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Regulations pertaining to working time which cannot be divided into weekly working days

PART I

Purpose, scope, basis and definitions

Purpose and scope

Article 1. The purpose of the present regulations is to lay down the rules and principles to be applied to the work period and time worked in types of work which are such that it is not possible to divide the time worked into weekly working days, as is the case with transport work which is performed on road, railway, maritime, lake and river transport vehicles or vessels and which is not subject to the Maritime Labour Act (no. 854).

Basis

Article 2. The present regulations have been drawn up on the basis of Section 76 of Labour Act no. 4857 of 22/5/2003.

Definitions

Article 3. In the present regulations, the term
'weekly days worked' shall mean the total number of days worked within one week,
'Work period' shall mean an equalization period of at least two months and a maximum of six months as required for performing the work,
'Working time' shall mean the total time worked in the course of a work period.

PART II

General provisions

Work period

Article 4. The work period during which the types of work falling within the scope of the present Regulations are executed shall be defined by the employer depending on the nature of the work involved; that period shall not exceed six months.

Working time

Article 5. During a work period working time shall not exceed the amount of time resulting from multiplying the number of weeks in that period by the weekly working time.

Where working time cannot be completely divided into weeks, it shall be calculated on the basis of the working day, and a working day shall be deemed to involve 7 ½ hours' work.

In the types of work falling within the scope of the present Regulations, weekly working time in a given work period may be defined as less or more than 45 hours. However, the working time applying over a specified work period must not exceed an average working week of 45 hours.

By requiring workers to work fewer hours in the period following a week or weeks of intensive work, total working time shall be balanced out in such a way that the total amount of work required does not exceed the normal time.

Daily working time

Article 6. In the implementation of daily working time,
a) the time worked per day shall not exceed 11 hours, night working time shall not exceed 7 ½ hours, and the daily working time of vehicle drivers holding a professional licence and a licence to drive heavy goods vehicles shall not exceed 9 hours;
b) the Regulations for which provision is made in the last paragraph of Section 63 of Labour Act no. 4857 shall comply with the provisions pertaining to daily working time;

c) the present provisions shall be without prejudice to the provisions of the Regulations for which provision is made in Section 71 of the Labour Act (no. 4857).

Rest breaks

Article 7. Workers shall be granted rest breaks in accordance with the principles of Article 68 of the Labour Act (no. 4857).

The rest breaks of workers working on travelling vehicles shall be granted at stopping places as a general rule. In circumstances where there are no stopping places between the point of departure and the arrival point or where, although there are stopping places, it is not possible to grant rest breaks due to the nature of the work involved, rest breaks inside the vehicle shall be allowed.

Daily rest

Article 8. Within a period of 24 hours, workers shall not be required to work continuously without a rest period of at least 11 hours.

Weekly rest period

Article 9. Workers employed in the types of work falling within the scope of the present Regulations shall be granted a weekly rest period of at least 24 hours without interruption on one day of the week.

Work shifts

Article 10. In the types of work falling within the scope of the present Regulations in which workers are required to work shifts, the number of shifts shall be organized in such a way that the daily working time in each shift does not exceed the times stipulated in Article 6 of the present Regulations. Furthermore, the provisions of the Regulations for which provision is made in the second paragraph of Section 76 of the Labour Act (no. 4857) which are consistent with the present Regulations shall apply.

Overtime

Article 11. In the types of work falling within the scope of the present Regulations, overtime is the time worked within a work period other than the working time.

The overtime of workers who have been unable to work to the full within a working period because they have been on leave or on sick leave or because they have just started on the job or because they have left their jobs or whom it has not been possible to employ to the full because of circumstances at the place of work that have been beyond the employer's control shall be calculated in proportion to the days they have worked during that period.

The number of hours of overtime worked within one year shall not exceed 270.

The provisions of the Regulations for which provision is made in the last paragraph of Section 41 of the Labour Act (no. 4857) which are consistent with the present Regulations shall apply to any overtime that is worked on the types of work falling within the scope of the present Regulations.

Overtime in cases of *force majeure* and extraordinary circumstances

Article 12. The provisions of Sections 42 and 43 of the Labour Act (no. 4857) and of Article 6 of the Act on Amnesty for National Defence Offences, the National Defence Organization, the Liquidation of the Capital and Deposits of Public Funds and the Introduction of Several Provisions shall also apply to the types of work falling within the scope of the present Regulations.

Preparatory work, completion work and cleaning work

Article 13. Preparatory work, completion work and cleaning work falling within the scope of the present Regulations shall be performed within the working time and in accordance with the provisions of the Regulations for which provision is made in Section 70 of the Labour Act (no. 4857) which are consistent with the present Regulations.

Measures to ensure that workers reach their place of residence or to provide sleeping quarters

Article 14. Where the daily work of workers working on moving vehicles or vessels ends in places other than where they live, the employer shall ensure that they reach their place of residence or shall provide sleeping quarters.

Obligation in the event of termination of the employment contract

Article 15. In the event that a worker's employment contract is terminated pursuant to Section 24 and Section 25 (I) and (II) of the Labour Act (no. 4857) in a place other than his place of residence, the employer shall, unless otherwise provided in the contract, ensure that the worker reaches his place of residence.

Work tables and charts

Article 16. Employers shall display the following information in the tables and charts they draw up:

a) the person responsible for the execution and organization of work as well as the employer or the employer's representative in every work period on moving vehicles or vessels,

b) the work period,

c) the time when work begins and finishes each day,

d) rest breaks and daily rest periods,

e) weekly rest days.;

he shall make these tables and charts available in his administrative offices and in the vehicles or vessels and, where a shop steward has been appointed within the meaning of Section 34 of the Unions Act (no. 2821), he shall communicate them to that shop steward.

SECTION THREE

Entering into force and enforcement

Entering into force

Article 17. The present Regulations shall enter into force on the date on which they are published.

Enforcement

Article 18. The provisions of the present Regulations shall be enforced by the Minister of Labour and Social Security.