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## ► Right to rest and rest periods

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## ▶ What are the rights to rest?



- ▶ National Holidays and General Holidays
- ▶ Weekly Rest
- ▶ Rest Breaks
- ▶ Annual Paid Leave
- ▶ Leave for compelling reasons
- ▶ Working Conditions in Case of Maternity and Nursing Leave

### Which days are national holidays and general holidays?

- 1 January ● > New Year's Day
- 23 April ● > National Sovereignty and Children's Day
- 1 May ● > Labour and Solidarity Day
- 19 May ● > Commemoration of Atatürk, Youth and Sports Day
- Eid al-Fitr ● > 3.5 days (starting at 13:00 on the eve)
- Eid al-Adha ● > 4.5 days (starting at 13:00 on the eve)
- 15 July ● > Democracy and National Unity Day
- 30 August ● > Victory Day
- 29 October ● > Republic Day  
(1.5 days, starting after 13:00 on 28 October and continuing on 29 October)

### **Is it mandatory to work on national holidays and general holidays?**

Whether work will be performed in workplaces on national holidays and general holidays shall be determined by collective agreements or individual employment contracts.

If there is a provision in the employment contract signed between the worker and the employer, or in the collective agreement if any, requiring work on national holidays and general holidays, and the employer requests work, the worker shall be obliged to comply with this instruction and work.

In the absence of such a provision in the contracts, the worker's consent is required in order for work to be performed on those days.

Workers under the age of eighteen shall not be employed on national holidays and general holidays.

### **Will wages be deducted if no work is performed on national holidays and general holidays?**

Even if no work is performed on those days, the wage for that day must be paid in full.

### **Is additional pay required if work is performed on national holidays and general holidays?**

If work is performed on these days, an additional one day's wage must be paid. For the eve days of religious holidays and for 28 October, a half-day's wage shall be paid, and for other national holidays and general holidays, a full day's wage shall be paid.

The amounts of these additional payments may be increased by an employment contract or a collective agreement.

### **Can work performed on national holidays and general holidays be compensated with time off?**

If work is performed on these days, an additional one day's wage must be paid. Granting time off in lieu instead is not permitted.

## ► When is a worker entitled to weekly rest and how many days is the rest period?

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Provided that the worker has worked on the working days determined prior to the rest day, it is mandatory to grant at least twenty-four hours of weekly rest within a seven-day period.

The weekly rest period for child and young workers shall not be less than forty hours.

### **Do situations where no actual work is performed, such as absenteeism and leave, prevent entitlement to weekly rest?**

Under the Labour Law, certain situations in which no actual work is performed are deemed as time worked for the purposes of weekly rest.

The cases deemed as time worked for the purposes of weekly rest are set out below.

- Periods counted as working time by law despite no work being performed,
- Rest days arising from the law or from the contract,
- Leave specified in the Labour Law such as marriage leave, adoption leave, bereavement leave, leave granted to the spouse in the event of childbirth, and leave for compelling reasons granted to a working parent for the treatment of the child,
- Other leave granted by the employer within a one-week period, as well as sick leave and rest leave granted by medical report,
- Where work at the workplace is suspended by the employer for one or more days of the week without a compelling or economic reason.

In cases of unjustified absenteeism other than the situations specified above, the weekly working time cannot be completed and, therefore, entitlement to weekly rest cannot be acquired.

### How is the amount of wages to be paid determined if work is performed on the weekly rest day?

Under the Labour Law, the weekly rest day must be observed as a day of rest. However, if work is performed, overtime pay of at least fifty percent above the normal wage must be paid. This rate may be increased by an employment contract or a collective agreement.

#### Can work performed on the weekly rest day be subject to averaging of working time?

Work performed on the weekly rest day shall not be subject to averaging of working time.

### Is additional pay required if the weekly rest day coincides with a national holiday or a general holiday?

If the weekly rest day coincides with a national holiday or a general holiday, this does not require the granting of an additional weekly rest day or the payment of additional wages.

### Can weekly rest periods be granted collectively?

The weekly rest day must be taken in the relevant week. Granting it collectively is contrary to the law.

### Can the weekly rest day vary each week?

If the day of the weekly rest is specified in the employment contract, it may only be changed by agreement between the parties. In practice, there are workers whose weekly rest day varies each week. In such cases, the rule requiring **at least twenty-four hours of weekly rest within a seven-day period** must be complied with. In other words, the weekly rest day must be arranged in such a way that the worker does not work for seven consecutive days. Otherwise, the situation would arise where work is performed for a seven-day period without taking a weekly rest day, and in such a case, overtime pay must be paid due to work on the weekly rest day.

For workers employed in accommodation establishments holding a tourism operation certificate issued by **the Ministry of Culture and Tourism**, the weekly rest to which the worker is entitled may, upon the worker's written request or consent, be granted within four days following the day on which it is accrued.

## ► How much rest break must be provided during the day?

For workers who have completed eighteen years of age;

- In work lasting four hours or less, fifteen minutes,
- In work lasting more than four hours and up to seven and a half hours (including seven and a half hours), 30 minutes,
- In work lasting more than seven and a half hours, one hour,



rest breaks shall be provided. These rest periods are minimum and shall be granted uninterrupted.

These rest break periods are minimum and may be increased by an employment contract or a collective agreement.

For child and young workers;

- In work lasting more than two hours and less than four hours, 30 minutes,
- In work lasting from four hours up to seven and a half hours, one hour at the midpoint of the working time,

rest breaks shall be provided.

### Are rest break periods counted as working time?

Rest break periods are not counted as working time.

### Is it mandatory for rest break periods to be granted to all workers at the workplace at the same time?

Rest breaks may be granted to workers at the same or at different times in a workplace.

## ► When is a worker entitled to paid annual leave?

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Workers who have worked for at least one year at the workplace, including the probationary period, shall be granted paid annual leave.

### How many days is the entitlement to paid annual leave?

Length of service;

- For those with one year up to five years (including five years), **not less than fourteen days,**
- For those with more than five years and less than fifteen years, **not less than twenty days,**
- For those with fifteen years (including fifteen years) and more, **not less than twenty-six days**

For workers employed in underground work, paid annual leave periods shall be increased by four days. However, the paid annual leave to be granted to workers aged eighteen and under, and to workers aged fifty and above, shall not be less than twenty days. These periods are minimum and may be increased by employment contracts and collective agreements.

### How are periods worked at different workplaces of the same employer assessed in the calculation of length of service for paid annual leave?

In calculating length of service, the periods worked at one or more workplaces of the same employer shall be aggregated and taken into account.

### How is length of service calculated for paid annual leave for workers employed in the public sector?

Periods worked at workplaces affiliated with the same ministry, as well as at workplaces of legal entities affiliated with the same ministry, and periods worked at state economic enterprises or at banks and institutions established under a special law or a Presidential Decree, or at workplaces affiliated with them, shall be taken into account in the calculation of the worker's entitlement to paid annual leave.





### **What are the cases deemed as time worked for the purposes of paid annual leave?**

- ▶ Periods during which the worker is unable to attend work due to accident or illness, provided that they do not exceed the notice periods by more than six weeks,
- ▶ Days on which female workers are not employed before and after childbirth,
- ▶ Days during which the worker is unable to attend work, up to 90 days per year, due to being assigned to manoeuvres or any duty arising from law other than compulsory military service,
- ▶ Fifteen days of the time during which the worker is not working as a result of the suspension of work for more than one week due to compelling reasons,
- ▶ Periods counted as working time,
- ▶ Weekly rest days, national holidays, and general holidays,
- ▶ Days during which workers are unable to continue their work due to their participation in mediation meetings, their membership in arbitration boards, the performance of their duties as worker representatives in such boards, or their participation, as worker or trade union representatives, in assemblies, boards, commissions and meetings established under legislation related to working life, or in conferences, congresses or boards of international organizations concerning labour matters,
- ▶ Leave for compelling reasons,
- ▶ Other leave granted by the employer and periods of short-time working,
- ▶ Paid annual leave periods.

## When and how is paid annual leave used?

Paid annual leave shall be granted within one year after it is accrued and shall be taken uninterrupted. However, by agreement of the parties, the leave period may be divided, provided that one part is not less than ten days.

The employer may determine that paid annual leave shall be granted during a specific period or periods of each year.

The worker shall notify the employer in writing at least one month in advance of the date on which they wish to take their paid annual leave. The employer is not bound by the leave date requested by the worker.

In the calculation of paid annual leave days, national holidays, weekly rest days, and general holidays falling within the leave period shall not be counted as part of the leave.

Other paid or unpaid leave, or rest and sick leave granted by the employer during the year, shall not be counted as part of annual leave.

## Can additional travel leave be used in conjunction with paid annual leave?

If workers who will spend their paid annual leave in a place other than the location of the workplace request this by providing documentation, the employer shall be obliged to grant up to a total of four days of unpaid travel leave for the journey to and from the destination.

## Are part-time workers entitled to paid annual leave?

Workers employed under part-time employment contracts are also entitled to paid annual leave. As long as their employment contracts continue, part-time workers shall use the leave they are entitled to for each year in the following year by not working on the part-time working days corresponding to the leave period.

### Are workers employed in seasonal work entitled to paid annual leave?

Workers employed in seasonal work or campaign work lasting less than one year are not entitled to paid annual leave.



### **Can payment in lieu of paid annual leave be preferred instead of taking the leave?**

Upon termination of the employment contract, if there are unused leave entitlements, the wages corresponding to such leave must be paid.

During the continuation of the employment contract, the payment of wages in lieu of taking leave does not eliminate the entitlement to leave.

### **If a worker starts working again at a workplace where the employment contract has previously been terminated, does the length of service for paid annual leave start anew?**

If a worker starts working again at the same workplace following the termination of the employment contract for any reason, the length of service for paid annual leave shall continue from where it left off. For example, a worker who started working at the workplace on 09/01/2018 and whose employment contract was terminated on 10/09/2024 has a length of service of 6 years, 8 months and 2 days. If the same worker starts working again on 07/01/2025, the length of service for paid annual leave must continue from 6 years, 8 months and 2 days. Accordingly, the worker shall be entitled to 20 days of paid annual leave as of 04/05/2025, that is, 3 months and 28 days after 07/01/2025.



### **Must the wage corresponding to the leave period be paid together with the regular wage when paid annual leave is taken?**

The paid annual leave wage must be paid in advance or provided as an advance to the worker before the leave begins. Weekly rest day wages, as well as national holiday and general holiday wages falling within the paid annual leave period, shall be paid separately.

### **Is it possible to work in another job while on paid annual leave?**

If it is determined that a worker who is on paid annual leave has worked for remuneration in another job during the leave period, the wages paid to the worker for that leave period may be reclaimed by the employer.

## ► What are the leave periods that may be used in the case of maternity?

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It is essential that female workers shall not be employed for a total period of twenty four weeks, consisting of eight weeks before childbirth and sixteen weeks after childbirth. In the case of multiple pregnancy, an additional two weeks shall be added to the eight-week period during which the worker shall not be employed before childbirth. However, if her health condition is appropriate and upon medical approval, the female worker may choose to work up to two weeks before childbirth. In this case, the periods during which the female worker works shall be added to the postnatal leave period. In the event of early childbirth, the leave not used before childbirth shall be added to the postnatal leave period.



### **Can maternity leave be used in the case of adoption?**

Eight weeks of maternity leave shall be granted to one of the spouses adopting a child under the age of three or to the adoptive parent, starting from the date the child is delivered to the family. Employees who become foster parents to one or more children are granted the right to 10 days of unpaid leave, upon request, effective from the date the child is placed with them.

### **Can unpaid leave be taken after the end of maternity leave?**

Upon the request of the female worker, unpaid leave of up to six months shall be granted after the completion of the twenty four-week leave period (twenty six weeks in the case of multiple pregnancy). This leave shall also be granted to one of the spouses adopting a child under the age of three or to the adoptive parent.

### **What are the rights of a female worker regarding medical check-ups during pregnancy?**

During pregnancy, the female worker shall be granted paid leave for periodic medical examinations.

### **What should be done if the work performed by a pregnant worker affects her health?**

Where deemed necessary based on a medical report, the pregnant worker shall be employed in lighter duties suitable for her health. In such a case, no reduction shall be made in the worker's wages.

### **How is nursing leave used?**

Female workers shall be granted a total of one and a half hours of nursing leave per day to breastfeed their children under one year of age. The worker shall determine the hours during which and the manner in which this period is divided. This period shall be counted as working time. Nursing leave, which must be granted daily, shall not be granted collectively.



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