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European Union and the Republic of Turkey

TECHNICAL ASSISTANCE FOR PROMOTING DECENT FUTURE OF WORK APPROACH WITH A FOCUS ON GENDER EQUALITY

(TREESP1.3. FoW/P-01)

TURKEY







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**CATEGORY 3 (SCIENTIFIC AND TECHNICAL STUDIES)
INTERVENTION 11 (IMPACT ASSESSMENT ON WOMEN'S EMPLOYMENT CONDITIONS)**

DESK RESEARCH



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List of Abbreviations

Abbreviation	Meaning
BDPfA	Beijing Declaration and Platform for Action
CEDAW	Convention on the Elimination of Discrimination against Women
CJEU	Court of Justice of the European Union
COVID-19	Corona virus disease 2019
CSA	Civil Servants Act of 1965
DV	Domestic violence
EA	Employment Act
EBMOs	Employer and business membership organizations
ECCE	Early childhood care and education
EC	European Commission
EIGE	European Institute for Gender Equality
EPIC	Equal Pay International Coalition
EU	European Union
EctHR	European Court of Human Rights
ECHR	European Convention of Human Rights
GAP III	EU's new Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025
G7	Group of seven
G20	Group of twenty
GBVH	Gender-based violence and harassment
GDP	Gross domestic product
GEAC	Gender Equality Advisory Council
GRP	Gender-responsive procurement
HREIA	Human Rights and Equality Institutions Act. 2016
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and communication technology



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ILO	International Labour Organization
ILO MNE	Declaration ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
IOE	International Organisation of Employers
IPU	Inter-Parliamentary Union
ISKUR	Turkish Employment Agency
ITUC	International Trade Union Confederation
IWPR	Institute for Women's Policy Research
KAGIDER	Women Entrepreneurs Association of Turkey
KOSGEB	Small and Medium Enterprises Development Organisation of Turkey
MEA	Maritime Employment Act. 2005
MSMEs	Micro, small and medium-sized enterprises
NGO	Non-governmental organization
OA	Obligations Act- 2011
OSH	Occupational safety and health
OECD	The Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PEA	Press Employment Act
PC	Penal Code - 2004
SDGs	Sustainable Development Goals
SH	Sexual harassment
SMEs	Small and medium-sized enterprises
STEM	Science, technology, engineering, and mathematics
TUIK	Turkish Statistical Institute
Turkish WIN	Turkish Women's International Network
UDHR	Universal Declaration of Human Rights
UNGA	United Nations General Assembly
UN Guiding Principles	UN Guiding Principles on Business and Human Rights
UNHROHC	United Nations Human Rights Office of the High Commissioner
USD	United States dollar



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W7	Women 7
WED	Women's Entrepreneurship Development
WE EMPOWER-G7	EU, UN Women and ILO project "Empowering women at work through responsible business conduct"



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1. INTERNATIONAL LEGAL FRAMEWORKS TO PROMOTE GENDER EQUALITY AT WORK

The resources available to governments seeking to promote gender equality in the world of work include normative instruments and international initiatives. Normative instruments derive their universal authority from the process by which they were developed. International labour standards and other ILO normative instruments are adopted by the International Labour Conference, which consists of delegates from the governments and the most representatives' employers' and workers' organizations of each of the 187 Member States. Where the UN is concerned, the Convention on the Elimination of Discrimination against Women (CEDAW) is the most relevant international treaty that addresses gender equality. International initiatives and other policy frameworks, on the other hand, facilitate the implementation of international normative instruments and targets by creating opportunities for stakeholders to engage on specific topics.¹

1.1. Normative International instruments - ILO conventions and recommendations on gender equality at work

Normative instruments set out the broad objectives of gender equality, identify obstacles which need to be overcome and advocate for a systemic approach to tackling gender discrimination. In the world of work, the principal instruments of this kind are ILO conventions and recommendations. Although addressed principally to governments, these conventions and recommendations are also useful in formulating corporate policies, and they are referenced in other normative instruments and initiatives, serving to standardize and coordinate approaches.

Between the ILO conventions and recommendations on gender equality at work, we can consider: The Equal Remuneration Convention, 1951 (No. 100) and Recommendation No. 90; the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Recommendation No. 111; the Workers with Family Responsibilities Convention, 1981, (No. 156) and Recommendation No. 165; the Maternity Protection Convention, 2000 (No. 183), and Recommendation No. 191; the Domestic Workers Convention, 2011 (No. 189) and Recommendation No. 201; and, more recently, the Violence and Harassment Convention, 2019 (No. 190) and Recommendation No. 206. The gender perspective is mainstreamed through many other ILO instruments on working time, part-time work, home-based work, social security, and occupational safety and health.² The content of the conventions is described in the various sections below. Turkey has ratified most of the conventions (including the Fundamental, Governance and Technical Conventions), except the ones in red.³

¹ ILO & UN Women (2021) Empowering Women at Work Government Laws and Policies for Gender Equality

² Conventions are international treaties, open for ratification by Member States, which then have the obligation of translating them into national law and putting themselves under international supervision to ensure that they are applying the provisions of the ratified conventions in law and practice.

³ The ratification of the ILO Conventions is checked in the Government of Turkey and ILO Ankara websites.



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1.1.1. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

Adopted in 1979, the CEDAW is the most important human-rights treaty for women, adopted by 189 States parties. It lays out obligations to eliminate discrimination and achieve substantive equality. Importantly, CEDAW covers not only discriminatory laws, but also practices and customs, and it applies not only to government action, but also government responsibility for addressing discrimination against women by private actors.

The Convention covers both civil and political rights (rights to vote, to participate in public life, and to acquire, change or retain one's nationality, equality before the law and freedom of movement) and economic, social, and cultural rights (rights to education, work, health, property, and financial credit).

1.1.2. ILO Declaration for the Future of Work

In June 2019, the International Labour Conference adopted the ILO Centenary Declaration for the Future of Work. The Declaration calls for the achievement of “gender equality at work through a transformative agenda, with regular evaluation of progress made, which:

- ensures equal opportunities, equal participation, and equal treatment, including equal remuneration for people for work of equal value.
- enables a more balanced sharing of family responsibilities.
- provides scope for achieving better work–life balance by enabling workers and employers to agree on solutions, including on working time, which consider their respective needs and benefits; and
- promotes investment in the care economy.”

1.1.3. ILO Declaration on Fundamental Principles and Rights at Work

Adopted in 1998, the Declaration on Fundamental Principles and Rights at Work commits Member States to respect and promote principles and rights in four categories, whether they have ratified the relevant Conventions. These categories are:

- freedom of association and the effective recognition of the right to collective bargaining.
- the elimination of forced or compulsory labour, and the abolition of child labour.
- equal remuneration of people for work of equal value.
- and the elimination of discrimination in respect of employment and occupation.

1.1.4. ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration)

Adopted in 1977 and updated several times, most recently in 2017, it is the only global instrument in this area that has been elaborated and adopted by governments, employers, and workers around the world. The areas covered include employment, training, living, and working conditions, industrial relations, and general policies. All its principles build on international labour standards and, as such, include several recommendations that are directly or indirectly related to gender equality.



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1.2. Other International initiatives

1.2.1. The 2030 Agenda for Sustainable Development (SDGs)

The 2030 Agenda for Sustainable Development sets out goals (SDGs) for lifting generous portions of humanity out of poverty, while protecting human rights and the planet. Gender equality and women's empowerment are integral to the achievement of all 17 Goals. The SDGs "seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls." Some SDGs are particularly relevant to achieving women's economic empowerment and gender equality at work:

- SDG 3 on ensuring healthy lives and promoting wellbeing for all at all ages.
- SDG 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.
- SDG 5 on achieving gender equality and empowering all women and girls.
- SDG 8 on promoting sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all.
- SDG 10 on reducing inequalities within and among countries.
- SDG 17 on promoting justice and peace in implementing the SDGs.

1.2.2. The Beijing Declaration and Platform for Action for Equality, Development and Peace (BDPfA)

In 1995, the Fourth World Conference on Women adopted the BDPfA, a comprehensive and visionary international agenda for women's empowerment. It reaffirms the fundamental principle whereby the human rights of women and girls' children are an inalienable, integral, and indivisible part of universal human rights. As an agenda for action, the BDPfA seeks to promote and protect women's full enjoyment of all human rights and fundamental freedoms throughout their lives.

1.2.3. 61st Commission on the Status of Women

The Commission on the Status of Women (CSW) was established as a functional commission of the UN Economic and Social Council (ECOSOC) in 1946. Representatives of UN Member States, UN entities, women's rights organisations, gender experts and other interested organisations meet annually at the UN Headquarters in New York to discuss progress and the gaps in implementation of the BPfA and 2030 Agenda for Sustainable Development, including the SDGs. Session outcomes and recommendations are referred to ECOSOC for follow-up. The 61st CSW session (CSW 61) took place from 13 to 24 March 2017, with the priority theme of 'Women's economic empowerment in the changing world of work'. It will therefore be an important opportunity to further develop consensus on the critical actions needed to further progress on WEE. Agreed Conclusions will be developed, and a range of sessions focusing on sub-topics including gender pay gaps, technology and work, informal and nonstandard work, the care economy, and the economic empowerment of indigenous women will form part of the official agenda.

1.2.4. UN Secretary-General's High-Level Panel on Women's Economic Empowerment

In January 2016, the UN Secretary-General appointed a High-Level Panel on Women's Economic Empowerment, aimed at galvanising progress on WEE under the broader 2030 Agenda and SDGs. Membership includes the heads of UN Women, World Bank, IMF, ILO and other private sector, academic,



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civil society leaders, and government leaders, including the Secretary of State for Education and Minister for Women and Equalities, United Kingdom. Following evidence collection and global consultation, the Panel published its first report in September 2016. The report identifies challenges to achieving WEE and presents an Agenda for Action. The Panel plans to launch a new series of briefings at CSW and be engaged in extensive outreach and advocacy with diverse groups, including governments and governance institutions, private sector, international organisations and until the Panel's formal mandate ends in mid-2017.

1.2.5. UN Women's Empowerment Principles (WEPs)

The Women's Empowerment Principles, launched in 2010, are the result of a collaboration between the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the United Nations Global Compact. These are adapted from the Calvert Women's Principles which provide guidance on how to empower women in the workplace, marketplace, and community by emphasising the business case for the promotion of gender equality by corporate actors.

The WEPs are: Treat all women and men fairly at work - respect and support human rights and non-discrimination; Ensure the health, safety and well-being of all women and men workers; Promote education, training, and professional development for women; Implement enterprise development, supply chain and marketing practices that empower women; Promote equality through community initiatives and advocacy and Measure and publicly report on progress to achieve gender equality.

1.2.6. The Equal Pay International Coalition (EPIC)

The Equal Pay International Coalition (EPIC) is an initiative driven by stakeholders committed to reducing the gender pay gap and making equal pay for work of equal value a reality across all countries and sectors. Led by the ILO, UN Women and the Organisation for Economic Cooperation and Development (OECD), the Coalition engages with governments, employers, workers and their organizations, the private sector, civil society, and academia to accelerate the closing of the gender pay gap and the achievement of pay equity.

1.3. G7 and EU policy frameworks

The G7 and the EU have both fostered ongoing dialogue, often tripartite, adopted policy frameworks and issued calls to action to accelerate progress towards gender equality in the world of work.

1.3.1. G7 recommendations on gender equality at work

Combining international standards and goals with social and economic dialogue, the Group of 7 (G7) emphasizes the connection between gender equality and increased prosperity. At Taormina in 2017, the G7, along with Women 7 (W7), put forward a series of recommendations for different parties – effectively action plans for full recognition of the beneficial effects of women's activity in the workplace – drawing attention to the negative effects of unpaid care work, violence, stereotyping and the lack of women's representation in leadership on gender equality at work.

The G7 Social Communiqué of June 2019 called for a tripartite approach (engaging governments and employers' and workers' organizations) to identifying market barriers that cause gender-based labour



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segregation; increasing women's representation on boards, in management and in entrepreneurship; investing in skills development and education in all fields (especially science, technology, engineering and mathematics – STEM); formulating a gender-balanced care system; and closing gender gaps in employment, pay (especially after leave) and workplace participation.

1.3.2. European Union frameworks

Gender equality is one of the core values of EU legal frameworks, embedded in the Treaties, the Charter of Fundamental Rights of the European Union, and the European Pillar of Social Rights. There is extensive EU legislation related to gender equality, particularly in the workplace, touching on issues such as maternity and parental leave; equal opportunities and equal treatment of people in employment and occupation, including equal pay, social security, working conditions and harassment; and equal opportunities for workers in self-employment, including access to maternity leave benefits.

1.3.2.1. Main European legislation

EU legislation, mostly adopted by the ordinary legislative procedure, includes:

- Directive 79/7/EEC of 19 December 1978 obliging Member States to progressively implement the principle of equal treatment for people in matters of social security.
- Directive 92/85/EEC of 19 October 1992 introducing measures to improve the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.
- Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between women and men in the access to and supply of goods and services.
- Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.
- Directive 2010/41/EC of 7 July 2010 laying down objectives for the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood, and repealing Council Directive 86/613/EEC.
- Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. This directive replaces Council Framework Decision 2002/629/JHA and provides for the approximation of sanctions for trafficking in human beings across Member States and of support measures for victims, and calls upon the Member States to 'consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation [...] with the knowledge that the person is a victim [of trafficking]' in order to discourage demand; it also establishes the office of the European anti-trafficking coordinator; the Committee on Women's Rights and Gender Equality (FEMM) will prepare an implementation report on the directive later in 2015;
- Directive 2011/99/EU of 13 December 2011 establishing the European Protection Order with the aim of protecting a person 'against a criminal act by another person which may endanger his/her life, physical or psychological integrity, dignity, personal liberty or sexual integrity' and enabling a competent authority in another Member State to continue the protection of the person in the territory of that other Member State; this directive is reinforced by Regulation (EU) No



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606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters, which ensures that civil protection measures are recognised all over the EU;

— Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

1.3.2.2. *Progress in case-law of the European Court of Justice (ECJ)*

The ECJ has played a significant role in promoting equality between men and women. The most notable judgments have been:

— Defrenne II judgment of 8 April 1976 (Case 43/75): the Court recognised the direct effect of the principle of equal pay for people and ruled that the principle not only applied to the action of public authorities but also extended to all agreements which are intended to regulate paid labour collectively

— Bilka judgment of 13 May 1986 (Case 170/84): the Court ruled that a measure excluding part-time employees from an occupational pension scheme constituted ‘indirect discrimination’ and was therefore contrary to former Article 119 if it affected a far greater number of women than men, unless it could be shown that the exclusion was based on objectively justified factors unrelated to any discrimination on grounds of sex

— Barber judgment of 17 May 1990 (Case 262/88): the Court decided that all forms of occupational pension constituted pay for the purposes of Article 119 and the principle of equal treatment therefore applied to them. The Court ruled that men should be able to exercise their pension rights or survivor’s pension rights at the same age as their female colleagues

— Marschall judgment of 11 November 1997 (Case C-409/95): the Court declared that a national rule which, in a case where there were fewer women than men in a sector, required that priority be given to the promotion of female candidates (‘positive discrimination’) was not precluded by Community legislation, provided that the advantage was not automatic and that male applicants were guaranteed consideration and not excluded a priori from applying;

— Test Achats judgment of 1 March 2011 (Case C-236/09): the Court declared the invalidity of Article 5(2) of Directive 2004/113/EC as being contrary to the principle of equal treatment between men and women in the access to and supply of goods and services. Consequently, for people, the same system of actuarial calculation must be applied to determine premiums and benefits for the purposes of insurance.

1.3.2.3. *Latest developments*

Below is an overview of the most recent action taken by the EU in the field of equality between men and women:

- The multiannual financial framework (MFF 2014-2020) and the Rights, Equality and Citizenship programme. The programme Rights, Equality and Citizenship finances projects aimed at achieving gender equality and ending violence against women (Article 4).
- The European Institute for Gender Equality (EIGE) In December 2006, the European Parliament and the Council established a European Institute for Gender Equality, based in Vilnius, Lithuania, with the overall objective of contributing to and boosting



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the promotion of gender equality, including gender mainstreaming in all EU and national policies. It also combats discrimination based on sex and raises awareness on gender equality by providing technical assistance to the European institutions through collecting, analysing, and disseminating data and methodological tools.

- The Women’s Charter and the Strategic engagement for gender equality 2016-2019. On 5 March 2010, the Commission adopted the Women’s Charter with a view to improving the promotion of equality between women and men in Europe and throughout the world.
- Based on the Commission and the European External Action Service (EEAS) Joint Staff Working Document on ‘Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020’ [8]. The new Gender Action Plan stresses ‘the need for the full realisation of women’s and girls’ full and equal enjoyment of all human rights and fundamental freedoms and the achievement of gender equality and the empowerment of women and girls.
- In the area of equal treatment on the labour market, Parliament acts on the basis of the ordinary legislative procedure (co-decision), for example in June 2019, the European Parliament adopted a Directive on work–life balance for parents and carers, which sets out the conditions for paternity, parental and carers’ leave, and extends current provisions on flexible working arrangements to workers with young children and other carers.
- The European Commission (EC) has made bold commitments and ambitious plans to promote equality between women and men, as well as mainstreaming the gender perspective throughout all policy spheres. Its Gender Equality Strategy 2020-25 focuses on ending gender-based violence; challenging gender stereotypes; closing gender gaps in the labour market; achieving equal participation across different sectors of the economy; addressing the gender pay and pension gaps; closing the gender care gap; and achieving gender balance in decision-making and politics. As one of the first deliverables of the Strategy, the EC has prioritized mandatory pay transparency measures.
- In November 2020, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy put forward the EU’s new Action Plan on Gender Equality and Women’s Empowerment in External Action 2021–2025 (GAP III). The plan aims to promote gender equality and women’s empowerment through all external action of the EU. The Gender Action Plan III provides the EU with a policy framework with five pillars of action for accelerating progress towards meeting international commitments and creating a world in which everyone has space to thrive. It makes the promotion of gender equality a priority of all external policies and actions; offers a roadmap for working together with stakeholders at national, regional, and multilateral levels; steps up action in strategic thematic areas; calls for EU institutions to lead by example; and ensures the transparency of the results.



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2. MAIN ACTIONS FOR GENDER EQUALITY IN THE WORLD OF WORK⁴

International instruments and frameworks, together with national laws, are crucial to the realisation of gender equality at work and women’s economic empowerment.

2.1. Achieving equal pay for work of equal value

Achieving gender equality and the economic empowerment of women at work will not be possible without ensuring that the work done by people is valued equally.

The overall gender gap performance⁵ is a synthesis of performances across the four dimensions composing the index—the Economic Participation, Educational Attainment, Health and Survival and Political Empowerment subindexes. As such it masks significant differences in gender gaps across dimensions. Overall, this year’s positive result has been driven by a progress on the *Political Empowerment* subindex, as well as by marginal improvements on the Health and Survival and Educational Attainment subindexes. Conversely, *the progress towards gender parity in terms of Economic Participation and Opportunity registers a retraction*. As shown in Figure 1, global gender gaps vary significantly across these four dimensions. In two subindexes—Educational Attainment and Health and Survival—96.1% and 95.7% of the gap (respectively) have already been closed so far. By contrast, *differences between women and men remain significantly larger on Political Empowerment*, where only 24.7% of the gap has been closed to date, and *on Economic Participation and Opportunity*, where 58.8% of the gap has been closed. In order of gender gap size, Political Empowerment is the area where women are severely under-represented. Despite a significant improvement from the last edition (see section below for more details), so far only 25% of the gap has been closed on this subindex, and no country has fully closed this gap yet.

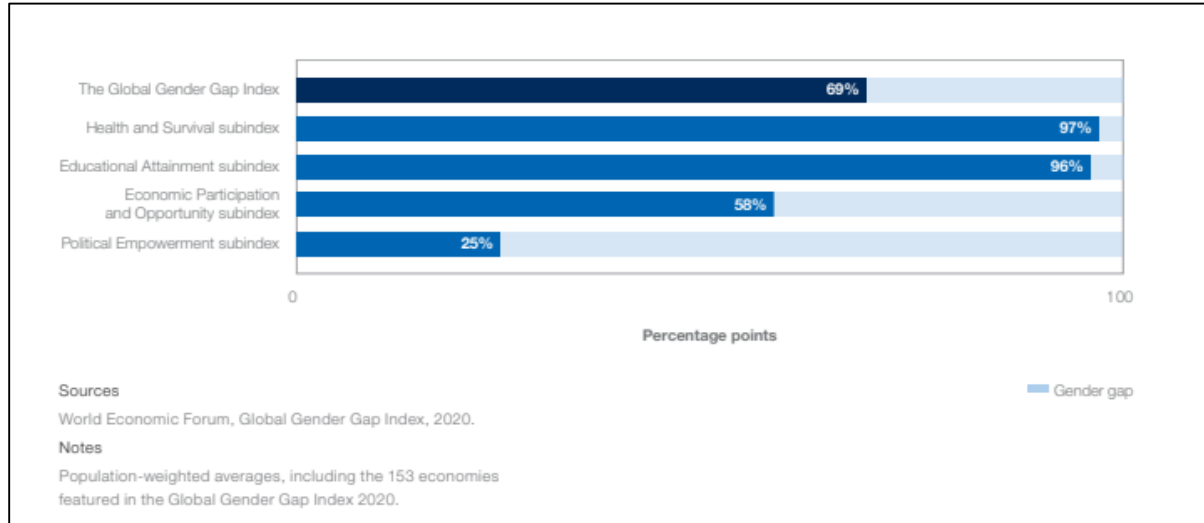
⁴ The classification in these three issues follows some publications of ILO, UN Women and EU.

⁵ World Economic Forum (2021) Global Gender Gap Report 2020



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Figure 1. The state of the gender gap



Source: World Economic Forum, 2020

Gender-pay continues been influenced by distinct factors as occupational segregation (including gender imbalances in leadership positions, or vertical segregation), the undervaluation of feminized industries, the “motherhood penalty” versus the “fatherhood premium” (which refers to the differential impact of having children on women and men’s wages), and differences in wage employment participation. Discrimination, as well as conscious and unconscious biases about the role of women in society, can begin to be rectified through education, communication, and appropriate legislation and public policy that permeates into the private sector.

The undervaluation of paid care work also plays a significant role in the perpetuation of gender pay gaps. Women make up two-thirds of the workforce in the global care industry, in which other groups at risk of discrimination are also disproportionately represented.

Closing the gender pay gap has important economic and social benefits, including “increased female participation in the labour market, entrepreneurship and women moving into higher- paid and higher-skilled jobs.”⁶ Equal pay for work of equal value also has positive inter- generational effects, given the importance of women’s incomes in supporting households’ wellbeing.

⁶ ILO, 2019. Women in Business and Management: The business case for change, Geneva.



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2.1.1. International Labour Standards and other key instruments

2.1.1.1. ILO Equal Remuneration Convention, 1951 (No. 100). The right to equal remuneration applies not only in cases where people do the same or similar jobs, but also when they perform work which, though different, is of equal value based on objective criteria, such as skills, working conditions, responsibilities, and effort. As per the Convention, remuneration is not limited to the basic pay or wage that the worker receives, but also includes any other compensation, such as bonuses, stock options and overtime pay.

2.1.1.2. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and its accompanying Recommendation No. 111, also set forth principles of equality of opportunity and treatment in the world of work, including in relation to remuneration for work of equal value.

2.1.1.3. Equal pay is recognized as a human right in such international instruments as the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, and the CEDAW, 1979. Equal pay is also a key component of the 2030 Agenda as a key feature of SDG 8, particularly Target 8.5, which aims “by 2030, [to] achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”.

2.1.1.4. The principle of equal pay for the same work or work of equal value is a foundational principle of the EU and was laid down in the original EEC Treaty of 1957. The principle was implemented in the Equal Pay Directive 75/117/EEC, later replaced by Directive 2006/54/EC (recast). Additionally, legal standards in respect of equal pay have been established by case law of the Court of Justice of the European Union (CJEU).

According to ILO, the main guiding principles for governments in this issue are:

- a comprehensive and effective legislative approach, by fostering an inclusive and transparent labour market and creating “a driving force for gender equality standards”
- ensuring equal opportunity and treatment at work for all
- establishing and applying the right to “equal pay for work of equal value”
- promoting social dialogue and collective bargaining
- establishing and implementing wage transparency
- setting adequate and inclusive minimum wages.



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2.1.2. Some examples of national legal framework in European countries⁷ (France and Spain)

Pay transparency and collective bargaining on equal-pay laws (France)

French law requires companies with fifty employees or more to report annually on their performance in respect of gender equality and equal pay, as applied to recruitment, training, working conditions, and work–family balance, by job category. In 2018, France adopted a new labour law requiring companies to publicize their progress on women’s economic empowerment in five key areas: closing the gender wage gap; opportunities for raises; opportunities for promotion; no penalties when returning from parental leave; and women occupying 40 per cent of the ten highest-paid positions in the company. The French Government set deadlines for the publication of these results by large enterprises (more than 250 employees) and by SMEs (50-250 employees). Financial penalties (up to 1 per cent of the wage bill) can be imposed if a company refuses to report its score or if a company’s score is still below 75 out of 100 by March 2022 (or 2023 for SMEs).

Additionally, in 2006 France passed legislation, amended in 2010, that requires collective bargaining with the aim of defining and planning steps to eliminate the gender pay gap. This compulsory collective bargaining takes place every year during salary negotiations, or less often if an agreement is in place, and the employer must provide a report on gender equality for consideration. While a collective agreement on the issue does not have to be reached, the negotiations must be conducted seriously and in good faith. Failure to do so can result in sanctions imposed by the Higher Council for Professional Equality.

An analysis by the European Commission’s network of legal experts on gender equality and pay transparency legislation in the EU highlighted France’s pay reporting and pay equity collective bargaining obligations as an example of “best practice.”

Improving pay transparency and working conditions (Spain)⁸

Spain revised its Workers Statute Law in 2011 to include domestic workers. This law regulates key aspects of decent work, such as establishing a minimum wage and maximum weekly working hours. Domestic workers, under the revised Spanish law, are also now eligible for social security coverage, health care benefits, parental leave, and contractual benefits.

To increase compliance, the Labour and Social Security Inspectorate enforces the law and investigates grievances. Employers receive a government incentive for complying with this labour legislation, while

⁷ These good practices in European countries, both included in ILO and UN Women (2021) and the websites of the governments

⁸ Gobierno de España, 2020. Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores and ILO NATLEX, Real Decreto Legislativo núm. 1/1994, de 20 de junio, por el que se aprueba el texto refundido de la ley general de la seguridad social.



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the General Treasury of the Social Security Scheme has been tasked with disseminating information concerning the law. The Law also calls for impact analyses on a tripartite basis.

In addition, in October 2020 the Spanish Government enacted a new pay transparency law. It requires companies to release employee salary information, explaining how they decide on basic salaries and other benefits. Non-compliant companies may face fines of up to €187,000 (USD220,000). Companies with more than fifty employees will also have to file a four-year strategy for balancing the number of male and female employees in their workforce. For the Government, tackling the gender pay gap will be crucial to economic recovery and will help prevent the gap from widening because of the COVID-19 pandemic.

2.1.3. Laws and policies during the COVID

The COVID-19 pandemic is worsening the social and economic situation of women, and threatening the recent progress made in reducing the gender pay gap in some countries. In 2021, 435 million women and girls around the world will be living in extreme poverty (on less than USD1.90 a day), including forty-seven million impoverished because of the COVID-19 pandemic.⁹

Governments are taking action to support workers and families during the pandemic, including some of these crisis-response measures to support women's jobs and income:

- Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Spain, the United Kingdom, and the United States (26 states) are among those that have introduced new allowances or expanded access to pre-existing schemes, to compensate for the reduction in working hours in companies affected by the pandemic.
- In Australia, 6.5 million lower-income workers with benefit entitlements received a one-off lump-sum payment of AUD 750.66 Ireland made provisions for a new social welfare payment programme to support employees and self-employed people facing unemployment due to the COVID-19 emergency.
- In France and Italy, self-employed workers benefited from a tax-free lump-sum payment of €1,500 and €600, respectively. In the United Kingdom, the allowance for low-income self-employed workers covers 80 per cent of their average monthly earnings (up to £2,500).
- In France, a temporary lump-sum payment of €500 was paid directly by the public employment service to workers who lost their jobs but were not eligible for unemployment insurance. Financial aid was also provided to 800,000 low-income young people under the age of twenty-five experiencing unemployment and financial hardship during the pandemic.
- In France, healthcare staff in the departments most affected by the COVID-19 epidemic received a tax-free bonus payment of €1,500 and an increased overtime payment.

⁹ UNDP, 2020. COVID-19 will widen poverty gap between women and men, new UN Women and UNDP data shows, New York.



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- Most European Union countries and the United States have introduced measures to support companies, including the extension of deadlines for income tax declarations, suspension of social insurance contributions, and the granting of interest- and collateral-free loans. ¹⁰

2.2. Preventing and ending mobbing, gender-based violence and harassment in the world of work

Many Reports have been written on the prevalence of mobbing or other types of violence in work. According to ILO, UN Women and other international organisations, **Gender-based violence and harassment (GBVH), including sexual harassment**, is incompatible with decent work yet remains pervasive around the world, irrespective of sector or level of income. Globally, more than 30 per cent of women over the age of fifteen have experienced physical and/or sexual violence, 50 per cent have experienced sexual harassment, and 10 per cent have experienced harassment online (cyber harassment).¹¹

The occurrence of mobbing or any kind of violence, entails excessive financial and psychological costs for victims, companies, and the national economy. Those experiencing mobbing, violence and harassment at work can suffer harm to their psychological, physical, and sexual health, including physical injuries, anxiety, depression, stress, and other lasting impacts of trauma, including harm to their dignity and to their family and social environment.

Mobbing or violence negatively impacts women’s economic empowerment. Women are more likely to leave the workplace or change jobs, resulting in financial stress.

2.2.1. International Labour Standards and other key instruments

2.2.1.1. The ILO Violence and Harassment Convention, 2019 (No. 190) and its accompanying Recommendation No. 206 recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. The Convention calls on governments to promote a general environment of zero tolerance to violence¹² and harassment and provides a clear framework for addressing and preventing violence and harassment in the world of work.

2.2.1.2. In interpreting the Convention on the Elimination of All Forms of Discrimination (CEDAW), the CEDAW Committee considers workplace sexual harassment as a form of gender-based violence that can

¹⁰ This information is included in the Report 2021 – ILO & UN Women

¹¹ European Commission, 2019. 2019 Report on equality between women and men in the EU, Brussels and ILO, undated. Fact Sheet: Sexual Harassment at Work, Geneva.

¹² The concept of “violence and harassment” is defined as “unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment, including sexual harassment.”



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reduce gender equality in the workplace and result in health and safety issues. Based on ILO Convention No. 111, relevant comments developed by the ILO Committee of Experts on the Application of ILO Conventions and Recommendations consider sexual harassment as a severe form of sex discrimination.

2.2.1.3. The EU provides some of the most comprehensive and enforceable regional regulations on workplace violence and harassment. The European Social Charter (Revised), 1996, the Convention on preventing and combating violence against women and domestic violence (known as the Istanbul Convention), 2011, and several EU Directives also seek to prevent and prohibit various forms of violence and harassment. As Europe's leading human rights organisation, the Council of Europe has undertaken a series of initiatives to promote the protection of women against violence since the 1990s. These initiatives have resulted in the adoption, in 2002, of the Council of Europe Recommendation Rec (2002) of the Committee of Ministers to member states on the protection of women against violence, and the running of a Europe-wide campaign, from 2006-2008, to combat violence against women, including domestic violence. The Parliamentary Assembly has also taken a firm political stance against all forms of violence against women. It has adopted a number of resolutions and recommendations calling for legally binding standards on preventing, protecting against, and prosecuting the most severe and widespread forms of gender-based violence.

Assuming its leading role in human rights protection, the Council of Europe decided it was necessary to set comprehensive standards to prevent and combat violence against women and domestic violence. In December 2008, the Committee of Ministers set up an expert group mandated to prepare a draft convention in this field. Over the course of just over two years, this group, called the CAHVIO (Ad Hoc Committee for preventing and combating violence against women and domestic violence), worked out a draft text. It finalised the draft of the Convention in December 2010.

The Convention on preventing and combating violence against women and domestic violence was adopted by the Council of Europe Committee of Ministers on 7 April 2011. It was opened for signature on 11 May 2011 on the 121st Session of the Committee of Ministers in Istanbul. Following its 10th ratification by Andorra on 22 April 2014, it entered into force on 1 August 2014. The four pillars of Istanbul Convention are: prevention, protection, prosecution, and co-ordinated policies.¹³

2.2.2. Some examples of national legal framework in European countries (EU and Finland)

National legal frameworks must recognize the right of workers to an environment that is free from violence and harassment. In adopting an inclusive, integrated and gender- responsive approach to this topic, ILO standards encourage governments to prevent and address violence and harassment in the areas of labour and employment, occupational safety and health, equality, and non-discrimination law – and, where appropriate, criminal law – to give victims a range of remedies best suited for their situation.

¹³ Council of Europe, Istanbul Convention, available at: <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>



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Legal frameworks should also provide a broad scope of protection from violence and harassment in the world of work. Legal protection should therefore extend beyond the traditional employment relationship and encompass hiring, training, access to employment, conditions of employment and third parties with whom workers may come into contact.

In line with Convention No. 190, coverage should include “all sectors, public or private, in the formal or informal economy, in urban or rural areas” and “workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons who work, whatever their contractual status, persons in training, including trainees and apprentices, laid-off workers, volunteers, job seekers, job applicants and individuals exercising the authority, duties or responsibilities of an employer”.

Finally, it is necessary to address violence and harassment in the full range of places where it may occur “on occasion, in connection with or as a result of work,” in addition to the traditional physical workplace. This includes work-related travel, social events and training activities, commuting to and from work, and work-related communications (including email, texting, and online platforms) in private homes when they are places of work.

European Union

In its objective to combat GBVH, the European Commission (EC) has been working on a pilot project launched by Eurostat to measure the prevalence of violence against women in the EU. The initiative is developing an EU-wide survey built on the methodology used for the EU Agency for Fundamental Rights’ 2014 survey, which included information on whether violence occurred in the workplace. The project is being conducted in cooperation with over a dozen countries, which will pilot the instrument. The survey task force includes national statistical institutes, the European Union Agency for Fundamental Rights (FRA), EIGE, Eurostat, and the EC, which will be finalizing the survey and implementing full-scale fieldwork in late 2019.¹⁴

Guidance and assistance through OSH policies and awareness-raising (Finland)¹⁵

Finland has ratified the Occupational Safety and Health Convention, 1981 (No. 155) and has implemented a national OSH policy, which includes training, the adaptation of work to the physical and mental capacities of workers, and protection from reprisals against complainants. The implementation of these provisions has included protective and compensation measures in respect of third-party violence, night work and work in isolated areas.

In Finland, labour inspections cover violence and harassment in the world of work as part of their remit, in line with Recommendation No. 206 (Paragraph 21). Labour inspectors submit a questionnaire to workers before they visit a company, asking whether their health and safety is endangered by violence or

¹⁴ European Commission (2021) 2021 report on gender equality in the EU

¹⁵ These good practices in European countries, both included in ILO and UN Women (2021)



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the threat of violence at work. The answers to this questionnaire help the inspectors to focus their visit and enable them to offer the employer guidance on ways to address workplace issues.

The Ministry of Justice has also launched a “Discrimination-free zone” campaign as part of its “Equality is Priority” project. It brings together over six hundred workplace communities in the fight against discrimination, bullying, and harassment. The programme gives participating communities a “discrimination-free zone” sign to display in their workplace, once they have completed an online form providing information on combating discrimination, including harassment. By completing the online form and displaying the sign, employers declare their workplaces to be “discrimination-free zones.”

2.2.3 Laws and policies during the COVID

The COVID-19 pandemic has amplified existing gender-based violence against women, confirming long-standing research findings that the risk of domestic violence tends to increase in times of crisis. Lockdown measures were set to keep people safe at home. However, home turned out not to be safe for everyone and lockdown measures played a demonstrable role in the significant increase in reports of domestic violence and an increase in gender-based violence overall. While the collection of robust EU-level data is ongoing, preliminary findings from an assortment of independently carried-out studies point towards an escalation of psychological and physical violence against women by an intimate partner.¹⁶

To prevent further escalation or long-term consequences, action is needed to end gender-based violence against women and girls. Ensuring that victims can access adequate support at this time of crisis, including in rural areas, should be one of the priorities. In April 2020, the Commission urged Member States to guarantee that their emergency responses to the outbreak took account of the needs of groups in disadvantaged situations, such as victims of domestic violence, in line with their obligations under EU law. The Commission also stressed the importance to allocate resources to relevant support and protection services, helplines, and shelters.

2.3. Promoting work – life balance and equal sharing of care responsibilities

Achieving a healthy work–life balance, given women’s disproportionate share of care responsibilities, is associated with promoting and sustaining gender equality and women’s economic empowerment.¹⁷

¹⁶ World Health Organization, the rise and rise of interpersonal violence – an unintended impact of the COVID-19 response on families, 2020. Available at: <https://www.euro.who.int/en/health-topics/diseaseprevention/violence-and-injuries/news/news/2020/6/the-rise-and-rise-of-interpersonal-violence-anunintended-impact-of-the-covid-19-response-on-families>.

United Nations, WHO warns of surge of domestic violence as COVID-19 cases decrease in Europe, UN Regional Informational Centre for Western Europe, 2020, available at: <https://unric.org/en/who-warns-of-surge-ofdomestic-violence-as-covid-19-cases-decrease-in-europe/>.

Arenas-Arroyo, E.; Fernandez-Kranz, D.; Nollenberger, N., ‘Can’t Leave You Now! Intimate Partner Violence under Forced Coexistence and Economic Uncertainty,’ IZA Institute of Labour Economics, Discussion Paper Series No.13570, 2020. Available at <https://covid-19.iza.org/publications/dp13570/>.

¹⁷ ILO and UN Women (2021)



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Across the world, without exception, women do most of the unpaid care work: on average 76.2 per cent of the total number of hours devoted to such tasks. In no country in the world do people perform equal shares of unpaid care work.

Before the COVID-19 crisis, unpaid care work was a serious barrier to women's labour force participation and one of the main obstacles to women moving into better-quality jobs. The pandemic is aggravating the penalties that women are facing in the labour force, as well as increasing decent work deficits and discrimination. Furthermore, when gender intersects with other personal characteristics, such as ethnicity, nationality, age, disability, migration or health status, there is a risk that inequalities among distinct groups of women will also increase.

2.3.1. International Labour Standards and other key instruments

2.3.1.1. Maternity protection is enshrined in fundamental human rights treaties, including the 1948 Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, and the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.

2.3.1.2. Several international labour standards adopted by the ILO constituents touch on crucial elements that contribute to the achievement of a healthy work–family balance. The ILO's first maternity protection convention, the Maternity Convention, 1919 (No. 3), was adopted soon after the organization's founding in 1919, which is indicative of its centrality in advancing social justice. The more recent Maternity Protection Convention, 2000 (No. 183) aims to preserve the health of the mother and the new-born child, to provide economic and job security – including protection from dismissal and discrimination, maintenance of earnings and benefits during maternity, including breastfeeding, and the right to resume work after giving birth – and therefore to promote equal opportunities in employment and occupation for women. The Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Social Protection Floors Recommendation, 2012 (No. 202) also aim to ensure income security related to maternity.¹⁰ Furthermore, the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) recommends that maternity protection and affordable quality care services be extended to workers in the informal economy, as a means of “[promoting] gender equality in entrepreneurship and employment opportunities and [enabling] the transition to the formal economy”.

2.3.1.3. The ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and related Recommendation No. 165 set out a number of rights and measures, including additional family leave, childcare and family services, and social security and working conditions provisions, to enable workers to reconcile their work and family life. These standards recognize the need to counter the stereotype that women are responsible for caring and to encourage the sharing of caring responsibilities between women and men, to the benefit of the health, equality, and job quality of all.

2.3.1.4. Several EU Directives have defined and advanced a common floor of maternity protection and family responsibility provisions. These include, for instance, the Pregnant Workers Directive 1992, the Gender Equality Recast Directive 2006, and the Equal Treatment Directive 2010, which extended



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maternity protection rights to the self-employed. More recently, the Work–Life Balance Directive 2019 promotes work–life balance for working parents and other carers. It introduces paid paternity (10 days) and parental leave for all workers, with earmarked periods for each of the parents, carers’ leave, the right of workers with care responsibilities to request flexible working arrangements, and freedom from discrimination for carers taking advantage of these provisions.

2.3.2. Some examples of national legal framework in European (Germany and Norway)

As care policies are crucial in ensuring that all people can realize their full economic and social potential, they need to be transformative, gender-responsive and human-rights based and be the primary responsibility of the State. The following are some of the measures that governments can adopt according to ILO:

- Providing universal maternity protection and inclusive leave policies
- Expanding quality care services
- Guaranteeing gender-responsive social protection
- Providing family-friendly working arrangements
- Facilitating work attachment and reintegration

Between these measures, we consider particularly two: basic principles of care-sensitive and gender-transformative leave schemes and the facilitation of work attachment and reintegration.

Regarding the *basic principles of care-sensitive and gender-transformative leave schemes*, it is important to consider:

- Ensure mothers are granted at least 14 weeks of leave paid at a rate of at least two-thirds of previous earnings according to Convention No. 183, or up to 18 weeks at one hundred per cent according to Recommendation No. 191.
- Ensure that fathers have access to compulsory paid parental leave for a meaningful period.
- Ensure that a sizeable amount of parental leave is reserved for the father and cannot be transferred to the mother.
- Ensure that other forms of leave, such as adoption leave or leave to care for disabled or sick children, adult, or older family members, are granted.
- Ensure that periods of leave are paid and that benefits correspond at least to two-thirds of previous earnings.
- Ensure that cash and medical benefits during leave are financed through collectively financed mechanisms, such as compulsory social insurance or public funds, and avoid direct costs for employers (“employer liability”).
- Ensure employment protection during leave and guarantee the right to return to the same or an equivalent position.
- Ensure that time spent on leave is credited for social insurance contributions and pension entitlements.
- Ensure universal access to leave rights and benefits, including for those workers in the informal economy.

Source: ILO, Care Work and Care Jobs for the Future of Decent Work, 2018, page 312.



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Regarding the facilitation of work attachment and reintegration, it is important to consider that women are more likely to take parental leave and quit their jobs due to family responsibilities than men. Their disproportionate share of unpaid care work makes it more difficult for them to recover from long-term family leaves and career breaks, which may result in loss of skills and expertise and deprive companies and society of much-needed talent. Policies that support the permanence or reintegration of workers with family responsibilities are essential to address “motherhood penalties” and strengthen women’s attachment to the labour market.

In line with the ILO Workers with Family responsibilities Recommendation, 1981 (No. 165), governments could set up or sponsor return-to-work or vocational training programmes and facilities that offer readily accessible and affordable services, such as “vocational guidance, counselling, information and placement services which are staffed by suitably trained personnel and are able to respond adequately to the special needs of workers with family responsibilities”.

Germany: Leave policies, return-to-work programmes, and care services¹⁸

Germany has implemented leave policies designed with the stated goals of giving parents more time for family life, establishing a healthy balance between family and work, promoting shared parenting, and ensuring the livelihood of mothers. The Maternity Protection Act, amended in 2017, extends parental leave (14 weeks at full pay) to students. Mothers who give birth to a child with disabilities are granted a longer leave period, while extended protections are afforded to mothers who miscarry. The law also mandates workplace risk assessments to identify potential hazards for expectant mothers and provides for two paid 30-minute nursing breaks, or one consecutive hour, every day.

Parents are entitled to receive parental leave benefits until the child’s third birthday and may resume work under their original employment contract on return from leave. Parental leave can be taken by the mother or the father, or by both parents. In 2015, Germany introduced the Parental Allowance Plus, which offers financial incentives for the parents to share parental leave and employment together. The Parental Allowance is paid for up to 14 months if both parents take parental leave (12 months if only one parent takes it). It amounts to 67 per cent of prior earnings (up to a maximum of €1,800). With the addition of the Partnership Bonus, parents can also receive an extra four months if both parents work 25–30 hours per week. Since 2008, the share of fathers who take parental leave (minimum of two months) has increased from 7 to 36 per cent.

As a follow-up to the G20 Employment Plan, adopted under the Australian G20 presidency, Germany has set itself the goal of increasing female labour force participation. In 2015, it launched the “Programm Perspektive Wiedereinstieg”, a return-to-work programme for individuals who are taking a family-related

¹⁸These good practices in European countries, both included in ILO and UN Women (2021) and the websites of the governments



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break from employment. The programme is funded by the European Social Fund and offers career counselling, skills training, networking, and household support services in twenty-two locations and on-line. Since its launch, 6,300 women have joined and 36.5 per cent of them have already entered the labour market. To highlight its success, the programme has a portal publishing testimonies and good practices, along with resources and tips.⁶⁶ The Federal government has also introduced a “Good early- childhood education and care” programme, allocating €5.5 billion over the period 2019- 2022 to improve the provision and quality of day care for children.

Since 28 per cent of mothers in Germany are migrants, and 48 per cent of them are unemployed, the Government has established another return-to-work programme, also funded by the European Social Fund, which caters specifically to migrant mothers. The programme, entitled “Strong at work – mothers with a migration background are entering the labour market,” is run at 90 locations nationwide and provides language and skills training, as well as counselling. Since its inception in 2015, two-thirds of participants have found some form of employment opportunity.

Parental leaves in Norway

Norway offers generous parental leave of either 49 weeks at one hundred per cent of previous earnings or 59 weeks at 80 per cent, up to a fixed ceiling. When employees are covered under a collective agreement, the employer pays the difference between their wages and this cap. Parental leave benefits are funded by social insurance or general taxation in the case of non-employed women, who receive a flat-rate payment of €7,894 per child.⁷⁶ Self-employed workers are eligible for the same leave benefits as employees, as are same-sex parents.

This system is the result of a 2013 reform designed to increase men’s take-up of leave by introducing an individual, earmarked, and non-transferable right to well-paid leave for fathers. A quota of 15 weeks’ leave paid at one hundred per cent (or 19 weeks at 80 per cent) is reserved separately for mothers and for fathers on a “use it or lose it” basis. The remaining weeks are a family entitlement that can be taken as a single block of time, on a part-time basis, or split into shorter blocks of time within a three-year period.

The introduction of a “father’s’ quota” significantly increased the take-up of leave by fathers, from 4 to 90 per cent in 2019. While the length of the father’s entitlement has varied over the last decade, most fathers (seven out of ten) have taken exactly the number of weeks corresponding to the father’s quota, regardless of its length. The results of this experiment show that policy design is important and can change social norms and behaviours in less than a generation. When fathers, including managers, had the experience of being “irreplaceable” in caring for their child during parental leave, “this contributed to turning leave-taking into a norm of modern fathering.”

2.3.3. Laws and policies during the COVID

The COVID-19 pandemic and related economic crisis are exacerbating gender inequalities in the sharing of unpaid care work. The closure of childcare centres and schools (affecting over one billion children across the world in the first half of 2020 and continuing in some countries), social distancing from relatives and



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home care workers, the heightened care needs of older and ill persons, and housework intensified by economic and service disruptions are disproportionately affecting women.

Single parents, women with limited earnings and savings, those holding insecure jobs in the informal economy and small enterprises, who typically lack social and labour protection coverage, are among those who suffer the highest impacts. The World Bank estimates that, because of school closures, individuals in high-income countries could experience an earnings gap of USD21,158 (nearly USD5 trillion for the whole group), bringing about a drop in GDP of up to 9 per cent.

The findings of one of the most comprehensive surveys of workers and men, conducted during the pandemic in Canada and the US, indicate that one in four women are considering leaving their jobs, cutting back hours, or scaling back work because of the pandemic, at least temporarily. Among women with young children, the struggle is especially acute, with one in three mothers considering scaling back or quitting altogether – compared with 11 per cent of fathers. Black women have faced major challenges due to the health impact of the pandemic.

A Eurofound survey also confirmed a general deterioration in work–life balance among workers in Europe. This trend was particularly marked among mothers of children under 12 years old, even though in most countries men slightly increased their participation in unpaid care work as compared to the pre-lockdown situation. 30 per cent of these women found it hard to concentrate on their work, as compared with 16 per cent of men. Work is also impinging on family life, with 32 per cent of young mothers reporting that during lockdowns their job prevents them from giving sufficient time to their family, as against 25 per cent of men.

Several countries have taken temporary measures to address the needs of workers with family responsibilities in the context of ECCE and school closures during the COVID-19 crisis. In the long-term, governments should prioritize according to ILO:

- strengthening social protection systems to cover all carers and making family responsibilities a priority criterion for accessing social protection benefits.
- ensuring the right to work–life balance for all workers; and
- investing in the care economy to create more better-quality care jobs.

Policy responses to the COVID-19 pandemic in support of workers with care responsibilities in G7 and selected EU countries

COUNTRY	ECCE and schools	Parental leaves	Other measures
Austria	-Not for ECCE (tough demand) -Yes for schools	No	-Extra social assistance for families -3 weeks' special leave on full pay applies in the case of care for a relative or children under the age of fourteen
Canada	- ECCE closures varied by province and territory -ECCE for essential workers	No change to existing measures (except in	-11/13 jurisdictions created new unpaid leave



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		Quebec for healthcare workers)	- Leave for those caring for children over 18 years
Denmark	-Yes (care for essential	No	-Extra pregnancy protection workers' children available)
Estonia	-ECCE remained open (though demand fell), schools closed		Extra benefit for parents raising a child with special needs or disability who stopped working; free meal delivery for (some) schoolchildren
France	-Yes -ECCE for essential workers' children, with geographical variation to extent of closures -Schools partly closed	No	-Support available to parents unable to work due to ECCE/school closures
Germany	-Yes, ECCE closures varied by state -Childcare for essential workers' children available	Yes (Parental leave benefit adapted for the pandemic)	-Special (partial) income replacement benefit available for some parents - Extra social assistance, care support allowance for those affected by care shortages
Hungary	-Yes -Childcare for essential workers workers' children available during lockdown	Yes, end of parental benefit if due to finish	-Additional or special leave duration extended

Sources: Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. 2020. International Review of Leave Policies and Research 2020, 11-16. ILO, 2020. The COVID-19 response: Getting gender equality right for a better future for women at work. ILO, Social Protection Responses to COVID-19 Crisis around the World

2.4. Supporting women's equal participation in decision-making in the world of work

Gender equality and women's economic empowerment cannot be achieved without improving the gender balance at all levels of decision-making in the world of work (in the political sphere, in employer and business membership organizations, etc). Women's participation in decision-making and leadership at work has also remained at stubbornly low levels. Globally, in 2018 women accounted for only 27.1 per cent of managers in government, large enterprises and other institutions, a proportion that has not changed significantly in three decades. Women with young children (0-5 years old) are least likely to be managers (25.1 per cent), compared with men with young children (74.9 per cent). This is another aspect of the "motherhood penalty" faced by women and the "fatherhood premium" enjoyed by men.¹⁹

¹⁹ ILO, 2019. A quantum leap for gender equality: For a better future of work for all, Geneva. Deloitte Global Centre for Corporate Governance, 2017. Women in the boardroom: A global perspective, 5th Edition.



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2.4.1. International labour standards and other key instruments

2.4.1.1. The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Recommendation No. 111 cover discrimination in relation to access to education and vocational training, access to employment and to occupations, as well as terms and conditions of employment. Gender equality policies and measures should be concrete and specific and may require different treatment for certain groups.

2.4.1.2. The EU Gender Equality Strategy 2020-2025 aims to improve the gender balance on corporate boards by introducing a Directive, first tabled in 2012, to require a minimum 40 per cent of non-executive members of the under-represented sex on the boards of listed European companies.

2.4.1.3. The EU cohesion policy supports women's entrepreneurship, women's (re)integration into the labour market and gender equality in traditionally male-dominated sectors. In 2020, Horizon Europe's European Innovation Council (EIC) will also bring forward measures to promote the participation of women in start-ups and innovative small and medium-sized enterprises.

The main guiding principles for governments to prioritize the promotion of women's representation and leadership in both the public and private sectors are:

- promoting women's participation and leadership in political decision-making
- adopting gender-responsive macroeconomic policies
- implementing proactive measures to foster gender balance in company leadership and management positions
- supporting and scaling up women-owned enterprises
- expanding gender-responsive procurement.

2.4.2. Some examples of national legal framework in European (France and Italy)²⁰

Mandating gender-diverse boards (France)

On 13 January 2011, France's Cope-Zimmerman Law was passed, coming into full effect in January 2017 and mandating a quota of at least 40 per cent for all genders on company boards. The binding quota applies to publicly traded companies, or those with more than five hundred employees and a turnover of more than €50 million in the previous three years. In 2012 and 2014, two supplementary laws extended the quota to leadership in governmental bodies, social security organizations, and the cultural and sports sectors. The proportion of women on the boards of France's largest publicly listed companies increased by almost 32 per cent between 2010 and 2018.⁵⁰ As a result of the law, France stands out from the rest

²⁰ These good practices in European countries, both included in ILO and UN Women (2021) and the websites of the governments



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of EU in terms of the proportion of women serving on company boards, with the highest level among EU Member States as of April 2016 – an impressive result achieved even before the law came into full effect.

Promoting women in economic and political leadership positions (Italy)

Italy is another country that has established legal quotas to promote women into higher leadership positions within companies. In 2005, the proportion of Italian women in economic leadership roles were extremely low: only 3 per cent of company board members were women. To take one example, the Central Bank board consisted exclusively of men.⁶⁰ To rectify this situation and achieve gender parity, the Italian Government passed laws requiring greater gender diversity on company boards. The law passed in 2011 established a one-fifth quota for gender representation, sixty-one and in 2012, this quota was extended to companies not operating in regulated markets.⁶² Finally, in 2016, the Italian government increased the quota to one-third board members in publicly listed companies.

These quotas have strengthened women's economic leadership in Italy. In 2018, women accounted for 22 per cent of the board of the Central Bank. In 2019, women made up over 36 per cent of the membership of the boards of publicly listed companies, the second highest figure among G7 countries. The Department for Equal Opportunities is the designated monitoring body and has so far initiated 391 administrative proceedings against non-compliant companies.

Since 2014, Italy has also enacted numerous pieces of legislation to promote women's quotas in local government, the federal government, and its representation in the European Parliament.⁶⁶ A 2017 law stipulates that no more than 60 per cent of representatives in an uninominal electoral college can be of the same sex. Both chambers of the national Parliament also have gender-balance mandates because of this law. Consequently, there has been a significant improvement in gender parity in political representation. The Italian legislature at the time of this publication (2020) had the highest representation of women parliamentarians in Italy's history (35.7 per cent). This proportion has doubled over the last ten years. The World Economic Forum's ranking of Italy in terms of political empowerment rose from 72nd (out of 115 countries) in 2006 to 46th (out of 144 countries) in 2017.

2.4.3 Laws and policies during the COVID

The ILO estimates that worldwide around 436 million enterprises in the sectors hardest-hit by the COVID-19 crisis are facing serious disruption. Another survey shows that over 90 per cent of women entrepreneurs suffered a decrease in sales during the pandemic and have less than three months of cash flow remaining. These challenges reflect the fact that women-owned businesses are more concentrated in the sectors most affected by lockdowns, increased care demands that have reduced their ability to focus on their businesses and generate income, and difficulty in adapting quickly to digital operations.

ILO and UN Women recommends that public policies should:

- implement employment retention measures to prevent women from losing their jobs, and focus on gender-responsive employment and entrepreneurship
- sustain business operations, especially MSMEs, to preserve and scale up women entrepreneurs' contributions to growth and sustainable development during recovery



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- use GRP to ensure that large contracts and new investments for economic recovery are distributed equally, and that women benefit from the government's buying power
- invest in the care economy to support more and better-quality care jobs, which are crucial in times of both crisis and prosperity.

2.5. Building a future of work that works for women

In levelling the playing field for people, governments face the ongoing challenge of the global transformations arising from modern technology, demographic shifts, and climate change. Rapid technological advances in automation, artificial intelligence, robotics, and the digital economy are transforming the world of work, with mixed implications for the future of gender equality.

Persistent occupational segregation means that people are likely to be impacted differently by automation. ILO research shows that the impacts of automation are likely to vary across sectors, with women predominant in sectors that are both at highest risk (accommodation and restaurants, manufacturing) and lowest (education, health, and social work) where job losses are concerned.

Modern technologies have also increased employment mediated through digital platforms (platform employment or crowd work), which often precludes access to basic labour and social protections. The incidence of such work as a proportion of total employment is estimated to vary from 0.5 per cent in the United States to 5 per cent in Europe. Women are less likely than men to engage in digital employment (in high-income countries, one in three crowd workers is a woman) and, when they do, they tend to accept gigs with lower added value, to combine paid work with care responsibilities.

These gender gaps also reflect the fact that women are significantly under-represented in the science, technology, engineering, and mathematics (STEM) fields, which generate high-paying jobs that are shaping the future of work. Women are less likely to have digital skills, and the digital skills they do have earn lower returns than those of their male counterparts.

In EU countries, women comprise only 17 percent of people on ICT courses and in ICT careers¹⁰ and only 36 per cent of STEM graduates, although girls were outpacing boys in digital literacy in 2018.¹¹ In G7 countries, too, women continue to be under-represented among STEM graduates. This gap in tech education has knock-on effects in the labour market. Women are less likely to be employed in the ICT sector and, when they do get a digital job, they face a gender pay gap significantly larger than the gender pay gap for the overall economy.

Innovative technologies have also stirred concerns about privacy and gender bias in artificial intelligence and robotics, and about accountability and transparency, including the amplified exposure of women and girls to the risk of violence and harassment in technology-enabled spaces.



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2.5.1 International Labour Standards and other key instruments

2.5.1.1. The ILO Centenary Declaration for the Future of Work, adopted in 2019, focuses its “human-centred approach” on three areas of action: 1) Increasing investment in people’s capabilities; 2) Increasing investment in the institutions of work; 3) Increasing investment in decent and sustainable work. The Declaration recognizes the challenges posed by technological innovation, demographic shifts, climate change and globalization, and commits the ILO to focusing its efforts on “promoting the acquisition of skills, competencies and qualifications for all workers throughout their working lives as a joint responsibility of governments and social partners.” Specific areas for action include addressing existing and anticipated skills gaps; ensuring that education and training systems are responsive to labour market needs, considering the evolution of work; and enhancing workers’ capacity to make use of the opportunities available for decent work. The Declaration also calls for the achievement of gender equality at work through a transformative agenda that includes the promotion of investment in the care economy.

2.5.1.2. The EU Gender Equality Strategy 2020-25 aims to address gender gaps in STEM-related occupations through the “Updated Digital Education Action Plan” and the implementation of the Ministerial Declaration of commitment on “Women in Digital”. The aim of the Declaration is to encourage women to play an active and prominent role in the digital and technology sectors. In addition, the new “European Skills Agenda” places “access to education, training and lifelong learning for everybody, everywhere in the EU” at the heart of building resilience in the aftermath of the COVID-19 crisis. It focuses on skills and upskilling initiatives, increasing the numbers of STEM graduates, and fostering entrepreneurial and transversal skills (Action 7). The EC has put forward a proposal for an “EU Council recommendation on vocational education and training,” which would address horizontal segregation and gender stereotypes.

Government policies can help to achieve a future of work that is more gender-equal and contributes to the economic empowerment of women by:

- facilitating lifelong learning
- closing the gender-related digital divide
- creating and protecting quality jobs in the care economy; and
- harnessing technology to promote decent care work.

2.5.2. Some examples of national legal framework in European countries (Belgium and Denmark)²¹

Breaking down occupational segregation in the care workforce (Belgium)

The European Social Fund sponsored a project entitled “Men into Childcare” (2001-2003), to increase the proportion of men working in ECCE, as part of a broader ten-year plan initiated by the European

²¹ These good practices in European countries, both included in ILO and UN Women (2021) and the websites of the governments



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Commission Network on Childcare.⁴⁸ The objective was to increase gender-neutral professionalism in the childcare sector so as to decrease gender-related bias and social expectations.⁴⁹ One significant outcome of this project was the shift to a gender-neutral, less emotional term for the members of the profession: “Kinderbegeleiter”, meaning “companions of children”.

In 2002, the Government of the Flanders region of Belgium mandated a more diverse hiring protocol, emphasizing the need for gender and ethnic diversity in hiring. The training was reformed to be more inclusive of men, and the salaries of all employees in day-care centres were increased. To encourage men to work in childcare, the Government of Flanders also sponsored media campaigns and distributed marketing materials. Although the proportion of men working in ECCE in Flanders rose from 0.9 per cent in 2002 to 3.4 per cent in 2010, the EC’s goal of having 20 per cent male representation in this sector was not achieved.

In 2012, the Government adopted a new Childcare Law, which established minimum qualifications for working in ECCE, thus creating new skills development opportunities.

Supporting lifelong learning (Denmark)

The Government’s lifelong learning policy provides adult education in a variety of formats, from informal learning programmes, e-learning and vocational training to formal programmes delivered in adult education centres. The programme is overseen by five government ministries, and performed in partnership with municipalities, non-profit organisations, research centres and social partners.

Adult vocational training programmes target both low-skilled and skilled workers, to enable them to maintain their skill levels, up-skill, and acquire new skills as required by the labour market. Some 3,000 adult vocational programmes on two hundred different subjects are on offer, ranging in duration from half a day to six weeks. All adult vocational programmes are publicly financed, developed by social partners, and approved by the Ministry of Education. Participants who are in employment may have to pay modest user fees, which are typically reimbursed by their employers, while the unemployed are exempted. Providers of the training programmes are required to measure and publicly report the satisfaction rates of participants, which serves to maintain ambitious standards.

The lifelong learning opportunities provided by the general adult education programme are taken up by 90,000 adults each year, with numbers having increased in recent years. Non-formal education programmes attract 700,000 participants annually.



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3. REVIEW OF NATIONAL LEGISLATION IN TURKEY IN TERMS OF WOMEN'S EMPLOYMENT

The goal of increasing women's employment is included in all Turkey Development Plans (particularly in 10th Development Plan 2014 – 2018 and 11th Development Plan 2019 – 2023), national employment strategies and national plans for gender equality. At the same time, in the negotiations in the EU membership process, the female employment rate is constantly emphasized as one of the macro indicators that Turkey should make progress on. In this context, there have been considerable legislative amendments and also some regulations were introduced in Turkey in the last two decades which should be analyzed in terms of their impact on women's employment.

Particularly on gender equality at work as it is also suggested in the Technical Proposal, the review on national legislation will include a desk study on the Constitution, The Civil Code No. 4721, Debts Law No. 6098, Labour Law No. 4857, Law No. 5510, Law No 657, Criminal Law No. 5237, Municipality Law No. 5393, Law No. 6284, Law No. 4447; relevant regulations such as Regulation on Minimum Wage, Regulation on Working Conditions of Pregnant and Breastfeeding Women and Breastfeeding Rooms and Childcare Dormitories, Regulation on Working Conditions of Women Employees in Night Shifts, Implementing Regulation on Part-time Work after Maternity Leave or Unpaid Leave, and Regulation on Dangerous and Very Dangerous Jobs.

In the below table, the most fundamental legislative changes considered in this desk research report are listed with a brief note on their scope.

Related Laws and Regulations	Article	Scope
The Constitution	Article 10, 48, 50	harassment and sexual harassment
Debts Law No. 6098	Article 417, 418, 423	
Labour Law No. 4857	Article 5, Article 74/1, article 24	equality and no discrimination, maternal leave, workplace harassment
Law No. 5510	Article 18/1d Md. 29, Art 4a	maternal leave; premium calculation for maternal leave
Law No 657	Article 101, 104a, 104b 108b	working during pregnancy, maternal leave, paternal leave, breastfeeding leave
Law No. 6331 on Occupation Health and Safety	Article 10	Night shifts
Criminal Law No. 5237	Article 105, 122	mobbing and harassment at workplace



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Municipality Law No. 5393	Article 14	shelters for women and children
Law No. 6284	Article 3	child care facilities for protected women
Law No. 4447 on Unemployment Insurance	Article 7	employment incentives for women
REGULATIONS		
Regulation on Minimum Wage		
Regulation on Working Conditions of Pregnant and Breastfeeding Women and Breastfeeding Rooms and Childcare Dormitories		
Regulation on Working Conditions of Women Employees in Night Shifts		
Implementing Regulation on Part-time Work after Maternity Leave or Unpaid Leave		
Regulation on Dangerous and Very Dangerous Jobs		

3.1. [The Constitution of 1982](#) is fundamental with its equality principles in front of law. With the Law No. 5170, a new paragraph was added to the 10th article of the constitution in 2004, following this first paragraph: "Women and men have equal rights. The state is obliged to ensure that this equality is realized." Pursuant to Article 50 of the Constitution, titled "Working conditions and the right to rest", "No one can be employed in jobs that do not comply with their age, gender and strength (f.1). Minors, women and those with physical and mental disabilities are specially protected in terms of working conditions.

In 2005, the new Penal Code (No. 5237) came into force giving priority to the protection of individuals' rights and freedoms. With the law, offensive acts towards women are exposed and classified as an "offense against an individual" rather than a public offense. New significant changes were also introduced to the definition of sexual violence and of sexual harassment in the workplace and punishments for these offences were reinforced. Furthermore, Articles 5 and 122 of the Penal Code state "no discrimination shall be made between persons with respect of sex."

3.2. [Labour Law No. 4857](#)

In 2003, the new Labor Law (No.4857) came into force against all manner of discrimination concerning human rights, including gender, between employer and employees. The new Labor Law reinforced existing provisions including prohibiting of gender discrimination and introduced new prohibitions of discriminatory practices owing to marital status or family responsibilities including the prohibition of dismissal on grounds of pregnancy. It also brought provisions prohibiting sexual harassment in the workplace.

The Labor Law emphasizes the principle that no discrimination can be made in terms of fundamental human rights for any reason, including gender, from the perspective of the employee-employer relationship.

Article 5 of the law states that:



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- No discrimination based on language, race, gender, political opinion, philosophical belief, religion, sect and similar reasons can be made in the business relationship,
- Unless biological or work-related reasons necessitate, the employer cannot directly or indirectly treat a worker differently in the termination, creation, or implementation of the employment contract due to gender or pregnancy
- It is not possible to decide on a lower wage due to gender for a job of the same or equal value,
- The application of special protective provisions due to the gender of the worker does not justify the application of a lower wage.

Notwithstanding, the new Labour Act enacted in 2003 was an important step towards establishing the principle of anti-discrimination in employment and securing more equal rights between women and men. Article 5, the principle of equal treatment, clearly states that “No discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship.”

Pursuant to Article 72 of the Labor Law, it is prohibited to employ men and women of any age who have not completed the age of eighteen in underground or underwater works such as mines, cable laying, sewerage and tunnel construction. In the Labor Law (art. 74), breastfeeding leave is given to female workers for a total of one and a half hours a day to breastfeed their children under the age of one. Sexual harassment is included in the “regulations on termination without notice” in the Labor Law. According to Article 24 of the Labor Law, if the employer speaks or acts in a way that harms the honor and honor of the employee or one of the family members, or sexually harasses the employee, the employee has the right to terminate immediately for just cause.

In accordance with the relevant provisions, a woman who terminated her employment due to marriage is entitled to severance pay. The Labor Law extended paid maternity leave from 12 to 16 weeks; eight weeks before and eight weeks after birth (Article 74). Under the maternity benefit scheme women receive an Incapacity for work compensation amounting to two-thirds (2/3) of their full salary from the Social Security Institution. Women also receive a lump sum pregnancy benefit (subject to the certification of pregnancy before the date of birth), childbirth benefit and nursing grant. 2011 law extended maternity leave to twelve months for civil servants and six months for others on an unpaid basis. It also granted a 10-day paternity leave to civil servants whose wives have given birth. However, paternity leave is voluntary and not foreseen for workers or employees in the law.

3.3. Regulation on Minimum Wage (No. 25540), stating that prohibits discrimination based on sex in the determination of the minimum wage. The Regulation also published in 2004 aimed to regulate the Minimum Wage Fixing Board. **The Trade Unions and Collective Bargaining Law** uphold that institutions (unions and confederations) must treat members equally and take gender equality into account in their dealings.



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3.4. Law No 5510 on Social Insurance and Universal Health Insurance

The following articles of the law was amended to include equality principle: Article 28, Article 4/a, Article 41, Article 16, and 18. In particular, Article 16 regulates home-based working.

With the temporary article 16 added to the Law No. 5510 with the Law No. 5763, and according to the Income Tax Law No. 193 (art. 9/6), those who offer products such as the towel, bed linen, knitting work, tarhana or similar for sale in places such as bazaars, fairs, etc., without opening a workplace, have the right to be covered by social security by temporarily paying a lower premium than normal.

3.5. Regulation on Working Conditions of Women Employees in Night Shifts

Article 5 of the Regulation controls the procedures and principles regarding the employment of female employees over the age of 18 in night shifts. Female employees cannot work more than 7.5 hours in night shift. Women employees cannot be employed in night shifts for a period of one year from the date they are determined by a doctor's report to be pregnant, and women who are breastfeeding, from the date of birth, without prejudice to the provisions of their own legislation.

3.6. Regulation on Working Conditions of Pregnant and Breastfeeding Women and Breastfeeding Rooms and Childcare Dormitories

Female employees cannot be forced to work at night from the time they are found to be pregnant with a health report until delivery. If an employee has recently given birth, she cannot be forced to work at night for a year following the delivery. Pursuant to Article 13 of the Regulation, in workplaces with 100-150 female employees, regardless of their age and marital status, it is obligatory to establish a breastfeeding room separate from the workplace and at a distance of 250 meters from the workplace at most. Regardless of their age and marital status, in workplaces with more than 150 female employees, it is obligatory for the employer to establish a dormitory close to the workplace for the care of employees' children.

3.7. Law No. 6331 on Occupational Health and Safety

In Article 10 of the Law No. 6331, titled risk assessment, control, measurement and research, it is stated that the employer is obliged to make or have a risk assessment in terms of occupational health and safety for groups that require special policies, such as pregnant or breastfeeding employees, and female employees.

3.8. Debts Law No. 6098

In Article 417 on the protection of the employee's personality, the employer is obliged to take the necessary measures to prevent the workers from being subjected to psychological and sexual harassment and to prevent further harm to those who have been subjected to such harassment. Article 418 stipulates that the employer should provide care and treatment for a certain period of time in case of pregnancy and childbirth of a female worker who works at home and cannot benefit from social insurance benefits. According to Article 423/3, the employer will not be able to deduct the annual paid leave period of the female worker, who cannot fulfill the act of working for a maximum of three months due to pregnancy and giving birth.



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3.10. Law No 6284 on Protection of Family and Prevention of Violence Against Women

In accordance with Article 3 of the Law, if the person protected against violence has children, nursery facilities will be provided to support their participation in working life. In addition, the law includes protective measures that can be taken for protecting woman from violence by changing her workplace and not disclosing the workplace address to the violence perpetrator.

3.11. Employment incentives

Several laws and related articles pursue increasing women's employment through providing incentives towards employment of women. In 2010, the Prime Minister Circular 2010/14 on Increasing Women's employment and achieving equality of opportunity was adopted specifying the measures to be taken to increase women's employment. In February 2011, the government passed Law No. 6111 that would discriminate positively for women over the age of 18 by granting the employers who hire female workers exemptions for social security payments. The government has also created investment incentives to underdeveloped regions; most significantly, the Regional Investment Incentives Scheme, which is specifically directed towards regional development.

In 2008 and 2011, important reforms were made in terms of the extension of social insurance coverage (Law No. 5754 and Law No. 6111, respectively). The first reform incorporated salaried domestic workers with steady jobs. The 2011 reform extended coverage to occupations such as casual agricultural workers and home-based workers, thereby giving a large proportion of women access to key social rights and protection mechanisms.

With the Law No. 5763, in order to encourage women's employment, an incentive has been introduced to provide employers' shares of insurance premiums from the unemployment insurance fund. In addition, the employers who are obliged to establish a kindergarten have been provided with the opportunity to outsource this service.

As another positive development, the discriminatory practices in job advertisements were abolished in 2006 with changes in "Procedures and Principles Regarding Those Who Will Be Taken to the Permanent Staff of Public Institutions and Organizations as Workers for the First Time". In 2006 the General Directorate of the Turkish Employment Agency (İŞKUR) issued a communiqué prohibiting discrimination on grounds of gender in employment relationships in the public sector.

As seen, there has been a number of developments in legislations regulating women's employment and position in the workplace based on equality and anti-discrimination principles. However, the positive developments needs to be assessed in terms of de facto discrimination which still hinders women's participation in the labour market mostly due to the unpaid care work. It is important to conduct the impact assessment as foreseen under the project to determine what is working and what is not in terms of increasing women's employment. In addition, the national legislation should be also reviewed in terms of compliance to the future of work concept which brings new challenges for women in terms of updating their skills to match the new requirements of the digital future of work.



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3.12. Some National Policies on women's employment and gender equality

Between the main national policies on women's employment and gender equality, we can mention:

-The Turkey Government in their Development Plans, particularly in the 11th one (2019 – 2023) has a main objective regarding to women: to prevent all kinds of discrimination against women, to ensure that women benefit from equally the rights, opportunities and facilities in all areas of the social life and to empower them. ²² The 11th Development Plan also include some policies regarding the encouragement of the active participation of women in economic, social, cultural life and decision-making mechanisms at all levels offering possibilities for entrepreneurs, and internship and on-the-job-training to increase the active participation of women in economic life. The inclusion of the women in the digital economy is another important issue included.

-The National Employment Strategy 2014 – 2023 is a national policy with a multi-sectoral approach. The timeframe of the Strategy is 10 years between 2014 and 2023. The overall goal of the Strategy is to reduce the unemployment rate including unregistered employment rate in the agriculture sector and to increase employment rate by 2023 with holistic approach, equal opportunities, labour protection, strengthened social dialogue and incentive approach. One of the main objectives is to achieve Equal Opportunities: “It is crucial to develop policies addressing specific conditions of certain demographic groups, in order to provide equal opportunities for all. It is definitive to ensure equal opportunities from education to all relevant sectors and anti-discrimination practices for the vulnerable people, such as women, people with disabilities, the poor, youth, and the population living in rural areas”²³.

Measures on vulnerable groups especially women are included (the Strategy includes in this category: youth, long term unemployed and disabled) and specifically mentioned that the main characteristics of the group are: low labour force participation rates, work in unregistered and underpaying jobs called “indecent work” and face a higher risk of unemployment despite positive discrimination and no legal obstacles. In their diagnosis, the Strategy pointed out that besides the low level of education, social gender roles which burden the men with the responsibility of work and the women with the responsibility of homework and provision of care to children, elderly and disabled persons are among the reasons of the labour force participation and employment rates of women. Improving and extending institutional support mechanisms of care services are important for increasing the labour force participation rate of women. Among with the low level of labour force participation of women in Turkey, the high level of unemployment rate reveals a negative picture in regards to OECD and EU countries.

The Strategy also mentions the importance to eliminate the barriers for labour force and employment participation of vulnerable groups such as women, disabled, youth and long term unemployed. The main

²² The 11th Development Plan is available on this link: https://www.sbb.gov.tr/wp-content/uploads/2021/12/Eleventh_Development_Plan_2019-2023.pdf

²³ National Employment Strategy (2014 – 2023) available at <http://extwprlegs1.fao.org/docs/pdf/tur175309.pdf>



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targets were: 1. Labour force participation rate of women will increase to 41 percent until 2023. 2. From 2012 to 2023, the unregistered employment of women will be reduced from 54,2 percent to 30 percent.

-As we mentioned before, in May 2003, a new labour law, Law no.4857, revised the legislation on employment to ensure equal treatment regardless of gender, ethnicity, or race. This law, establishing the principle of anti-discrimination in employment became operational on June 10, 2003. Accordingly, on January 22, 2004, a Prime Minister Decree aimed at protecting the gender equality principle in civil officials' hirings. The Decree ordered the public institutions to protect the gender equality principle in hirings in line with the Constitution and the international agreements that the Turkish government is party to. In line with the National Action Plan on Gender Equality, in 2008, the government amended the Labour Law to promote women's employment under an "Employment Package".

-In 2010, the Prime Minister Circular 2010/14 on "Increasing Women's employment and achieving equality of opportunity" was adopted specifying the measures to be taken to increase women's employment, Accordingly, the Turkish government adopted a measure that would discriminate positively the female workers over the age of 18 by granting the employers who hire them exceptions in social security payments. Turkish İş Kurumu Genel Müdürlüğü and the European Commission cooperated in two different projects "Active Labour program projects I and II" for 2003-2006 and 2008-2010 periods. There was also a "Twinning project for promoting gender equality in working life" with funding from the European Commission for 2010-2012 period. A critical matter in increasing women's employment is balancing mothering duties and work responsibilities. The social customs also act as effective barriers to women's access to jobs.²⁴

-Other important action was the creation of the General Directorate on the Status of Women in 1990, in line with the requirements of the United Nations Convention on Elimination of All Kinds of Discrimination against Women. Attached to the Turkish Prime Ministry, its activities are supervised by the State Ministry responsible for women and the family. Its major objectives are to protect and to promote women's rights; to improve women's social, economic, cultural, and political status; and to ensure that women enjoy equal rights and opportunities in all walks of life. To these ends, it conducts and finances research projects with a policy orientation; collaborates with other public institutions, local administrations, and women's associations; and raises consciousness through the mass media about women's issues.

The Directorate (depending of the Ministry of Family and Social Services)²⁵, have many policies and actions. Some of them are:

-Women's Empowerment Strategy Document and Action Plan (2018-2023), under the coordination of the Ministry of Family and Social Policies, General Directorate on the Status of Women, regulates the current

²⁴Gender equality in Turkey (2012), European Parliament, available in [https://www.europarl.europa.eu/RegData/etudes/note/join/2012/462428/IPOL-FEMM_NT\(2012\)462428_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/note/join/2012/462428/IPOL-FEMM_NT(2012)462428_EN.pdf)

²⁵ More information is available on the link of the Directorate: <https://www.aile.gov.tr/ksgm>



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situation, main objectives, targets, strategies and activities regarding five main policy axes: education, health, economy, participation in decision-making mechanisms, media.

-Gender Equality National Action Plan (2008-2013) Policy related to 7 critical areas (education, health, economy, participation in authority and decision-making processes, poverty, media and environment) to be used as inputs within the scope of the preparation of the "National Action Plan Draft", which will form the basis of public policies and ensure gender equality.

-With UN Women Turkey for instance, launched the three-year project, "Implementing Gender Responsive Planning and Budgeting in Turkey". The project aims to eradicate gender inequalities and create a society where everyone has access to equal rights, opportunities, and services. The project's main objective is to empower women and further strengthen gender equality in Turkey through systematic and sustainable integration of gender perspectives at all stages of national and local policy-making and budgeting processes.

-Finally, it is needed to mention the women's employment action plan currently carried out by İŞKUR. There is two projects to increase women's employment jointly conducted by the International Labour Organization (ILO) and the Turkish Employment Organization (İŞKUR):

-Phase I of the Project "More and Better Jobs for Women: Women's Empowerment through Decent Work in Turkey," was implemented by the International Labour Organization (ILO) and Turkish Employment Agency (İSKUR) with funding from the Swedish International Development Cooperation Agency (SIDA) in 2013-2018. Important outcomes have been achieved in the Phase I of the Project at the policy level as well as in terms of ensuring access for women to decent work opportunities and raising awareness on gender equality and working conditions in order to support strengthening of women's employment in Turkey.

-Phase II, which is designed as 'More and Better Jobs for Women Programme funded by SIDA is implemented under the "Gender Equality at Work Portfolio" of the ILO Office for Turkey. Under the programme, various projects will be carried out in the provinces of Ankara, Bursa, Istanbul, Izmir, Kocaeli and Konya to promote women's access to employment opportunities and improve women's working conditions.

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4. ANALYSIS ON HOW ARE EU RULES TRANSPOSED INTO NATIONAL LAW IN TURKEY ACCORDING TO “EUROPEAN COMMISSION- COUNTRY REPORT ON GENDER EQUALITY: TURKEY” Reports of the period 2016 - 2021

A comparative table is prepared according to EC Reports (2016 – 2021) to see the evolution of the national laws of Turkey on gender equity (related to women employment) according to EU rules. Even when some categories are considered in detail, there are three conclusions related to main problems, mentioned in all the reports:

1. It is possible to observe important improvements in line with the EU acquis on gender equality in Turkey between 2005-2010 The EC reports suggests that new measures could be adopted to improve gender equality
2. There are problems of harmonisation with EU and international standards in the wording, personal and material scope of the Turkish employment legislation. Different strands of employment legislation and different levels of protection apply to three groups of dependent workers (employees working under a private law employment contract either in the public or private sector; civil servants; and public officials working under an administrative law employment contract in the public sector).
2. There are several gaps in or problems with the legislation related to work-life balance:
 - unpaid care leave is only recognised for biological employee mothers and there is no unpaid care leave for biological employee fathers;
 - a leave of absence for employees in the event of the illness of a dependent family member is not recognised;
 - there is no bottle-feeding leave for fathers of newly born children;
 - there is no explicit provision recognising the right to return to work for employees after taking leave;
3. The Turkish social security system strongly protects an occupational core, the level of state involvement in the social realm is extremely low and a safety net in the form of a social assistance scheme is lacking.²⁶

²⁶ European Commission, (2021) Country Report on Gender Equality: Turkey, EUROPEAN COMMISSION Directorate-General for Justice and Consumers Directorate D — Equality and Union citizenship Unit D.2 Gender Equality. European Commission B-1049 Brussels



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Selected Categories ²⁷	Issues analysed	Recommendations
<p>Equality between men and women</p>	<p>-The principle of equality between women and men is acknowledged explicitly in the Constitution (Article 10/2). - However, according to Article 50, paragraph 2 of the Constitution, no one shall be required to perform work unsuited to his/her age, sex, and capacity. -Minors, women, and persons with physical or mental disabilities have special protection with regard to working conditions. <i>The inclusion of minors and persons with mental disabilities in the same paragraph as the reference to women gives the impression that women are not equal citizens but legally restricted persons, who do not have full legal capacity.</i> It suggests that they are weak, helpless, and in need. -Article 41 of the Constitution states that the family is 'based on equality between spouses. According to the Article 42 of the Constitution, no one will be deprived of the right to education. Primary education is compulsory for all citizens of both sexes and is free of charge in state schools. The framework of legislation requiring equality between men and women consists of provisions in the Constitution, as well as provisions included in the ratified international and European instrument</p> <p>-A general principle with regard to the prohibition of discrimination in the employment relationship was first stipulated for employees by the Employment Act (the EA) in 2003. Under the EA (Articles 5 and 18), it is the duty of the</p>	<p>-No surveys and/or reports have been published in Turkey in recent years that provide insights into the legal definition, implementation and limits of the central concepts of gender equality -There are problems of harmonisation with EU and international standards in the wording, personal and material scope of the Turkish legislation.</p> <p>-The language used in the MEA and in some provisions of the OA is sexist. The MEA of 1967 still uses the word 'seaman' instead of 'seafarer' and does not mention female seafarers at all, since it is based on the idea that only men can work in the maritime sector. The OA of 2011 has some provisions that refer to 'male worker/performer' instead of using gender neutral language (Article 66). -On the other hand, the Constitution and the EA cover a non-exhaustive list of discriminatory grounds. The grounds in the HREIA and the PC that are expanded in comparison to the EU equality law are: philosophical or political opinion, colour, language, sect, wealth, birth status, civil (marital) status, and health condition.</p> <p>-Since 2011 there has been a tendency to promote the concept of 'gender justice' instead of 'gender equality'. Whereas 'gender equality' focuses on equality between two sexes, 'gender justice' emphasises the different 'natural' characteristics of men and women. In this</p>

²⁷ The selection of categories was realised according to the terms of reference of this Desk Research



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	<p>employer and employers’ representatives (Article 2/4) to treat women and men employees equally. Under the EA (Article 2/4), the employer is directly liable towards the employees for the conduct and responsibilities of his/her representative acting in this capacity. However, with a few exceptions, the EA provides only limited coverage that benefits only the regulated sector of the labour market, which is the minority of the market.</p> <p>-The EA does not cover following the activities and employment relationships (EA, Article 4): a) ‘Sea and air transport activities; b) Establishments and enterprises employing a minimum of 50 employees (50 included) where agricultural and forestry work is carried out; c) Any construction work related to agriculture which falls within the scope of family economy; d) Works and handicrafts performed in the home without any outside help by members of the family or close relatives up to and including the 3rd degree; e) Domestic services; f) Apprentices, without prejudice to the provisions on occupational health and safety; g) Sportspeople; h) Those undergoing rehabilitation; i) Establishments employing three or fewer employees and falling within the definition given in Article 2 of the Tradesmen and Small Handicrafts Act.</p>	<p>context, according to the political discourse, women and men have inborn differences which assign them different roles: looking after family for men and taking care of children for women. In other words, this approach normalises the ‘natural division of duties derived from biological differences’, which is in direct contradiction of the concept of gender equality. As a result, the idea of ‘women’ has been reduced to the idea of ‘mother, wife and daughter’ and women are not recognised as individuals, but as dependent on the male members of the family</p>
<p>Sex – Gender</p>	<p>-The term used in the national legislation is ‘sex’ (cinsiyet).</p>	<p>-National legislation does not define either gender or sex.</p>
<p>Direct Sex discrimination</p>	<p>-The EA and the HREIA explicitly prohibit direct discrimination with regard to the sex. The HREIA defines direct discrimination.</p> <p>-Only the EA and the HREIA explicitly prohibit discrimination with regard to pregnancy and maternity.</p>	<p>-The distinction between the concepts of direct and indirect discrimination is not yet known in Turkey. All the available case law is about direct discrimination and the courts give their verdict without discussing the concept</p>



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		<p>-Although the HREIA implicitly prohibits harassment based on sex (gender-based harassment) (Article 2/1b), it does not explicitly mention it. It is important to define these terms and prohibit it explicitly in order to eliminate sexist behaviour, especially at work.</p> <p>-Discrimination based on association with persons with particular characteristics is not prohibited in Turkish law.</p> <p>-The concept of algorithmic discrimination is not known in Turkey, given that the existing legal, regulatory and related systems for detecting discrimination were originally built for a world of human decision makers, unaided by algorithms.</p>
<p>Positive actions to improve the gender balance in other area</p>	<p>-There are supportive positive action measures to improve gender balance in employment, in training and in the education system. In order to increase women’s employment and provide gender equality, the Prime Ministry of Turkey issued a circular in 2010, entitled ‘Promoting Employment of Women and Ensuring Equal Opportunities’.</p> <p>-All public institutions are given duties and responsibilities to strengthen the socio-economic status of women, provide equality between men and women in social life, increase women’s employment in order to accomplish social development and sustainable economic growth goals and provide equal pay for equal work. To that end, with the participation of representatives from many governmental institutions as well as representatives from NGOs and universities, the National Employment Monitoring and Coordination Board was established.</p>	<p>-Turkey is trying to close the gender gap in relation to the participation of girls in education but it should be improved</p>



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-The Government also made some additional efforts, through schemes such as the additional employment incentive, managed by the Turkish Employment Agency (ISKUR). Under this scheme, the agency provides 12 months of insurance premiums for each employee under certain circumstances (Unemployment Insurance Act, provisional Articles 20 and 21). The employee must be employed in the private sector between 1 January 2018 and 31 December 2020. However, if the employee is a woman the support period increases to 18 months. The aim of this incentive is to encourage employers to employ women.

-The amendments to the Income Tax Act and the Corporate Tax Act by Articles 5 and 64 of an omnibus Act (Act No. 6745) in 2016, ensured that special nurseries and day-care centres will be exempt from income and corporate tax for five accounting/taxation periods as of their starting date. Under the Bylaw on the working conditions for pregnant or nursing workers, and nursing rooms and day nurseries, nurseries and day-care centre services provided in the workplace directly by the employer for female employees are exempt from income tax without any limit.

-In 2018, through another omnibus act (Act No. 7103) tax exemption for nursery and day-care services provided outside the workplace was increased up to 50 % of the monthly minimum wage. Act No. 7103 stipulates that where such a service is not provided in the workplace, payment to an outside institution for such a service will be exempt from income tax up to 15 % of the monthly gross minimum wage for each child. The act also authorises the



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	<p>Council of Ministers to increase this rate up to 50 %. In addition, the Parliament passed several laws to maintain women’s participation in work after childbirth.</p> <p>-In January 2016, the Parliament enacted an omnibus act (Act No. 6111) to extend the personal and material scope of the leave related to maternity, adoption, care, and paternity and to grant the opportunity to work part time after maternity or adoption leave. Another incentive was the removal of legal barriers for women with headscarves wanting to take up public posts. In 2013 and 2016, the amendment made in the previous Bylaw on the dress code of the public personnel working in public institutions, opened the way for women who wear the headscarf to work in public institutions. Before that time, women who wore the headscarf were not allowed to work in public institutions. Currently, women can wear the headscarf in any field.</p>	
<p>Equal Pay and Equal Treatment</p>	<p>-According to the report, Measuring the Gender Wage Gap: Case of Turkey, by the ILO Turkey Office and TurkStat, the gender wage gap in Turkey is 15.6 %. The COVID-19 pandemic will increase the wage gap because sectors such as services, retail sales and tourism, where women are predominantly employed, are the hardest hit. According to the study, wage gap widens as age increases</p> <p>-The EA provides equal pay for women and men suggesting that ‘differential remuneration for similar jobs or for work of equal value is not permissible’ (Article 5/4). It also states that ‘Application of special protective provisions due to the</p>	<p>-Equal pay is not prioritised by the Government or by trade unions. However, the issue has been on the agenda of the ILO Office for Turkey since 2019</p> <p>-There is no mention of any derogation from the equal pay principle in Turkish law. However varying objective factors, such as the position, significance of the post, diploma or educational level, seniority, professional experience, qualifications or performing different duties,</p>



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	<p>employee's sex shall not justify paying him/her a lower wage' (Article 5/5).</p> <p>-The Bylaw on the minimum wage¹⁴⁰ states that when determining the minimum wages (by the Minimum Wage Determination Committee) there would be no discrimination based on the language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations (Article 5/1).</p> <p>-The EA grants equal treatment between: a full-time and a part-time employee (Articles 5 and 13); an employee working under a fixed-term employment contract (contract made for a definite period) and one working under an open-ended employment contract (contract made for an indefinite period) (Articles 5 and 12); between remote and nonremote employees (Article 14); or employers' own employees and temporary agency employees (Article 7). Articles 12 and 13 of the EA also grant application of the pro-ratatoris principle to the remuneration of part-time work.</p>	<p>working conditions are determinants in the level of wages of employees.</p> <p>- The salary is the same for any civil servant employed in the same post at different institutions. However, differences in the legal nature of the employment relationship (e.g. one person is employed under a private-law contract, or a person employed under an administrative law contract, while another is a civil servant) are often used as justification in public institutions, even within the same institution or service where the workers are employed by the same institution and perform the same work.</p> <p>-This is incompatible with the principle of equal pay for equal work or work of equal value.</p> <p>-There are no rules on wage transparency in Turkish law. Payments to employees and public officials are confidential. Therefore, it is difficult to detect any differences in wages. However, in a recent case, the Court of Cassation decided that sharing the amount of a pay rise with a colleague did not constitute a valid ground for the termination of the employment contract. A public official can obtain information on the salary of a fellow colleague who is in a comparable situation under the Right to Information Act.</p>
<p>Pregnancy, maternal leaves, related to work life for workers</p>	<p>-The gender-based division of labour in Turkey mostly forces women to carry out the housework, child and elder care. The total workload of women is always higher than men no matter in which category the women stand. Among the OECD and 30 non-OECD countries, the female</p>	<p>-It is clear from the case law of the Court of Cassation that unfavourable treatment and the dismissal of women employees is usually related to pregnancy and/or</p>



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	<p>population aged 15-64 in Turkey spend the highest proportion of time on household maintenance.²⁸</p> <ul style="list-style-type: none"> - The ILO's Quantum Leap report shows that a 'number of factors are blocking equality in employment, and the one playing the largest role is caregiving'. er Pay Gap'- ²⁹ -The Women's Empowerment Strategy and Action Plan (2018-2023), states that marriage and child care both increase women's housework and weaken their participation in labour markets, while the opposite is true for men. -The major impediment to women's participation in the workforce stems from a lack of sufficient preschool education and care services. <p>-In order to provide work-life balance, employment legislation covers provisions related to issues such as: - maternity leave; - paternity leave for biological fathers; - paid and unpaid care leave for adopting parents; - care leave for parents of disabled or ill children; - unpaid care leave for biological employee mothers; - unpaid care leave for civil servant parents; - right to part time work for employee parents; - right to part time work for civil servant</p>	<p>maternity ³⁰and there are difficulties for women in making use of their right to return to work or to an equivalent job after pregnancy and/or maternity leave.</p> <ul style="list-style-type: none"> -No explicit protection is provided for pregnant women employees during the probation period in national law. Protection may, however, be claimed if the termination of the employment relationship during the probation period is deemed to be abusive or discriminatory or invalid or unjustified since the EA (Articles 5 or 18) and the HREIA (Article 6) prohibit discrimination in the termination of the employment contract. -Turkey introduced measures to slow the spread of COVID-19 in March 2020. -The Government also took measures to protect women and workers in general. The Government initially introduced a prohibition on the termination of employment for three months (from 17 April 2020 to 17 July 2020), and that has been extended until the end of May 2021. -Paid leave was provided for civil servants aged 60 years and older, pregnant civil servants and civil servants with chronic illnesses, but no such order exists for the private sector.
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²⁸ See Bakirci, K. (2020), 'Flash Report: 'Impact of COVID-19 measures on women in Turkey', European network of legal experts in gender equality and nondiscrimination, 3 July 2020, <https://www.equalitylaw.eu/downloads/5171-turkey-impacts-of-covid-19-measures-on-women-in-turkey-118-kb>; UN Women Turkey Office (2020), The economic and social impact of COVID-19 on women and men: Rapid Gender Assessment of COVID-19 implications in Turkey, https://reliefweb.int/sites/reliefweb.int/files/resources/73989_rapidgenderassessmentreportturkey.pdf.

²⁹ ILO (2019) Quantum leap report.

³⁰ See Court of Cassation 9th Division, 6.10.2003, 2003/ 3501, 2003/16308; Court of Cassation 9th Division, 14.4.2016, 2015/29051, 2016/9441



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	<p>mothers; - right to switch from full-time work to part-time work and vice versa for employee parents; - right to switch from full-time work to part-time work for civil servant mothers; - right to return to work; - protection against discrimination due to pregnancy, maternity, or family responsibilities; - protection of employees against unjustified, invalid, abusive or discriminatory dismissal; - obligation of certain employers to establish nursing rooms and childcare centres; - right to benefit from unpaid birth/maternity leave related to retroactive social security premium payment for women employees who stopped working not exceeding two years after giving birth; - right to change the night shifts for employee couples</p> <p>-Pregnancy and maternity protection is defined by the national law. Definitions of a pregnant worker, a worker who has recently given birth and a worker who is breastfeeding are provided by the Bylaw on the working conditions for pregnant or nursing workers, and nursing rooms and day nurseries. 188 The bylaw covers all workers (employees, civil servants, public officials with an administrative law employment contract).</p> <p>-The protection against the dismissal of women employees based on pregnancy and/or maternity or family responsibilities is covered by the provisions on the prohibition of discriminatory dismissal, invalid dismissal, abusive dismissal or unjustified dismissal.</p> <p>-Apart from cases where the immediate dismissal is based on just cause (EA Article 25) or the fixed-term contract has expired, the employment contract is suspended for a total</p>	<p>-Around 42 % of employed women in Turkey work in the informal (unregistered) sector as carers, domestic workers, seasonal workers and unpaid family workers, without any social protection. Women working in the informal sector were the first to have been hit by the crisis, losing their jobs and income. Since they are not registered, they cannot benefit from any of the measures taken by the Government to protect workers.</p> <p>-Although Turkey is not a party to the ILO Convention concerning Workers with Family Responsibilities (No. 156), according to Article 12/2(c) of the UN Convention on the Elimination of Discrimination Against Women, Turkey is under an obligation to encourage the provision of supportive social care services to enable parents to combine family obligations with work responsibilities and participation in public life.</p> <p>-Specifically, this is to be carried out through the promotion of the establishment and development of a network of childcare facilities. Pursuant to the revised European Social Charter and with a view to achieving equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, Turkey must undertake to develop or promote services, public or private, and in particular child day-care services and other childcare arrangements (Article 27).</p> <p>-There are several gaps in or problems with the legislation: - unpaid care leave is only recognised for biological employee mothers and there is no unpaid care leave for biological employee fathers; - a leave of</p>
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	<p>of 16 weeks during maternity leave: eight weeks before confinement and eight weeks thereafter (18 weeks in the case of a multiple pregnancy), (EA Article 74)</p> <p>-The definition of maternity leave is provided by the Bylaw on part-time work following maternity leave or unpaid leave. 208 According to the Bylaw, maternity leave means the permission granted for the period when the female employee is not employed due to childbirth (Article 4/a). Under Turkish law, employment rights during pregnancy and maternity are guaranteed by statutory laws but these can be improved by the individual employment contracts. Also, paid and unpaid adoption leave exists both for employees and civil servants.</p> <p>-On Parental leave, on the Implementation of Directive 2010/18m there is no legislation and/or national collective labour agreement, or case law which specifically speak of parental leave within the understanding of Directive 2010/18 and there is no leave called 'parental leave. There are forms of leave related to child or other dependent family members or leave that may be used for family/parental issues.</p> <p>-The EA provides that employees will be given a five-day leave if his spouse gives birth (Additional Article 2/1). In the event of the spouse of a civil servant giving birth, the civil servant may enjoy a paternity leave of 10 days (CSA, Article 104/B). There are no provisions in relation to paternity leave in the MEA, the PEA and the OA.</p>	<p>absence for employees in the event of the illness of a dependent family member is not recognised; - there is no bottle-feeding leave for fathers of newly born children; - there is no explicit provision recognising the right to return to work for employees after taking leave; and - the right to part-time work and the right to switch from full-time work to part-time work is only recognised for women civil servants but not for male civil servants.</p> <p>-There is evidence that many of these large workplaces do not fulfil the childcare centre obligation and there is hardly any legal enforcement. The issue was brought up at a parliamentary session in 2013, which revealed that there are about 9 000 workplaces (1 658 public and 7 204 private) in Turkey that have more than 150 female workers. In 2012, only 172 of these were monitored with respect to their childcare centre obligations and it was found out that 76 did not have any childcare centres.</p> <p>-Therefore, in Turkey one of the consequences of the lack of formal childcare facilities is that informal care remains predominant, mainly provided by women and social protection, from which a significant number of people benefit, is dependent on the family. This applies to both childcare and elder care. In households where the level of income is relatively low, care services are usually transferred to other women of the family (such as grandmothers), whereas in households where the level of income is higher, legal or illegal, local or migrant domestic workers are employed. Households that have higher levels of income also have the opportunity to buy care services from the market</p>
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	<p>-Paid breastfeeding leave Female workers are granted a breastfeeding leave to feed their infants below the age of one. This period is reckoned within the daily working hours. It is also recognisable Paid leave for parents of children with a disability or long-term illness, Paid leave upon the marriage or death of the child and sabbatical leave for civil servants and public sector employees.</p> <p>-Leave in relation to surrogacy: There are no legal rules on surrogacy. If parental leave is denied and the case came before the courts, it would be for the court to decide.</p> <p>-On Flexible working time arrangements: Part-time working is an option for parents who are employees or civil servants. One of the parents can benefit from this right once for each child. Working from home and working remotely are regulated by the EA (Article 14). This is possible if there is mutual consent.</p> <p>-In order to share family responsibilities, the Bylaw on the conditions of night shifts of working women provides that if the husband of a female employee is also working on night shift, whether in the same or a different workplace, the woman may request that her night shift is arranged so as not to coincide with the husband's. If the couple work in the same workplace, the woman's request to work on the same night shift with her husband should be met by the employer within the bounds of possibility. It also provides that for workplaces beyond municipal boundaries or those for which public transport may not be convenient, the employer should provide convenient transport for women on night shift.</p>	<p>- Hence, job opportunities for women are reduced, and discriminatory practice is ingrained. That is why the obligation to open a nursing room and a childcare centre should be determined by taking the total number of male and female employees into account.</p> <p>-The regulation is a reflection of the attitude that it is the woman who should take care of the child. This is against the principle of equal rights between men and women, and the principle of equal sharing of family responsibilities.</p>
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	<p>- The Bylaw on the employment conditions of pregnant and breastfeeding women and nursing rooms and childcare centres, Article 15, requires employers to establish nursing rooms and childcare centres. However, this requirement applies only to establishments where at least 100 women are employed, irrespective of their age or marital status. If between 100 and 150 women are employed, a nursing room has to be provided by the employer for children of 0–1 years of age (Article 15/1). If more than 150 women are employed, a childcare centre has to be opened by the employer for children of 0–6 years of age. The fact that it is only the number of women employees that triggers this statutory requirement (Article 15/1, 2) causes employers to employ fewer women employees than the number stipulated, to escape the obligation.</p> <p>- According to Article 16 of the Bylaw, children of male employees can make use of the nursing rooms and the childcare centres in the father’s workplace only if their mothers are dead or the children are under the guardianship of the father. This provision can be criticised, because the child should be able to make use of the facilities available in the father’s workplace when there is no nursing room or childcare centre in the mother’s workplace. This arrangement is a further obstacle to equality in the working life of women.</p>	
<p>Social Security</p>	<p>-In 2006, the social security system in Turkey underwent a substantial reform. Four key strategic objectives were at its origin: the introduction of a new social insurance system merging three social insurance systems into one; the introduction of a general health insurance system; and the</p>	<p>-The Turkish Social Security System basically provides social protection only to those who take part in regular/formal employment although, in principle, being in the social security system is possible by paying premiums. As the labour force participation rate for</p>



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	<p>institutional transformation and introduction of non-contributory payments.</p> <p>-In addition to the public and compulsory (statutory) Turkish social security system, private health and life insurance, and automatic enrolment in a private pension system is available.</p> <p>-The Social Insurance and the General Health Insurance Act aims to create a unified compulsory social insurance and medical insurance system for all professionally active persons, irrespective of their status as civil servant, employee or self-employed.</p> <p>-The social insurance schemes mainly comprise of income replacement benefit schemes in the event of short and long-term incapacity for work due to sickness, maternity, invalidity (disability/incapacity), old age, decease, work accidents and occupational diseases.</p> <p>-There are also some cost-covering cash benefit schemes, such as the birth, marriage and funeral grants and, for civil servants, some allowances that may be classified as family benefits.</p> <p>-The unemployment insurance scheme for employees is separately regulated by the Unemployment Insurance Act and administered by the Social Security Institution for the collection of contributions and delivered by the Directorate-general of the Turkish Employment Agency.</p>	<p>women is quite low in Turkey and most women work in undeclared work, the social security system is biased towards men. Women who are not able to participate in the labour market regularly and consistently are excluded from the social insurance programmes that are based on employment and regular contributions or access only the social benefit programmes that are not based on contributions. Furthermore, some of the exclusions in the scope of the insured persons by the Social Insurance and General Health Insurance Act (Article 6) are problematic for women's access to social security</p> <p>-Since the ratio of female employers among all employers and the proportion of women who are insured by being an employer is very low, the exclusion of the spouse of the employer who is working for free in the latter's business constitutes a problematic situation in terms of women's access to social security.</p> <p>-Another practice that constitutes an obstacle for women's access to social security is that they are not considered to be insured for the chores of the household performed among those who live in the same home, including relatives up to the third degree without the participation of any other person. Living in the same house prevents many women from accessing social security</p> <p>-The Turkish social security system strongly protects an occupational core, the level of state involvement in the social realm is extremely low and a safety net in the form</p>
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	<p>-The non-contributory cash benefits include social assistance-type cash benefits for the poorer parts of the population as well as some non-contributory schemes for certain professional categories of beneficiaries such as, amongst others, the military, teachers working abroad and successful athletes. Access to healthcare for the poorest parts of the population is guaranteed through the green card system</p>	<p>of a social assistance scheme is lacking. The most significant common trait of the welfare regimes in Turkey is the importance of the family as the main institution of welfare</p>
<p>Self employed workers</p>	<p>-According to the TurkStat statistics from 2019, only 8.7 % of employers in Turkey are female. The male-dominated social structure in Turkey constitutes a serious barrier to women's entrepreneurship.</p> <p>-A sample survey of nearly 5 000 micro and small enterprises (MSEs) found that 6 % of them led by women, which shows that women's businesses tend to be very small. Nearly half are in trade and one-third are in industry.</p> <p>-The principle of equal treatment between men and women who are self-employed has been implemented through the HREIA and the PC.</p> <p>-Turkey, in its National Employment Strategy 2014-2023, aims to reach 41 % female participation in the labour market. In order to achieve that goal, there are ongoing Government policies encouraging female labour force participation by providing: flexible working-time arrangements; maternity leave; affordable childcare facilities; and positive discrimination for female entrepreneurs. Vocational training through the Turkish Employment Agency and support for young female entrepreneurs through the Ministry of Employment and</p>	<p>- Gender discrimination experienced by women in the private as well as the public sphere significantly limits their visible participation in economic life outside their homes</p> <p>-Another barrier to starting a business in Turkey is the lack of training on how to create and grow a start-up. Basic entrepreneurship training, for example, would require the individual to familiarise himself/herself with the available opportunities and procedures for identifying supporting institutions and preparing project application packs, or obtaining bank loans, and the like (requiring at least a high school degree)</p> <p>-Directive 2010/41/EU has not been explicitly implemented in national law</p> <p>-A 'self-employed worker' is not explicitly defined in Turkish legislation but according to Article 4/b of the Social Insurance and General Health Insurance Act, which specifies the coverage of the self-employed for the purposes of the act, self-employed workers are mainly</p>



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	<p>Social Security, and the Small and Medium Enterprises Development Organisation of Turkey (KOSGEB) have been significantly expanded. Many national and international plans, programmes, and projects are currently underway, including those run by the Women Entrepreneurs Association of Turkey (KAGIDER) and the Turkish Women's International Network (Turkish WIN).</p> <p>-The Social Insurance and General Health Insurance Act provides for social protection for women who are self-employed as well as for the spouse of self-employed people as stipulated in Articles 2, 7 and 8 of Directive 2014/41/EU.</p> <p>-On Maternity benefits, the self-employed and the employee are treated equally as regards maternity benefits. Article 15 of the Social Insurance and General Health Insurance Act applies to self-employed women, women employees and uninsured wives of male workers without making any differentiation.</p>	<p>those who are not employed under an employment contract but who are working in their own name and on their own account.</p> <p>-Lower levels of entrepreneurship among women are associated with the overall low labour force participation of women in Turkey, in particular among the least educated. There are barriers affecting women's participation in self-employment, such as a lack of willingness to establish a business, social norms and culture, and access to finance.</p> <p>-Remaining issues in order to understand why self-employment priorities have not been set and women have not been targeted, self-employment should be seen in the context of the Turkish labour market. Self-employment in Turkey has not been an important driver of entrepreneurship, but rather a coping mechanism for the lack of primary sector jobs.</p>
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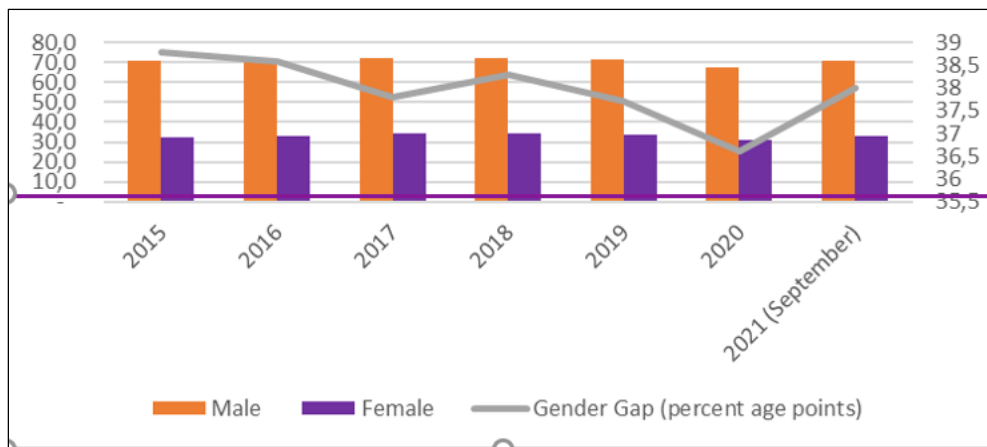
5. ANALYSIS OF DATA GENDER EMPLOYMENT IN TURKEY DURING THE PERIOD 2015 – 2021

In 2015, according to the Turkish Household Labour Force Survey, the countrywide employment rate stood at 46%. Of those working, only about half are formal wage earners with a permanent job (51%), while one in five are self-employed (4% with employees, 17% without employees). Other workers are split between formal wage earners with a temporary job (4%), informal wage earners (7%) and unpaid family workers (12%), the vast majority of whom work informally. As a result, the Turkish labour market is also notably characterised by a dual structure with a sharp distinction between formal and informal employment arrangements. Labour market disparities exist throughout the Turkish labour market and are particularly visible when employment rates are disaggregated by gender. This is a briefing on trends in female employment, from 2015 to 2021 according to the data of TUIK³¹ to show the impact of the legislation on women employment of the year 2016.

5.1. Female employment rate (2015 – 2021)

According to the results of the Household Labour Force Survey; in 2015, the proportion of those who were 15 years of age and over and in employment was 32.2% for females and 71.0% for males, and the gender gap was 38,8%. The percentage of women and men remained at the same average, declining during 2020 as a consequence of the pandemic to 31.0% for females and 64.0% for males, improving in 2021 to an average similar to that of 2015. (there's an improvement of 0.7 women employment during 2021)

Figure 2. Female Employment Rate (2015 – 2021)



Source: TUIK

³¹ www.data.tuik.gov.tr



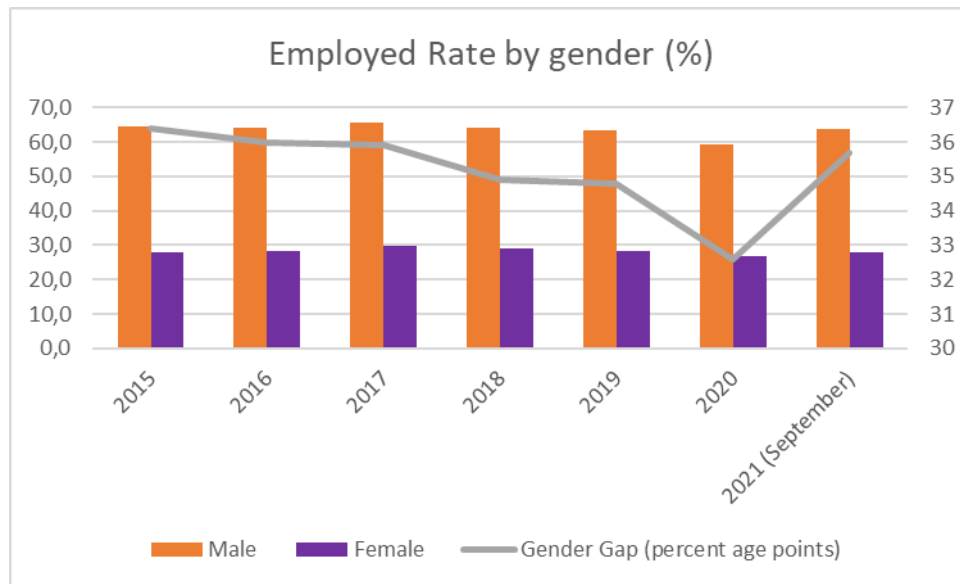
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5.2. Gender Employment Gap (2015 – 2021)

The gender employment gap is defined by Eurostat as the difference between the employment rates of men and women aged 20–64. Hidden behind this indicator is the reality of millions of women who are unable to participate in the labour market. These include women who would like to have a job but who cannot take one due to family responsibilities, women who cannot secure a job under the right conditions, one that offers fair treatment, good job quality and equal pay, and women who seek to avoid segregation into the traditional ‘women’s’ sectors.

In Turkey, the employed rate gap by gender (%) starts with a 36,4% in 2015, arrives to a 34,9% in 2018, a 32,6% in 2020 during the pandemics, to return to a 35,7% in 2021.

Figure 3. Employed Rate by gender (%) (2015 - 2021)



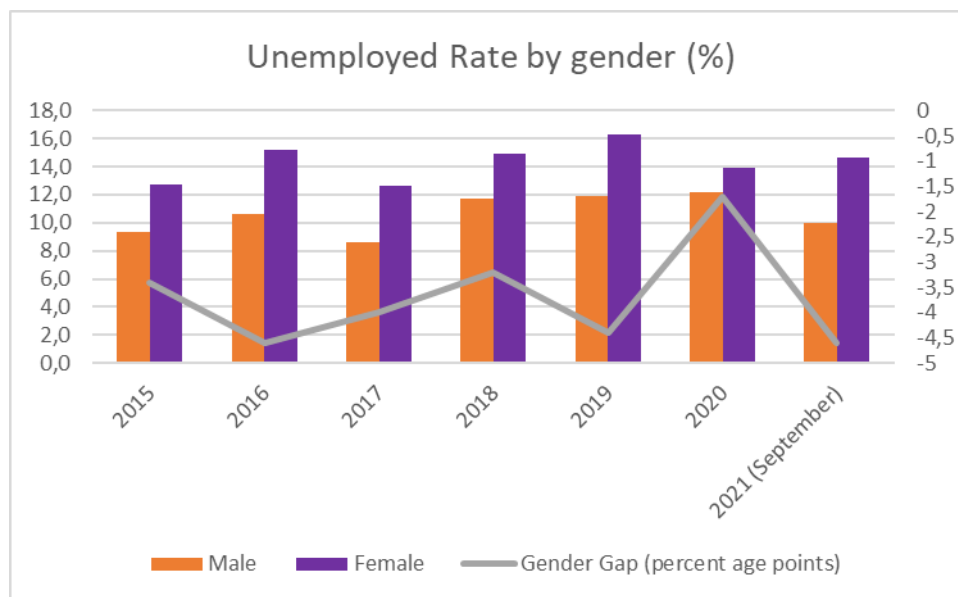
Source: TUIK

But the employment gap can be better understood with a rise, sometimes sharp, in unemployment. In 2015 a 12,7% of women were unemployed (Instead of 9,3% of men), with a Gender Gap of – 3,4%. In 2016, the gap achieves the -4,6% to decrease to the -3,2% in 2018. In 2020, during the pandemics, the gender gap was 1,7%, to come back to 4,6% in 2021.



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Figure 4. Unemployment rate by gender (%) (2015 – 2021)



Source: TUIK

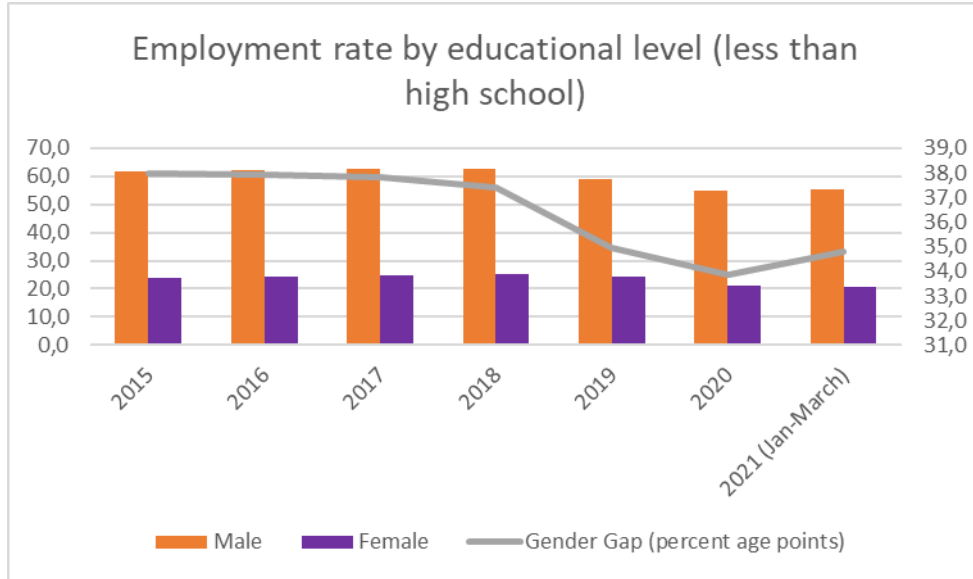
An important consideration is related to educational level. The relatively high shares of women in such different occupational groups (for instance professionals, but also service and sales workers) is a reflection of a gendered and segregated labour market, and of highly uneven educational outcomes. When compared to men, women have either relatively low or relatively high levels of education. Among active workers, in 2019, 46% of women had a primary level of education, compared to 37% of men; at the same time, however, 26% of women were graduates of tertiary education, compared to only 19% of men. Women with higher education levels are more likely to participate in the labour market than men, and the gender wage gap is narrowest among those with a tertiary level of education. The higher rates of labour market participation among women with tertiary education skew the data relating to inequalities in earnings, resulting in a mean wage gap that is narrower than the median wage gap (10% compared to 20%). It is also clear that the gender wage gap is wider among those with lower levels of education, affecting a greater number of women.

To see the employment rate according the level of studies, we can consider that: In 2015, the employment rate by educational level shows that percentage of women with less than high school was 23,9%; started to increase in 2016 to 24.2%, having a maximum for the period considered in 2018 at 25.1% and decreasing again in the following years (to 20.8% in the first quarter of 2021). For women with High School, the trend starts in 2015 with 26.0% to reach a growth of 27.7% in 2018 and decrease to a lower figure of the beginning of the period and reach 24.5% in the first quarter of 2021. For women in vocational high school, the percentage of the start of the period in 2015 is 33,4% (that shows a gap of 41,5%), maintain the percentage during all the period to show a reduction for the first quarter of 2021: 28,2% (that shows a gap of 41,5%)



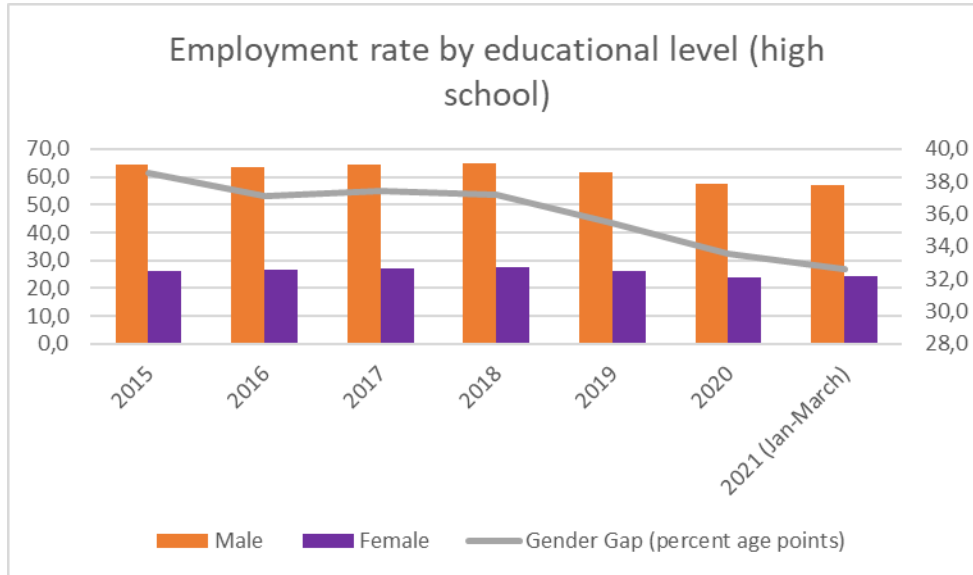
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Figure 5. Employment rate by educational level (less than high school) (%) (2015 – 2021)



Source: TUIK

Figure 6. Employment rate by educational level (high school) (%) (2015 – 2021)

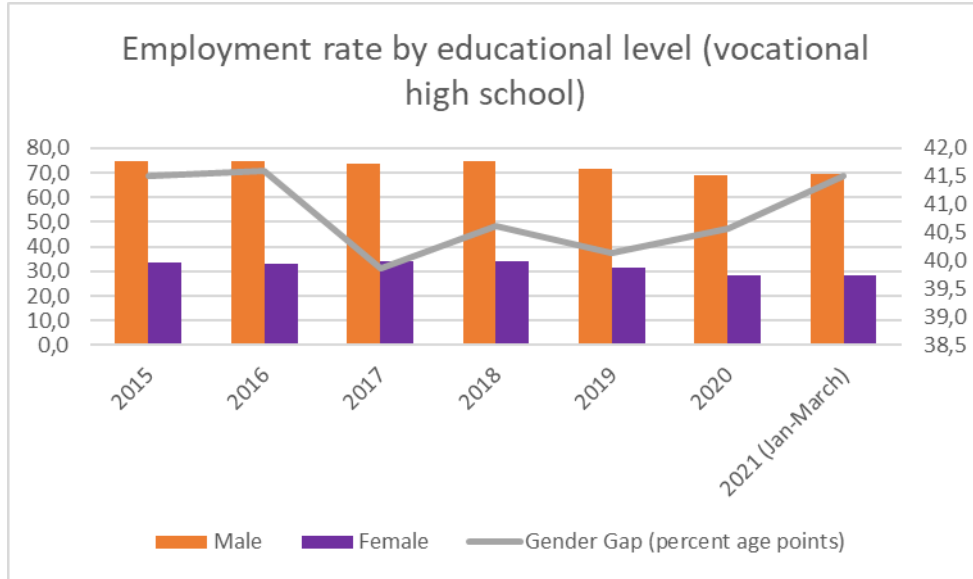


Source: TUIK



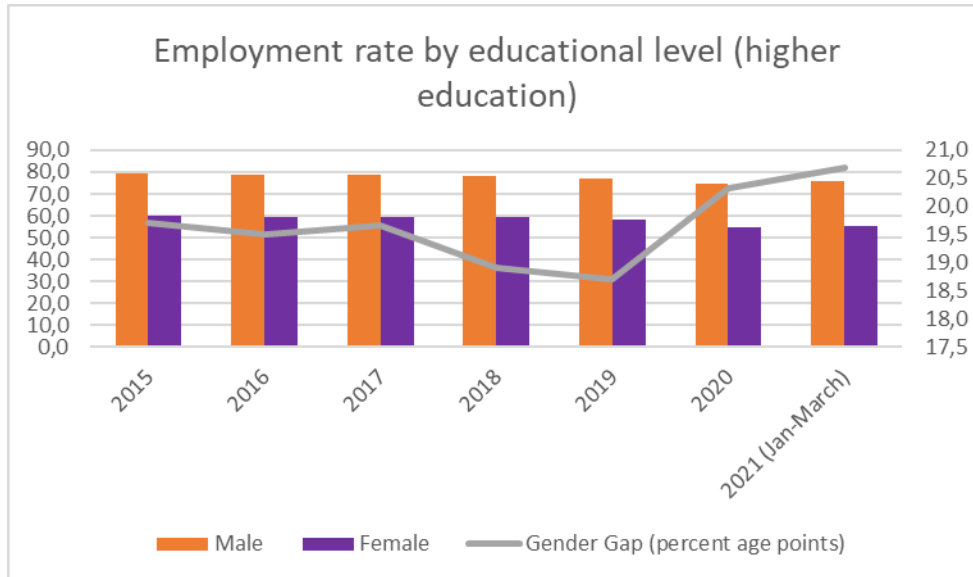
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Figure 7. Employment rate by educational level (vocational high school) (%) (2015 – 2021)



Source: TUIK

Figure 8. Employment rate by educational level (less than high school) (%) (2015 – 2021)



Source: TUIK

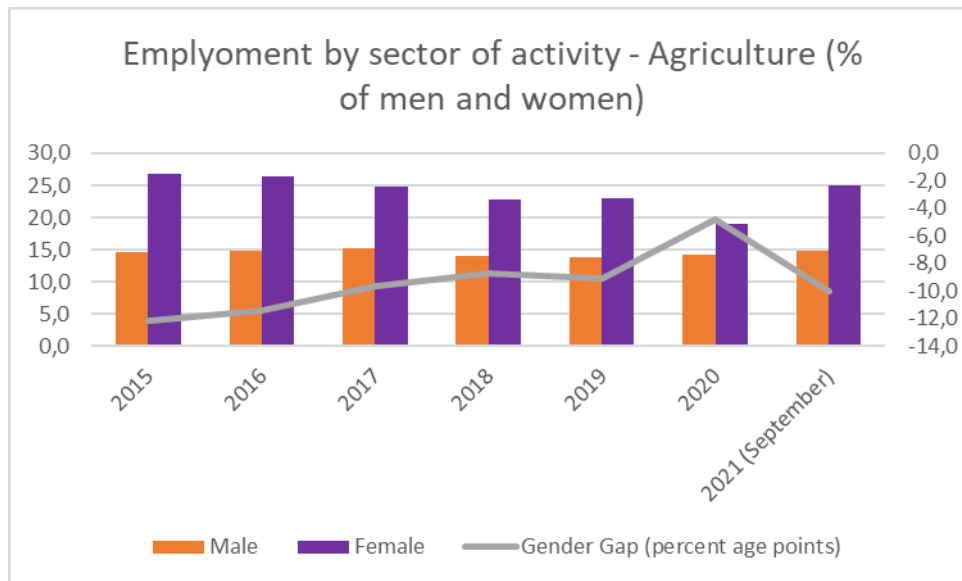


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Gender disparities are also observed across different occupations, and men outnumber women in every occupational category. In terms of the total number of women employed, the most common occupational groups for women are service and sales workers, elementary occupations and agricultural workers. These three occupational groups are also the most common among all workers, irrespective of gender, with agricultural workers outnumbering workers in elementary occupations by 1 percentage point. As a proportion of the occupational workforce, there is a relatively high presence of women who work in clerical support (this occupation also has the greatest gender parity), as professionals, and service and sales workers. Other conclusions on women employment in sectors are:

- on employment by sector of activity (% of men and women), from the data collected by TUIK, and considering only 4 sectors (Agriculture, Industry, Construction and Service), women are particularly employed in services. Even though, the gender gap in this sector starts in a -3,7% in 2015 and achieves a -5,0% during the first quarter of 2021.
- The contribution of women in agriculture was 26,8% in 2015 (That represents a Gender Gap of -12,2%) to decrease year after year and arrives to a 24,9% in 2021 (with a gender gap of 10%)
- Only a 15,3% of women were represented in industry in 2015 (with a gender gap of 6,5%). It is increased during 2020 to 17,9% and diminish to 16,7% during the first quarter of 2021 (that represents a gender gap of 6,8%)
- Finally, in construction, the percentage of women was 0,7% (representing a gender gap of 9,4% for the sector). The gender gap started to diminish in 2017 and in 2021 reach an 8,2%.

Figure 9. Employment by sector of activity - Agriculture (% of men and women) (2015 – 2021)

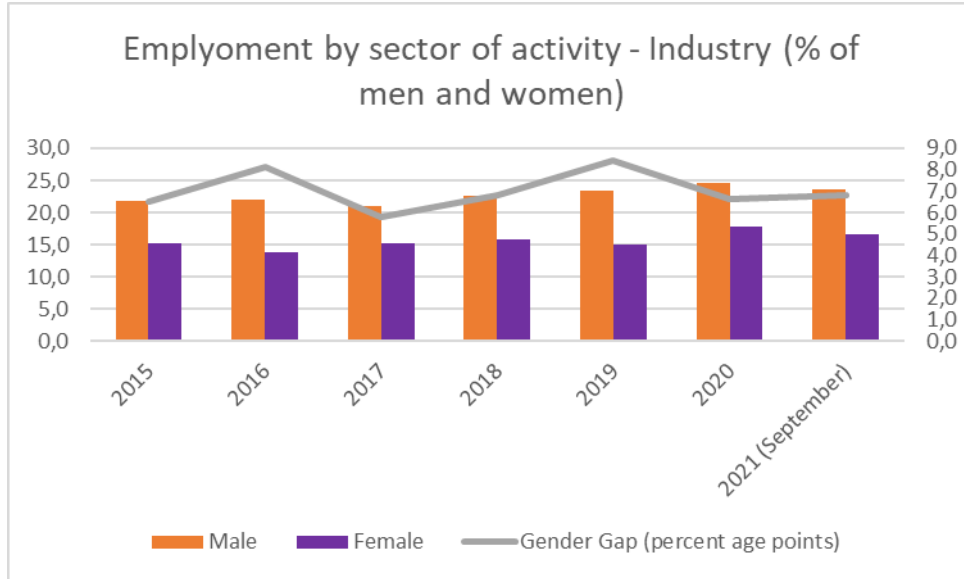


Source: TUIK



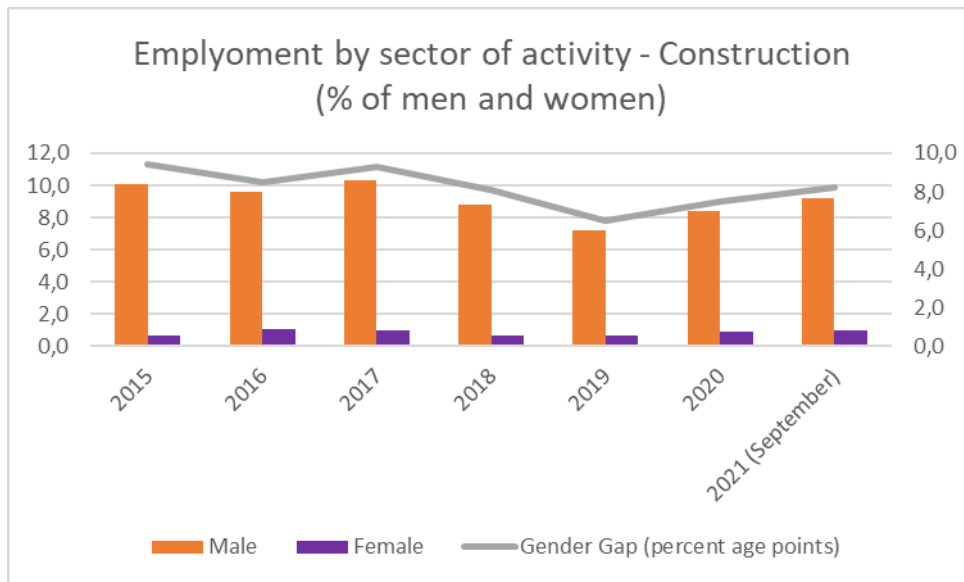
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Figure 10. Employment by sector of activity - Industry (% of men and women) (2015 – 2021)



Source: TUIK

Figure 11. Employment by sector of activity - Construction (% of men and women) (2015 – 2021)

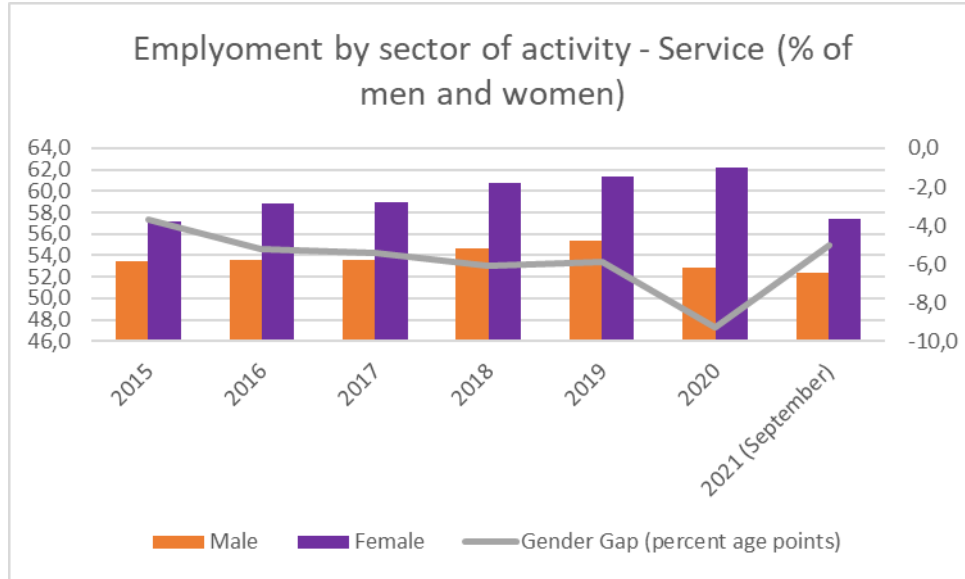


Source: TUIK



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Figure 12. Employment by sector of activity - Service (% of men and women) (2015 – 2021)



Source: TUIK



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Table 2. Comparative data on employment from 2015 to 2021

For the period 2015 - 2021 in Turkey																					
	2015			2016			2017			2018			2019			2020			2021 (September)		
	Male	Female	Gender Gap (percentage points)	Male	Female	Gap (percentage points)	Male	Female	Gap (percentage points)	Male	Female	Gap (percentage points)	Male	Female	Gap (percentage points)	Male	Female	Gap (percentage points)	Male	Female	Gap (percentage points)
Average female employment rate (%)	71,0	32,2	38,8	71,9	33,3	38,6	71,9	34,1	37,8	72,5	34,2	38,3	71,7	34,0	37,7	67,6	31,0	36,6	70,9	32,9	38
Employed by gender*1000 person	18.564	8.283	10281	18.800	8.457	10343	19.615	9.077	10538	19.271	8.985	10286	19.325	8.906	10419	18.557	8.503	10054	20.167	9.086	11081
Employed Rate by gender (%)	64,5	28,1	36,4	64,3	28,3	36	65,7	29,8	35,9	64,0	29,1	34,9	63,2	28,4	34,8	59,3	26,7	32,6	63,8	28,1	35,7
Unemployed by gender*1000 person	1.897	1.204	693	2.227	1.513	714	1.846	1.311	535	2.556	1.571	985	2.621	1.739	882	2.581	1.378	1203	2.246	1.548	698
Unemployed Rate by gender (%)	9,3	12,7	-3,4	10,6	15,2	-4,6	8,6	12,6	-4	11,7	14,9	-3,2	11,9	16,3	-4,4	12,2	13,9	-1,7	10,0	14,6	-4,6
Employment rate by educational level (primary, secondary and tertiary education) (%)																			Education-Quarter I: January-March, 2021		
Less than high school	61,9	23,9	38,0	62,1	24,2	37,9	62,6	24,8	37,8	62,5	25,1	37,4	59,1	24,2	34,9	55,1	21,3	33,8	55,5	20,7	34,8
High school	64,5	26,0	38,5	63,7	26,6	37,1	64,4	27,0	37,4	64,9	27,7	37,2	61,8	26,3	35,4	57,3	23,8	33,6	57,1	24,5	32,6
Vocational high school	74,9	33,4	41,5	74,5	32,9	41,6	73,7	33,8	39,9	74,5	33,8	40,6	71,5	31,3	40,1	68,9	28,3	40,6	69,7	28,2	41,5
Higher education	79,6	59,9	19,7	78,8	59,3	19,5	79,0	59,3	19,7	78,3	59,4	18,9	77,0	58,3	18,7	74,9	54,6	20,3	76,1	55,4	20,7
Employment by sector of activity (% of men and women)																					
Agriculture (%)	14,6	26,8	-12,2	14,9	26,3	-11,4	15,2	24,8	-9,6	14	22,7	-8,7	13,9	23,0	-9,1	14,2	19	-4,8	14,9	24,9	-10,0
Industry (%)	21,8	15,3	6,5	21,9	13,8	8,1	21	15,2	5,8	22,6	15,8	6,8	23,4	15,0	8,4	24,5	17,9	6,6	23,5	16,7	6,8
Construction (%)	10,1	0,7	9,4	9,6	1,1	8,5	10,3	1	9,3	8,8	1	8,1	7,2	0,7	6,5	8,4	0,9	7,5	9,2	1	8,2
Service (%)	53,5	57,2	-3,7	53,6	58,8	-5,2	53,6	59	-5,4	54,6	60,7	-6,1	55,4	61,3	-5,9	52,9	62,2	-9,3	52,4	57,4	-5,0
Wage gap (Structure of Earning Survey)										47515	43486	7,7									

Source: TUIK



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5.3. Gender Pay³² (2015 – 2018)

The Gender Pay Gap in Turkey,³³ for the period 2015 – 2018 was 15.6%, but gender gap increases with the age: while the gender pay is low (3.8%) at the beginning of working life, it rises significantly (25.9%) in 40s, and remains high at later ages³⁴ (the gap is 29.9% for people aged 60 or over). There was a decline in the gender wage gap from 2015 to 2018 across all age groups. The largest change is observed for the age groups 30-39 and 50-59 age brackets. The proportion of 40 or older women among all women in employment, increased considerably over the period 2015-2018 (Table 1).

Table No. 1. Distribution of Employment by Gender and Age Group (%)

	2015		2018	
	f	m	f	m
Total	100	100	100	100
>20	4,7	5,3	3,5	4,1
20-29	32,1	26,4	29,7	25,2
30-39	34,6	33,2	32,1	32,1
40-49	20,4	9,8	24,6	24,9
50-59	6,6	1,8	7,9	11,4
>60	1,7	1,8	2,1	2,4

Source: ILO, 2020 - TURKSTAT, Income and Living Conditions Survey (2015-2018).

2018 in Turkey was 12.9% (the world average is 21.4%), but motherhood increases the gender pay gap³⁵ until 29.6%.³⁶

According to ILO, the main findings on the Gender Pay Gap in Turkey based on factor-weighted method are:

- Women in paid employment are better educated than men
- Public sector employment rate of women is higher than men's
- When the density of these two groups is decreased, the pay gap is higher

Educational Attainment and The Gender Wage Gap Looking at the gender wage gap by education, the highest gender wage gap is recorded for the employees with elementary level or less years of education whereas the lowest is observed among their counterparts with a tertiary degree and higher. From 2015 to 2018, the gender wage gap among high school and primary/ middle school graduates

³² According to ILO, the difference in average wages between women and men who are engaged in paid employment.

³³ The calculations in this section were made using data from the Income and Living Conditions Survey as of 2015-2018

³⁴ ILO, Measuring the gender wage gap. Turkey case.

³⁵ The motherhood pay gap measures the pay gap between mothers and non-mothers, aged 25-50, the latter defined as women without dependent children.

³⁶ ILO, 2019, https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_707580.pdf



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decreases whereas it expands by nearly 2.5 percentage points at both ends i.e., the lowest and highest educational attainment.

Sectors and The Gender wage gap on the one hand, calculations by economic activity showcase gender wage gaps far lower than the overall one (14.6%) in male dominated sectors such as the construction sector. On the other hand, in female dominated sectors, such as education (with women's employment share at 57%), or healthcare and social services (women's share is 70%), the gender wage gap is higher than the average.

Even when the legislation complies with ILO and EU standards, and in particular some Conventions as 100 and 111, but the gap between the de jure and the de facto situation of women is persistent. The promotion of other international labour standards, such as those concerning maternity protection, workers with family responsibilities, safety and health, part-time workers and homeworkers, and the organization of rural workers has been used by women, both inside and outside the labour market, are still needed to gain visibility and produce changes.

5.4. Perspectives on working life

A particular attention is needed on working life, because job quality may have important implications for other outcomes, including health risks incurred in the workplace, mental well-being and work-life balance. To assess the relationship between working conditions and these other outcomes, a regression analysis was performed on the EWCS data in 2019³⁷, using outcomes as dependent variables, and working conditions as predictors. Even when this subject not considered the changes during the selected period, it shows important conclusions for the impact assessment of the laws in Turkey.

Health at work: The analysis of perceived health and safety risk due to work suggests that, if standard individual characteristics are controlled for (age, marital status, education, sector and occupation), women believe they have fewer health and safety risks at work compared to men. However, when job quality predictors are included in the model, there are no differences in perceived health and safety risk at work among men and women. Instead, and as expected, job quality is closely related to perceptions of health and safety risks in the workplace. With respect to sector, workers in transport are the most likely to perceive high levels of risk, followed by those in public administration and construction. Poor physical environment, night work and exposure to adverse social behaviour are the working conditions that are most likely to increase a worker's propensity to feel that their health is at risk.

Mental health status: In terms of sector, workers in industry report the poorest level of well-being. No gender differences are found with respect to reported well-being. Good management quality and job security are the aspects of working conditions that are most closely associated with positive well-being.

Work-life balance Lastly, analysing the relationship between various working conditions and self-reported work-life balance confirms that those who work normal hours (between 35 and 40 hours

³⁷ ILO and Eurofound (2019) Working conditions in a global perspective, available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_696174.pdf



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per week) and those who are easily able to take an hour off from work are more likely to report a good fit between their work and non-work commitments. Further complementary survey questions enable a closer understanding of what may be behind the disparities in work–life balance.

While the reasons workers attribute to their work–family conflicts vary, one of the most commonly stated factors is that they are too tired to complete housework after they return from work. Almost 40% of women but only 33% of men report this reason, a finding that reflects the gendered distribution of housework.

The breakdown of paid and unpaid working hours sheds additional light on the length of the Turkish working week. Notably, it further confirms an unequal distribution of household tasks, putting married women with children at a particular disadvantage. However, there does not seem to be any difference between workers with different family responsibilities in terms of the time they spend commuting. Working time preferences also indicate that 50% of workers would like to work fewer hours than they currently do, 45% would like to keep their current working hours and only 5% would like to increase their hours.

The Turkish data indicate a strong link between workers' health, well-being, and work–life balance. Safer physical workplaces, positive work environments, standard and predictable working hours and job security all make Turkish workers more likely to report positive overall health and well-being. These findings suggest that improving compliance with existing laws governing occupational safety and health at work, working time and other related issues may prove an effective strategy.

5.5. Self-employed women workers

According to the TurkStat statistics from 2019, only 8.7 % of employers in Turkey are female.³⁸ The male-dominated social structure in Turkey constitutes a serious barrier to women's entrepreneurship.

Even when a perspective of the changes on women in the last years wasn't find, a OECD Study of 2016 shows that gender discrimination still experienced by women in the private as well as the public sphere significantly limits their visible participation in economic life outside their homes. A sample survey of nearly 5 000 micro and small enterprises (MSEs) found that 6 % of them led by women, which shows that women's businesses tend to be very small. Nearly half are in trade and one-third are in industry. Many of the one-person women's enterprises are in home-based manufacturing. Women entrepreneurs tend to be younger and have more education than men entrepreneurs, and about half of the women entrepreneurs were employed as wage earners before starting their own businesses. Virtually none of them made use of credit for starting their businesses and very few had access to business support services of any kind.³⁹

³⁸ TurkStat (2020) 'Women in Statistics 2019', press release 6 March 2020, available at: <https://tuikweb.tuik.gov.tr/PreHaberBultenleri.do?id=33732#:~:text=T%C3%BCrkiye%20%C4%B0statistik%20Kurumu%2C%20%C4%B0statistiklerle%20Kad%C4%B1n%2C%202019&text=Adrese%20Dayal%C4%B1%20N%C3%BCfus%20Kay%C4%B1t%20Sistemi,2'sini%20ise%20erkekler%20olu%C5%9Fturdu>.

³⁹ Ozar, S. (2016), 'Women Entrepreneurs in Turkey: Obstacles, Potentials, and Prospects' in Chamlou, N. and Karshenas, M. (eds.) Women, Work and Welfare in the Middle East and North Africa, World Scientific; OECD (2016), 'Women entrepreneurship Key findings: Turkey Who wants to be an entrepreneur?', March 2016, <http://www.oecd.org/sdd/business-stats/EaG-Turkey-Eng.pdf>



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6. FACTSHEET

<ul style="list-style-type: none"> • Key theme 	<ul style="list-style-type: none"> • Guiding principles: • Adopt, implement, fund, monitor and evaluate laws and policies to:
<ul style="list-style-type: none"> • Achieving equal pay for work of equal value 	<ul style="list-style-type: none"> • Ensure equal opportunity and treatment at work for all • Establish and apply the right to “equal pay for work of equal value” • Promote social dialogue and collective bargaining • Establish and implement wage transparency • Set adequate and inclusive minimum wages
<ul style="list-style-type: none"> • Preventing and ending violence and harassment in the world of work 	<ul style="list-style-type: none"> • Legislate the right of everyone to a world of work free from violence and harassment • Ensure a broad scope of legal protection • Enact effective enforcement, remedies, and assistance • Provide awareness-raising, guidance, and training • Mitigate the impact of domestic violence
<ul style="list-style-type: none"> • Promoting work–life balance and equal sharing of care responsibilities 	<ul style="list-style-type: none"> • Provide universal maternity protection and inclusive leave policies • Expand quality care services • Guarantee gender-responsive social protection • Provide family-friendly working arrangements • Facilitate work attachment and reintegration
<ul style="list-style-type: none"> • Supporting women’s equal participation in decision-making in the world of work 	<ul style="list-style-type: none"> • Promote women’s participation and leadership in political decision- making • Adopt gender-responsive macroeconomic policies • Implement proactive measures to foster gender balance in company leadership and management positions • Support and scale up women-owned enterprises • Expand gender-responsive procurement
<ul style="list-style-type: none"> • Building a future of work that works for women 	<ul style="list-style-type: none"> • Facilitate lifelong learning • Close the gender digital divide • Create and protect quality jobs in the care economy • Harness technology to promote decent care work
National legislation in terms of women’s employment	<ul style="list-style-type: none"> • Equality and no discrimination • Harassment and sexual harassment; workplace harassment • Maternal leave; premium calculation for maternal leave • Working during pregnancy, maternal leave, paternal leave, breastfeeding leave • Night shifts • Mobbing and harassment at workplace • Shelters for women and children • Childcare facilities for protected women



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-
- Employment incentives for women
 - Regulation on Minimum Wage
 - Regulation on Dangerous and Very Dangerous Jobs
-



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7. ISSUES FOR FURTHER EXPLORATION

- **Minimum wages**

Minimum wages are of particular importance to women because women predominate in lower-paid work where minimum wages are most relevant and because women are less likely to be in unionized sectors where wages are set through collective bargaining.

- **Equal pay**

Continued disparities between the wages of women and men underline the importance of equal pay provisions in legislation. Experience has shown that “equal pay for the same work” provides only limited protection as men and women generally do different types of work and female-dominated work is generally undervalued. Current efforts (and international agreements) thus focus on equal pay for work of equal value.

- **Leaves**

Leave provisions of particular importance from an equality perspective are maternity leave (adequate leave for child-bearing) and parental/family leave (provisions available to men as well as women to enable them to fulfil family responsibilities).

- **Protective legislation**

Protective legislation has often banned work by women in particular areas (e.g., underground mining) or required certain working conditions for women but not for men (e.g., levels of exposure to toxic substances, limits on working hours and night work). Such legislation is now under review in many countries for its impact in restricting women’s job opportunities. Reviews can consider which standards are justified and should be extended to protect both men and women, which should be limited to specific circumstances (e.g., protection during pregnancy) and which should be abolished.

- **Non-standard work**

Part-time and temporary workers, homeworkers, and domestic workers—categories in which women predominate — are particularly vulnerable in the labour market. It is important to review labour standards legislation in light of the protection given to these workers (e.g., in relation to minimum wages, hours of work, rights to unionize, etc.).

- **Non-discrimination**

Specification of the right not to be discriminated against on the basis of sex in employment (including recruitment, contracts, training, promotion, conditions of work and remuneration) is important in promoting the principle of equality in employment and providing a means of recourse.

- **Implementation & enforcement**



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Even where labour standards exist, implementation may be uneven. Increased knowledge among workers and unions of labour standards and workers' rights is a means to support enforcement. An emphasis on women's employment rights and equality provisions in awareness activities is a means of enabling women to organize to claim their rights in relation to employers and to gain the attention and support of unions on these issues.



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