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► How to pay the entitlements of domestic workers?

Useful Information for
Employers Who Employ
Domestic Workers

At work, at home, everywhere

equal



together

THERE IS AN EASY WAY TO PAY ENTITLEMENTS TO DOMESTIC WORKERS!

YOU MAY USE THE AIDS AND INCENTIVES PROVIDED TO EMPLOYERS!

The legislation governing labour relations in Turkey includes various provisions on the rights of domestic workers. Such provisions also include the obligations of employers.¹

How Much Should Domestic Workers be Paid?



A domestic worker must be paid at least the minimum wage.

Should I Insure a Domestic Worker?

10-

If the worker works for less than ten days:

- Employers must pay work accidents and occupational diseases insurance premiums for domestic workers who work for them for less than ten days per month.
- The work accidents and occupational diseases insurance premium amount payable for the domestic worker equals to **2%** of the daily amount of gross minimum wage.

Premium amount

In 2022, the premium amount for each day of work is;

$$5.004/30 \times \%2 = 3,34 \text{ TRY.}$$

• Employers may issue a declaration for a domestic worker who works for them for less than 10 months per day by sending a SMS to **5510** or through **www.turkiye.gov.tr**, without having to visit the Agency.⁴



- Insurance holders of foreign nationality cannot be employed in household services for less than 10 days per month.⁵

Should I Insure a Domestic Worker?

10+

If the worker works for ten days or more:

- Employers must pay the insurance premiums for the domestic worker whom they employ for ten days per month or more.
- Employers who employ a domestic worker for ten days per month or more may perform the registration procedures on e-Government portal².
- The registration procedures for employers who employ domestic workers for ten days per month or more are performed in the form of easy employership³.
- Employers must pay a premium equal to **37.5%** of daily minimum wage for a domestic worker whom s/he employs for ten days per month or more. This amount is then multiplied by the number of days worked by the domestic worker.

Premium amount

In 2022, the premium amount for each day of work is:

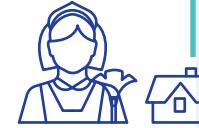
$$5.004/30 \times \%37,5 = 62,55 \text{ TRY.}$$

May I Receive an Insurance Premium Incentive?



- 5 points shall be deducted from the premium amount payable by employers who regularly pay the premiums for the domestic worker they employ.⁶
- In cases where an employer employs a domestic worker who is over 18 years of age and non-recorded on the premium and service documents submitted to the Social Security Institution for the six months prior to their start date of employment, the employer may receive a **premium support at 15.5%** in addition to the 5-point deduction. As such, the premium support increases to **20.5%**.⁷
- The duration of the 15.5% premium support may be extended in the event of employing unemployed domestic workers who have completed the labour edification course offered by ISKUR or who are registered with ISKUR.⁸
- In the case where an employer employs a domestic worker who enjoys unemployment benefits, s/he shall pay the insurance premiums at a reduced rate of **33.5%** throughout the remaining period of the worker's unemployment benefit payments.⁹
- All insurance premiums payable by the employer for a domestic worker who;
 - ▶ Is registered with the Turkish Employment Agency as an unemployed person,
 - ▶ Has not been recorded on the monthly premium and service documents submitted to the SGK for the three months prior to their start of employment¹⁰,
 - ▶ Was hired between 1/1/2018 and 31/12/2022 shall be covered with the incentive under Provisional Article 19 of Law No. 4447 on Unemployment Insurance.
- The period of enjoyment for the incentive under Provisional Article 19 is 12 months; however, this period is extended up to 18 months as of the start date of employment for female insurance holders who are over 18 years of age and male insurance holders who are below 25 years of age and the insurance holders who are registered with the Turkish Employment Agency as a disabled person.
- In the case where an employer employs an unemployed domestic worker who has been insured for less than 10 days in the 3 months prior to their month of employment and who is registered with ISKUR, all premiums shall be covered by the incentive for 12 months.¹¹
- Employers who employ domestic workers may enjoy a minimum wage premium support, as well. In 2021, the amount of the support provided for employers who meet the relevant requirements is 2.5 TRY per day and 75 TRY per month.¹²
- For further information about insurance premium incentive, see <https://destekal.sgk.gov.tr/#/>

Do I Have Other Obligations Than Insurance?



- The employer is obligated to take the necessary measures to prevent the domestic worker from exposure to mobbing or sexual harassment or to prevent those who have been exposed to mobbing or sexual harassment from further suffering.
- The employer is obligated to take all necessary measures to ensure occupational health and safety and have all necessary equipment and materials available.
- In the event that the domestic worker suffers a work accident, the employer must ensure that the domestic worker receives the necessary emergency medical attention and is transported to the nearest health facility, and promptly notify medical teams.
- If the domestic worker suffers a work accident, the employer must notify the Social Security Institution of the situation. The employer is also obligated to promptly notify the competent law enforcement units of the incident.
- The employer is obligated to provide the live-in domestic worker with adequate food and shelter.
- The employer is obligated to pay the relatives of a worker who dies during the term of the labour relations an amount equal to the worker's 1 months' salary. The amount of such payment for workers with labour relations for over 5 years is 2 months' salary.



What If I Do Not Insure My Worker?



- Employers who employ domestic workers without insurance are subjected to administrative fines, proportional to minimum wage, for informal employment of workers.

Through Which Institutions Can I Hire Workers?

- Employers who would like to hire a domestic worker through ISKUR can do so by registering with ISKUR as an individual employer.¹³
- Any contract that prevents an employer or domestic worker from receiving work placement services from other private employment agencies or ISKUR shall be null and void.
- In order to avoid suffering from any loss of rights, employers should contact Private Employment Agencies that have been authorized by ISKUR and that operate in line with legal procedures.



APPLICATIONS

- 1 Insurance for domestic workers is governed under Supplementary Article 9 of Law No. 5510 on Social Insurance and Universal Health Insurance; their various rights and obligations regarding labour relations, as laid down in this guide, are governed by Articles 393 to 447 under the section of the Turkish Code of Obligations No. 6098 concerning labour contracts. Please examine the relevant articles of the said laws for further information on the subject.
- 2 Under Supplementary Article 9 of Law No. 5510, the registration procedures for employers who have never employed insured employees is performed on e-Government portal, as of 01.05.2021,. Workplace registration is easily performed by going on **SGK-Identity Validation Services on E-Turkey** (<https://www.turkiye.gov.tr>) and selecting the **Issue Workplace Declaration for Natural Person** step on the **Workplace Declaration (for Employees with 4-a Insurance Coverage)** menu.
- 3 When issuing a workplace declaration on e-Government portal, the Workplace under Easy Employership (“kolay işverenlik” in Turkish) section under Workplace Details must be marked as Yes- Household services (“Evet-Ev Hizmetleri” in Turkish). Job entry and dismissal declarations and declaration updates under easy employership are performed electronically. In addition, the accruals are automatically created by SGK without requiring the submission of monthly premium and service charts, summary and premium service declaration.
- 4 For further information, see http://www.sgk.gov.tr/wps/portal/sgk/tr/ana-sayfa/footerlink/sms_yeni
- 5 Insurance holders of foreign nationality cannot be employed in household services for a period of less than 10 days per month. Any foreign national who is determined to be working in such manner shall be subjected to the provisions regarding employers who employ insurance holders in household services for 10 days per month or more, and the monthly number of working days shall be taken as 30 days.
- 6 The relevant incentive is governed by Article 81 of Law No. 5510.
- 7 The relevant incentive is governed by Provisional Article 10 of Law No. 4447 on Unemployment Insurance. It may be used simultaneously with the premium incentive at a 5% rate. As such, the premium payable by the employer, including unemployment insurance, decreases to 17%.
- 8 Incentive period is 48 months for men over 18 and below 29 years of age and women over 18 years of age who hold a professional competence certificate; and 36 months for those who have graduated from secondary or higher education institutions that offer vocational and technical training or those who have completed labour edification courses offered by the Turkish Employment Agency. The incentive period for those without the specified qualification is 24 months. Additionally, the incentive period is 24 months for men over 29 years of age who hold a professional competence certificate or hold a degree from secondary or higher education institutions that offer vocational and technical training or the labour edification course offered by the Turkish Employment Agency and who have been recruited and/or employed in the occupation or field indicated on the certificate; and 6 months for those who are registered with the Turkish Employment Agency but lack the certifications laid down in the Law. In the event that those who qualify for the relevant incentive are recruited from among the unemployed individuals registered with the Turkish Employment Agency, their incentive periods shall be extended for six months.
- 9 The relevant incentive is governed by Article 50 of Law No. 4447 on Unemployment Insurance.
- 10 Article 4/1(a), (b) and (c) of Law No. 5510 include a condition of non-registration.
- 11 The relevant incentive is governed by Provisional Article 19 of Law No. 4447 on Unemployment Insurance. The incentive period is 18 months as of the start date of employment for female insurance holders over 18 years of age, male insurance holders who are over 18 and below 25 years of age, and the insurance holders who are registered with the Turkish Employment Agency as a disabled person.
- 12 The relevant insurance is governed by Provisional Article 85 of Law No. 5510.
- 13 You may register with ISKUR as an individual employer through <https://esube.iskur.gov.tr/>