EMPLOYMENT LAW · LABOUR LAW NO. 4857 ART. 27

Job search leave during the notice period

The scope and length of the leave granted by the Labour Law to employees working through their notice period, and the consequences of not granting it.

KEY POINTS

8 key points

SWIPE TO CONTINUE →

02 · WHAT IT IS

What is job search leave?

When an indefinite-term employment contract is ending, the employee is given leave during the notice period to look for a new job. The employer must grant this leave **during working hours and without any pay deduction**.

2 hours

Minimum daily leave

Labour Law No. 4857 Art. 27. The length of the notice period does not change the minimum daily leave.

— 03 · SCOPE

When does the leave apply?

The leave applies when three conditions exist together. The law makes no distinction as to which party terminates.

01 **The contract is for an indefinite term**

02 **Termination is made by giving notice**

03 **The employee continues to work during the notice period**

Labour Law Art. 17 and Art. 27.

04 · OUTSIDE SCOPE

When does the leave not apply?

There is no leave where the notice period does not run or passes without work.

01 **Immediate termination with payment in lieu of notice**

02 **Fixed-term employment contracts**

03 **Immediate termination for just cause**

04 **Termination during a probation period**

Labour Law Art. 15, 17, 24 and 25.

How long is the notice period?

01 **Less than 6 months’ service: 2 weeks**

02 **6 months – 1.5 years: 4 weeks**

03 **1.5 – 3 years: 6 weeks**

04 **More than 3 years: 8 weeks**

Labour Law Art. 17. These are minimum periods and may be extended by contract.

Probation: if the contract includes a probation clause, it can be terminated without notice within this period of up to two months (four months under a collective agreement) (Art. 15).

Can the leave be taken in one block?

The employee may combine the hours and take them together. This cannot be imposed unilaterally by the employer; it depends on three conditions.

01 **The employee asks to take the leave in one block**

02 **The leave days fall on the days immediately before leaving**

03 **The request is notified to the employer**

07 · IF NOT GRANTED

What does the employer owe if the leave is not granted?

If the employer does not grant the leave, or grants only part of it, the employee is treated as having worked those hours. The employee is then paid for that time **at a 100% premium**, in addition to normal pay.

2×

Pay for the leave hours, on top of the monthly salary

Together with the normal salary already received, the leave hours are paid three times in total. Labour Law No. 4857 Art. 27.

— 08 · EXAMPLE

A worked example

An employee with a gross monthly salary of TRY 90,000, an 8-week notice period and a five-day week is entitled to 80 hours of job search leave in total. If none of it is granted and the employee works:

⚖ **TRY 64,000**

Employer’s additional gross payment on top of the monthly salary

Gross hourly pay TRY 400 (90,000 / 225). Additional payment: 80 hours × TRY 400 × 2.

Points to watch in practice

01 **Obtaining the employee’s choice of daily or block use in writing**

02 **Recording leave hours in timesheets**

03 **Not overlapping the notice period and job search leave with annual leave**

04 **Paying unused hours with the premium through payroll**

Labour Law Art. 27 and Art. 59. The ban on overlapping with annual leave applies to terminations by the employer.

IN SUMMARY

At least 2 hours a day

During working hours, without any pay deduction.

If not granted, 2× extra pay

On top of normal pay, the leave hours are paid with a premium.

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