

Labour Court recently ruled in favour of the employer in a remote-work related employee receivables claim

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Dear Clients, Colleagues and Friends,

During the pandemic and its aftermath there were discussions as to who should be responsible to cover expenses of a remote working employee made while performing his/her work such as meals, utilities and internet costs, as well as what methods should be used to prove over-time work. Although rules and procedures on remote-working have been regulated under the Remote-Working Regulation, which came into force on 10 March 2021, there has not been a precedent on remote-work related employee receivables claim.

In the present dispute, the employee terminated the employment contract based on just cause claiming that the employer did not cover his expenses incurred during working remotely from home including costs for electricity, internet and meals and also failed to pay compensation for his over-time work. The employee consequently filed a lawsuit against the employer claiming employee receivables for these items.

Bakırköy 9th Labour Court rejected the claim for expenses resolving that the employee failed to prove that there was a workplace practice to cover expenses such as electricity, internet or meals incurred during remote-working, despite the witnesses heard to support his claim. employee's claim.

The Court also ruled that the emails submitted by the employee as evidence for overtime work fell short of proving overtime as the submitted correspondence did not show the start and end of the working hours nor duration of actual daily working hours. In reference to the Court of Appeals precedents, the Court rejected the overtime work claim by reasoning that the working hours are accepted to be flexible during remote-working and the employee had the prerogative to determine his working hours.

In conclusion, the Court decided that an established workplace practice is required for an employer to be obliged to cover expenses such as electricity, internet and meals incurred during remote-working and that a request for overtime work payment cannot be upheld as employees are subject to flexible working hours and can determine their own working hours.

This decision is centred on employee receivable claims relating to remote-work during the pandemic, yet it establishes a critical precedent on remote-working, which has becoming an ordinary practice for many companies.

You may contact us for any further information on this briefing.

Kind regards,



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