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## Turkey Adopts Remote Working Regulation

Remote working has become very common all over the world with the emerge of the Covid-19 pandemic outbreak. Article 14 of the Labor Law (Law No. 4857) provides limited provisions on remote working but states that procedures and principles of remote working are to be determined by a Regulation. However, the absence of the Regulation since the beginning of the pandemic caused ambiguity to a certain extent.

The Regulation on Remote Working (“the Regulation”) has recently been prepared by the Ministry of Family, Labor and Social Services and it came into force on March 10, 2021. The main aim of the Regulation is to determine the procedures and principles of remote working, as well as the implementation of business rules regarding the protection and sharing of data. While it regulates the rights and obligations of employers and employees working remotely, it also specifies works that cannot be performed remotely.

Remote working refers to the employment relationship built with a written contract, based on the principle that the employee performs his / her work at home or outside the workplace with technological communication tools within the scope of the work organization which will be created by the employer.

Pursuant to the Regulation, if necessary, arrangements regarding the location of remote working must be completed before the work starts. Materials and tools required to produce goods and services are provided by the employer unless otherwise agreed in the employment contract. The principles of use, maintenance of the materials and tools must be clearly reported to the employee. Furthermore, employer is responsible to inform the employee about the occupational health and safety precautions, and to take the necessary occupational safety measures related to the equipment provided. The time interval and duration of remote work must be specified in the employment contract.

The employer is obliged to inform the employee and to take the necessary measures concerning the employment rules and the relevant legislation regarding the protection and sharing of data related to the workplace and the work that will be carried out. The employer determines the scope of the data to be protected by the contract. In order to protect the data, the employee is obliged to follow the operating rules set by the employer.

Article 13 of the Regulation identifies the jobs that cannot be performed remotely. Accordingly, jobs that involve working with hazardous chemicals and radioactive substances, processing these substances or working with the wastes of these substances and working processes that have a risk of exposure to biological factors cannot be performed remotely.

According to the Regulation, the remote working relationship can be established directly with a Remote Work Contract. If the conditions stipulated by law are met, it is possible to switch to remote working with the agreement of the employee and the employer.

One of the important provisions is found in Article 14/6 of the Regulation where it is stated that based on compelling reasons specified in the legislation, it is possible to shift remote working without either the request or the approval of employers.

Provisions on remote working came into force in 2016 for the first time with the amendments made to Labor Law. However, it was the outbreak of the pandemic which substantially led to the rise of remote working in 2020. The lack of a regulation on the issue created uncertainty throughout the year. However, with the enactment of the Regulation principles and procedures of remote working are clearly established.



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