

Turkey: Mandatory mediation

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The new Labour Courts Act No. 7036 has introduced mandatory mediation for both employers and employees before a claim is brought.



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It is now mandatory to apply for mediation, before certain claims are brought, as follows:

for both employers and employees – claims regarding employee “receivables” and compensation arising from either the Labour Act, the employment agreement, and/or a relevant collective bargaining agreement; and

for employees – claims for re-instatement.

Mandatory mediation is not applicable to claims arising from occupational accidents and diseases.

Where mediation is mandatory, this must be completed within three weeks and the mediator must deliver their decision on the application within this period. If required, the mediator can extend this period by a maximum of one week.

If the parties do not apply for mediation before bringing the above listed claims, their claim will be dismissed as they will not have fulfilled the specified requirements under the Procedural Code.

Comment

With the introduction of mandatory mediation (which came into force on 1 January 2018), the judiciary’s workload is expected to decrease. It is recommended that employers keep a watching eye over the success (or otherwise) of this change, particularly to see whether it speeds up the judicial process or not.

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