



The investigation of the job duration in the job regulation of Iran and Turkey

Ramin Delkhun Asi, Saieed Delkhun Asi, Mohammad Ali Eslami

Department of Law, Ardabil Payam-e-nour, Iran

ABSTRACT

According to the existence of some new changes in the 15th to 20th centuries in the world and other important events such as the industrial revolution, there have been taken place revolutions leading to the disappearance of the feudalism (Master-Slave) Economical and social systems and making the capitalism communities and workers carried out some approaches to heal their life conditions against an unequal war between the workers and employers and the governments of capitalism supporters made some benefits for these workers that it made the same job rights and finally the process of the job became as an independent case in the field of the law affairs; it has been considered as a science in some countries attracting the college-based professors. The job legislation of a country has been devoted and allocated to the job duration, extra job, night job and hours, number of leave. For the reason the present study was to investigate the job duration of the Iranian and Turkish job legislation.

Key words: Job duration, regulation, Iran, Turkey.

INTRODUCTION

Job duration in the Iranian legislation: first section: job duration:

According to the Article 51 of the Iranian job legislation issued in 1990 the job hours are subjected to the duration that a worker spends his own force or time to achieve a task given by the employer. The job hours of the workers should not be exceeded of 8 hours nightly. The employer can determine the job hours little in some days of the week than the deadline or making extra hours but it should not be exceeded of 44 hours of the week. In hardworking and harmful job conditions, the job hours should not be exceeded of six hours and 36 hours of the week.

First section: types of job hours:

In Iranian job legislation the job hours are divided into the day and night, co-job and shift-based hours. The day job is subjected to the hour that it begins from 6 early mornings to the end of 22:00pm at night; and the night job starts from 22:00pm to 6:00am. The combined job or co-job hour is related to hours when the job is being achieved in both day and night times. In the same combined jobs the worker gets benefited from extra payment (35% extra per usual job hour). Along with types of the job hours, there is another form of job being called the frequent job that it is not achieved in frequent hours but it should be completed in a certain hours of the 24^{hr}. the periods would be determined by a worker and the existence of the same worker working into the workshop is not necessary. In the frequent jobs, the job hours and the periods of the job should not be exceeded of 15 hours during the 24hr. the shift job is subjected to the job being circulated during the month so that the shifts will be achieved in morning or evening. A worker working in a shift and his shifts being completed in morning and evening takes 10% and when the shifts being established in morning and evening and night will take 15% and when the shifts happen in morning and night and evening, it will be also 22.5% of the payment. In shifting job the job hours may be exceeded of 8 hours a day and 44 hours a week; for the reason, the total job hours should not be exceeded of 176 hours during the four weeks.

Second discussion: extra job:

The extra job is subjected to the extra working hours of a worker in terms of the job legislation hours (8hr). According to the Article 59 in usual conditions the extra working will be permitted as following conditions:

- 1- Worker agreement
- 2- Payment 40% extra to the worker per hour than the usual hours. The extra working hours should not be exceeded of 4 hours a day unless the parties make their own agreement bilaterally or the

employer determines the extra working hours by paying 40% per worker; the maximum extra working will be 8 hours a day according to the same Article.

The prevention of the predictable events or the recovery of the damage should be established based on the result of the related events. The re-establishment of the rehabilitation of the workshop activity should be achieved when the natural events may happen such as the earthquake, flooding, and other catastrophic events. According to the Article 60 after the completion of the extra working in above mentioned cases, the employer is responsible for to inform the organization of the job and social welfare affairs to be determined about the same extra job hours during 48hr in this regard. By the way, according to the Article 61 the return of the extra working to the agent reporting any dangerous and hardworking job conditions is forbidden in this pavement.

Second part: holidays and going to leave: first discussion: holidays:

According to the Article 62 the Friday is considered as the holiday of the whole workers with their own payment. In the affairs of the public services such as the water, electricity, transportation and other workshops based on the parties' agreements, the holiday is determined by the same agreement continuously and a day should be introduced as a holiday. Workers working on Friday will be paid 40% extra payment whereas the job days should be little than 6 days a week and the payment will be one-six of total payment.

According to the Article 63 of the job legislation, in addition to the formal holidays of the country, the day of worker will be considered as holiday in this case.

Second discussion: leaves:

According to the Article 64 leaves with pay of the workers using the wage and the calculation of four Fridays annually will be one month completely. Other holidays will not be considered as the leave days. For a job little than a year, the related leave will be calculated towards the completed job proportion. The annual leave of workers working hardly is 5 weeks; the usage of the leave is achieved possibly in two shifts and in the end of every 6 months. Every worker is used to apply his leave in order to achieve the Haj during the job time only for one time without the payment. The whole payment of the workers should be paid completely if any dissolution takes place during the retirement or job collapse affairs and the workshop bankruptcy; and if the same worker dies the payment will be paid to his heritage completely. In addition to the related leaves according to the Article 73, the whole workers have three days leaves with wage: marriage and death of father, mother and parents

Third section: condition of women job:

According to the Article 73 of the job legislation the achievement of the dangerous tasks and jobs should be forbidden against the whole women.

The women workers can use leaves for their pregnancy and postpartum issues; this kind of leave is about 90 days according to the Article 76 that it has been increased to 6 months legislatively. The duration of the women leave is considered as their job backgrounds and the whole payments should be completely paid accordingly. When the type of the job is considered as the most dangerous case for pregnant women according to the physician of the social affair, the employer has to give some light tasks for these women. In workshops with women, the employer has to give some chances for these pregnant women to feed their infants during the job hours. This opportunity should be considered as their job hours potentially.

Fourth section: conditions of the adolescence job:

According to the Article 79 having or establishing workers lower than 15 years old is forbidden. Workers with 15-18 years old have been called the adolescent worker and they have to be under the social providence affairs since their employment according to the medical examinations. The adolescent worker daily job hour should be half hour little than the usual worker and any extra job hours due to the hardworking and harmful jobs is completely forbidden to these adolescents.

Chapter two: job duration in Turkish legislation: job duration:

According to the Article 63 of the Turkish job legislation issued in 2008 the job duration should be achieved 45 hours during one week. Along with the parties agreement, the normal job duration in the job locations should not be exceeded of 11 hours daily. In this case, during 2 months the mean job hour of a worker cannot be exceeded of the daily normal hours.

RESULTS

First discussion: make-up job:

Due to the prevention of the obligatory job, holiday after job or the national celebrations and formal holidays, the employer can give a compensatory or make-up job during two months prevented days; this job duration is not be considered as the extra job hours (Article 64).

The compensatory jobs due to the maximum daily job hours should not be exceeded of three hours a day; this compensatory job cannot be achieved on holidays.

Second discussion: time of relaxation between the jobs:

According to the Article 68 when the mean daily job hour is adjusted according to the obligations and job customs, the workers should take relaxation time as following conditions:

- 1- In jobs with 4 hours or shorter duration, it should be taken 15 minutes
- 2- In jobs with 4 to 7 hours, it should be taken half minutes
- 3- In jobs with higher 7 hours, it should be taken about 1 hour relaxation time

These relaxation times are mini-mum without interruption. However these durations can be applied separately due to the seasonal and traditional affairs. In addition, the relaxation times in the job locations can be achieved for the workers in a particular time or times. The relation times are not considered as the job hours.

Third discussion: job duration at night:

In Turkish legislation, the night job is subjected to the times achieving between 20:00pm till 6:00am and it should not be exceeded of 11 hours in this case.

In night jobs the workers work in both day and night shifts; in a week that workers working at night the next week is adjusted so that the day shift can be achieved; in day and night shifts the two-weeks shifts can be also specified in this regard.

The worker beginning the next shift cannot be forced into the work before 11 hours relation time.

Second discussion: children job: age of children:

According to the Article 71 of the Turkish job legislation the children under 15 years old cannot be established in the job location. However children having 14 years old and ended elementary course with enough mental, moral and physical growth can continue working; but the condition are that the job should never damage their lesson plans at all. The jobs being achieved by children and adolescents require the mental, physical, healthy personal talents. The job being achieved by a child should not prevent his or her lesson continuation or making any school drop-off in this case. Children not completing their basic lessons or do not go to school cannot work higher than 5 hours a day and higher than 35 hours a week. But children with 15 years old can increase the job duration from 8 hours to 40 hours a week. The job duration for children studying at school should be established based on their lesson plans from 2 hours a day and 10 hours a week and when the school is off the mentioned time should not be exceeded of the specified times according to the Line 1.

Second discussion: children and forbidden job affairs in the underground, water and night job issues:

In jobs like mining, underground wiring, tunnel construction, the usage of children is completely forbidden; also in the industrial jobs the nightly working times are completely forbidden for these children particularly under 18 years old (Articles 72 and 73).

Third section: conditions of women job:

According to the Turkish job legislation women can use their leaves before 8 weeks postpartum and 8 weeks after postpartum with total 16 weeks leaves for their pregnancy and postpartum affairs. Women for twin pregnancy can apply another extra 2 weeks for the postpartum but when she is diagnosed as healthy one the same physician lets her go to leave three weeks before the postpartum. In this case, times will be added to the same person's job durations. When the delivery or postpartum is premature, the duration is added into the women's job duration before postpartum. The mentioned durations can be increased into the healthy mood and job features before and after postpartum of a worker; these durations can be prescribed by the physician in this regard. During the pregnancy the women are permitted to go to be visited by a physician. Only the physician is able to let these women work or not work in their workshops; but if the worker asks to go to leave, she will be let go to take rest 16 weeks and if the pregnancy is diagnosed as twins, she will let go to leave for 18 weeks and again the same person can ask 6 next months to go leave. This duration is not considered as the leave calculation with payment annually. Workers can feed their infants daily during 1.5 hours; the division of this duration and divisions of this time is being taken by the same worker; this duration is considered as the daily working hours [3].

DISCUSSION

As it mentioned before, the subject of the job duration in both countries legislative affairs is predicted and the details of the job duration, children and women job conditions are similar together in this case. The similar cases of these two countries are really more and it can be stated that the legislator of these issues have been inspired of the same legislative affairs from the European countries potentially. However there have been observed some differences in terms of the job hours and duration of the holidays regarding to

the postpartum and pregnancy of women conditions that these may be originated from the political, Economical and social situations of the same countries together [4].

REFERENCE

1. Iranian job legislation issued in 1990.
2. Turkish job legislation no: 4857 issued in 2008.
3. Eraghi, Seyed E.A. (2007). Rights of job, SAMT Publication, 7th printing.
4. Baratinia, M. (2003). New attitudes towards the job rights, Fekrsazan Publication, 1st printing.