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Mandatory Mediation in Labour Disputes

Law of Labour Courts numbered 7036 (the “Law”) published in the Official Gazette No. 30221 dated October 25, 2017; introduced fundamental changes in the settlement of labour disputes. The radical changes implemented with the Law are as follows.

Mediation is only adopted as a preliminary condition before legal action in the selected type of issues noted at the Article 3 of the Law; ‘application to mediation is a pre-condition for cases dependent on individual or collective bargaining employment contracts or cases of employee or employer claims and compensation demands and for cases of employee reinstitution.’ This relevant Article 3, will enter into force at January 1, 2018.

According to this arrangement, the claimant whether employee or employer should apply to a mediation. Even if the claimant does not apply to mediation prior to bring an action before courts, his/her action will be dismissed due to process of law. In respect of this dismissal, the claimant should apply to a mediation within two weeks from the date of notification of this court decision.