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► Working hours and wages

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▶ Working hours



▶ Normal working hours

Depending on the nature of the work, the starting and ending times of work may be arranged differently. In general, the maximum working time is 45 hours per week. Unless otherwise agreed, this period is distributed equally among the working days of the week. For example,

If working
6 days per week,
the daily working
time is 7.5 hours

▼

7,5 hours
x 6 days
45 hours

If working
5 days per week,
the daily working
time is 9 hours

▼

9 hours
x 5 days
45 hours

If working
4 days per week,
the daily working
time is 11 hours

▼

11 hours
x 4 days
44 hours

- ▶ As a rule, daily working time shall not exceed **11 hours**, and night work shall not exceed **7.5 hours**.
- ▶ “Night” refers to the period between 20:00 at the latest and 06:00 at the earliest, and in any case shall not exceed **11 hours**.

▶ **Exception** In work carried out within the scope of tourism, private security, health services, and petroleum exploration, search, and drilling activities, employees may work more than **7.5 hours at night**, provided that their written consent is obtained.

- ▶ The employment of children and young workers under the age of 18 in night work is **prohibited**.
- ▶ Night work for a worker, who has recently given birth, for one year following childbirth is **prohibited**.
- ▶ Female workers cannot be required to perform night work from the moment their pregnancy is medically certified until childbirth.

In certain types of work within working life, a limit has been imposed on working time:

- ▶ In addition to the daily working hours determined for the main work, workers assigned to carry out preparatory, complementary, and cleaning tasks before the start or after the end of these hours may be required to work **up to an additional 2 hours per day** in such tasks.
- ▶ In underground mining work, the maximum working time is **37.5 hours per week**.
- ▶ In underground mining work, the maximum working time is **7.5 hours per day**.
- ▶ Work that must be limited to a **maximum of 7.5 hours per day** for health considerations, as well as work requiring less than 7.5 hours per day, is regulated by the relevant legislation.

► Part-time work

In a workplace, work performed **up to two-thirds** of comparable work carried out under a full-time employment contract is considered **part-time work**. For example,

Normal Working Time in the Workplace



45 hours

42 hours

Part-time worker



30 hours

28 hours

*Work performed by a worker, under a written contract, upon being called to work when needed is referred to as "**on-call work**".*

- If the parties do not determine the duration of work, the weekly working time is deemed to be **20 hours**.
- If the daily working time is not specified in the contract, the employer is obliged to have the worker work **for at least 4 consecutive hours per day** for each call.
- Unless otherwise agreed, the employer, who has the right to request the worker to perform their work obligation through a call, must make such call **at least 4 days prior** to the time the worker is to work.
- During the period determined for on-call work, the worker shall be entitled to wages regardless of whether they are actually required to work or not.



► Remote Work



Remote work is an employment relationship **established in writing**, based on the principle that the worker performs their work under the employer's work organization, either at home or outside the workplace through technological communication tools.

In an employment contract based on remote work, provisions shall be included regarding the description of the work, the manner in which it is performed, the duration and place of work, wages and the payment of wages, the equipment provided by the employer and the obligations concerning its protection, the employer's communication with the worker, as well as general and specific working conditions.

Working hours may be modified by the parties, provided that the limitations prescribed by legislation are complied with. Overtime shall be performed in accordance with the provisions of the legislation, upon the employer's written request and with the worker's consent.

► Shift work

In work which, by its nature, is carried out continuously and without interruption through the employment of workers, work in shifts is mandatory. There must be at least three worker shifts within a 24-hour period.

In workplaces with both day and night shifts, shifts shall be arranged on a weekly rotation basis. A worker who works night shifts for one week shall, as a rule, work day shifts in the following week. In such workplaces, a two-week rotation system may also be applied.

▶ **Exception**

In work carried out within the scope of tourism, private security, health services, and petroleum exploration, search, and drilling activities, working time may be arranged as **two shifts within a 24-hour period.**



▶ **Periods considered as working hours**

In certain cases, even if the worker does not actually perform work, these periods shall be considered as working time:

- ▶ Periods during which the worker remains at the workplace, ready to perform work at any moment, but is not assigned any tasks and spends time waiting for work to arise
- ▶ Periods allocated for female workers who are breastfeeding to nurse their children
- ▶ Periods during which the worker, having been sent to another place or assigned to be occupied elsewhere by the employer, spends time without performing their main duties
- ▶ Periods spent in transit when workers are sent by the employer to work at a place other than their usual workplace
- ▶ Periods spent during the collective and organized transportation of workers to and from workplaces located at a considerable distance from their place of residence, in all types of work such as the construction, maintenance, repair, or renovation of railways, highways, and bridges, where workers are required to be transported together
- ▶ Periods required for workers to descend to or enter, and to exit from, their workplaces in work carried out in mines, quarries, underground, or underwater



Periods spent in vehicles while being transported to and from the workplace by the employer solely for social welfare purposes, and not arising from the nature of the work, shall not be considered as working time.

► Rest breaks



The rest period within the time between the start and end of the daily working period is regulated in laws and regulations as “**rest breaks**”.

- The provision of rest breaks corresponding to the daily working time is mandatory.
- Rest breaks shall not be considered as working time.
- Rest breaks may be granted to workers at the same or at different times within a workplace.
- Rest break periods shall be granted at least as follows:

Working Time	Rest Break
Work of 4 hours or less	15 minutes
Work exceeding 4 hours and up to 7.5 hours (inclusive)	30 minutes
Work exceeding 7.5 hours	1 hour

► Daily rest

The rest period between the end of the daily working period and the start of the following day is regulated by laws and regulations.

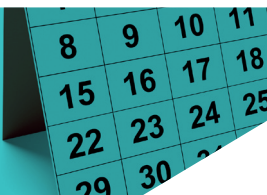
- Working time shall be arranged taking into account a continuous rest period of 12 hours within a 24-hour period.
- Where work is performed in shifts, the worker shall be given at least 11 hours of rest between shifts.

▶ Weekly rest

It is mandatory to grant workers a rest day (weekly rest) at the end of the normal weekly working period. It is also **mandatory** to grant a weekly rest day in workplaces operating on a shift basis.

For the weekly rest day, the employer shall pay the full wage for that day without requiring any work in return. In workplaces where the percentage system is applied, the weekly rest day wage shall be paid to the worker by the employer.

The weekly rest shall be uninterrupted and shall be at least 24 hours.



A weekly rest day shall be granted provided that the worker has worked on the normal working days preceding the rest day. The following cases *shall be deemed as days worked* for the purpose of entitlement to weekly rest day pay:

- ▶ Periods which, although not worked, are deemed to be working time by law
- ▶ Holidays arising from law or contract, whether paid or unpaid on a daily basis,
- ▶ Leave entitlements specified by law (such as bereavement, maternity, and medical leave, as listed in Additional Article 2 of the Labour Law),
- ▶ Other leave granted by the employer, limited to a period of one week, as well as sick leave and rest leave granted on the basis of a medical report,
- ▶ The suspension of work at the workplace by the employer for one or more days during the week, without any compelling or economic reason.

▶ Averaging of working time

Averaging of working time is the distribution of the normal weekly working time over the working days within a specified period.

- ▶ During the averaging period, working time shall not exceed 11 hours per day.
- ▶ Averaging may be applied for a period of up to 2 months. This period may be extended up to 4 months by a collective agreement.
- ▶ Averaging requires a written agreement between the employer and the worker.
- ▶ In the tourism sector, averaging may be applied within a period of 4 months.
- ▶ In the tourism sector, this period may be extended up to 6 months by a collective agreement.
- ▶ The start and end dates of the averaging period shall be determined by the employer.
- ▶ Within the averaging period, the daily and weekly working times shall be determined by the employer.

In a workplace where the weekly working time is 45 hours, it has been agreed in writing to apply averaging of working time.

Example

1 st WEEK	2 nd WEEK	3 rd WEEK	4 th WEEK
6 days a week	6 days a week	5 days a week	5 days a week
▼	▼	▼	▼
10 hours a day	10 hours a day	6 hours a day	6 hours a day
▼	▼	▼	▼
Weekly Total 60 Hours	Weekly Total 60 Hours	Weekly Total 30 Hours	Weekly Total 30 Hours

According to the example, during the averaging period, **no overtime pay shall arise**, as the average weekly working time does not exceed 45 hours and the average daily working time does not exceed 11 hours.

Under averaging, provided that the average weekly working time does not exceed the normal working time, work exceeding 45 hours shall not be considered as overtime.

► Compensatory work

For the purpose of compensating periods during which the worker has not worked for certain reasons, the employer may require **compensatory work** within a period of 4 months.

- Compensatory work shall not exceed 3 hours per day.
- As a result of compensatory work, the total daily working time shall not exceed 11 hours.
- Compensatory work shall not be carried out on rest days.
- Compensatory work may be required to make up for periods during which the worker has not worked in the following cases:
 - The suspension of work due to compelling reasons,
 - The closure of the workplace before or after national holidays and public holidays,
 - Significantly reduced working hours or the complete closure of the workplace due to similar reasons,
 - Granting leave to the worker upon their request, beyond the statutory leave entitlements provided for under the Labour Law, individual employment contracts and collective agreements.

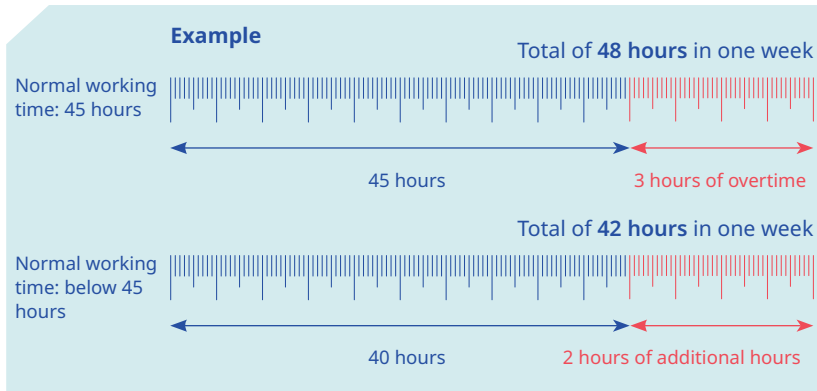
► The employer requiring compensatory work is obliged to clearly specify which of the above-mentioned grounds it is based on and to inform the workers of the date on which the work will commence.

► Overtime and work beyond normal working hours

Work exceeding **45 hours** per week is defined in the legislation as “**overtime**”. In practice, it is also referred to as “additional hours.”

In cases where the normal weekly working time is set below 45 hours by contract (e.g. 40 hours), work exceeding this contractual duration and up to 45 hours is referred to as “**work beyond normal working hours**”.





- Overtime may be performed for reasons such as the general interests of the country, the nature of the work, or the increase of production.
- The total duration of overtime shall not exceed 270 hours per year. This limit applies to the individual worker, not to the job or the workplace.
- The worker's consent is required for both overtime and additional hours.

► Exception

In the event of a breakdown, where a breakdown is anticipated, in urgent work that must be carried out immediately for machinery, equipment, or tools, or in cases of compelling reasons, overtime may be required from all or some of the workers, provided that it does not exceed the level necessary to ensure the normal operation of the workplace.

Overtime shall not be performed in the following types of work:

- In work which, for health reasons, must be limited to a maximum of 7.5 hours per day,
- In night work,
- In underground and underwater work such as mining, cable laying, sewer works, and tunnel construction.

Overtime shall not be required from the following workers:

- ▶ Workers under the age of 18,
- ▶ Workers whose health does not permit overtime, as certified by a medical report, even if they have consented to overtime,
- ▶ Workers employed under a part-time employment contract (additional hours shall also not be required),
- ▶ Pregnant workers, workers who have recently given birth, and workers who are breastfeeding,
- ▶ Workers employed in underground mining work, except in cases of compelling reasons and extraordinary circumstances.

▶ Time off in lieu

- ▶ The worker may use the compensation for overtime as time off in lieu.
- ▶ For each hour of overtime worked, the worker may use **1 hour and 30 minutes** of time off in lieu.
- ▶ The worker may also use the compensation for additional hours as time off in lieu.
- ▶ The worker may use **1 hour and 15 minutes** of time off in lieu **for each hour** of additional hours worked.



- ▶ The worker must apply to the employer in **writing** to use time off in lieu.
- ▶ Time off in lieu shall be taken within a period of 6 months, on working days, starting from a date determined by the employer in accordance with the requirements of the work or the workplace.
- ▶ Time off in lieu shall be granted uninterruptedly and **without any reduction** in the worker's wages.
- ▶ Time off in lieu shall not be taken **on holidays and leave days** arising from law or contract.

► Notification and documentation of working hours

The employer is obliged to notify, by appropriate means, the daily starting and ending times of work as well as rest periods at the workplace.

The employer is required to announce, at the workplace, the number of shifts and the names and surnames of the workers assigned to work in shifts.



The employer is required to document the working time of workers by appropriate means.

The employer is required to prepare a document indicating the overtime and additional hours worked by the workers, and to retain a signed copy of these documents in the worker's personnel file.

▶ Wages



Everyone who works has the right to just and favourable remuneration ensuring for him/herself and his/her family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Universal Declaration of Human Rights, Article 23

Wages shall be paid in return for work. The state shall take the necessary measures to ensure that workers earn a fair wage commensurate with the work they perform and that they enjoy other social benefits.

Constitution of the Republic of Türkiye, Article 55

▶ Determination and payment of wages

Wages may be freely determined by the parties, provided that they are not set below the minimum wage. A lower wage shall not be agreed on the basis of sex for the same work or work of equal value. Wages may be paid by the employer or by third parties.

As a rule, wages, premiums, bonuses and all other remunerations of this nature are to be paid in Turkish currency at the workplace, or into a specially opened bank account.

Wages are the remuneration for work performed.

- ▶ Wages shall be paid at least once a month. The payment period may be reduced to one week by employment contracts.
- ▶ As a rule, wages shall be paid in money.
- ▶ Employers employing five or more workers are required to pay wages through a bank.



For wages not paid on time, the highest interest rate applied to deposits shall be applied. If the employer fails to pay the worker within 20 days from the wage payment date, the worker may refrain from working. In such a case, the worker's employment contract shall not be terminated, no replacement worker may be hired, and the work shall not be assigned to others. The statute of limitations for wage claims is five years.

▶ Overtime pay

- ▶ For each hour of overtime, the wage to be paid shall be calculated by increasing the hourly rate of the normal wage by 50%.
- ▶ For workers employed in underground mining, the wage for each hour of overtime exceeding 7.5 hours per day and 37.5 hours per week shall be paid by increasing the hourly rate of the normal wage by not less than 100%.
- ▶ In calculating overtime or additional hours, periods of less than half an hour shall be counted as half an hour, and periods exceeding half an hour shall be counted as one hour.



Work performed in violation of working time limits shall be paid as overtime pay. In other words, wages for work exceeding 11 hours per day, 7.5 hours at night, or for work performed on the weekly rest day, shall be paid with an overtime premium.

► Public holiday pay

For each day worked on national holidays and public holidays, an additional daily wage shall be paid. The worker shall be entitled to an additional daily wage even if they work for only one hour on a national holiday or public holiday.

► Documentation of wages

The employer is required to provide the worker, at the workplace or in respect of payments made through a bank, with a signed pay slip or a document bearing the employer's distinctive mark, showing the wage calculation. This document shall indicate separately the date of payment and the period to which it relates, as well as all additions to the base wage (such as overtime, weekly rest day, national holiday and public holiday pay) and all deductions (such as taxes, social security contributions, advance deductions, alimony, and enforcement-related deductions).



The burden of proving that wages have been paid rests with the employer.

► Protection of wages

- Unless the employee gives consent, the employer cannot set off its wage payment obligation against any receivable owed by the employee.
- No more than one-quarter of workers' monthly wages may be subject to attachment, nor may they be assigned or transferred to third parties.
- In work carried out with a single shift, if the number of shifts is increased to two or more, or in workplaces operating on a three-shift

basis where the daily working time is set below 7.5 hours, no reduction shall be made in workers' wages for any reason due to the reduction in working time.

- ▶ In all types of work, no reduction shall be made in workers' wages for any reason due to the legal reduction of working time limits, the fulfillment of a legal obligation incumbent upon the employer, or as a result of the application of any provision of this Law.
- ▶ In the event of the employer's bankruptcy, the worker's wages and other entitlements shall be treated as privileged claims. In the event of bankruptcy, workers' claims rank first after public claims and claims secured by pledge in the order of priority.
- ▶ If wages are not paid, the worker may refrain from working and may terminate the employment contract for just cause.
- ▶ If the employer becomes insolvent and the worker's rights are not secured within a reasonable period, the worker may terminate the employment contract with immediate effect.
- ▶ If wages are not paid due to the employer's insolvency, they may be covered for a certain period by the Wage Guarantee Fund.
- ▶ The employer shall not impose a wage deduction penalty on the worker except for the reasons specified in collective agreements or individual employment contracts. Deductions made from workers' wages on this basis shall not exceed two days' wages in a month, or, in the case of piece-rate or output-based wages, the equivalent of two days' earnings.
- ▶ Where deemed necessary on the basis of a medical report, a pregnant worker shall be assigned to lighter duties appropriate to her health. In this case, no reduction shall be made in the worker's wages.
- ▶ The worker may seek legal remedy for unpaid individual claims, and, if the employment contract continues, may also apply to the competent administrative authorities.

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