



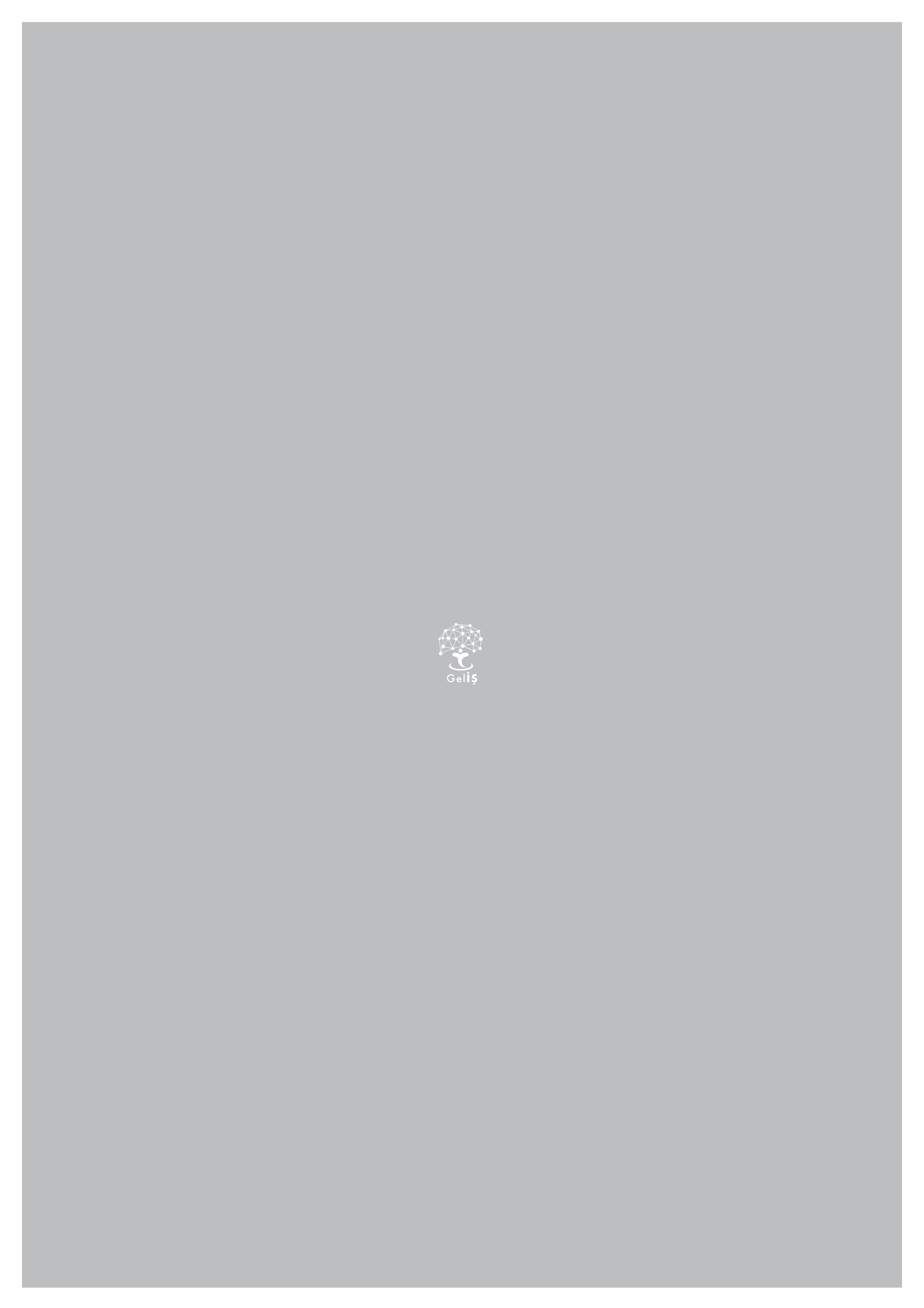
**TECHNICAL ASSISTANCE FOR PROMOTING  
DECENT FUTURE OF WORK APPROACH WITH  
A FOCUS ON GENDER EQUALITY  
  
(TREESP1.3. FoW/P-01)**

**TURKEY**

**CATEGORY 4: COORDINATION AND COOPERATION MECHANISMS**

**Intervention 12: Workshops for Studies**

**Sub-Intervention 12.4: Pre-Study Workshop for Impact Assessment**

****

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

**CATEGORY OF INTERVENTION 4: COORDINATION AND COOPERATION MECHANISMS**

**INTERVENTION 12: WORKSHOPS FOR STUDIES**

**SUB-INTERVENTION 12.4: PRE-STUDY WORKSHOP FOR IMPACT ASSESSMENT**

**WORKSHOP REPORT**

1. **INTRODUCTION**

This Report summarises proceedings during a Pre-Study Workshop on Impact Assessment held in 17 March 2022. The 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 which were put forward by participating stakeholders.

1. **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 Pre-Study Workshop on Impact Assessment. The Project’s ToR for Impact Assessment (Intervention 11) is as follows:

*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 organisations 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.*

1. **BACKGROUND**

As can be seen in the ToR requirements for Intervention 12, the original concept was for the Pre-Study Workshops to be held as in-person events in Ankara. At the beginning of the Project, TAT planned to deliver these Workshops online, owing to pandemic restrictions then in place. With the easing of these restrictions, an in-person event became a possibility, although TAT argued that there remained merit in conducting the Workshops online as this would allow greater participation from the pilot provinces than would be possible were the Workshops to be held in-person in Ankara. This argument was accepted by the Operational Beneficiary and by the Contracting Authority and confirmed by Administrative Order No.2.

1. **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 agreed Agenda for the Workshop was:

**Intervention 12.4: Pre-Study Workshop on**

**Impact Assessment (Int.11)**

|  |  |
| --- | --- |
| **Date** | 17 March 2022 Thursday – Time 10:30 – 16:00 |
| **Participants** | * Presidency of the Republic of Turkey (Strategy and Budget Department), * Ministry of Labour and Social Services, DG Employment Policies, * Social Security Institution (SGK) * Ministry of Labour and Social Services, Department of Guidance and Inspection * Provincial Directorates of ISKUR (Adana, Ankara, Bursa, İstanbul İzmir) * Ministry of National Education * Provincial Directorates of Ministry of National Education (Adana, Ankara, Bursa, İstanbul İzmir) * Ministry of Justice (Labour Courts) * Academics * Turkish Education Association * Education Unions * The Union of Chambers and Commodity Exchanges of Turkey (TOBB) and Provincial Chambers (Adana, Ankara, Bursa, İstanbul İzmir), * Provincial offices of TISK (Adana, Ankara, Bursa, İstanbul and İzmir) * Provincial offices of TÜRK-İŞ (Adana, Ankara, Bursa, İstanbul and İzmir) * NGO’s. |
| **Objective of the meeting** | The objectives of the Pre-Study Workshop are:   1. To present findings from the Desk Research Reviews including international recommendations and EU policies 2. Discussion on indicators to monitor implementation of policies to improve women’s employment and data sources to be used 3. Presentation of policy and legislative framework to promote employment of women 4. To present findings of interviews with the key institutions 5. Presentation of methodology to be used for Impact Assessment 6. To receive views and opinions of the participants on the new fields of labour market (e.g. flexicurity, atypical work and care giving facilities) that need to be covered by Labour Law in future |

**AGENDA**

|  |  |  |
| --- | --- | --- |
| Time | Subject | Responsibility |
| 10:30-10:45 | Opening Speech | MoLSS / DG / Department of Employment Policies |
| 10:45-11:15 | Introduction of the project | Michael Chambers, (Team Leader, FoW Project) |
| 11:15-12:30 | Presentations   * Presentation of International Conventions and EU practices (desk study) * Presentation of National Law related to women’s employment * National Policies related to Labour Market and their effect on women’s employment. * Roadmap/methodology for Impact Assessment study | Sandra Bustamante (Employment Expert, FoW Project)  Mehlika Yayci (Legal Expert, FoW Project)  Özlem Boztaş (Gender Expert, FoW Project)  M.Nilgun Egemen (Research Expert, FoW Project) |
| 12:30-14:00 | Lunch Break |  |
| 14:00-15.00 | Group discussions on   * Group 1: Care policies * Group 2: New legislation for a better future for women and work * Group 3:  Atypical Work | Özlem Boztaş  Mehlika Yaycı  M.Nilgün Egemen |
| 15.00-15:30 | * Presentation of the results of group discussions * Wrap-up and closing remarks | Özlem Boztaş  Mehlika Yaycı  M.Nilgün Egemen  Michael Chambers |

1. **STRUCTURE OF WORKSHOP**

The 1-day Workshop was, broadly, divided into 2 halves: the morning session comprised a series presentations from MoLSS, TAT and TAT’s experts aimed at establishing a Turkish and international context for subsequent stakeholder discussions on the issue of mobbing; the afternoon session was focused on stakeholder discussions, held in 4 ‘break-out rooms’, with each room discussing a specific topic in line with the Agenda – feedback from each room was delivered immediately prior to the final wrap-up session.

This structure seemed to work successfully. The afternoon attendance was equal to the morning’s, indicating that stakeholder interest had been maintained, and discussions in the break-out rooms proved to be lively. A significant number of interesting insights emerged, together with a range of possible policy recommendations: these are summarised in Sections 8 and 9 below.

1. **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** | **Public Sector** | **Private Sector** | **NGOs, etc.** | **From Outside Ankara** | ***TAT*** |
| 51\* | 33 | 0 | 8 | 13 | 8 |

\*Includes 2 participants who did not identify their names or organisations. They are not, therefore, included in the sector, etc. columns.

The officially confirmed participant list of the workshop is presented in Annex 1 together with a screenshot.

1. **PRESENTATIONS**

**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 Turkey. 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). The proper application of legislation, especially the Labour Law, was essential for the protection of workers’ rights and in particular, women workers’ rights, and therefore a vital component in supporting decency at work.

**7.2 Overview of the Project**

Mr. Michael Chambers, FoW Project Team Leader, delivered a PPT presentation (see Annex 2) which explained the structure of the Project and provided the context for the Pre-Study Workshop. With regard to impact assessment, he said that TAT’s earlier work in this field had raised a number of key issues which he hoped would set the scene for stakeholder discussions during the Workshop and the Studies:

* Is current legislation being applied/is appropriate:
  1. to protect workers’ rights;
  2. to promote greater participation of women in the labour force.
* TAT’s specific focus is on:
  1. some recent legislation, aimed at promoting women’s employment, may not have had the desired effect – why is this?
  2. are monitoring methods or means of redress sufficiently robust to genuinely protect workers’ rights – if not, what needs to be changed?

**7.3 Summary of Desk Research**

Ms. Sandra Bustamante presented a brief summary of the exhaustive desk research which TAT had carried out, examining employment legislation, directives and policies in a Turkish and international context (see Annex 3).

The desk research had highlighted the following areas for consideration during the field studies and stakeholder meetings:

* Minimum wages.
* Equal pay.
* Parental Leave.
* Protective legislation.
* Non-standard work.
* Non-discrimination.
* Implementation & enforcement.

These issues would be pursued during the course of the Workshop.

**7.4 National Law Related to Women’s Employment**

Ms. Mehlika Yaycı gave a presentation to present a comprehensive overview of the current legislative practices that are being implemented related to labour market (see Annex 4). The presentation took into consideration the hierarchy of norms and firstly introduced the “Equality” definition of the Constitution of the Turkish Republic that was adopted in 1982. Article 10 of the Constitution of the Turkish Republic (1982) states that “*Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality*." This provision is the reference point for the other laws to ensure gender equality and take necessary measures to protect the rights of women.

Labour Law No. 4857 came into act in 2003 is the key legal arrangement to promote women’s employment. It has important provisions to relieve the major problems that hinder women's participation in the labour force. These important provisions include maternity, breastfeeding, and unpaid maternity leaves along with including a clear statement against discrimination between men and women. In addition to these, the law also gives some responsibilities to the employers to support childcare works of women employees like banning the work of women employees in the night shifts, presence of breastfeeding rooms, and nursery requirements for workplaces employing 150 or more women.

There are other laws that have some provisions related to women employees, these are

* Social Security and General Health Insurance Law No. 5510: about maternity and breastfeeding allowances
* Unemployment Insurance Law No. 4447 Provisional Art. 7(Added: 15/5/2008-5763/20 Art.): provides certain premium incentives for the employer's shares
* Code of Obligations No. 6098 obliges the employer to take the necessary measures specially 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
* Law On the Protection of the Family and The Prevention Of Violence Against Women (No. 6284) Art. 3(d): provides support to the protected person to participate in working life

Apart from the Labour Law, Public Servants Law No: 657 prohibits night watch and night shift in case of pregnancy and maternity and sets maternity, breastfeeding, and unpaid leaves for women government officers. The public and private sectors have different legal arrangements for their women employees.

Within the scope of the presentation, related national regulations were also mentioned as follows:

* 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
* Regulation on Part-Time Work After Maternity Leave or Unpaid Leave

Consequently, it is obviously seen that Turkey is going through a dynamic process in terms of both gender equality and women's employment. As can be seen, there have been and continue to be some developments based on the principles of equality and anti-discrimination in the legislation regulating women's employment and their position in the workplace. All these legal developments, action plans and programs will contribute to ensuring gender equality and increasing women's employment. However, positive developments should be evaluated in terms of de facto discrimination that still hinders women's participation in the labour market, and national legislation should be reviewed in this regard.

**7.5. National Policies Related to Labour Market and Their Effect on Women’s Employment.**

Dr. Özlem Boztaş presented main policies and programmes in place targeting to increase women’s employment in Turkey (se Annex 5). The presentation focused on giving an overview on

1. the current situation on women’s employment in Turkey,
2. the main barriers in front of women’s employment,
3. the legislation for increasing women’s employment,
4. national policies and programs for increasing women’s employment,
5. main discussion points around these legislative arrangements and national policies/programs.

The current statistics indicate a low rate of women’s employment and labour force participation rate among women in Turkey, which is below the EU and OECD average. The main barriers for women’s labour force participation are listed as the overburden of the care work and unpaid domestic labour in which women are disproportionately engaged in due to gender-based unequal division of domestic labour. Among other reasons are the prejudices of employers, lack of skills and education, mismatch in the labour market, unpaid domestic labour, and lack of work-family life harmonization. In line with these current situation reviews, it was concluded that any legislation or policies for increasing women’s employment must focus on the equal rights and differences principles, which was also discussed during the presentation. The provisions in the current legislation (Labour Law No. 4857) related to maternal leaves, night shifts, care facilities, part-time work after giving birth, maternity-related incapacity allowance, and other fundamental provisions were discussed.

Based on the preliminary desk study and review of literature, the issues around the impact of current legislative provisions were also presented. Termination of work contracts due to marriage is a right given to women, however, it is thought that this may create a reverse impact on women’s employment from the view of the employers. Another issue is that the care facilities are given the sole responsibility of the employers, and this is also considered a problematic area since it may create a negative incentive for the employer to hire women. In addition, only the number of female employees is calculated for nursery care facilities to be provided by the employers and this is against the gender equality principles which should be promoted. Another issue is the paternity leaves and the duration. The law includes provisions on maternal leaves but the care work does also include the care for the patients, elderly, and people with disabilities. However, the current law does not include these types of care work.

The details of the presentation can be found in the Annex of this report.

**7.6 A Roadmap for Impact Assessment study**

Ms. M. Nilgün Egemen briefly informed the participants about the methodology to be employed in the impact assessment study which aims to analyse the effect of existing legislation on women’s employment conditions including women’s participation in the labour force, access to job market, and have decent working conditions (see Annex 6). The main issues emphasized in the presentation are summarized below.

Labour Law No 4857, which came into act in 2003, is the core legislation related to women’s employment so the impact assessment study will be conducted by considering only this law. At the end of the study, a comprehensive report will be submitted to the Ministry that analyses the positive and negative effects of the current legal arrangements on women’s employment including recommendations on what kind of amendments need to be done to improve employment conditions for women.

This study will assess the appropriateness, effectiveness, and efficiency of the implementation of the legislation. The mixed methodology will be followed including the following steps:

1. **Desk review:** Review of available legislations and regulations, research reports, international recommendations/commitments, available statistics and indicators
2. **Interviews and focus group discussions:** Interviews and focus discussions will be conducted with the major stakeholders responsible from the implementation of the law
3. **Field study:** Semi-structured surveys targeting employees and employers to be conducted to collect data on the difficulties/problems and future expectations of them directly addressed by the Labour Law No. 4587. The survey will be conducted in the 5 main city centres namely Istanbul, Ankara, Izmir, Bursa, and Adana, where the population and economic activities are intense. A total of 500 surveys, 100 of which will be conducted in each province.
4. **Analysis and interpretation of the results**

The below table presents the tentative work plan of the study including the main activities and deliverables to be produced. The impact assessment process is comprised of two phases - the Inception and the Implementation phases. The main activities to be carried out and their timelines are presented in the below table. According to this tentative work plan it is planned to complete the study by the end of April 2022.

|  |  |  |
| --- | --- | --- |
| **Phases** | **Activities/Outputs** | **Timeline** |
| **Inceptions phase** | * Analysis of existing situation * interviews with the stakeholder to get insight into the implementation of the legislation | 31 December 2021 |
| **Implementation phase** | * Preparation of survey questionnaires * Design of field study and its implementation * Analysis of the survey results and preparation of the report | 30 April 2022 |

Desk review and the first round of stakeholder interviews were completed by the end of December 2021. Stakeholder interviews were held between 15-23 December 2021 online with the representatives of the main stakeholder institutions including public institutions and organisations, social partners and professional organisations. It was aimed to introduce impact analysis study of the project and to get their feedback on problems encountered in the implementation of the labour law and its related regulations that will help to project team in designing field study. The main findings of the interviews can be summarized as:

1. The most influential provisions of the Labour Law are Articles 5, 72, 73, 74, and 104 which specifically refers to anti-discrimination, working leaves, maternity leaves, maternal insurance for 4/A workers.
2. MoLSS is the sole institution responsible for the implementation of the law
3. More support from the government side is expected from the employers to fulfil the responsibilities given to them like the day care centre and breastfeeding room obligation
4. Interpretation of the term ‘flexicurity’ from the government and employers’ side are different.
5. Atypical work and care facilities are the new areas of labour market, which are not covered by the existing legislation.

Based on the above findings questionnaires to be employed for employees and employers were prepared and the field study has been started in the second week of March. The field study is expected to be completed by the end of March.

After completion of the field study, the data collected will be analysed together with the available statistics, then it is planned to conduct focus group discussions with the representatives of the relevant institutions regarding the new areas of the labour market, which are not included in the existing Labour Law including care works and atypical employment to get more insight into the subject matter areas.

1. **KEY ISSUES RAISED DURING DISCUSSIONS**

In the afternoon session, the participants were divided into three groups to discuss three focus questions;

Group 1: Discussion on new legislation for a better future for women and work

Group 2: Discussion on atypical work

Group 3: Discussion on care policies

During the group discussions, participants were presented some questions to start the discussion. Each participant from different organisations and institutions were provided the opportunity to comment on the discussion topics from their institutional and individual point of view. Below are the key issues raised during group discussions:

**Group 1: New legislation for a better future for women and work (Moderator: Ms. Mehlika Yaycı)**

The following key questions were asked to the audiences to stimulate the group discussion:

1. *Are legal regulations implemented in existing workplaces, in terms of facilitating and sustaining women's employment? Can women workers benefit from those regulations?*
2. *Can we get your thoughts on the positive and negative impacts of said legal regulations on women's employment?*
3. *Regarding the provisions of the national legal regulation we mentioned, what kind of additions/changes do you think should be made therein to facilitate women's employment and ensure its sustainability?*

The main issues discussed in this group are summarized below:

* There is an unfair practice in terms of providing an allowance for unpaid leave equal to half of the weekly working time applied after maternity leave, which is regulated in Article 74 of the Labour Law. Employees whose salary is above the minimum wage are also paid by the SSI/SSK over the minimum wage. Allowances are paid late and incomplete. While the premium is deducted, more deductions are made on the premium base wage, not the minimum wage. For this reason, women who earn a salary above the minimum wage do not want to use this right.
* It is an unequal practice for children to foresee different periods for the 1st, 2nd and 3rd child, about half of the weekly working time after maternity leave, and it should be corrected. Partial work for each child should be increased to 6 months.
* In practice, pregnant women are forced to work 6 days in places where they normally work for 5 days, as pregnant employees cannot work more than 7.5 hours a day legally.
* In workplaces located far from the city, pregnant workers who receive hourly wages wait for an additional 1.5 hours for service because they are not provided with shift service after 7.5 hours. Despite this, she receives her salary over 7.5 hours, not fully.
* Breastfeeding and maternity leave, which are among the rights related to a woman's nature, are rights that depend on the child, not the woman. The language of the legislation needs to be changed.
* 16 weeks’ maternity leave is not enough. Maternity leave should be increased and both women and men should be given the right to postpartum leave.
* Both women and men should be given the right to work remotely for at least 2 years for the first 2 years after giving birth.
* Although daily one and half hour breastfeeding leave is granted for the first year after birth, it cannot be used in practice because it is used with other permission. For this reason, it would be appropriate to increase the breastfeeding leave to at least 2 years and to extend the time to 3 hours.
* Those working in care services are generally female. There is a need for a special regulation in this area.
* Kindergartens work according to normal civil servant working hours. Special working hours should be arranged in kindergartens for shift workers.
* The sanction of a nursery requirement for workplaces employing 150 or more women is very low. In addition, the establishment and operation of nurseries by workplaces is a material and moral burden for these workplaces. Instead, nursery support should be provided to employees by the state and employers. There should be no limit to the number of female employees for kindergarten support. Nursery support should be provided for all female and male employees.
* In order to prevent violence in the workplace, adaptation studies should be carried out in accordance with the ILO C190 convention. A violence prevention and monitoring committee should be established in workplaces. The aim should be to prevent violence before it starts, not only while working, but also at the job application stage.
* All forms of violence in the workplace (physical, sexual, economic, psychological, etc.) need to be addressed in new legislation.
* For women who are under threat of violence, they should be given the right to leave the workplace and receive severance pay, if they can prove it, the right to appointment, paid/unpaid leave, remote work, allowance and income support by İŞKUR, etc. Efforts should be made to ensure that rights are granted.
* For those who work in domestic services at home, SGK provides premium support to employers, but the employers are not sufficiently informed about these supports. To increase registered and secure employment, employers who receive home services at home should be informed about the existing incentives.
* Supportive studies should be carried out to organize daily working hours and support social life.
* Special arrangements should be made on remote working conditions and occupational health and safety. A sample employment contract for remote working should be issued by the state and put into practice, and then it should be put into practice in the private sector as well.
* Maternity leave can be an obstacle to women's employment. During maternity leave, temporary employment relations should be encouraged instead of women on leave and the state should provide premium support for temporary workers.
* Arrangements should be made for employees who are subject to the Provisional Article 20 of the Law No. 506 and who are affiliated with the funds to benefit from the rights in the Social Security Law and the Labour Law.
* Public workers working in affection houses (“sevgi evleri”) established under the General Directorate of Child Services (Ministry of Family and Social Services) are subject to the Code of Obligations, not the Labour Law. A special legal arrangement should be made for those working in such care services, working hours should be regulated.
* Applications should be made to support the family life of spouses working in shifts, and the demands of the spouses should be taken into account regarding the weekday working order and the use of weekends.

**Groups 2: Atypical work (Moderator: Ms. M. Nilgün Egemen)**

In the group discussion, it was aimed to find answers to the following questions.

1. *What are the common atypical employment patterns in Turkey?*
2. *What are the areas where current policies are insufficient to protect the rights of those who have been working in the atypical employment category?*
3. *How atypical employment can be integrated into existing labour legislation?*
4. *What kind of policies can be developed to protect the rights of employees of this category?*

The main issues highlighted by the participants during the discussions are below;

* Atypical employment is not the main concern of the unions of employers and other social parties unless there is a demand from their members or target groups. It would not be wrong to say, there is no awareness about this issue and some of the participants of the working group mentioned that they just heard about the atypical employment.
* Education, Banking, and finance (because of remote working conditions during this pandemic era), Agriculture, and Service sectors are the main sectors where atypical employment is demanding.
* Provision number 7 about Temporary Employment Relationship in the Labour law encourages women to prefer atypical employment because of their responsibilities at home. The law should promote secure and full-time employment for the labours
* While preparing a new law, cross-cutting areas with the other laws should be considered. As an example, there is a dilemma between Law No: 6331 Workers Health and Safety and Law No: 4857 Labour Law about night shifts of women workers who have a baby below age one.
* There are some training programmes organised by the Ministry of Education and ISKUR about care facilities for the baby, elderly, and patients, home cleaning, and handcraft specific to women but there is no follow on how they are employed with these certificates.
* The number of migrant workers is very high and in some places is more than native ones in house cleaning, and elderly and childcare without any registration
* Domestic violence is the main driver together with their house care responsibilities of women to prefer atypical work. In preparation of legislative framework to promote women's employment comprehensive perspective is necessary. Therefore, just making some amendments in labour law will not be sufficient to increase women's employment unless there are no measures to take the housework burden of women as well as protect them from domestic violence.
* Making care facilities including babies and the elderly as part of public policy is necessary to take this burden from women’s shoulders. In addition, care facilities should be taken as a responsibility of all family members not only for women and all incentives at the business establishment-level should be given by considering the total number of employees not only women workers.
* Atypical employment is more common in small settlements and there is no office of the relevant government organisations (particularly SGK and ISKUR) at the district level to be applied if any problem happens, or information is needed.
* There are some incentives of the SGK for atypical employment, but most of them are not known by both workers and employees. SGK should develop new communication strategies or establish new communication channels to reach all these groups.

**Group 3: Care policies (Moderator: Dr. Özlem Boztaş)**

In this group, participants were provided three focus questions:

1. *How do you see the existing Labour Law in terms of its provisions related to care responsibilities and obligations? (maternal leave, breastfeeding leave, part-time work after birth, crèche and day-care facilities provided by employers, etc.)*
2. *What is efficient and what needs improvement in practice?*
3. *What additional legislative changes are needed to prevent the care responsibilities from being the main obstacle in front of women's employment.*

The main suggestions given by the participants as a result of the discussions are below:

* The legislation might promote gender equality instead of over-emphasizing the care roles of women in employment. Maternal and breastfeeding leaves may be considered as the rights of the child so parenting leaves could be the solution instead of maternal leaves. Both mother and father might be able to use these rights. The conditions might be determined to ensure that father cannot transfer these leaves to the mother. The parent may use their maternal/paternal leaves in rotation.
* Employer obligations for crèche and day-care facilities are intended for only large enterprises in which 100-150 women are employed. However, women’s employment is proportionally higher in micro-enterprises and informal employment is also high in those enterprises. Thus, care facilities might include all personnel regardless of gender in large enterprises and also additional regulations may be added for micro-enterprises. The state should provide additional incentives and share this care obligation together with the employers.
* Breastfeeding leaves are problematic in practice. The duration and the length might be increased.
* Home-based working might be given as an option for those who would like to use it for sharing the care work at home. Both mothers and fathers can choose to work at home for 1-2 days a week in rotation to share the care work.
* Care work provisions might be extended to cover care for the elderly, patients, and disabled.
* To increase women’s employment is the goal but also retaining women in employment and eliminating the glass ceiling may be targeted. So, additional incentives could be provided for women who are assigned to management positions.
* Home-based working might be regulated well. Lunch breaks, other breaks, and working rights may be preserved in legislation.
* The legislation might target a work-life balance.
* Care incentives might be extended to include platform workers, atypical workers, freelancers, etc. since they lack protection under labour law.

1. **SUMMARY OF POLICY RECOMMENDATIONS BASED ON PARTICIPANTS SUGGESTIONS**

Based on the pre-study workshop discussions and suggestions of the participants, the following policy recommendations has arisen promote women’s employment which is categorised in three different groups) a) general structure of the legislation, b) suggested areas that need improvement in the existing labour law, and c) suggested new areas of action

1. **Structure of the legislation**

Participants evaluated that;

1. The legislation might promote gender equality and avoid emphasizing women have the main responsibility in taking family care. The language of the labour law might imply that women and men have equal responsibilities in their families and maternal leaves are the right of the child therefore father and mother should have the same responsibility.
2. The differences between the Labour law and Public Servants Law No: 657 might be eliminated in terms of provisions related to women employees mainly breastfeeding and unpaid work leaves.
3. **Areas where the participants suggested some improvement in the existing Labour Law**

All of the groups interviewed were mentioned that;

1. Duration of maternal and unpaid work leaves is not sufficient. There is a demand from the employee side to extend the duration of these leaves by giving a right to postpartum leave to both men and women to enable them to look after their children.
2. The sanction of a nursery requirement for workplaces employing 150 and more women is not effective in practice. This sanction might consider the total number of employees not only women. In addition, the government might provide different modes of support to those establishments having more than 150 employees to fulfil their responsibilities.
3. Different weekly working times after maternity leaves by considering the number of children might be changed. Partial work for each child might be increased to 6 months.
4. **New suggested areas of action**

All of the groups interviewed were mentioned that;

1. Care work provisions might cover the care for the elderly, patients, and disabled in addition to the childcare.
2. Care incentives might be extended to include those groups which are not covered by the existing law including platform workers, atypical workers, freelancers etc.
3. There is a need that women who are under threat of violence might be supported by the government including to receive severance pay, paid/unpaid leave, remote work, allowance, and income support etc.
4. There is a need to establish some standards for home-based working conditions (remote working) including working hours, lunch breaks, and working rights by law.
5. Additional incentives can be provided to those establishments that employ a certain number of female employees as well as assigned women in management positions. This would be helpful not only to increase women employment but also to make it sustainable and increase the participation of women in decision-making processes

Also general evaluation of groups is that there is a need of monitoring of the implementation of labour law as part of the policy shared with the relevant stakeholders involved in the sector. Based on these monitoring results a regular reporting mechanism should be developed.

1. **CONCLUSION**

The following conclusions are mainly based on feedback and suggestions received from the pre-study workshop participants about existing Labour Law and problems faced in its implementation.

1. There is a significant change in the structure of the labour market because of technological advances and Covid-19 pandemic era conditions. Therefore, the existing law seems to be lacking to respond to the needs of new circumstances. Updating the existing legislation related to labour market is necessary to respond to the new needs.

1. Promotion of women’s employment and removing the barriers hindering it is not a problem to be solved only by making some amendments in the labour law. A more comprehensive perspective is needed to get rid of socio-cultural prejudgments in front of women’s employment so, all the provisions aiming to promote women’s employment in the labour law should be supported with the other relevant legislation including preventing violence against women, workers’ health and safety etc.
2. Atypical employment is not the main concern of the unions of employers and other social parties unless there is a demand from their members or target groups. There is no awareness about the real problems of atypical employment including migrant workers and employment of women without any registration or social security.
3. The Ministry and its affiliated institutions might develop a communication strategy and establish new communication channels to reach all target groups to inform them about their activities.

The event allowed TAT Experts to present a summary of work undertaken to date, to explain the objectives of the research to be carried out, and enabled participants to give their opinions in the three break-out groups and in plenary. The conclusions and policy recommendations that have emerged will help to focus aspects of the field survey and will feature in the eventual Recommendations Report.

**FoW TAT**

**March 2022**

**Attachments:**

**Annex 1: Attendance List + Screenshot**

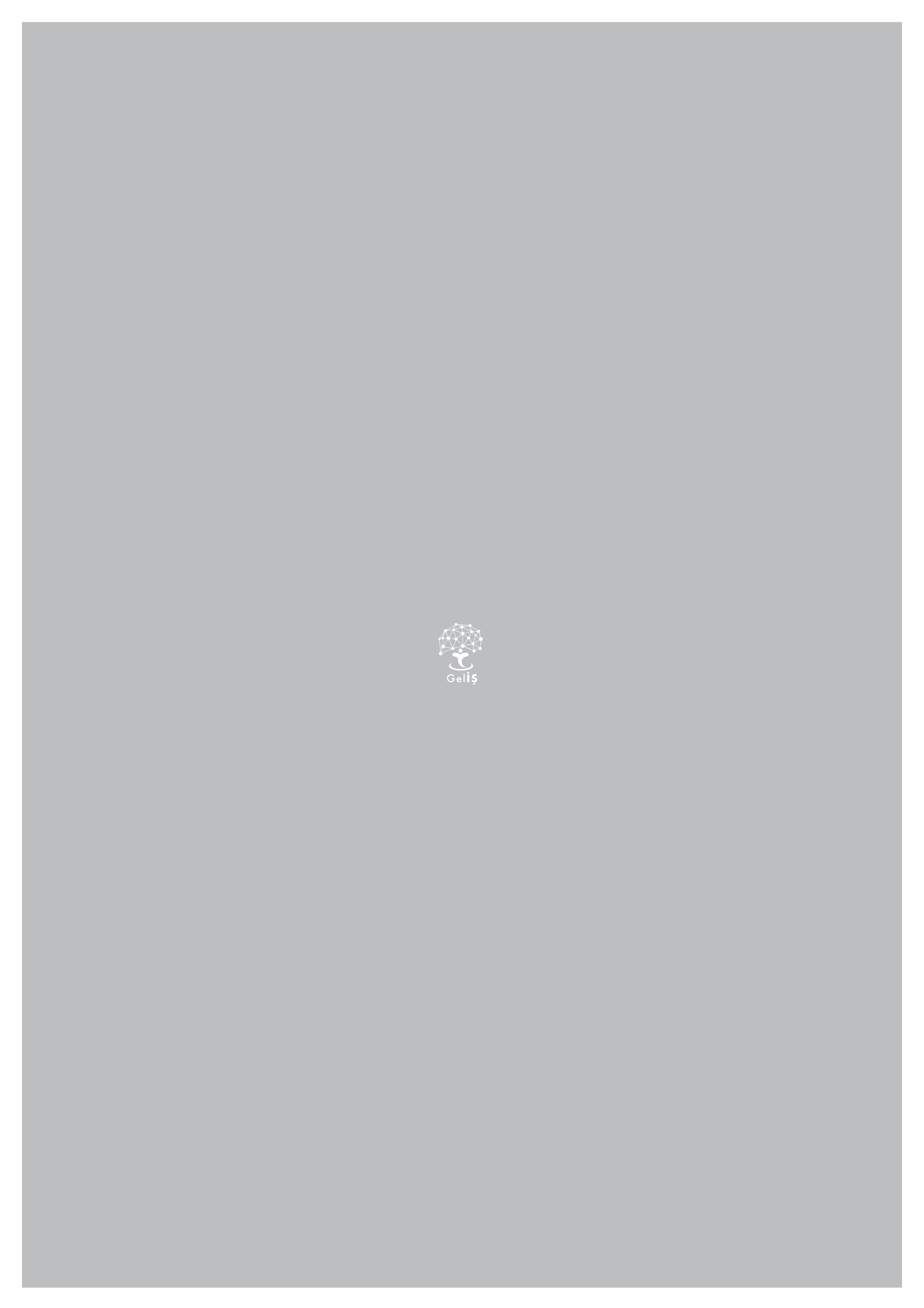
**Annex 2: Project Overview (PPT)**

**Annex 3: Summary of Desk Research (PPT)**

**Annex 4: National Law Related to Women’s Employment (PPT)**

**Annex 5: National Policies Related to Labour Market and their Effect on Women’s Employment (PPT)**

**Annex 6: A Roadmap for Impact Assessment Study (PPT)**

****



This publication was produced with the financial support of the European Union and the Republic of Turkey. 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 Turkey.