



**TECHNICAL ASSISTANCE FOR PROMOTING  
DECENT FUTURE OF WORK APPROACH WITH  
A FOCUS ON GENDER EQUALITY  
  
(TREESP1.3. FoW/P-01)**

**TÜRKIYE**

**CATEGORY 4: COORDINATION AND COOPERATION MECHANISMS**

**Intervention 12: Workshops for Studies**

**Sub-Intervention 12.4: Post-Study Workshop on Impact Assessment**

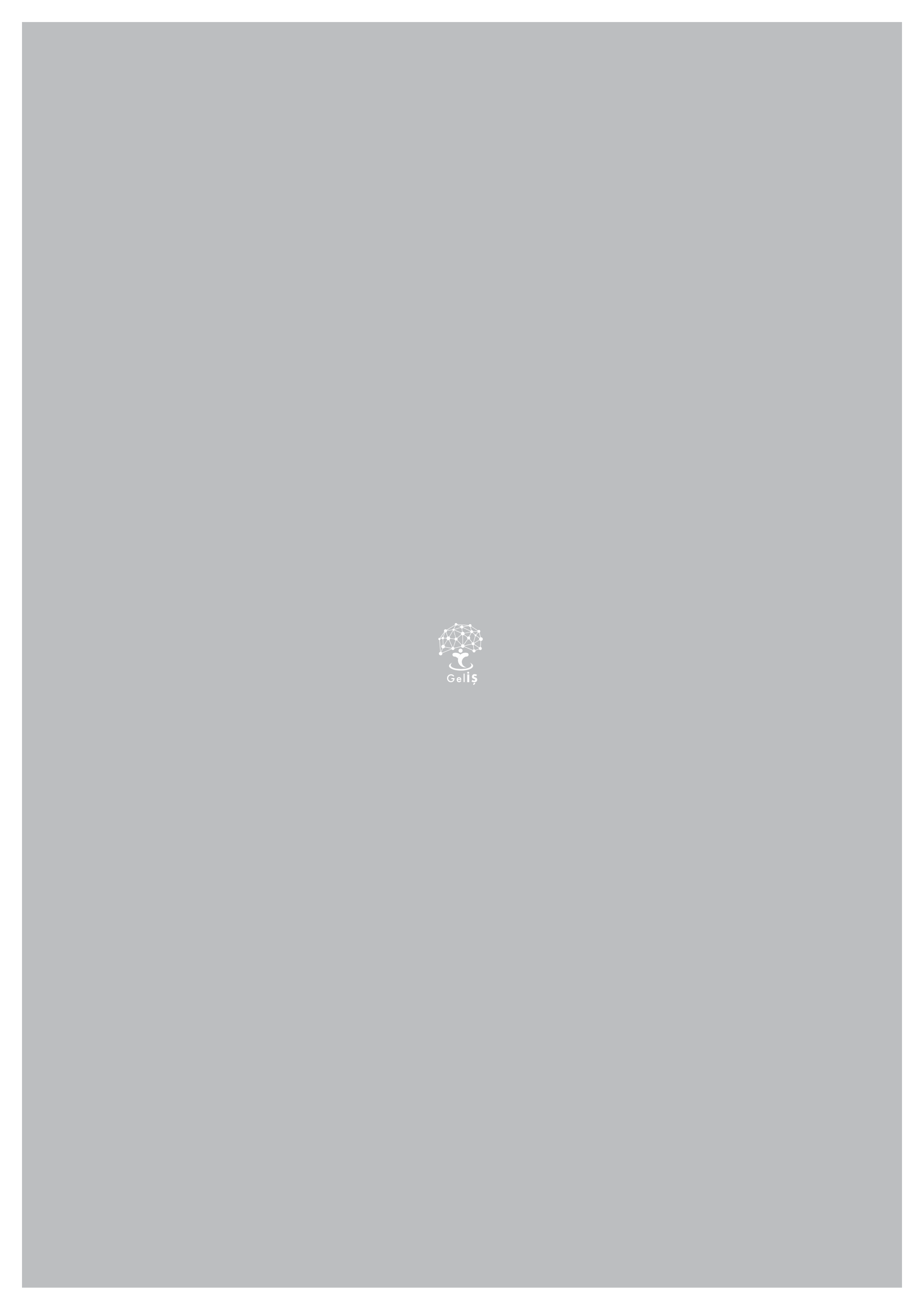
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# INTRODUCTION

This Report summarises proceedings during a Post-Study Workshop on Impact Assessment held on 14th June 2022. The purpose of the Workshop was to present interested stakeholders with draft recommendations which had been developed during a detailed study on Impact Assessment, and provided a final opportunity for those stakeholders to agree or amend those recommendations. This Report contains, as Annexes, all the PPT presentations which were delivered during the Workshop, gives an overview of the main points raised during discussions, and sets out the Policy Recommendations as amended by participating stakeholders.

# CONTEXT

The Project’s Terms of Reference (ToR) has set the following task for TAT in the delivery of Intervention 12**:**

*8 workshops will be organised in Ankara to discuss for studies which will be conducted under Category III: Scientific & Technical Studies with the participation of relevant public institutions, academicians, NGOs, social partners, professional organisations, representatives of private sector. 2 workshops will be organised for each study. (4 pre-study workshops and 4 post-study workshops) 50 participants will attend to each workshop and will last one day. 5 participants out of 50 will be outside of Ankara. 10 staff of the Operation Beneficiary will participate to each workshop.*

Sub-Intervention 12.4 relates to the Post-Study Workshop on Impact Assessment, linked to the Project’s Intervention 11 for which the ToR requires:

*An impact assessment will be conducted concerning the latest legal arrangement for women employment such as maternity leave, paternity leave, part-time work, unpaid leave, registered/ unregistered employment, incentives for improving women employment, care facilities, remote working, etc.*

*The aim of the Impact Assessment is to identify the contribution of recent legislative arrangements to women's employment in order to support women's participation in the labour force and to determine the tendency to continue or change the policies implemented in this field.*

*A detailed desk study of Turkish legislations, laws, directives, etc. will be conducted in Ankara and the subject study will be compared with the EU and ILO legislation, data, strategies, etc.*

*In addition to desk study, interviews with public institutions and organizations in Ankara that implement the relevant articles of Labour Law will be done accordingly. Moreover, Face-to-face interviews will cover also women employees and employers in the sectors where regulations are most effective and least effective in Ankara, Adana, Bursa, İstanbul and İzmir.*

*The face-to-face interviews will be conducted with a total of 500 persons, approximately 100 persons for each province.*

*The Report will be prepared in cooperation with the relevant institutions, NGOs, professional organisations and social partners.*

*A recommendation report which will include analysis of finding of the research will be drafted in English with executive Turkish summary and it will be used to update relevant strategy plans and/or policies. The subject report will be officially disseminated by the Operation Beneficiary to relevant stakeholders such as relevant public institutions, NGOs, social partners*

# BACKGROUND

The Post-Study Workshops was held as a hybrid event in Ankara as approved by correspondence between TAT and the Contracting Authority.

# AGENDA

The Agenda for the Workshop was developed by TAT in discussion with its Experts, and was then submitted for comment and approval to the Operational Beneficiary. The list of participant institutions/organizations and agenda are included below:

**Intervention 11: Impact Assessment**

**Post-Study Workshop**

|  |  |
| --- | --- |
| **Date** | 14 June 2022– Time 10:30 – 15:00 |
| **Participant Institutions/Organizations** | * Ministry of Labour and Social Security * Ministry of Family and Social Services (DG Employment Policies, Ministry of Family and Social Services (General Directorate on the Status and Problems of Women) * Presidency of the Republic of Turkey (Presidency of Strategy and Budget) * Social Security Institution (Directorate General of Insurance) * UNDP * Yıldız Teknik University * Çukurova University * Ankara University * TANDANS * TÜRK-İŞ * İŞKUR * İŞKUR İzmir/Torbalı Service Center * İzmir Chamber of Commerce * İstanbul Chamber of Commerce * HAK-İŞ |
| **Objective of the Meeting** | The objectives of the Post-Study Workshop are:   1. To present the results of the Report on Impact Assessment (Field Study and Policy recommendations) 2. To receive feedback from different stakeholders in Ankara with the participation of 5 people from out of Ankara (in a total number of 50). 3. To have a platform for sharing the results and findings from the study on Impact Assessment, with regards to the future of work in Türkiye with a focus on gender. |

**AGENDA**

|  |  |  |
| --- | --- | --- |
| Time | Subject | Responsibility |
| 10:30-10:45 | Opening Speech | DG MoLSS Employment Policies |
| 10:45-11:00 | Main goals achieved with the pre – workshop and the Field Study on Impact Assessment | Michael Chambers, (Team Leader, FoW Project) |
| 11:00-12:30 | **Presentation of the activity, goals, and methodology**   * **Presentation of the results of the Field Study and Policy Recommendations** * **Feedback and comments of the participants** * **Institutions responsible for each recommendation** | M.Nilgun Egemen (Research Expert)  Özlem Boztaş (Gender Expert)  Mehlika Yayci (Legal Expert)  M.Nilgun Egemen (Research Expert) |
| 12:30-13:30 | Lunch Break |  |
| 13:30-14:30 | **Sustainable cooperation and collaboration on Impact Assessment:**   * **Adoption of a system of communication and collaboration (Network)** to give sustainability to the actions and policies * **Means to disseminate results** to all stakeholders and the public. * **Agreement to disseminate results** in each organization | Özlem Boztaş (Gender Expert)  Mehlika Yaycı (Legal Expert)  M.Nilgün Egemen (Research Expert) |
| 14.30-15:00 | Wrap up and closing remarks | Michael Chambers, (Team Leader, FoW Project) |

# STRUCTURE OF WORKSHOP

The one-day workshop gave an overview of the Project and the methodology of the research process, followed by a presentation of the draft recommendations which had emerged from the study, with each recommendation accompanied by a rationale for its inclusion, together with any related case studies of good practice which provided a broader context for participants. Participants were encouraged to comment on each recommendation, indicating their agreement or, in some cases, explaining why they believed the recommendation should be amended.

# ATTENDANCE

The Operational Beneficiary issued official invitations to a wide range of relevant stakeholders to participate in the Workshop. This resulted in the following attendance:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Total Attendance**  **(Online)** | **Public Sector** | **Private Sector** | **NGOs, etc.** | ***TAT*** |
| 85 | 44 | 17 | 8 | 0 |

From this total of 85 persons (online) (private/public sector/NGOs) , 8 are from outside of Ankara.

\*16 participants did not specify their sector and city.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Total Attendance**  **(In=Person)** | **Public Sector** | **Private Sector** | **NGOs, etc.** | ***TAT*** |
| 25 | 19 | 0 | 0 | 6 |

From this total of 25 persons (in person) (private/public sector/NGOs), anyone is from outside of Ankara

The total number of participants was 110 (including TAT).

52% of the online participants were from the public sector, 20% of the online participants were from the private sector and 9% were from NGOs and others. 8 participants were from outside Ankara (İzmir: 3, Adana: 1, Bursa: 0, İstanbul: 4). The in-person participants were solely from the public sector, mainly drawn from MoLSS.

# PRESENTATIONS

In line with the Agenda, a number of speeches and presentations were given:

## 7.1 Introduction by MoLSS

There was no PPT presentation, but Ms. Ceylan Çifçi emphasised MoLSS’s commitment to supporting a Decent Future of Work for Türkiye. The FoW Project had been designed to play an important role in supporting MoLSS’s efforts in this regard, and was one of two elements currently in operation (the second, a major grant scheme administered by MoLSS had also begun). Ms. Çifçi also emphasised the importance of analysing the impact assessment of the Labour Law on the women employment as a basis for a decent future of work.

## 7.2 Overview of the Project

Mr. Michael Chambers, FoW project Team Leader, delivered a PPT presentation (see Annex 1) which explained the structure of the Project and provided the context for the Pre-Study Workshop. With regard to Impact Assessment, he explained the Progress to Date:

* Extensive desk research – international and Turkish perspectives;
* Stakeholder meetings;
* Pre-Study Workshop;
* The face-to-face interviews were conducted according to ToR with a total of 500 persons, approximately 100 persons for each province (Ankara, Adana, Bursa, İstanbul and İzmir);
* Detailed analysis – with focus on recommendations for policy-makers;
* Draft Report.

He explained that the purpose of the workshop was to enable stakeholders to have a final say before the recommendations were formally submitted to MoLSS.

## Overview of Study Methodology

Münevver Nilgün Egemen, Researcher Expert, outlined the methodology of the study, explaining that the field study had been conducted on the following lines:

**Table 1. Number of surveys conducted by sector in each of the provinces**

|  |  |  |  |
| --- | --- | --- | --- |
| **Sector** | **Employer** | **Women**  **Employee** | **Total** |
| Banking and finance | 5 | 8 | 13 |
| Information Technologies | 5 | 8 | 13 |
| Education | 5 | 8 | 13 |
| Energy | 5 | 8 | 13 |
| Health | 5 | 8 | 13 |
| Others | 10 | 25 | 35 |
| **Total** | **35** | **65** | **100** |

Mehlika ÜNER YAYCI then presented, one-by-one, the draft recommendations, in each case explaining the rationale behind their inclusion, and presenting a range of related case studies of good international and Turkish practice. (Ozlem Boztas attended the workshop online and made supportive contributions when deemed to be appropriate).

# SUMMARY OF POLICY RECOMMENDATIONS

The following are the final recommendations as amended by participating stakeholders:

## 8.1. Legislation that Promotes More Gender Equality and Avoids Enforcing the Stereotype that Women should have the Main Responsibility for Family Care

The **main recommendations** are:

1. Amend the general framework for equal treatment in employment and occupation needs to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. (Although equality is included in the Constitution and the law safeguards equal treatment for all, *de facto* discrimination in the access to employment, including promotion, and vocational training; working conditions, including pay; occupational social security schemes need additional regulation for effective implementation).

During the Post-Study Workshop, the stakeholders agreed with the recommendation and stated that:

* The Constitution of the Turkish Republic is defining the principles of equality and anti-discrimination between men and women and the basis for all legislative arrangements in this respect. But the question is how it is implemented in practice. Therefore, additional regulation is needed to describe its practical implementation in workplaces.
* ‘Protective family’ should be added to the legislation as a new parental definition (Recommendations 1-4).

1. Reinforce the principle of equal treatment between persons irrespective of religion or belief, disability, or age inside and outside the labour market (including informal workers, etc.). The framework could contain provisions to ensure that such implementation is made more effective by the establishment of appropriate procedures and some examples of discrimination to clearer up the definition. (e.g., Provisions contrary to the principle of equal treatment might include those based on sex, either directly or indirectly, for: determining the persons who may participate in an occupational social security scheme; fixing the compulsory or optional nature of participation in an occupational social security scheme; laying down different rules as regards the age of entry into the scheme or the minimum period of employment or membership of the scheme required to obtain the benefits thereof).
2. Include into the equality framework a clause on the requirement for social dialogue to foster equal treatment, through the monitoring of workplace practices, collective agreements, codes of conduct and through research or exchange of experiences and good practices. Strengthen the involvement of social partners, without prejudice to their autonomy, in collective bargaining arrangements aimed at establishing anti-discrimination rules.
3. Ensure the application of the principle of equal treatment between men and women engaged in self-employment and home- based working.
4. Eliminate differences between the Labour Law and Public Servants Law No: 657in terms of provisions related to women employees mainly breastfeeding and unpaid work leaves.

During the Post-Study Workshop, the stakeholders stated that the elimination of differences between Labour Law No:4857 and Public Servants Law No: 657 may hinder the employment of women in the private sector. Some incentives should be given to enterprises to ensure the full implementation of the provisions of the law.

## 8.2. Suggested Improvements in the Existing Labour Law

### 8.2.1. Paid and Unpaid Maternity Leave

The **main recommendations** are:

1. Ensure mothers are granted at least 14 weeks of leave paid at a rate of at least two-thirds of previous earnings according to ILO Convention No. 183, or up to 18 weeks at one hundred per cent according to ILO Recommendation No. 191.

The Stakeholders during the Post – Study Workshop express pointed out two issues:

* Regulation is also needed for foster families as another parenting situation
* Female civil servants cannot benefit from the right to work part time because the necessary sub-regulations are not available.

1. Ensure that fathers have access to compulsory paid parental leave for a meaningful period and that a sizable amount of parental leave is reserved for the father, and cannot be transferred to the mother.

During the Post- Study Workshop, the stakeholders expressed that it will be important to have the possibility to choose if the leaves are at the same time or separately.

1. 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.

Stakeholders during the Post-Study Workshop stated:

* To have a common language between all the stakeholders on the different types of leaves
* To include such provisions in the collective bargaining or individual employment contracts between employers and employees
* Leave dates should be increased for parents with disabled children
* There is a need to include special provisions for the parents who have disabled children in the legislation in addition to the elderly and patients care facilities; such as early retirement right.

1. Ensure employment protection during leave and the guarantee of the right to return to the same position.

During the Post-Study Workshop, stakeholders pointed out the following:

* The Civil Servants Law No. 657 has more provisions to facilitate women's employment compared to the Labour Law No. 4857. A new employment strategy can be prepared with concrete recommendations aiming to eliminate these differences and help to raise awareness about the difficulties faced by female employees in their workplaces.
* Additionally, temporary employment can be a solution for the enterprises which have women employees on unpaid maternity leave to ensure the sustainability of the work and avoid any kind of productivity loss
* Informing and awareness practices should be carried out and increased among employees regarding their legal rights especially unpaid leave and return to work at the same position and with equal rights.

### 8.2.2. Nursery Requirement for Workplaces

The **main recommendations** are:

1. Provide clarity on the rights of the mothers and breastfeeding mothers with regard to the qualifying period for nursing breaks and/or the reduction of daily hours of work permissible, including their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work. And to ensure that nursing breaks and the reduction of daily hours of work are counted as working time and remunerated accordingly.

Stakeholders during the Post-Study Workshop stated that there was a problem in the actual implementation of the nursery obligation for those enterprises with more than 150 women employees. It imposed a real burden on the employers and most of the time the number of children who benefited from this service was significantly lower than expected. Instead, childcare payments could be made to parents who have children below age 6, and the government and employers could share this payment. SGK implemented a research project to provide support to the parents for childcare, the results of the project could be considered in formulating the relevant provisions of the law. Another important consideration posited was that employers could make a special agreement with the nurseries to pay for the children of their employees and this payment could be repaid to them by the government as a support to facilitate women's employment.

1. Review the effectiveness of the policy requiring establishments with over 150 employees to provide nurseries, taking into account the full workforce and not only the women within it.

This is a recommendation from stakeholders during the Pre-Study Workshop. According to the Field Study respondents (which targeted small and medium-sized companies), government might provide different modes of support to those establishments having more than 150 employees to fulfil their responsibilities 78.8% of employees in the survey stated that they had benefited from workplace creche and breastfeeding rooms. This suggests a fairly minimal implementation of this provision in practice since most women are not employed in larger companies with 150 or more women employees but in small and medium-sized companies.

### 8.2.3. Work after Maternity Leave

The **main recommendation** is:

1. Provide the possibility to negotiate for flexible working arrangements after maternity leave.

Stakeholders during the Post-Study Workshop stated that flexible/part-time working after maternity leave was included in the Labour Law with the 2016 amendment, but the duration needed to be extended. Additionally, all arrangements in this context should be independent of the number of children and the duration of part-time work should be more for employees having a disabled child.

### 8.2.4. Equal Pay

The **main recommendation** is:

1. Conduct a transparent gender-based pay gap review among public and private structures to assess whether gender pay gap exists and to what extent, and to repeat the exercise on an annual/bi-annual basis.

### 8.2.5. Care Work Provisions

The **main recommendation** is:

1. Develop approaches to progressively achieve universal access to transformative and nationally-designed care policy packages that include a combination of time (leave), benefits (income security), services, and the right to care and be cared for. And also to establish a statutory universal and free (or substantially subsidised) long-term care policy and service.

### 8.2.6. Care Incentives for Persons not Covered by the Existing Law

The **main recommendation** is:

1. Review labour standards legislation affecting part-time and temporary workers, platform workers, and particularly domestic and care workers (where women predominate) with a view to improving terms and conditions of employment including rights to social benefits, including also care incentives for them.

Related to this Recommendation, stakeholders in the Post-Study Workshop stated that:

* It is important to make a consideration of Informal workers, particularly in some sectors (Gig workers) / differentiate from free-lance workers
* Platform workers, care workers, domestic workers, and internet marketing are all unregistered and informal workers. There is a need to make special arrangements to make them registered workers
* Since it is the way of working of the future, it is necessary to set up the working conditions of the platform employees from the beginning, in order not to have problems especially in the integration of women.

### 8.2.7. Government Support to the Employment of Victims of Domestic Violence

The **main recommendations** are:

1. Adopt an inclusive, integrated and gender-responsive approach to prevent and address violence towards women in the world of work and also to provide support for employment of women who are exposed to violence.

During the Post-Study Workshop, the stakeholders stated:

* Government support is needed for women victims of domestic violence in the form of workplace change or job placement for economic empowerment of victims of violence.

### 8.2.8. Other Recommendations

Stakeholders in the Post-Study Workshop proposed two further recommendations:

1. Establish an independent inspection/control system/body comprising representatives of government, employees, and employers to ensure self-control of the labour market as well as to monitor the implementation of labour law.
2. In order for the worker and the employer not to come face to face, punishment should be avoided, and the method of self-control and incentives should be applied.

# CONCLUSIONS

The workshop proved to be highly interactive with many comments from stakeholders either orally or in written form using the chat-box facility. Delivering it in hybrid format enabled many participants from outside Ankara to become involved – something that would not have been achieved had the workshop conformed to the original ToR requirement of an Ankara-based event with 5 participants from outside the capital. The opinions of stakeholders were valuable in helping TAT to refine the wording of the recommendations and contributed greatly to the overall study.

**FoW TAT**

**July 2022**

Annex 1. TAT Presentations



This publication was produced with the financial support of the European Union and the Republic of Türkiye. Its contents are the sole responsibility of the consortium led by WEglobal A.Ş. in consortium with WEglobal Italy, Archidata Srl, and Federation of Trentina Cooperatives (FTC) and do not necessarily reflect the views of the European Union and the Republic of Türkiye.