

LABOUR AND SOCIAL SECURITY LAW BULLETIN



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LEGAL REGULATIONS



MINIMUM WAGE DETERMINATION COMMISSION DECISION

The changes made by the Minimum Wage Determination Commission Decision published in the Official Gazette dated 26 December 2025 and numbered 33119 are as follows:

Following three meetings held between 12 December 2025 and 23 December 2025, the Minimum Wage Determination Commission:

- A single national minimum wage,
- The minimum wage for a worker's normal daily work to be set at 1,101.00 Turkish Lira for the period from 1 January 2026 to 31 December 2026,
- To recommend the scope, procedures, and principles for continuing the minimum wage support at 1,270 Turkish Lira for the period from January to December 2026

has been decided unanimously.



COMMUNICATION REGARDING AMENDMENTS TO THE SOCIAL SECURITY INSTITUTION HEALTH IMPLEMENTATION COMMUNICATION

The provisions amended and updated by the Circular on Amendments to the Social Security Health Implementation Circular dated 10 December and 31 December 2025 are as follows:

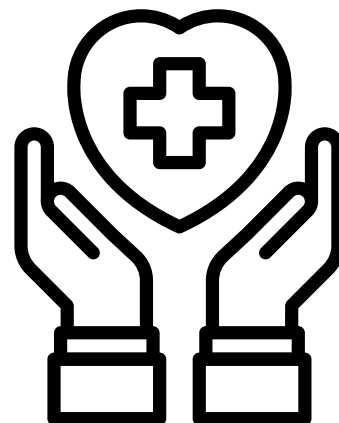
With the amendment to the SUT published in the Official Gazette dated 10 December 2025 and numbered 33103:

- The following amendments have been made to Article 2.5.3.A – 1 of the Social Security Institution Health Implementation Regulation by Article 1 of the Regulation:

“(1) Medical board reports required for treatment abroad;

a) For tissue and organ transplants, by the medical boards of hospitals listed in the "List of Official Health Institutions Authorised to Issue Medical Board Reports for Tissue and Organ Transplants Abroad" published on the Institution's official website,

b) For other treatments, by the medical boards of third-level official health institutions, in accordance with the format of the Medical Board Report for Those to be Sent for Treatment Abroad (Annex 2/E-1) attached to the SUT. The report shall specify the treatment period, which shall not exceed six months. When determining the overseas health centre, priority shall be given to countries with which our country has a social security agreement in the field of health. If an appointment is made in a non-contracted country, correspondence stating that an appointment could not be made in a contracted country shall be attached to the health committee report.





LEGAL REGULATIONS



- The following amendments have been made to Article 2 of the Circular and Article 3.3.3.A of the Social Security Institution Health Implementation Circular.

"(7) If the patient is prescribed two pairs of glasses, one for distance and one for near vision, by ophthalmologists and resident doctors specialising in this field on the same prescription: based on the patient's preference, the cost of multifocal glasses will be covered by the Institution without a new prescription being issued. However, in cases where the use of distance and near-vision spectacles is necessary for patients aged 18 and under, the spectacles must be provided as prescribed by the physician."

With the amendment to the Health Implementation Regulation published in the Official Gazette dated 31 December 2025 and numbered 3124:

- The first article of the Circular amends the first paragraph of Article 1.8.1 of the Social Security Institution Health Implementation Circular published in the Official Gazette dated 24 March 2013 and numbered 28597.

The amendment explicitly stipulates that no co-payment shall be collected for physician and dentist examinations conducted at primary healthcare providers.



The co-payment amounts applicable to examinations performed at other healthcare providers have been redefined; the co-payment for examinations at second and third-level public healthcare providers, as well as at training and research hospitals affiliated with the Ministry of Health, third-level hospitals, and medical and dental faculty hospitals affiliated with state/foundation universities, has been set at 26 TL.

The examination co-payment at second and third-level private healthcare providers has been set at 60 TL. Furthermore, it has been stipulated that the co-payment applicable to examinations referred by family doctors contracted, assigned, or authorised by the Ministry of Health shall be collected at a 50% discount.



REGULATION ON AMENDMENTS TO THE REGULATION ON HEALTH AND SAFETY CONDITIONS IN THE USE OF WORK EQUIPMENT

The amendments made by the Regulation on Amendments to the Regulation on Health and Safety Conditions in the Use of Work Equipment, published in the Official Gazette dated 23 December 2025 and numbered 33116, are as follows:

MCLEGAL

Metin-Çiçek Avukatlık Ortaklığı
Attorney Partnership



Amendments to Article 4 of the Regulation

- The concept of "equipment inspection body" has been redefined; organisations authorised by the Ministry to carry out maintenance, inspection, testing and periodic checks of work equipment have been taken as the basis.
- It has been stipulated that the recording, tracking, and monitoring of periodic inspections shall be carried out through the EKİPNET module within the İSG-KATİP system.

Amendments to Regulation Article 7

- It has been explicitly stipulated that the equipment and equipment groups listed in Annex III of the Regulation are subject to periodic inspections.
- For equipment without a corresponding standard, it has been determined that periodic inspections shall be carried out according to the hierarchy set out in Annex III.
- It has been stipulated that periodic inspection reports cannot be issued without a contract via İSG-KATİP; reports issued in this manner shall be deemed invalid.
- It has been stipulated that in cases of non-compliance, the authorisations of the responsible persons shall be suspended for one month and administrative sanctions shall be applied per inspection.
- The principle of "approval" rather than "signing" periodic inspection reports has been adopted.

Amendments to Regulation Article 14/A

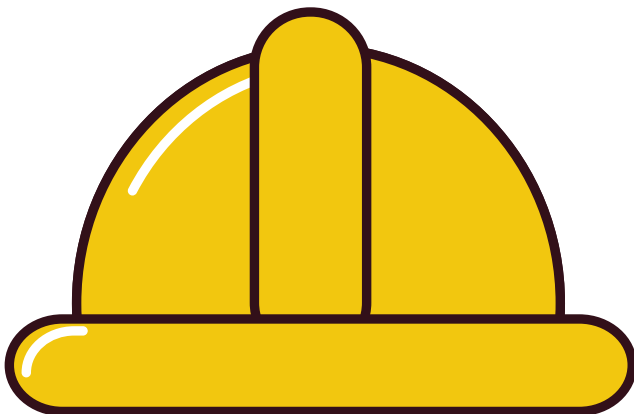
- The term "accredited" in the article has been replaced with "equipment".
- It has been stipulated that periodic inspections shall be carried out in accordance with the equipment-specific periodic inspection reports and criteria documents published by the Ministry.
- It has been stipulated that if these documents are not available, the criteria set out in Annex III shall be used as a basis.

Amendments to Annex I and Annex II of the Regulation

- The term "accredited" in Annexes I and II has been replaced with "equipment".
- The scope of Annex 2 has been expanded to include the following equipment within the scope of periodic inspection:
 - Power-driven lifting platforms for persons with mobility impairments
 - Steam boilers
 - Cable transport installations
 - Column-mounted work platforms

Regulations Introduced by Transitional Provisions

- Until a new regulation is issued by the Ministry, inspection bodies accredited by TÜRKA under the TS EN ISO/IEC 17020 standard shall be recognised as equipment inspection bodies.
- It has been stated that the obligations relating to the new equipment groups added to Annex 2 will not apply until 1 January 2027; periodic inspection reports issued before this date will remain valid.
- The implementation of the Annex III amendments relating to lifting equipment on wind turbines has been postponed until 1 February 2026.





CONSTITUTIONAL COURT DECISION NO. 2024/51 E., 2025/138 K. AND 17 JUNE 2025

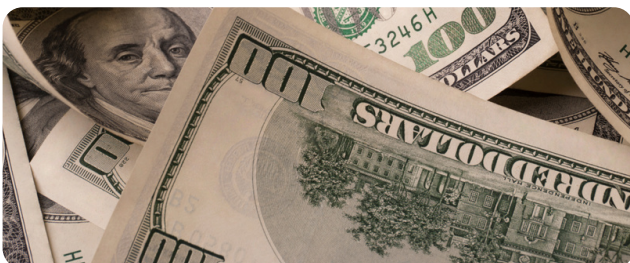
Subject

The first sentence of the fifth paragraph of the transitional fourth article of Law No. 5510 on Social Insurance and General Health Insurance ("Law No. 5510"), amended by Article 68 of Law No. 5754, states that "... proceedings shall be conducted in accordance with the provisions of Law No. 5434, including the provisions that have been repealed..." is contrary to Articles 2, 5, 10, 49, and 60 of the Constitution, and therefore requests that it be annulled.

Case

In a case brought seeking the annulment of a decision rejecting an application to backdate the commencement of insurance coverage by the length of the period for which contributions were made, the Court concluded that the contested provision was unconstitutional and applied for its annulment.

The provision of the law sought to be annulled is the fifth paragraph of the transitional Article 4 of the Law, which includes the contested rule, as follows: "The provisions of Law No. 5434 shall apply to the granting, increasing, decreasing, cutting, re-granting, lump-sum payments, continuation of interest, revival and borrowing of the monthly pensions of those covered by this article, other payments and benefits, and retirement gratuities shall be governed by the provisions of Law No. 5434, including the provisions repealed by this Law, and the provisions of the repealed Law No. 2829 shall also be taken into account in the application of this article..."



The court, which appealed, requested the annulment of the section of the first sentence of the fifth paragraph of the transitional Article 4 of Law No. 5510, which states "... shall be processed in accordance with the provisions of Law No. 5434, including the provisions repealed by this Law..."

The subject matter of the case under consideration is the rejection of the plaintiff's application to have the start date of his insurance coverage moved back one year, taking into account the period of his legal internship, which he had taken out a loan for.

Transitional Article 4 of Law No. 5510, which contains the contested provision, regulates the transitional provisions concerning public servants subject to Law No. 5434 on the Turkish Republic Pension Fund. The first sentence of the fifth paragraph of the aforementioned article stipulates that the provisions of Law No. 5434, including those repealed by this Law, shall be applied to matters concerning the granting, increasing, decreasing, or discontinuing of monthly payments and similar matters for those covered by this article, and that the provisions of the repealed Law No. 2829 shall also be taken into account in the application of this article.

Accordingly, the rule in question is a valid common rule not only for the regulation concerning the borrowing at issue in the case under consideration but also for the granting, increasing, and similar procedures of monthly payments that cannot be applied in the case under consideration.



Therefore, considering the subject matter of the case under review, the examination of the substance of the rule must be conducted in light of the phrase "...borrowings..." in the aforementioned sentence.

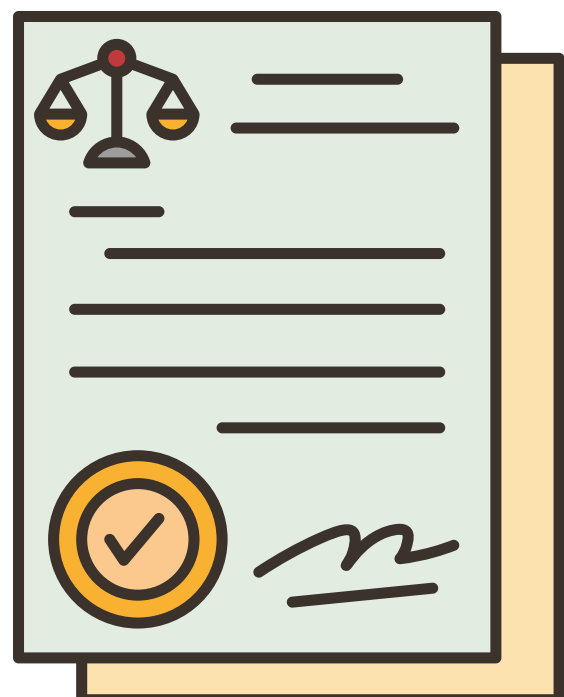
The objection application decision summarises that the rule in question deprives those who were members under Law No. 5434 before the entry into force of Law No. 5510 in October 2008 of the possibility of moving the start date of their insurance coverage back by the number of days borrowed in voluntary borrowing transactions. There is no objective reason for the distinction made between those who started working in the public sector before the beginning of October 2008 and those who started working as civil servants in the public sector under Law No. 5510 after that date regarding whether the start date of insurance coverage can be pushed back by the number of days borrowed in voluntary borrowing transactions. There is no fault attributable to those who began working in the public sector before the beginning of October 2008 in the creation of this difference, and this situation is incompatible with the principles of the rule of law, the social state and equality, and therefore an objection has been raised.

Assessment

Article 60 of the Constitution states that "Everyone has the right to social security. The State shall take the necessary measures and establish the necessary institutions to ensure this security." Accordingly, social security is a right for everyone, and it is the duty of the State to realise this right.

The duties imposed on the state under the aforementioned articles of the Constitution fall within the scope of the state's positive obligations. Furthermore, the Constitution does not lay down detailed principles regarding the extent of the social security rights to be provided to individuals. It is a well-known fact that the structure of the social security system is determined by economic and social conditions. This is because the programmes of the social security system interact with the economic and social structure.

Service borrowing is an exceptional method for obtaining social security rights, whereby certain periods for which premiums have not been paid are borrowed and paid, provided that the number of days of insurance coverage and premium payments for old-age pensions are met.





Conclusion

With the adoption of Law No. 5510, the laws previously in force regarding the social insurance system were repealed, and the social insurance system was reorganised under Law No. 5510. Article 4 of Law No. 5510 categorises insured persons into three categories (4/a, 4/b, 4/c) for the purposes of short-term and long-term insurance branches.

Under Law No. 5434, the term "participant" should be used for insured persons who are employed as civil servants or other public officials in public institutions and organisations and who actively pay premiums in accordance with this Law.

In addition, in the fourth transitional article of Law No. 5510, titled "Transitional provisions relating to Law No. 5434," it is stated that, unless otherwise provided in this Law, those who were granted a pension in accordance with Law No. 5434 before the date of entry into force of the aforementioned Law and those who were participants when Law No. 5510 and who are covered by subparagraph (c) of the first paragraph of Article 4 of the said Law as of the date of entry into force of the said Law, and those who worked under the provisions of Law No. 5434 before the date of entry into force of the said Law and who started working again under subparagraph (c) of the first paragraph of Article 4 of Law No. 5510 (c) of Article 4 of Law No. 5510, as well as their widows and orphans, shall continue to be subject to the provisions of Law No. 5434, including the provisions repealed by the aforementioned Law.



It is clear that the legislator has the discretion to determine which insured persons will benefit from the advantages provided by opportunities that may be considered exceptional in terms of social security rights, such as the recognition of service debt for periods not spent in actual employment or early retirement.

Article 10 of the Constitution enshrines the principle of equality before the law. The principle of equality before the law referred to in this article applies to those in the same legal situation. This principle envisages legal equality, not factual equality.

In the constitutional review to be conducted in terms of the principle of equality, it must first be determined whether differences are observed between persons in the same or similar situations within the framework of the relevant article of the Constitution. Following this determination, it must be examined whether the treatment is based on an objective and reasonable foundation and whether it is proportionate. The principle of proportionality requires a fair balance between the aim and the means. In other words, this principle requires that the different treatment be proportionate to the objective aim pursued.





Transitional Article 4 of Law No. 5510 stipulates that those who were granted a pension under Law No. 5434 before the date of entry into force of the aforementioned Law, as well as those who were contributors and who, as of the date of entry into force of Law No. 5510, fall within the scope of paragraph (c) of the first clause of Article 4 of the aforementioned Law and those who, prior to the date of entry into force of the said Law, worked under the provisions of Law No. 5434 and resumed work under the provisions of subparagraph (c) of the first paragraph of Article 4 of Law No. 5510 (c) of Article 4 of Law No. 5510, as well as their widows and orphans, shall continue to be processed in accordance with the provisions of Law No. 5434, including the provisions repealed by the aforementioned Law. Accordingly, those who were participants under Law No. 5434 before the entry into force of Law No. 5510 in October 2008, as well as those who started working as civil servants in the public sector after that date under subparagraph (c) of Article 4 of Law No. 5510, are subject to different provisions of the law in terms of the social security system and therefore have different social security coverage.

Therefore, with regard to whether the start date of insurance for voluntary service debt repayment should be moved back by the number of days of debt repayment, there is no aspect of subjecting those who were members under Law No. 5434 before the entry into force of Law No. 5510 in October 2008 and those who started working as civil servants after this date under the scope of the first paragraph of Article 4 of Law No. 5510 (c) of Article 4 of Law No. 5510, are subject to different rules does not violate the principle of equality.



Provision

On 31/05/2006, the relevant provision of Law No. 5510 on Social Insurance and General Health Insurance states that "... .. shall be carried out in accordance with the provisions of Law No. 5434, including the provisions that have been repealed..." The phrase "... borrowings..." in the aforementioned sentence does not violate the Constitution, as decided by a majority vote.



SUPREME COURT OF APPEALS 10TH CIVIL CHAMBER DECISION NO. 2025/8033 E., 2025/11985 K. AND 17.09.2025 D.

Subject

In the statement of claim, the plaintiff's representative requested the collection of the amount awarded in the material and moral damages lawsuit filed by the plaintiff based on the work accident he suffered on 09.05.2016 and the difference of 24,163.24 TL according to the final expert report from the defendant.

Facts

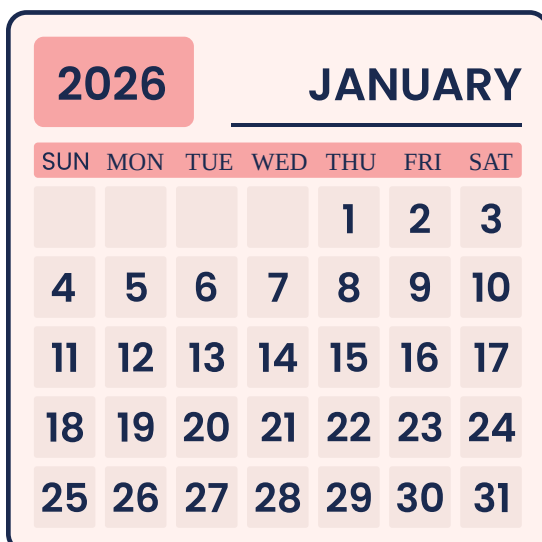
The plaintiff's representative requested that the case be dismissed, stating that it was contrary to justice and that there was no fault on their part. The court of first instance ruled definitively in favour of the claim in terms of the amount.



Regarding the Ministry of Justice's appeal in the public interest against the first instance court's decision mentioned above: the defendant's representative's excuse for being unable to attend the hearing on 17 October 2024 was accepted, and it was decided that the hearing date would be learned from UYAP, and the hearing was postponed to 18 October 2024. The minutes of the hearing dated 17 October 2024 were approved on 21 October 2024, and a decision on the merits of the case was made at the hearing dated 18 October 2024. There is no regulation stating that the procedure of learning the hearing date from UYAP can be applied. Since the defendant's representative's excuse was accepted, it is necessary to continue the trial by notifying the new hearing date and time with a duly served summons, and that the decision on the merits of the case, rendered in violation of the right to be heard, is contrary to procedure and law, requesting that the decision be reviewed and overturned in the interest of the law.

Assessment

Upon examination of the file, it was understood that at the hearing on 17 October 2024, the defendant's counsel's excuse was accepted, the hearing date was to be determined via UYAP, and the hearing was postponed to 18 October 2024. On the aforementioned date, the case was decided in the absence of the defendant's counsel.



Article 27 of the Code of Civil Procedure, entitled "Hearing of Legal Arguments", Article 36 of the Constitution of the Republic of Turkey, which regulates the freedom to seek justice, and Article 6 of the European Convention on Human Rights, which concerns the right to a fair trial, the parties to the case, the interveners and other interested parties in the proceedings have the right to be heard in connection with their rights. The most important means of realising this right, which includes being informed about the proceedings, the right to explain and prove, and the court's consideration of explanations, and the principles of open proceedings, is the holding of a hearing.

Article 6100 of the Code stipulates that a party who fails to appear at the hearing without a valid excuse may not object to the proceedings conducted in their absence. If no valid excuse is presented, it is possible that the excuse will not be accepted.

The scope of application of the Code of Civil Procedure No. 6100 is to regulate the procedures and principles regarding the use of UYAP, shall be carried out in physical or electronic form in accordance with the Notification Law No. 7201 and the regulations issued pursuant to the Notification Law. Upon examination of the provisions of the Notification Law and the Notification Regulations issued pursuant thereto, including the provisions of Article 7/A of the Notification Law, which regulates the electronic notification procedure, and the provisions of the Electronic Notification Regulation, it is seen that there is no provision allowing for the procedure of learning the hearing date from UYAP to be applied.



Upon examination of the provisions of the Notification Law and the Notification Regulations issued pursuant thereto, including the provisions of Article 7/A of the Notification Law, which regulates the electronic notification procedure, and the provisions of the Electronic Notification Regulation, it is seen that there is no provision allowing for the procedure of learning the hearing date from UYAP to be applied.

Ruling

In light of the above explanations, although the defendant's counsel's excuse was accepted, it was found that the continuation of the trial by notifying the hearing date and time with a duly served summons, thereby violating the right to be heard, and ruling on the merits of the case was contrary to procedure and law.



SUPREME COURT OF APPEALS 10TH CIVIL CHAMBER DECISION 2025/8952 E., 2025/11986 K. AND 17.09.2025 T.

Subject

In the statement of claim, the plaintiff's representative requested that the objection to the enforcement proceedings initiated to collect the temporary incapacity benefit following a traffic accident on 15 June 2021 be lifted.

Facts

The defendant Ak Sigorta A.Ş.'s representative requested that the case be dismissed primarily on the grounds of the statute of limitations, that the temporary incapacity for work damage was not covered by the policy, that enforcement compensation could not be awarded due to the claim not being liquid, and that the fault ratios due to the accident had to be determined by the Forensic Medicine Board.

The defendant's representative requested that the case be dismissed on the grounds that it was time-barred because it was not filed within the one-year limitation period and that the defendant client was not at fault in the accident.

The decision of the Court of First Instance, dated and numbered as above, states that compulsory motor insurance is a contractual provision made for the benefit of third parties under Article 129 of the Turkish Civil Code (TBK), that Article 88 of Law No. 2918 and Article 61 of the Turkish Civil Code regulate cases of joint and several liability, that in a traffic accident the operator, the dispatcher and the insurance company are jointly and severally liable for the damage incurred, and that the plaintiff is entitled to compensation pursuant to Article 21/4 of Law No. 5510, the court ruled in favour of the plaintiff.





Assessment

Upon examination of the file, it was found that the fourth paragraph of Article 21 of the Social Insurance and General Health Insurance Law No. 2.5510, entitled "Liability of the employer and third parties for work accidents, occupational diseases and illnesses," states that "If a work accident, occupational disease or illness occurs due to the fault of a third party, half of the initial lump-sum capital value at the date when the income linked to the payments made or to be made to the insured person and the beneficiaries commences shall be recovered from the third parties who caused the damage and, if they are at fault, from those who employed them."

Pursuant to this provision, temporary disability payments made under the sickness insurance branch may be recovered from third parties in proportion to their fault.

On the other hand, Article 27, titled "Right to be heard," in Part One, Section Two of the Code of Civil Procedure No. 6100, which concerns the principles governing proceedings, stipulates that the parties to the case, interveners, and other interested parties in the proceedings have the right to be heard in relation to their rights. This right includes: the right to be informed about the proceedings, the right to make statements and present evidence, the Court's consideration of such statements, and the requirement that decisions be substantiated in a concrete and clear manner.



Ruling

In light of the above explanations, when applied to the specific case, the Court of First Instance, faced with the defendant Alparslan Türe's defence that he was not at fault in the traffic accident that occurred, should have determined the defendant Alparslan Türe's fault and rendered a decision based on the resulting outcome. the ruling was found to be contrary to procedure and law, as it violated the "right to be heard" without justifying why the defendant's defence was not taken into account.



CONSTITUTIONAL COURT DECISION NO. 2019/11053 E. AND DATED 08.07.2025

Subject

The application concerns the allegation that the right to unionise was violated due to the rejection of a request to participate in collective bargaining negotiations.

Facts

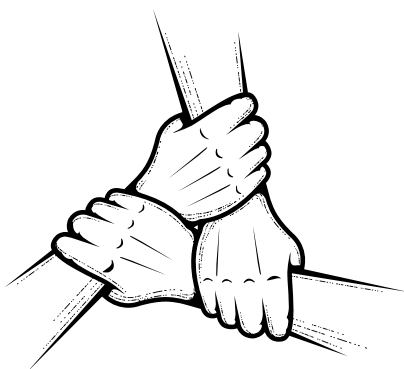
The applicant is a public employees' confederation formed by the unionisation of ten trade unions in the public sector. The trade unions forming the applicant Confederation are BÜRO-İŞ, EĞİTİM İŞ, ENERJİ-İŞ, TARIM ORMAN-İŞ, GENEL SAĞLIK İŞ, KÜLTÜR SANAT-İŞ, TAPU ÇEVRE YOL-İŞ, TÜM YEREL SEN, ULAŞIM-İŞ, and GÜVEN HABER SEN.



The Applicant, the Confederation of United Public Employees' Unions (BİRLEŞİK KAMU-İŞ), with 62,248 members, is the fourth largest confederation in terms of membership. It requested that its members be officially invited to participate in collective bargaining negotiations and that their representation be ensured so that they could freely exercise their right to free bargaining. The applicant's request was forwarded to the State Personnel Presidency by the Ministry of Labour and Social Security on 17 July 2017. The State Personnel Presidency rejected the applicant's request on 26 July 2017 (). The applicant filed a lawsuit requesting the cancellation of these decisions; in the lawsuit, he argued that the third paragraph of Article 29 of Law No. 4688, which regulates which confederations participate in collective bargaining on behalf of public servants, was unconstitutional and requested that an objection be filed with the Constitutional Court for its cancellation.

The Ankara 9th Administrative Court ruled to dismiss the case in its decision dated 31 May 2018. The decision stated that the claim of unconstitutionality was not considered serious. The reasoning given was that Article 29/3 of Law No. 4688 did not violate the principle of free bargaining and did not compel public servants to join the union with the largest number of members.

The applicant appealed this decision. The Ankara Regional Administrative Court, 10th Administrative Chamber, dismissed the applicant's appeal in its decision dated 23 January 2019, and the court's decision became final.



Assessment

The first three paragraphs of Article 51 of the Constitution, entitled "Right to form trade unions," read as follows:

"Employees and employers have the right to establish trade unions and umbrella organisations without prior permission, to freely join them and to freely withdraw from membership, in order to protect and develop the labour relations, economic and social rights and interests of their members. No one may be compelled to join or withdraw from a trade union."

"The right to form a trade union may only be restricted by law for reasons of national security, public order, the prevention of crime, public health and morals, and the protection of the rights and freedoms of others."

"The form, conditions and procedures to be followed in exercising the right to form a trade union shall be specified by law."

Following the amendment to the Constitution by Law No. 5982 dated 7 May 2010, the third, fourth and fifth paragraphs of Article 53 of the Constitution, entitled "Collective bargaining and the right to collective bargaining," are as follows:

"Civil servants and other public officials have the right to enter into collective agreements."

"In the event of a dispute during the collective bargaining process, the parties may apply to the Public Servants Arbitration Board. The decisions of the Public Servants Arbitration Board are final and have the force of a collective agreement."

"The scope of the right to collective bargaining, its exceptions, those who may benefit from collective bargaining, the manner and procedure for concluding collective agreements, their implementation, the reflection of collective agreement provisions on pensioners, the formation of the Public Officials Arbitration Board, its working procedures and principles, and other matters shall be regulated by law."



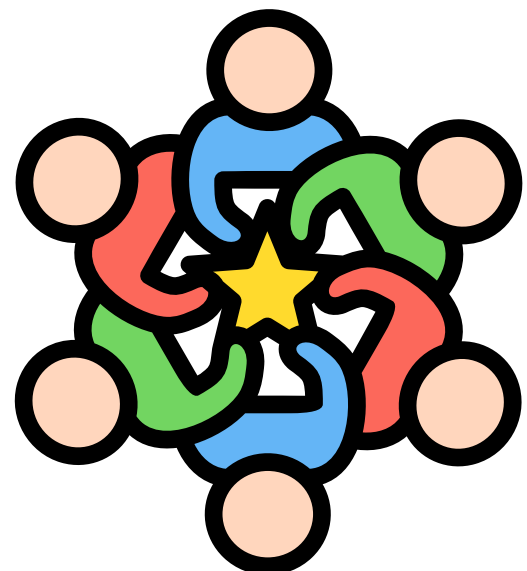
The right to form trade unions, as stipulated in Article 51 of the Constitution, is part of the freedom of association, which is the foundation of a democratic society. Freedom of association is the freedom of individuals to come together by forming collective entities to protect their own interests. This freedom provides individuals with the opportunity to achieve their political, cultural, social, and economic goals as a community (AYM, E.2014/177, K.2015/49, 14/5/2015).

Freedom of association encompasses two fundamental rights: one is the protection of the existence and functioning of the organisation, and the other is the freedom of the individual to participate in the organisation and to establish relations with it. Trade unions, which are organisations aiming to protect the interests of their members in the field of employment, are an important part of freedom of association. Therefore, the right to form a trade union requires the freedom to organise by coming together to protect the individual and collective interests of workers and, as such, is not considered an independent right but a form or specific aspect of freedom of association. In democracies, such an organisation has fundamental rights that must be respected and protected by the state.

The applicant's request to participate in collective bargaining negotiations was rejected on the grounds that it was not one of the top three confederations in terms of membership. Considering that participation in collective bargaining negotiations is an important achievement inherent in the right to organise, it must be accepted that the decision in question constitutes an interference with the applicant's right to organise.

Article 51 of the Constitution states that "Fundamental rights and freedoms ... may only be restricted for reasons specified in the relevant articles of the Constitution and only by law. These restrictions ... cannot be contrary to the requirements of a democratic society ... and the principle of proportionality."

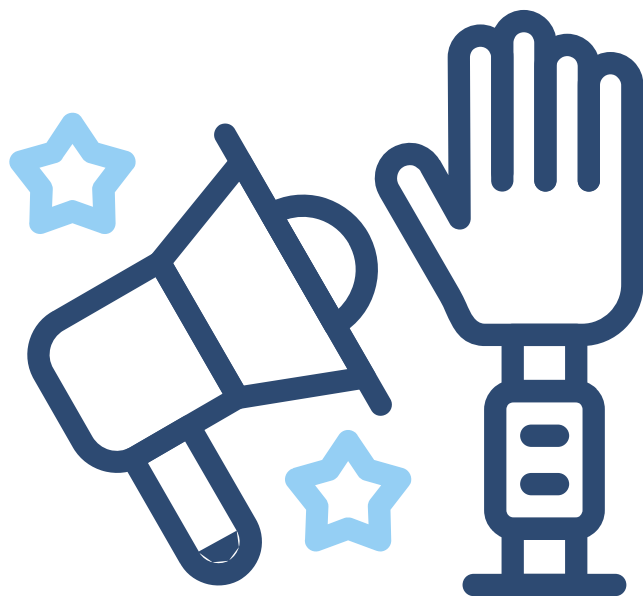
The last paragraph of Article 53 of the Constitution states that the scope of the right to collective bargaining, its exceptions, those who will benefit from collective bargaining, the manner and procedure of collective bargaining, and its enforcement shall be regulated by law, but does not specify the reasons for restricting this right. However, since the right to collective bargaining is considered an element of the right to organise, it must be accepted that the reasons for restriction of the right to organise, as set out in the second paragraph of Article 51 of the Constitution, also apply to the right to collective bargaining. Accordingly, the right to collective bargaining may be restricted by law on grounds of national security, public order, prevention of crime, general health and public morals, and protection of the rights and freedoms of others. At this point, it has been decided that the existence of the element of legitimate purpose is indisputable.





Consequently, considering that confederations have the ability to voice the rights and interests of their members and to act on behalf of their members in individual complaints and applications, and that adequate representation is ensured, it has been assessed that imposing a numerical restriction on the number of confederations participating in collective bargaining negotiations does not impose an unfair burden on the applicant. Therefore, it has been concluded that limiting the participation of public sector trade unions in collective bargaining negotiations to the top three confederations with the most members does not constitute an unreasonable interference with the right to organise.

Based on the reasons explained, it must be decided that the applicant's right to unionise, guaranteed by Article 51 of the Constitution, has not been violated.



Judgment

It was unanimously decided that the claim that the right to unionise had been violated was admissible and that the right to unionise guaranteed by Article 51 of the Constitution had not been violated.

SUPREME COURT OF APPEALS 10TH CIVIL CHAMBER DECISION NO. 2025/8033 E., 2025/11985 K. AND 17.09.2025 D.

Subject

The request is for the annulment of paragraph (15) of Article 3 of the Labour Courts Law No. 7036 dated 12 October 2017 on the grounds that it violates Article 36 of the Constitution.

Facts

The contested paragraph (15) of Article 3 of the Law reads as follows:

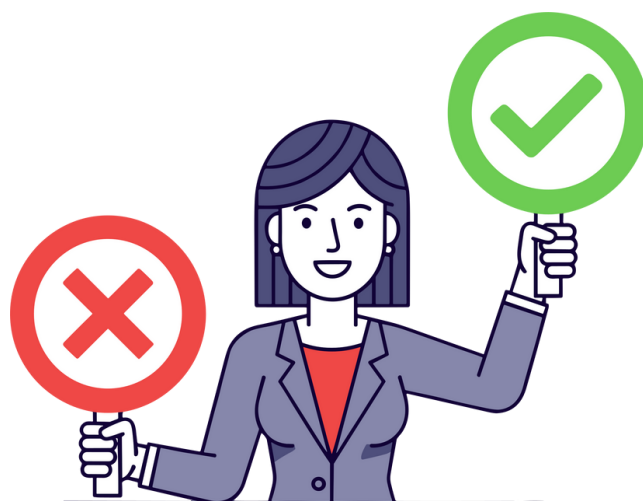
"Where there is a principal employer-subcontractor relationship, when a request for reinstatement is submitted to the mediator, the employers must participate in the mediation discussions together and their intentions must be compatible for an agreement to be reached."

The application decision and its annexes, along with the report prepared on the merits of the case, the contested provision of the law, the constitutional provisions relied upon and their justifications, and other legislative documents have been read and examined.

Paragraph (15) of Article 3 of Law No. 7036 was annulled by the Constitutional Court's decision dated 03/06/2025, No. 2024/157 E., 2025/121 K. Accordingly, it has been understood that the appeal against the annulled provision has become moot.

Ruling

It has been unanimously decided that there is no need to rule on the objection application.





AMENDMENTS TO SOCIAL SECURITY LEGISLATION UNDER LAW NO. 7566

The Bill proposing amendments to tax laws and certain other laws, submitted to the Grand National Assembly of Turkey on 17 October 2025, was adopted on 4 December 2025 and enacted as Law No. 7566. The aforementioned Law will enter into force on the date of its publication in the Official Gazette, following the approval of the President.

Law No. 7566 introduces significant changes to social security legislation, particularly regarding contribution rates, incentive schemes, income limits for contributions, and the individual pension system. The main provisions are summarised below.

Increase in Employer Contribution Burden in Long-Term Insurance Branches

The Law amends Article 81 of Law No. 5510 on Social Insurance and General Health Insurance; the employer contribution rate for disability, old age, and death insurance has been increased from 11% to 12%.

However, the 4-point Treasury premium incentive applied in non-manufacturing sectors has been reduced to 2 points, and the one-year premium support provided to young entrepreneurs has been abolished. These amendments are expected to come into effect in January 2026.



Increase in the Upper Limit of Earnings Subject to Contributions

With the amendment made to Article 82 of Law No. 5510, the upper limit of daily earnings subject to premiums has been increased from 7.5 times the minimum wage to 9 times the minimum wage. This regulation will enter into force on 1 January 2026.



Increase in Loan and Bağ-Kur Revival Premium Rates

The Law has redefined the premium rate applied to insurance borrowing, excluding maternity borrowing, as 45%. Similarly, the premium rate to be applied to the reinstatement period for those whose Bağ-Kur insurance has been suspended has also been increased to 45%. These changes will take effect on 1 January 2026.

Increase in DOD Insurance Premium Rates

For voluntary insured persons, agricultural workers, part-time workers and those working less than 10 days in domestic service, the premium rate for disability, old age and death insurance has been increased from 20% to 21%. The regulation is expected to come into force at the beginning of 2026.



Collection of Premium Debts from Income and Pensions

Under the amendment added to Law No. 5510 by Law No. 7566, it has been stipulated that the premiums and premium-related debts of those receiving income or monthly payments from the Social Security Institution may be collected through deductions not exceeding 25% of the income or monthly payments. This application will be effective as of 1 January 2026.

State Contribution Authority in the Individual Pension System

With the amendment made to Law No. 4632 on the Individual Pension Savings and Investment System, the President has been authorised to increase the 30% state contribution applied in the individual pension system up to 50% or reduce it to zero. This regulation entered into force on the date of its publication.



COMMUNICATION REGARDING AMENDMENTS TO THE COMMUNICATION ON THE MANDATORY PROFESSIONAL COMPETENCE CERTIFICATE FOR PROFESSIONS SUBJECT TO THE PROFESSIONAL COMPETENCE AUTHORITY

Amendments Made Under Circular No. 2025/1

With Circular No. 2025/1, published in the Official Gazette dated 26 December 2025, changes have been made to the procedures and principles regarding occupations for which a vocational qualification certificate is mandatory, as published by the Vocational Qualifications Authority.

In this context, it has been explicitly stipulated that persons who do not possess a vocational qualification certificate in the occupations listed in the annex, which are classified as hazardous and highly hazardous and for which the Vocational Qualifications Authority has published standards, cannot be employed after twelve months from the date of publication of the Circular.

On the other hand;

- Those holding a master craftsman certificate under the Vocational Education Law No. 3308,
- Those who have graduated from vocational and technical education institutions affiliated with the Ministry of National Education and the relevant departments and programmes of universities,
- Those who obtained a course completion certificate by completing the programmes determined by the Ministry of National Education before 1 January 2022 provided that they are employed in the fields and branches specified in their certificates, shall not be required to hold a vocational qualification certificate.
- The Circular entered into force on the date of its publication.



Amendments Made Under Circular No. 2025/2

The Circular No. 2025/2, published in the Official Gazette on the same date, introduces similar regulations for the occupations covered under Circular No. 2021/1.

Accordingly, individuals without a vocational qualification certificate in the hazardous and highly hazardous occupations listed in the annex, for which standards have been published by the Vocational Qualifications Authority, shall be prohibited from being employed twelve months after the publication of the Circular.

Additionally;

- Those holding a master craftsman certificate,
- Graduates of secondary education institutions and university departments providing vocational and technical education,
- Individuals who obtained a course completion certificate in accordance with the regulations before 1 January 2022 provided that they work in the fields, programmes, and branches specified in their certificates, the requirement for a vocational qualification certificate has been re-regulated.

This Circular shall enter into force on the date of its publication.

ILO STAKEHOLDERS AND PARTNERS STRENGTHEN THEIR KNOWLEDGE ON THE SOCIAL AND SOLIDARITY ECONOMY TO ADVANCE SOCIAL JUSTICE

During a technical knowledge-sharing event organised by the International Labour Organisation (ILO) in Turin, Italy, on 10–11 December 2025, the role of the Social and Solidarity Economy (SSE) in advancing social justice was discussed. Progress made and experiences gained to date within the framework of the ILO's Decent Work and Social and Solidarity Economy Strategy and Action Plan (2023–2029) were evaluated.

The event brought together stakeholders from over 20 countries, including government representatives, workers' and employers' organisations, academia and social economy networks, who exchanged views on how to strengthen the SSE's contribution to decent work, social inclusion and sustainable development. The event also held symbolic importance as it coincided with the closing period of the International Year of Cooperatives 2025.

In the assessments made by the participants, it was emphasised that cooperatives and other SSE actors play an important role, particularly in the care economy, the informal economy, supply chains, and in ensuring social justice during and after crises. In this context, it was stated that policy instruments ranging from education and training systems to legal and institutional frameworks need to be strengthened in favour of the SSE.





The event also evaluated concrete outputs from numerous national programmes and development cooperation projects supported by the ILO in Africa, the Americas, Europe, Asia-Pacific and the Arab States. It was noted that SSE is currently among the strategic priorities of 26 ILO Decent Work Country Programmes. It was stated that this situation highlights the importance of SSE in the ILO's institutional policies.

Field visits in Turin examined the capacity of cooperatives and social enterprises to create local employment, develop social innovation and support inclusive development; it was concluded that coordinated public policies and multi-stakeholder partnerships strengthen the sustainability of the SSE.

Finally, it was noted that the discussions held during the event contributed to the report being prepared by the United Nations Secretary-General on the social and solidarity economy; it was emphasised that increasing international cooperation, financing opportunities and institutional coordination in the field of SSE is critical to achieving social justice goals.



INTERNATIONAL LABOUR ORGANISATION (ILO) BUREAU FOR WORKERS' ACTIVITIES (ACTRAV) MEETS WITH WORKERS' ORGANISATIONS IN TURKEY

According to a news item published by the International Labour Organisation (ILO) on 22 December 2025, the ILO Workers' Activities Bureau (ACTRAV), represented by Sergejus Glovackas, Regional Officer for Europe and Central Asia, conducted a working visit to Turkey on 17 December 2025. The main purpose of the visit was to strengthen cooperation with workers' organisations operating in Turkey, to support fundamental principles and rights at work, and to hold consultations on enhancing the institutional and technical capacities of trade unions.

As part of the visit programme, an introductory and consultation meeting was held with trade union representatives benefiting from the Grant Support Programme, within the framework of the project "Strengthening the Capacities of Social Partners and Civil Society on Fundamental Principles and Rights at Work", implemented by the ILO Turkey Office with the financial support of the European Union Delegation to Turkey. The meeting was also attended by Yasser Hassan, Director of the ILO Turkey Office, and Alessandro Angius, Head of the Civil Society, Fundamental Rights and Home Affairs Team at the European Union Delegation to Turkey.



During the meetings held at the ILO Ankara Office, information was provided on ACTRAV's priorities for the European and Central Asian region and the technical assistance, capacity building and policy advisory services offered to workers' organisations. In this context, it was emphasised that ACTRAV's main objective is to strengthen the institutional capacities of workers' organisations in line with ILO standards and to support their effective participation in social dialogue mechanisms.

In the second part of the meetings, trade union representatives benefiting from grant support shared their experiences regarding the activities carried out during the project implementation process. Key issues faced by workers' organisations in Turkey, such as freedom of association, collective bargaining processes, the exercise of the right to strike, and the effectiveness of social dialogue mechanisms, were discussed. In addition, views were exchanged on the sustainability and dissemination of project outputs.

As part of the working visit, the ACTRAV representative paid separate visits to the TÜRK-İŞ, HAK-İŞ and KESK confederations. During these meetings, the confederations' priority agenda items, current issues encountered in working life and common challenges facing the trade union movement were assessed. In this context, the strengthening of social dialogue mechanisms, the promotion of fair and adequate wage policies, the improvement of occupational health and safety, the fight against informal employment, and the protection of trade union rights were among the main topics of discussion.

At the end of the visit, ACTRAV reaffirmed its commitment to continuing cooperation with workers' organisations and providing technical support in areas where it is needed. It was stated that workers' organisations in Turkey have significant potential to contribute to the strengthening of workers' organisations in Central Asia and the Caucasus region thanks to their experience and institutional capacity.



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