the Law no. 4447, employees should be entitled to unemployment allowance in terms of their employment period and the amount of days of unemployment insurance payment by the date of the commencement of short employment (those who have paid premium for the last 120 days and constantly worked before the commencement of short employment, those who have paid unemployment insurance premium for at least 600 days in the last three years). Applications made with the effect of Covid-19 should have paid 450 days premium in the last 3 years, provided that they are subject to the service contract for the last 60 days.
- 4. Prohibition in Firing an Employee:** In order to benefit from the short-work practice, no employee should be fired by the employer for any reason other than the reasons set out in the paragraph (II) of the first paragraph of Article 25 of the Labor Law No. 4857 during the period in which short work is applied.
- 5. Force Majeure²:** There are several cases which gives an opportunity to apply for this allowance, but in this Covid-19 case the choice should be force majeure. According the İŞKUR, Covid-19 is evaluated as a force majeure. In order for the applications to be completed quickly, it is important to add the documents that are the basis of the negative effects of the coronavirus to the application. If necessary, additional documents can be requested by contacting the employer. Therefore, contact information which will be wrote are important, this contact should be available and reachable. The employers will be notified of the application in the same way as soon as possible and the applications will be sent to the Directorate of Guidance and Inspection for the purpose of determination of compliance.
- 6. Employer's Application Necessity:** Employees can not apply; the application should be made by the employer via email. There is no single email address, you can find in the document enclosed the different email addresses to send this application. Please be noted that for big city as Ankara the name of the city is not directly inscribed since there

¹ Information from the İŞKUR website <https://www.iskur.gov.tr/en/employer/short-term-employment-allowance/>

² In Turkish: "dışsal etkilerden kaynaklanan d nemsel durumlardan ileri gelen zorlayıcı sebep"

is different addresses according the concerned municipality (for example there is Çankaya for Ankara.

7. **Application:** A written notification to Turkish Employment Agency (İŞKUR)³ should be made. Short employment request of the employer is firstly evaluated by the Agency in terms of its reason and form. Applications that are found to be filed for reasons such as a general financial, sectorial, or regional crisis or cash insolvency, payment difficulties, market shrinkage or stock increase without taking above decisions and not in accordance with the forces majeure are rejected by the Agency.
8. **Notification of Employer's Short Employment Result** Result of investigation is reported to the employer. The employer announces the result in the workplace that can be seen by the employees, and reports it to the labor union party to the collective labor agreement. In case of failure of announcement to employees, a written notification is made to the employees subject to short employment. An employer whose short employment request is approved updates and submits the Short Employment Notification List within the period determined by the Agency.
9. **Amount of Daily Short Employment Allowance:** This amount is 60% of daily gross average earning calculated by taking into consideration the earnings of the insured for the last twelve months subject to premium, not exceeding 150% of the gross amount of monthly minimum wage for those older than 16 years of age⁴. Period of short employment allowance is as long as the short employment period not more than 3 months. Short employment allowance is calculated monthly for periods of unemployment as covering the weekly working time in a workplace. Short employment allowance is paid to the employee as a wage at the end of each month.
10. **Payment of General Health Insurance Premiums:** The insurance contribution will be paid for the period that the employee received short employment allowance⁵ is transferred to the Social Security Institution by Unemployment Insurance Fund. These contributions are calculated over the minimum earning limit based on for the calculation of insurance contributions. Short- and long-term insurance contributions are not transferred in the said term.
11. **Cancellation of Short Employment Allowance:** If the receiver of the allowance is recruited, starts to get old-age pension, drafted to army for any reason, leave job for any duty arising from a law or starts to receive incapacity pension, short employment
12. **Record Keeping Obligation of Employer:** The employer of short employment is obliged to keep records of employees regarding their working time and present them when requested.
13. **Early End of Short Employment:** If the employer decides to return to normal operation before the announced time, they are obliged to report this situation in written to Agency's unit, to the labor union party to the collective labor agreement, if any, and to workers six workdays before the ending time. Short employment ends by the date stated in this notification. Improper payments arising from late notification are collected from the employer with the rate of interest.

³ Email addresses for application are enclosed to the email. Name of the document is "kısa çalışma başvurularında kullanılacak email adresleri"

⁴ in accordance with the article 39 of the Labor Law no. 4857 dated 22/5/2003

⁵ in accordance with the Social Insurance and General Health Insurance Act no. 5510 dated 31/5/2006

14. Overpayment cases : Overpayments made due to false information or document of are collected with their legal rate of interest from the employer in case of employer's fault, and from the employee in case of employee's fault.

SOURCE:

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