Gateways to Gender Equality in Working Life in Turkey
EU Twinning Project TR 08 IB SO 01
“Promoting Gender Equality in Working Life”

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Any quotation can be made under the condition of referring to this brochure.
It is now time for more gender equality, everywhere.

In the EU women are negatively affected by the consequences of the economic downturn. Overall unemployment rates for women are increasing and the gender pay gap is estimated as 17%. In this context, gender-mainstreaming of policies, increasing female representation in economic decision making bodies, and assuring more women in top positions is now even more important to recover from the crisis, as well as to meet the EU 2020 target of 75% employment rate for women and men.

In Turkey, women’s low activity rate is the most critical characteristic of the labour market. While there has been a slight increase in the participation rates of women over the past years, there are still many challenges.

The gender issue in the labour market cannot be tackled in isolation. Among the other factors that contribute to this situation we can mention the lack of affordable caring and social services, informality and unpaid female work, violence against women, early marriages, early school leaving and negative portrayal of women and gender stereotyping. The traditional understanding of jobs for men and jobs for women further increases labour market segmentation.

Another challenge for Turkey, as well as for the EU, is to develop policies and practices to ensure gender mainstreaming instead of only tackling women as a particular target group in employment matters.

There cannot be a genuine and sustainable development if we continue to exclude 50% of the population. That is why the EU attaches big importance to the support of gender equality and women’s rights in Turkey and in the past years, the EU has invested around 72 million Euros as financial aid in these areas. The EU has supported girls’ access to education, women’s participation in the labour market, combating domestic violence against women, access to social services, political participation, among others.

The EU’s support to Turkey to reduce its gender gap and to step up women’s rights will continue. We need however to ensure that all actions that are not gender specific but also take into account gender equality and deliver positive results for women and men.

This EU Twinning project, which demonstrates an exemplary cooperation between the Labour Ministries of Turkey and Germany, and the Austrian Ludwig Boltzmann Institute of Human Rights, offers a unique opportunity to push for more gender equality. It has been a demanding process for the Turkish counterparts as they have indulged in an in-depth exercise for revising the labour and social security legislation and training their staff at all levels. The project has also initiated a hopefully long lasting tradition of a “Gender Equality Award” for the Turkish companies, to be awarded by the Turkish Ministry of Labour and Social Security.

We thank all parties involved in the project, and hope that this publication will be useful for decision makers, implementers and equality activists for more gender equality - now and everywhere.

Javier Menendez Bonilla
Head of Economic and Social Development Section
European Union Delegation to Turkey
We are proud to present you the brochure “Gateways to Gender Equality in Working Life”.

This brochure aims to support the activities concerning gender equality, carried out by the Ministry of Labour and Social Security, Social Security Institution, State Personnel Presidency and the Turkish Employment Agency. It has been prepared in the scope of the EU Twinning Project 08 IB SO on “Promoting Gender Equality in Working Life”, which was developed under the Transition Period and Institution Building Component of the Instrument for Pre-Accession Assistance (IPA) and implemented by the German Ministry of Labour and Social Affairs and the Ludwig Boltzmann Human Rights Institute from Austria. The main beneficiaries of the project are the Ministry of Labour and Social Security, Directorate General of Labour, together with the Social Security Institution and State Personnel Presidency.

The Project has been designed to support in the accession period Turkish legislation with EU legislation on gender equality in working life, to harmonise it with the EU gender equality acquis, to increase the capacity of institutions responsible for implementing this EU acquis and to increase the level of awareness and sensitivity concerning this subject.

In the scope of the harmonisation of the EU gender equality acquis, there has been a lot of efforts to ensure that women and men do not face any discrimination in working life, that they have access to employment and vocational training on an equal level, that they work under decent working conditions equally, that they have equal pay and employment opportunities, and that they share caring responsibilities in view of establishing a new work – life balance.

The brochure has been designed to communicate gender equality in working life in the most comprehensible and explicit way, to establish an awareness to be able to achieve results and overcome challenges, to take this issue seriously and to provide information and guidance to people in and outside of Turkey by the working group comprising representatives from our Ministry, EU project partners, social partners, NGOs and other relevant institutions.

Moreover, we would like to thank the German Ministry of Labour and Social Affairs (BMAS) and the Austrian Ludwig Boltzmann Human Rights Institute for the expertise and their support for the design and publishing of this brochure.

DIRECTORATE GENERAL OF LABOUR
MINISTRY OF LABOUR AND SOCIAL SECURITY
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Gender equality is the equal participation of women and men in all aspects of social life. Gender equality is the state in which women and men enjoy equal rights and opportunities. As long as such equality is ensured, there will be no discrimination based on gender. Gender equality does not mean that women and men are the same, it rather emphasises that they have equal value, and therefore, should be treated equally. United Nations consider gender equality as a human right.

Gender equality is not merely related to women. Gender equality defines the concept that all human beings are free to develop their personal abilities and to make choices without being restricted by stereotypes or clichés imposed. Equality between women and men is the main principle that forms the basis of democratic societies. However, there are still inequalities between women and men.

One of the foremost inequalities in working life is the different pay for women and men:
Women and men have similar potentials, values and expectations from life.

In generally, women are paid less than men for the same kind of work. The difference between the hourly earnings of women and men is known as pay gap.

Gender pay gap is defined as the average difference between the hourly income of women and men within economy and it reflects the existing discrimination which affects women in practice in most cases.

Gender equality at work place means that women and men employees are treated equally under any circumstance and that they are not discriminated against. Ensuring gender equality is first of all the employer’s responsibility. Yet each employee is liable to contribute to gender equality.
Gateways to Gender Equality in Turkey

What Does Gender Equality in Working Life Mean?

Some key terms and definitions in the field of gender equality:
The (English) term “sex” is related to the biological traits that define a human being as a woman, man or transsexual. Sex is the genetical, physiological, psychological and biological traits a man or a woman has. Sex is defined by nature, while gender is structured by culture.

Gender equality is the definition of femininity and masculinity depending on the culture; in other words, femininity and masculinity are gender differences that are constructed by the society and which refer to boys and girls. It means that both in working life and in private life tasks, functions and roles that are associated with women and men, girls and boys are different rights, opportunities and responsibilities of human beings in a society. Gender is the relationship among different sexes in the society which are socially constructed.

Gender equality is ensuring equal status and opportunities for women and men, and mainstreaming them in life models, abilities and activities by means of laws and other norms and/or political practices. It should not be forgotten that gender equality encompasses several fields.

Equality means that women and men, girls and boys - in other words each individual – have the same rights, responsibilities and opportunities. Equal opportunities mean that every individual has the same opportunities in all fields of economy and society. Equal opportunities mean that there should not be any discrimination on the grounds of race, colour, age, gender, national origin, religion, or mental or physical disability in the work place.

Direct discrimination:
Direct discrimination occurs where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation.

Indirect discrimination:
Indirect discrimination occurs where an apparently neutral provision or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

Harassment:
Harassment is when an unwanted treatment regarding the sex of a person is done in order to attack one person’s dignity, to threaten or humiliate the person in an offensive or aggressive manner.
Equal opportunities at the workplace mean that there is no discrimination on the grounds of race, colour, age, gender, national origin, religion or mental or physical disabilities. It means the fair treatment of all employees and to prevent harassment.

Reconciliation of work and family life (work-life balance) is essential for gender equality. Women’s home related responsibilities would be balanced. Housework and taking care of the children, the elderly and the disabled are almost all services provided in the house – such services are delivered by means of the unpaid labour carried out by women. Employers should provide such family conditions to ensure that men do more housework and take over more responsibility at home. In order to do that, they should allow for flexible working hours and enable those who leave work temporarily to come back to work without being subject to any disadvantages. Work-life balance is something that also gives an opportunity to single employees or those without children to balance their priorities and ambitions; therefore, it concerns them as well.

Work is a right of women, not a punishment. Gender based division of work hinders gender equality. It is the main obstacle that prevents the demand for women in the labour market. Women employment is extremely important in order to ensure a sustainable economic growth, as well as a balanced social development in all regions. At the same time, women employment contributes to economic freedom and improves the social status of women.

In order to promote gender equality in working life, it is essential to provide the same career opportunities to women and men, to improve working conditions at an equal level, to ensure equal pay for equal work, to establish equal social security conditions and to avoid gender discrimination.
How does the economy grow with the help of improved gender equality?
Gender equality improves productivity and performance; hence, it brings about economic gain. Gender equality can be considered as an investment and an element of productivity through which the overall potential of the working force can be enhanced and activated. Many studies show that there is a relationship between gender equality and economic growth and employment. When gender equality becomes more wide-spread, growth will also gain pace and more people will become a part of the market through employment. This, then will be counted as a part of gross national product. To summarise, in a balanced labour market where women and men are employed with equal pay, states will have the chance to improve gross national product considerably.

What will be the benefit of exercising gender equality policies at the workplace?
It increases the profit rate and performance of companies. Workers who feel that their needs are taken into consideration (whether being a man or a woman) will work better and be more productive. In some sectors it has been observed that a more balanced rate of women-men creates a better working environment.

In order to ensure gender equality, it is necessary to review and correct various human resources policies, which will lead to a greater economic productivity. In addition, it is equally important that companies that practice gender equality strategies take the attention of the media and they become a discussion topic for columnists. Moreover, some companies are rewarded (business world awards or national awards) and in this way these companies also take public attention in a positive way. Positive advertisements as such are good for the company to promote the image of their brand, to attract high level clients as well as investors, and to appeal to the potential clients or customers.
Gender stereotypes are cultural and social approaches that show which roles and tasks are traditionally considered as “masculine” or “feminine” in a given society. These stereotypes shape the preferences and behaviours of women and men constituting an invisible obstacle preventing gender equality. In other words; stereotypes concerning gender are generalisations as to what is expected from women and men in a specific social context.

Gender stereotypes are beliefs about how women and men are supposed to behave in all aspects of their lives. Therefore, stereotypes concerning professional gender may hinder women from advancing in their career and also may result in discrimination on the ground of gender.

Gender stereotypes about professions

As an example for stereotypes we can consider the assumption that “some professions are deemed suitable specifically for women or men”, or “taking care of someone is an innate quality of women”. Such prejudiced ideas form stereotypes and adopting these results in the fact that some tasks and professions are deemed unreachable for women due to their challenging physical or psychological features. In Turkey, associating nursing and house work with women while those technical works such as working at the police or as an engineer are linked with a male person and represent some of the very simple but striking examples of stereotypes.

In Turkey 9 million of an overall 21 million work force are women. Women are overrepresented in lower positions and professions regardless of their education level or age. The fact that women and men do not have an equal status in the labour market tends to strengthen stereotypes which disregard the actual skills of women or men. This is not a favourable state to foster gender equality.

In rural areas, especially in the agriculture sector the rate of working women is rather high. However, while women are working in this sector they are still also held responsible for the housework, which doubles their work load. Women’s level of participation in labour force in urban areas has dramatically decreased as a result of migration from rural to urban areas.

In urban areas some women do hold important positions both in public and private sectors. In Turkey some educated women have reached a leading role in policy making and in practical implementation, in working life and in civil society. Women are working in important professions such as bank managers, judges, journalists, pilots, diplomats, police officers, engineers, artists, and scientists. Moreover, approximately 30% of lawyers, doctors and academicians are women.
Furthermore, the existence of business women is most of the time overlooked. 3 out of the 11 largest companies in Turkey are led by women. There are also quite a number of women working as top level managers in national or multinational companies.

**Gender stereotypes concerning family life**

Gender stereotypes concerning family life have a crucial impact on working life and they bring about gender inequalities both at the stage of recruitment and during the whole period of employment.

Families vary depending on social, economic and local conditions. The most common types of families are large families and nucleus families.

A traditional large family means three generations live together: grandparents, grown up sons and their families and unmarried daughters. A married daughter becomes a member of her husband’s family and lives at his house. In addition to shared property, there is also common production and consumption. Today this type of family is becoming less common.

In parallel to industrialisation and urbanisation, nucleus families have replaced traditional ones. A nucleus family is composed of a husband, his wife and unmarried children.

The tradition sees the father as the leader of the family. While the father is the representative and protector of the family, the mother deals with the daily family business. While the father is the representative and protector of the family, the mother deals with the daily routine.

It is not the stereotypes, but also gender based segregation of work that prevents women from participating in the labour market. Because they have difficulty in balancing their careers and family life as care giving services are expected from women and the state does not take any initiative to ensure caring services. Men do not take any responsibility at home.

**Gender roles should change both at home and at work.**

In order to facilitate the process for women to take more part in paid work and to become a part of the labour force we need a shift in our perspectives. The change should also include the education system in order to encourage girls to attend school and continue with their education. Some measures are also needed to ensure equality between women and men, as well as social security. All these changes should pave the way for women to gain their economic freedom and change employers’ minds.
Empowering women for social well-being

As established by policies both in Turkey, in Europe and all over the world, increasing women’s level of participation in labour force is beneficial not only for women themselves but also for the whole society on a large scale.

In Turkey, women’s level of participation in labour force is still less than half of men’s (According to August 2011 data from TÜİK, for men level of participation in labour force is 72.8%, while for women it is 30%), which is much lower than the levels in many European countries. Moreover, an increase in women’s employment means a much greater economic growth and less poverty.

In Turkey, gender based discrimination in labour market results from several reasons. This discrimination can be eliminated by means of anti-discrimination legislation, positive actions and strategies leading to equal employment opportunities. Supporting women employment is not only an issue of employment levels. It also includes the fields of education, quality of employment, and sharing of care work and house work.

How can more and better employment opportunities be created and supported for women in Turkey?

Due to some historical reasons and social norms, we can see gender based segregation of work in many professions. Women are at a disadvantage as most of their jobs are low paid, or although prestigious, their profession leaves very limited room for promotion. In male dominated professions, it is very difficult for a woman to have high level positions. In addition, women usually work in precarious jobs without social security or as an unpaid family worker.

Education is the key point. Education policies are far more extensive and influential than any policy in any other field. The better a person is educated, the more chances he/she has in the labour market. The impact of education in fostering the position of women both in private and in working life is crucial. Educated people can be employed in better jobs and they are less affected by the risk of unemployment. Therefore, education of girls is of utmost importance to increase the level and quality of women employment. In vocational training, special attention should be paid to increase the number of women in professions where men are the majority and the same should be done in the other way around for those professions where women dominate.

Better educated women will not only increase the level of women’s participation in working life and the level of access to male dominated professions, but also change the social norms and ensure the reduction of discrimination against women.
Balancing paid and unpaid work:
Women take over the majority of care work and house work. Since part-time work and flexible modes of work are not common in Turkey, it is more difficult for women to work. It is difficult also because of the fact that women are not usually employed in proper full-time jobs. Care services should be provided both for children and for the elderly in order to support women employment. At the same time, it is also essential to share the care-giving tasks and house work between women and men, which requires a social change.

Supporting an effective employment policy:
Education increases the quality of the female labour force. Yet, for an increase in employment there should be a demand for this work force. Incentives are needed to increase this demand which will then lead to an increase in women employment both in private and in public sector.

Finally, labour market policies may also help increase women employment.

Turkish Government is developing a new Employment Strategy.
The “Circular on Increasing Women Employment and Ensuring Equal Opportunities” which was issued in May 2010 by the Prime Ministry aims to ensure gender equality at work, provide suitable vocational training, as well as training activities focusing on women’s needs, and to increase working mother’s access to child care services.

Reduction of social security premiums of young employees and women employees is a good example of policies supporting women employment. In February 2011, the government increased its incentives targeting employers who employ women and also self-employed women and women who work part-time. Furthermore, İŞKUR (the Employment Agency) also has carried out some actions to give the priority to women in job placement.

In short, in order to create more and better qualified jobs for women, first of all it should be ensured that girls have access to education from pre-school education to high school and university. As a short-to-mid term solution, regulations targeting at provision of quality care services at reasonable prices might help women reconcile their family and work related responsibilities. Also programmes that offer a second chance to people might give women at working age without basic skills the chance to find a job. Free child care services and a better balance in sharing housework will give women the opportunity to contribute to the family budget, growth and development and at the same time it will encourage women’s empowerment and liberalisation.
Promoting Gender Equality in Working Life in Turkey

1926: **Turkish Civil Code** which was adopted on 17 February 1926 abolished the regulations giving men the right to have more than one wife and to divorce without the consent of the women, and granted women the right to divorce, parental authority, and power of disposition on her properties.

1930: In Turkey women were given the **right to vote** in municipal elections in 1930. On 5 December 1934 by means of an amendment in the Constitution, women were given the right to elect and be elected. Participating in the general elections on 8 February 1935 for the first time, Turkish women obtained 18 seats in the parliament.


2002: The new **Turkish Civil Code** entered into force in 2002. The new Civil Code eliminates the superiority of men, leading to full equality between women and men in the family.

2003: In the **New Labour Law**, which was enacted in 2003, all kinds of discrimination concerning human rights including gender, between the employer and the employees are prohibited.

2004: Gender equality has long been considered as an important goal at European level. **European Commission**, in the progress report it released on 6 October 2004, depending on the legal developments that had taken place, stated that Turkey met the political requirements defined by the EU, and therefore, it was ready to commence with negotiations for accession. On 3 October, negotiations on the full membership of Turkey started.

2004: In the same year the **New Turkish Penal Code** entered into force. This was a major step towards gender equality and human rights of women.

2004: In 2004, a provision concerning gender equality was included in Article 10 of the **Turkish Constitution**. In this provision it is stated that women and men have equal rights and in order to practise this right in the daily life the government is responsible for taking all necessary measures. Thanks to the comprehensive amendments to the Constitution in 2004, Constitutional equality principle between women and men was strengthened.

2005: **Turkish Penal Code** No. 5237 entered into force on 1 June 2005 and is considered as an enormous stride towards ensuring equality between women and men.

2006: **Turkish Employment Agency** General Directorate issued a communiqué in 2006 and prohibited discrimination on grounds of gender in employment relationships in the public sector.
2007: In 2007 Turkish Union of Chambers and Exchange Commodities (TOBB), Turkish Women Entrepreneurs Association, completed its organisation in 73 provinces through “Provincial Women Entrepreneur Committees” and they will play an important role in encouraging and supporting women entrepreneurship and eliminating the obstacles hindering the development of women entrepreneurship.

2008: In 2008, with the “Support Scheme” (Life Line Loan) initiated by Small and Medium Enterprises Development Organisation (KOSGEB) the real sector was supported. In this way, producers, craftsmen and -women and artisans were given the opportunity to get a loan with 0% interest. Moreover, entrepreneurship and women entrepreneurship is supported further.

Making use of the resources of the Special Provincial Administrations micro-loan practices was extended in order to combat women’s poverty. This programme is currently being implemented with an extended scope.

2009: The Parliamentary Committee on Equal Opportunities for Women and Men was established. The Committee is regarded as an important step in Turkey’s democratic expansion, in developing policies and in establishing the gender equality perspective. It has given a new more institutionalised dimension to equality between men and women.

The former General Directorate for the Status of Women (KGSM) was reorganised under the umbrella of the Ministry of Family and Social Policies. As an example, KGSM prepared the Gender Equality National Action Plan (2008 -2013) to improve gender equality.

2010: On 25.05.2010 a Prime Ministry Circular (2010/14) aiming at strengthening the socio-economical status of women, ensuring equality between women and men in social life, increasing women employment to be able to guarantee sustainable growth and achieve social development targets, and providing equal pay for equal work, was issued.

2011: A Prime Ministry Circular on “Prevention of Mobbing at Workplace” (2011/2) was issued.

2011: According to Law no 6111, known as the Omnibus Law, which was issued in February, an unpaid leave of 24 months starting from the end of the maternity leave is foreseen for civil servants who give birth and for those whose wives give birth the same length of unpaid leave is granted starting from the date of birth upon their request. In accordance with the same law, civil servants who adopt a child younger than the age of 3 are also granted with an unpaid leave for 24 months.

Women civil servants cannot be given any night shift or night duty starting from the 24th week of pregnancy in all cases, and in specific cases also prior to the 24th week if deemed necessary and established by a doctor’s certificate/report, and 1 year following the birth. In premature births, a women worker may use her paid leave of 8 weeks after giving birth, which then will be added to the 8 weeks officially granted as paid leave after the birth.
Turkey has ratified most of the conventions of the International Labour Organisation concerning the improvement of gender equality and women employment. The Republic of Turkey also signed the memorandum of understanding (with ILO) on “Reasonable Priorities of Countries in Labour Policies” which prioritises gender equality and women employment.

Turkey signed the United Nations’ Convention on Eliminating all Kinds of Discrimination Against Women (CEDAW). Since 1985, CEDAW has been the only legally binding document on an international level concerning gender equality between women and men. At the same time CEDAW led to many other regulations in this field in Turkey. For instance, some new laws including those giving women the right to have their own profession were enacted. Primary aim of CEDAW is to eliminate all kinds of practices that include prejudices and stereotypes and that are based on roles of women and men which have become clichés, and also eliminate all kinds of discrimination in order to guarantee equality between women and men in all spheres of social life.

In addition, Turkey also signed some articles of the European Social Charter. Article 4/3 of the Charter regulates “equal pay for equal work done by male and female workers”, while Article 8 regulates “protection of employees during maternity”, and Article 16 regulates “protection of the family socially, legally, and economically”.

**Gender equality in the Constitution of the Turkish Republic**

In Turkey, equality between women and men is ensured in all legal documents, starting from the Constitution itself.

Article 10 of Turkish Republic’s Constitution refers to equality under the law and reads as follows: Everybody is equal before the law without any discrimination on the grounds of language, race, colour, sex, political opinion, philosophical belief, religion, sect and other grounds.

Women and men have equal rights. The State is responsible for ensuring that this equality is also put into practice. No individual, family, or group should have any privileges. Public institutions and state authorities should act according to the principle of equality in all the operations they are responsible for.

**Turkish Civil Code and equality between women and men**

Turkish Civil Code, which is the main law regulating the rights and responsibilities of citizens concerning equality between women and men was amended in line with important developments in Turkey and in the world. The main article of this Law relating to working life is as follows:
According to Article 192 “Both spouses are not obliged to ask for permission in their selection of work or profession. However, in the selection of a profession and in carrying out the selected profession, spouses should prioritize the peace and benefit of their marriage.”

**Latest amendments to the Turkish Penal Code constituted a major step in equality between women and men.**

Turkish Penal Code No. 5237 which was enacted on 1 June 2005 is one of the major steps towards ensuring equality between women and men.

With this law, offensive acts to which mostly women are exposed to are classified as “offense against an individual” rather than a public offense and the punishment was aggravated.

In this law, the amendment concerning women’s human rights in working life reads as follows: “Sexual harassment and rape at work place are punished. In case the woman loses her job and is victimised, the punishment is aggravated.”

**Prime Ministry Circular on Improving Women Employment and Ensuring Equal Opportunities**

The aim of the Prime Ministry Circular on Improving Women Employment and Ensuring Equal Opportunities is:

“to strengthen the socio-economical status of women, to ensure equality between women and men in social life, to increase women employment to be able to guarantee sustainable growth and achieve social development targets, and to provide equal pay for equal work.”

**Ensuring gender equality on an institutional basis**

The former Directorate General for the Status of Women (KGSM) at the Prime Ministry which worked as an efficient institution striving for gender equality until June 2011, was reorganised under the umbrella of the Ministry of Family and Social Policies in June 2011. For instance, KGSM developed a Gender Equality National Action Plan (2008 – 2013) concerning 7 critical areas. These areas are: Education, health, economy, authority and decision making mechanisms, media forming the basis of public policies, environment and improving gender equality.
In Labour Law no. 4857, discrimination on grounds of language, race, gender, political opinion, philosophical belief, religion, sect or similar grounds is prohibited according to the principle of equal treatment.

According to the law, an employer cannot discriminate, directly or indirectly when defining the conditions, signing, executing, and terminating an employee’s work contract based on the sex or maternity state of the person. Discriminative pay is prohibited for similar work or work with equal value. Sex, marital status, family responsibilities, pregnancy or period of confinement after childbirth may not constitute a justifiable reason for termination of an employee’s contract.

In the Labour Law, there are also provisions concerning the prohibition of night work and work at some specific periods for women during pregnancy and breast-feeding, and similarly regulating the conditions of their work and their involvement in heavy and dangerous work; as well as some other protective provisions aiming at preventing women workers from being forced to carry out tasks which are overwhelming in terms of their physical capacities.

According to this Law, it is prohibited to employ women and young men in mines, and also in activities to be carried out underground or underwater such as cabling, canalisation or tunnel construction.

The main understanding of the New Labour Law is to prohibit all kinds of discrimination in the relationship between the employer and employees concerning basic human rights including gender. According to the law, it is not possible to give a lower pay based on gender for the same work or for work with equal value.

The burden of proof is on the employee who claims to have been discriminated against. However, when an employee establishes the possibility of discrimination on a strong basis, then the employer is responsible to prove the contrary.

Concerning sexual harassment, Labour Law says:
Employees who have been exposed to sexual harassment have the right to terminate their contract.

Provisions concerning maternity leave and parental leave in working life:
According to the regulations concerning maternity leave in Turkey, women employees are granted maternity leave 8 weeks prior to and 8 weeks after giving birth, which makes a total of 16 weeks. In case of multiple pregnancies, the 8-week leave prior to birth is extended by 2 weeks. If the women establishes by a doctor’s report that her health condition allows her to work further she may work, upon her will, until
3 weeks before giving birth. In such cases, depending on the health report, the amount of leave not used prior to birth is added to the leave after birth. In case of premature birth, the maternity leave which is not used before birth is also added to the period of leave after birth.

**A 10-day paternity leave is granted to civil servants** whose wives have given birth, this leave is granted upon their wish. However, paternity leave is not foreseen for workers / employees in the Labour Law.

For female civil servants, a breast-feeding leave is granted in order for them to breast-feed their children. This leave is practised following the end of maternity leave as 3 hours a day in the first 6 months and 1.5 hours a day in the second 6 months. In the Labour Law, however, female workers/employees are granted a total of 1.5 hours a day. The employee herself decides how and when to use this leave, which is considered as a part of working hours.

**Child care services**

According to the By-law on Breastfeeding / nursing Rooms and Child Care Rooms In case Pregnant and Nursing Women are Employed, which was issued in line with the Labour Law, it is obligatory for companies with 100 up to 150 female workers regardless of their age and marital status, to establish a nursing room separate from the workplace, but within a 250 metre distance for women to take care of their children under the age of one and for nursing women to breastfeed their children.

According to another provision from the same by-law, in workplaces employing more than 150 women, regardless of their age and marital status, it is obligatory for employers to provide child care services for children below 6 and they should also provide a separate facility or nursery close to the workplace for breastfeeding mothers. Concerning the obligation to provide a room or a dorm, the total number of female employees in all workplaces within the residential or municipal area of the employer is taken into account. If the location of the room/dorm is further than 250 m, the employer has to provide transportation free of charge. The employer may choose to cooperate with other employers to offer a joint place or make an agreement with an existing dorm/facility.

**Financial rights and social benefits** are reserved during annual leaves and casual leave.
In Turkey it became inevitable to make a large scale reform in order to establish a sustainable social security system and to ensure unity among norms in the system. In that direction, Social Security Institution Presidency was established in accordance with Law No. 5502 dated 16.05.2006, bringing together the former Social Insurances Institution Presidency, Bağ-Kur General Directorate and Turkish Republic Retirement Fund. With this reform, it is foreseen that a single retirement and health insurance system will be established, in which rights and responsibilities will be equalised and which will be financially sustainable.

The aim of the reform is also to establish a universal health insurance system which aims at equal, easily accessible and good quality health services to the whole of the population. In that respect, Law No. 5510 on Social Insurances and Universal Health Insurance was adopted on 31.05.2006 and was enacted on 01.10.2008. With Law No. 5510 many norms and standards were unified and put into practice.

This system covers those who work in private sector, public sector and those who are self-employed. Old-age, sickness, occupational accidents and occupational diseases, invalidity, pregnancy and death are included in the social security system.

Social security services are provided in three different ways in Turkey:

1- Social insurances that protect the insured and his/her dependants from the risks defined by law through a system based on obligatory contributions
2- Social benefits given as cash benefits to the individual or the family depending on their level of being in need without an obligation of contribution
3- Social services offered to the individuals, family or groups depending on the needs criteria

The main difference between the three different ways is the obligation for the payment of contributions. While there is an obligation to pay contributions to the system for social insurance, for social services and social benefits no such obligation is foreseen. Contributions are paid by the employer and employees based on a specific ratio calculated in percentages.

Despite the detailed system, many people including employees are not in the system due to the common practise of unregistered employment. Moreover, since there are more women in informal sector they might be at a disadvantage in terms of benefiting from the social security system.
Gender Equality in Working Life and Social Security System

Some gender equality issues concerning social security:
Benefiting from the rights within the social security system requires participation in registered employment. Therefore, any gender inequality in labour force is directly reflected on social security. Turkish labour market has quite many examples in that respect. Low level of women’s’ participation in labour force or their non existence in labour force makes unemployed women dependant on the insured husband and has a negative impact on the income and expenditure balance of the social security system. Like in many other countries, women in our country also work for a lower pay and therefore have less benefits from retirement rights. Due to unregistered employment it is more common for women to benefit less from social security. Therefore, being in the informal sector has some negative outcomes such as getting lower pay, as well as not benefiting from many opportunities offered by social security.

A majority of women do not have access to services offered by the Social Security Institution. Optional insurance provided to housewives is used in a very limited way because most of the housewives do not have the necessary income to pay the contributions required by the system and they are dependent on their husbands.

Provisions that discriminate men directly:
- Nursing benefit is only paid to insured women or to insured men whose uninsured wives have given birth. Such a benefit is not offered to a father who takes care of his children or who spent time with his children. This is not in line with the case law at the European Court of Justice.
- Survivors’ benefit is only given to unmarried, divorced or widowed daughters regardless of their age. Sons do not have the same right. Law also foresees a marriage benefit only for daughters.
- If an insured women, who claims her retirement or old age pension, has a dependent child who needs continuous care, one fourth of premium days are added to the total number of contribution days and these periods are deduced from the retirement age. A similar right is not foreseen for men.
- Women have the right to deduct the unpaid birth or maternity leave terms (provided that they do not exceed two times and two years for each). However, fathers do not enjoy the same right.

Positive discrimination and positive action:
Positive action can be taken to support disadvantaged groups, to eliminate a disadvantage or to overcome imbalances. For instance, women entrepreneurship is encouraged by the government through several incentives. İŞKUR and KOSGEB have several practices in this field.
Protection of employees’ physical and mental health is one of the legal responsibilities of an employer. It means the protection of employees from violence, mobbing and harassment.

Violence at work refers to application or an attempt of physical violence against an employee at a workplace which might result in a physical damage.

Violence at work may occur for only one time or might have an increasingly repetitive pattern. It might be in the form of exposure to physical harassment or violence that may lead to an unwanted environment affecting the dignity, physical or emotional safety health, performance and social development of employees. It also includes such cases in which employees are subject to emotional abuse, pressure or harassment or – threatened at the workplace either explicitly and directly or implicitly and indirectly. Violence at work place includes all kinds of physical violence such as violence, harassment or attack and all types of emotional or psychological harassment such as threats, abuse, mobbing, and sexual or racial harassment.

Mobbing at work place refers to repetitive, unreasonable or inappropriate behaviours, which might create risks regarding the health and safety of an employee or a group of employees.

Mobbing at work place is defined as a tendency of some individual employees or groups of employees to behave aggressively or unreasonably towards their colleagues or their subordinates. Mobbing includes verbal, non-verbal, psychological, physical harassment or humiliation. In most cases, mobbing at work place is deliberately carried out by the management and might be observed in various forms. Mobbing could be applied in a concealed manner or explicitly. Workplace harassment consists of vengeful, merciless, ill-intended or humiliating behaviours performed with the aim of hurting or damaging an individual or a group of employees. Mobbing can be seen in many various professional fields such as; academies, factories, information technologies sector, medical sector, nursing, teaching and public services.

Women are considered to be the most vulnerable group in terms of having the highest risk of becoming a target for mobbing. Men are rather more inclined to get engaged in an aggressive mobbing act, while for women when they start performing such aggressive behaviour, their target is usually again women.

Mobbing at work place is a deliberate act of an individual towards his/her colleagues in a regular and systematic manner. Mobbing at work place also includes such cases when a group of employees make an alliance against another employee and expose this person to psychological harassment. Mobbing includes repetitive negative warnings or criticism, alienating the person, spreading rumours about him/her or mocking.

For instance, at your workplace, if you observe that a conversation suddenly stops when a specific person enters the room, or if a person who gets excluded from a meeting which he/she is normally supposed to be a part of, or if some specific information which is required for the performance of the person is
kept from him/her intentionally, you might be ex-periencing mobbing as well. Mobbing at workplace could be very explicit and deliberate, while it could also turn into some form of rudeness and bullying. However, in general mobbing is not immediately realised in the first glance and not always and it is not always deliberate at first. It encompasses exclusion as well. Indeed, an individual case happening to a single person might seem unimportant however, in the course of time mobbing shakes the self-esteem and confidence of the person.

Harassment at workplace includes comments or behaviour against a person, who is known to be disliked at the work place or who, due to reasonable causes, may not be wanted in the workplace, with the sole intention of damaging the person.

Harassment takes place with the intention of creating an intimidating, offensive, humiliating, embarrassing and aggressive environment to attack the dignity of the person concerning the gender of the person. It has two elements: a specific behaviour recognised as harassment and its negative impact on the person.

Harassment concerning the gender of the person and sexual harrassment are against the principle of equal treatment of women and men.

Therefore, it is important to define these terms and to eliminate these types of discrimination. In that respect, it is also essential to underline that these types of discrimination do not only occur at workplace but also in access to employment, vocational training, and recruitment and during employment.

Impact on the victims: Some victims develop some physical symptoms which are hard to understand while some suffer from depression, lack of self-esteem, and insomnia and still some others react with aggression, memory deficiency or social retreat.

Impact on companies: Unless companies have a clear stand against violence, mobbing and harassment, complaints against them will lead to management styles, investigations concerning the management of human resources, resulting in cases and claims about causing health damages or stress, which will eventually cause a loss of potentially good people, less motivation and less efficiency.

Prime Ministry Circular on “Prevention of Mobbing at Workplace” was issued in March 2011. This circular maintains that whether it occurs in the public or the private sector, mobbing has a negative impact on the individual. It takes measures against mobbing and lists them. With this, employers are deemed as the primary responsible person and they are obliged to take measures to prevent harassment. The call centre of the Ministry of Labour and Social Security (Aloe 170) is a consulting line with the psychologists at the end of the line to provide support and advice. A commission will also be established under the roof of the Ministry of Labour and Social Security to inspect, evaluate and provide solutions for cases where employees are exposed to psychological violence. The Commission will look into all psychological harassment cases and will finalise them as soon as possible.
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