



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

**TÜRKIYE**

**CATEGORY 3: SCIENTIFIC AND TECHNICAL STUDIES**

**INTERVENTION 11: IMPACT ASSESSMENT**

**EXECUTIVE SUMMARY REPORT**

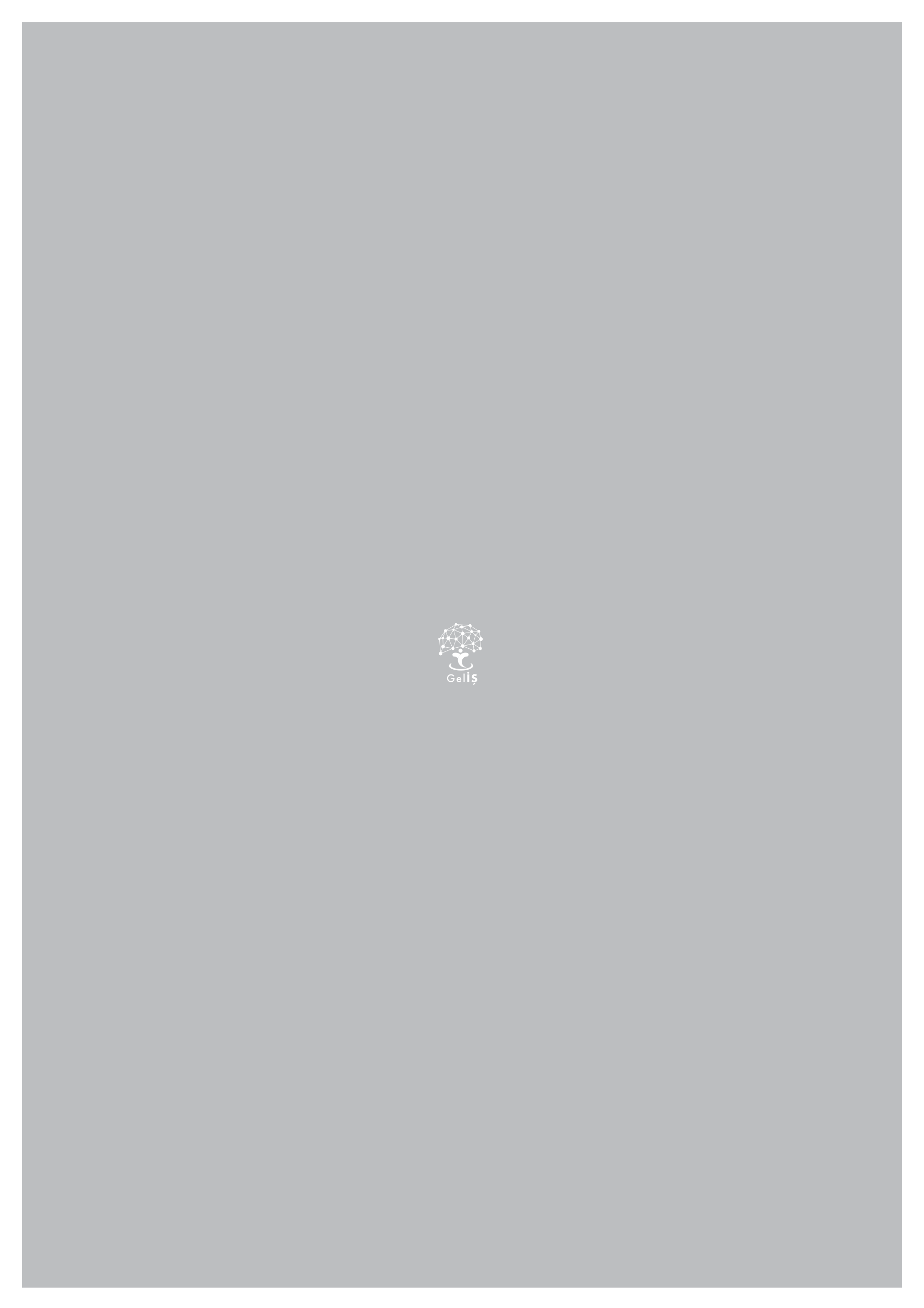
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LIST OF ABBREVIATIONS

|  |  |
| --- | --- |
| **Abbreviation** | **Meaning** |
| CEEP | European Centre of Employers and Enterprises |
| CEC | European Confederation of Managers |
| CHSCT | Hygiene, Safety and Working Conditions Committee |
| CIMER | Presidential Communication Centre |
| DWEA | Danish Working Environment Authority |
| ETUC | European Trade Union Confederation |
| EU | European Union |
| EF - PRIMA | European Framework for Psychosocial Risk Management |
| EUROCADRES | Trade Union voice of professionals and managers |
| FoW Project | Technical Assistance for Promoting Decent Future of Work Approach with a Focus on Gender Equality |
| HAK-IS | Confederation of Trades’ Unions |
| ILO | International Labour Organisation |
| INQA | New Quality of Work (Initiative Neue Qualität der Arbeit) |
| MoLSS | M  istry of Labour and Social Security |
| SSI | Social Security Institute |
| TAT | Technical Assistance Team |
| TIHEK | Human Rights and Equality Institution of Türkiye |
| ToR | Terms of Reference |
| TP | Technical Proposal |
| UEAPME | European Association of Craft, Small and Medium-sized Enterprises |
| WHO | World Health Organisation |

# EXECUTIVE SUMMARY

This Report was commissioned by the Department for Employment Policies under Ministry of Labour and Social Security to examine the effectiveness of current legislation in protecting workers’ (especially women’s) rights and in promoting greater participation of women in the Turkish labour force, with a view to making recommendations for adjustments in legislation where deemed necessary. The Report was produced by the project team working within the EU-funded project ‘Technical Assistance for Promoting Decent Future of Work Approach with a focus on Gender Equality’.

It is generally recognised that the coming decade will see many changes in the workplace in terms of how we work, where we work, and what we will be doing. The COVID-19 pandemic accelerated changes in the idea of where people could work, with a move towards home-based working seen by many as a way of achieving a better work/life balance, through the elimination of lengthy commuting requirements in larger cities. Robotisation, automation, AI and digitalisation have already impacted the world of work and changed the banking and retail sectors dramatically. This process of change will continue and expand and jobs will be affected. Commentators predict that by 2030, in Türkiye some 7.5m jobs will be lost as a result of these changes, but that almost 9m jobs will be created – by the very forces (robotisation, automation, etc.) which will have eliminated the conventional jobs.

Throughout this coming era of change, some things will remain constant. Women will continue to give birth, and women in work will continue to require periods of leave to care for their new families; they will continue to need access to childcare to enable then to return to work should they choose to do so; and they will need to have some degree of flexibility to take time away from work to care for sick children throughout their working lives. The Technical Assistance team (TAT) of the ‘Technical Assistance for Promoting Decent Future of Work Approach with a Focus on Gender Equality’ project was asked to examine the extent to which current Turkish legislation and practice was, in fact, providing the necessary basis for protecting women’s working rights, and, through a better understanding of the situation ‘on the ground’ and through a thorough examination of comparative legislation from other countries, to make recommendations, where necessary, to tighten up Turkish legislative framework.

To achieve this, TAT carried out a 6-stage study during the period April 2021 to August 2022:

* Conducting extensive desk research into international and Turkish legislation and approaches regarding women’s working rights;
* Holding a series of structured meetings with relevant stakeholder institutions in Türkiye;
* Delivering a Pre-Study Workshop during which 51 representatives of the public and third sectors were encouraged to formulate their views on how Turkish legislation and practice were working and whether changes were required;
* Undertaking a field study involving over 500 face-to-face interviews with employers and employees in 5 Turkish provinces (Adana, Ankara, Bursa, Istanbul and Izmir);
* Delivering a Post-Study Workshop during which 110 representatives of the public and third sectors provided feedback to draft Recommendations formulated from feedback in the preceding stages;
* Subjecting all feedback to a data analysis process.

The results of this assignment are summarised in this Report, the main outputs of which are a series of 18 recommendations for legislative and policy change divided into the following 10 thematic/sub-thematic areas, each containing a range of specific policy recommendations:

* Legislation that promotes more gender equality and avoids enforcing the stereotype that women should have the main responsibility for family care;
* Suggested improvements to the existing Labour Law:
  + Paid and Unpaid Maternity Leave;
  + Nursery Requirement for Workplaces;
  + Work after Maternity Leave;
  + Equal Pay;
  + Care Work Provisions;
  + Care Incentives for Persons not Covered by the Existing Law;
  + Government Support to the Employment of Victims of Domestic Violence;
* Other Recommendations.

Some of the recommendations in this Report are cross-referenced with recommendations/ideas which emerged from a parallel study TAT undertook into 5 selected sectors in Türkiye, for which a separate Executive Summary Report is available.

This Report is the result of a collaborative effort to which many stakeholders have contributed with their time, ideas and comments. This has been greatly appreciated by the project team, who have been very impressed by the depth of knowledge and commitment they have encountered during the assignment.

**FoW TAT**

**October 2022**

# 1. INTRODUCTION AND BACKGROUND OF THE STUDY

## 1.1 Aim

The primary aim of this Report, and the research it summarises was to assess the way in which current legislation on employees’ rights – in particular, the way in which the Labour Law was protecting women’s employment rights and promoting women’s employment - was functioning at grass-roots level, and, thereby, to enable Turkish policy-makers to determine whether changes in the labour Law were necessary to strengthen the application of the labour Law.

## 1.2 Scope

The scope of the research was broad: Desk Research examined current Turkish and International legislation with regard to employment rights; a field study was conducted in 5 provinces (Adana, Ankara, Bursa, Istanbul and Izmir) involving over 500 stakeholders and including employers and employees; a Pre-Study Workshop provided stakeholder opinions which helped to refine the questionnaire for the field study; and Post-Study Workshop enabled stakeholders to comment on draft recommendations before they were finalised.

## 1.3 Commissioning the Work

The Report was commissioned by the Turkish Ministry of Labour and Social Security (MoLSS)’s Department for Employment Policies, to examine the effectiveness of Turkish legislation in protecting women’s working rights and in promoting greater participation by women in the Turkish labour force, and to develop recommendations to for improvements where necessary. The Report was produced by a project team working within the EU-funded project ‘Technical Assistance for Promoting Decent Future of Work Approach with a Focus on Gender Equality’. The project’s Technical Assistance Team contracted a research expert, a legal expert and a gender expert to lead the study and to contribute to the drafting of the recommendations and this Report. In all, 78 expert days were deployed to this exercise, which began in April 2022 and was concluded in August 2023.

## 1.4 Context and Focus

The project, ‘Technical Assistance for Promoting Decent Future of Work Approach with a Focus on Gender Equality’ was given a Terms of Reference (ToR) which set the following task for the Technical Assistance Team:

*“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, etc.“.*

# 2. RESEARCH METHODOLOGY AND APPROACH

## 2.1 Outline Methodology

The Project Technical Assistance Team, together with a team of research experts, carried out 6 levels of research into legislation and application of legislation concerning employment rights:

* Conducting extensive desk research into international and Turkish legislation and approaches regarding women’s working rights;
* Holding a series of structured meetings with relevant stakeholder institutions in Türkiye;
* Delivering a Pre-Study Workshop during which 51 representatives of the public and third sectors were encouraged to formulate their views on how Turkish legislation and practice were working and whether changes were required;
* Undertaking a field study involving over 500 face-to-face interviews with employers and employees in 5 Turkish provinces (Adana, Ankara, Bursa, Istanbul and Izmir);
* Delivering a Post-Study Workshop during which 110 representatives of the public and third sectors provided feedback to draft Recommendations formulated from feedback in the preceding stages;
* Subjecting all feedback to a data analysis process.

Each element is the summarised within its own sub-Section below, each is supported by an Annex containing a detailed report which provides all necessary information to support the 18 evidence-based recommendations which conclude this Report.

### 2.1.2 Desk Research (see Annex 1)

Desk research was conducted as a first step, in April-June 2021. It covered the following areas through a careful examination of official websites and research reports, and also presented a range of case studies from various EU member states to illustrate how different countries. In addition to the examination of documents, some qualitative research was undertaken, involving semi-structured interviews with a number of interested stakeholder organisations. The full Desk Research Report may be seen at Annex 1.

### 2.1.3 Structure of Desk Research Report

The desk research report includes the following main section headings:

1. Impact of legislation on women’s participation in labour force and women’s employment;
2. International Initiatives;
3. G7 and EU policy frameworks;
4. Main Actions for Gender Equality in the World of Work;
5. Review of National Legislation in Türkiye in terms of Women Employment;
6. A Comparison of Türkiye with Other Countries.

### 2.1.4 References Consulted for Desk Research

Please see the Bibliography in Section 5 of this Report.

2.2 Qualitative Research

The Technical Assistance Team conducted a range of meetings with relevant stakeholder organisations during the December 2021-February 2022 period. A short Meeting Note summarising these meetings may be found at Annex 2.

2.2.1 Stakeholder Meetings (Annex 2)

5 online stakeholder meetings were organised with the following institutions:

SSI

ISKUR

TÜRK-İŞ (Confederation of Turkish Trade Unions)

TİSK (Turkish Confederation of Employer Associations)

TOBB (The Union of Chambers and Commodity Exchanges of Turkey)

During the interviews, a semi-structured questionnaire was used to explore the current mechanism. Interviews lasted for 90 minutes on average. The questionnaire included questions on the provisions of Labour Law; on the implementation of employer obligations such as day care or breastfeeding facilities at the workplace; any recent lawsuit and data regarding labour disputes; suggestions of legislative improvements, and so on.

The main points to emerge included;

* The most influential provisions of the Labour Law were stated as Articles 5, 72, 73, 74, and 104 which specifically refers to anti-discrimination, working leaves, maternity leaves, maternal insurance for 4/A workers.
* There is lack of scientific research and data to determine the actual impact of the law in increasing women’s employment.
* The legislative provisions also created a burden on the demand side which should be shared by the government side to prevent a decrease in the demand for female labour force.
* The discussion around flexible work seems to continue among the triple dialogue mechanisms. The unions, the employers, and the government view of flexicurity seems to differ from each other.
* In overall, care work is the most important factor that should be considered in the policies for increasing women’s employment.

## 2.3 Pre-Study Workshop (see Annex 3)

### 2.3.1 Workshop Structure

An online Pre-Study Workshop on Impact Assessment was held on 17 March 2022 online: 51 stakeholders participated, drawn from the public and third sectors. An Evaluation Report may be seen at Annex 3.

The 1-day Workshop was, broadly, divided into 2 halves: the morning session comprised a series of presentations from MoLSS, TAT and TAT’s experts aimed at establishing a Turkish and international context for subsequent stakeholder discussions, which took place during the afternoon.

### 2.3.2 Summary of Main Findings

2.3.3 Key Issues Raised

The following emerged as the key issues for the workshop participants:

1. **Structure of the legislation**
2. 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.
3. 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.
4. **Areas where the participants suggested some improvement in the existing Labour Law**
5. 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.
6. 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.
7. 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.
8. **New suggested areas of action**
9. Care work provisions might cover the care for the elderly, patients, and disabled in addition to the childcare.
10. Care incentives might be extended to include those groups which are not covered by the existing law including platform workers, atypical workers, freelancers etc.
11. 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.
12. 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.
13. 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

There was also a general consensus that there was a need for monitoring the implementation of the labour law as part of the policy, with regular reporting mechanism being developed.

## 2.4 Field Study (see Annex 4)

### 2.4.1 Methodology

The field study was based on a semi-structured questionnaire containing 18 questions (some of which include sub-heading questions) (for employees and for employers) which had been prepared and piloted in Ankara in February 2022 (the questionnaires are included as Annexes to the Field Study Report which may be seen at Annex 4). The field study itself took place in Adana, Ankara; Bursa, Istanbul and Izmir in March/April 2022 in Ankara. Over 500 face-to-face interviews were conducted using the semi-structured questionnaire. For each participant the procedure took approximately 20-25 minutes in average.

### 2.4.2 Focus of Questioning

Questions put to employers and employees were similar and conformed to the following main headings:

1. Information 0n Survey Respondent;
2. General Information about Labour Law and Related Regulations and Implementation Status;
3. Future Recommendations.

### 2.4.3 Data Analysis

The data derived from the responses was subjected to detailed analysis, using the SPSS package program. Dues to the relatively small sampling size, data analysis was limited to descriptive analysis (i.e. frequency distribution and summary statistics (mean, standard deviation or proportion). In order to assess the impact of socio-demographic and project variables, stratified analyses were performed (gender, age, education level). High-rated responses were then discussed in the text. The full analysis may be seen at Annex 4.

## 2.5 Post-Study Workshop (see Annex 5)

### 2.5.1 Workshop Structure

A hybrid Post-Study Workshop on Impact Assessment was held on 14 June 2022: a total of 110 participants were involved (85 online and 25 in-person) drawn from the public and third sectors. An Evaluation Report may be seen at Annex 5.

The 1-day workshop was focused on the main (draft) recommendations which the Technical Assistance Team had developed, based on the preceding elements in this Report. Participants were invited to comment, amend, or reject any of the recommendations, and their views would be taken into account before formulating the final recommendations (see Section 3 of this Report).

### 2.5.2 Summary of Key Findings

In fact, the recommendations listed in Section 3 have all taken account of the views expressed during the Post-Study Workshop. Suffice to say that, while there were animated discussions during the workshop, very little was suggested which required any major changes to the original draft recommendations.

# RECOMMENDATIONS

These recommendations are based on the qualitative and quantitative information derived from the Desk Research, stakeholder meetings, the Pre-Study Workshops, the Field Study’s face-to-face interviews, and, where relevant, the Post-Study Workshop. Also, information from the Sector Studies Report is considered to enhance these recommendations.

The main recommendations of this Report are included in this section, but there are two other important general recommendations:

* *“Take measures to ensure and monitor female employees' participation in in-service training with equal opportunities”.*
* *“Monitor and support the professional development of female employees”.*

For the Sectors in general, there are also three important recommendations:

* “*Focus more on the education of girls and women in the renewable energy sector, science, technology, engineering, mathematics.*
* *Regulate the working hours of female employees in sectors where flexible or remote working opportunities are not available (especially in the health sector).*
* *Increase the involvement of women in the renewable energy sector through improved workplace conditions, mentoring and professional development”*.

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

In Türkiye, 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.”

According to the conclusions of the Pre- Study Workshop, the participants suggested that “the legislation might promote gender equality and avoid reinforcing the idea that women have the main responsibility in taking care of the family. The language of the Labour Law should encourage the principle that women and men have equal responsibilities in their families and maternal and paternal leaves are of equal status.”

According to the Field Study, the majority of the employee participants stated that the current Labour Law is not sufficient/efficient in increasing women’s employment. Section C of the questionnaire was designed to encourage respondents to suggest specific improvements in the Law for increasing women’s employment: the most frequent answer was the duration of maternity leave. Almost 90% of the participants stated that the **duration of maternity** leave should be longer (equal to government officers). It is also noteworthy that 82.4% indicated that **elderly and patients care** facilities should be also covered by the Law. The third most frequent answer was “state support for workplace nurseries” with 82.17%.

One of the main recommendations of the Sectors Report is: “*to continue supporting women’s full and effective participation in the labour market with equal opportunities*”. This recommendation is related to others that look for “*changing business models and the labour market, to ensure equal opportunity and to promote social cohesion. For this, it is recommended to support skills development for both men and women in the sector* “ and to “Focus more on the education of girls and women in the renewable energy sector, science, technology, engineering, mathematics” in order to increase “the involvement of women in the all the sectors as renewable energy through improved workplace conditions, mentoring and professional development” (see Sector Studies Report).

Also In the analysis of the conclusions for each sector, the interviewees agreed that: In the **Education sector**: Sector experts agreed in a 75% that “*developing and increasing the use of new and digital technologies will facilitate women’s employment* “and “*Employees reported a 55.7% probability that a woman could be a manager in the education sector. Also, according to sector experts and decision-makers, male-dominated culture in working life (56.0%), lack of role models (30.0%), long working hours (26.0%) and preference for being with family (22.0%) are the main barriers to a smaller number of women managers in the education sector* (see Sector Studies Report).

Also, in the **Health Sector**, more than one-third of the sector experts and decision (36.1%) makers believe that “the development and increase of new and digital technologies will facilitate women’s employment in the health sector”. Same conclusion for the **Energy** (48.1% of the respondents), **ICT** (no number specified) and **Banking and Finance** (48.6%).

In the general conclusions, for all the sectors, “*according to all employees who responded to the survey, the probability of being a female manager in all sectors is 53.9%. The sectors with the highest likelihood of being a manager for women are the health sector (69.5%), the education sector (55.7%), and the finance and banking sector (52.7%), while the ICT sector (42.9%) is the lowest”. “According to 54.2% of industry experts, the development and increase in the use of new technologies will positively affect the employment of women in the industry*.

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.

3.2. Suggested Improvements to the Existing Labour Law

3.2.1. Paid and Unpaid Maternity Leave

The rights related to childbirth and adoptions under Labour Law No. 4857 underwent significant changes in 2016 and new types of rights and leaves were introduced for mothers, parents and child-adopters. Türkiye has adopted recommendations from ILO in this regard and taken them even further, however, stakeholders during the field study suggested additional areas for improvement, as may be seen below.

According to participants in the Pre-Study Workshop, the 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.

In the Field Study, the most widely-used provision was the maternity leave right 65.9% of the respondents with children had benefited from this right, in parallel to this 89.9% of the respondents mentioned that extension of the maternity leave period and should be equal to that of government officers is necessary to improve the conditions for female employees (ranked 1).

From the perspectives of employees’ maternity leave, the right to have unpaid maternity leave (71.1%), paternity leave (42.9%) and the prohibition of discrimination by gender in terms of payment (41.6%) were the most effective provisions in practice. On the other hand, the right to have part-time work after maternity (9%), breastfeeding room (18.6%) and nursery obligation (19.9%) were stated as “not effective”.

According to employer respondents, 95% stated that their employees benefited from the maternity leave rights, 64% of the respondents selected paternity leave as the third most frequently used labour right by their employees (77%) and paternity leave (64%). Crèche and breastfeeding room facilities were the least available among other legal provisions (11% and 14%, respectively).

Employer respondents were asked about their level of knowledge regarding the Labour Law, their opinion about its efficiency and their suggestions for improvement. Only 37% of the respondents knew the provisions of Labour Law related with women's employment; regarding their opinion about whether the law and provisions about female workers are understandable and clear only 34% of respondents said “yes” and 66% thought that provisions were not sufficiently clear.

EU Legislation includes a right to two weeks' paternity leave, introduced in a new directive on work-life balance for parents and carers, which entered into force on 1 August 2019. The right to paternity leave is not subject to a period of work qualification or to a length of service qualification.

The **main recommendations** are:

In the employee survey 89.9% of the respondents mentioned that extension of the maternity leave period should be equal to that of government officers as the most preferred policy option for the future.The Stakeholders during the Post-Study Workshop expressed the following:

* 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.

More than 77% of respondents in the employee survey thought that extending paternity leave period is one of the most important measures to increase women’s employment. They also mentioned that taking care of a child is not the responsibility of the mother. Also, during the postpartum period it is very difficult for women if there is no elderly family member to support the mother. Additionally, 83% of respondents of the employer survey found extension of paternal leave will help to promote female employment.

During the Post-Study Workshop, the stakeholders stated 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.

Related to this recommendation, respondents in the employee survey commented thatchildcare is not only the responsibility of women and the results of the survey show that there is a demand for extension of paternal leave period (77% of respondents). 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.

According to the results from the field study, 77% of respondents in the employer survey stated that their workers used unpaid leave after birth upon request. However, according to the results of the employee survey, the right to part-time work after maternity (9%) was the least implemented provision. In addition, some respondents in the field study (women employees) stated that they hesitated to use their unpaid maternal leaves for fear of losing their jobs. In addition, unpaid leave means that they would lose a substantial amount of their income if they take unpaid leave. 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.

3.2.2. Nursery Requirement for Workplaces

According to participants in the Pre-Study Workshop, the sanction for not complying with the nursery provision requirement for workplaces employing 150 and more women was 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. In the Field Study, the establishment of a nursery with the support of the government’ with 87.4% was the most preferred policy option for the future to promote employment of women in the employer survey. On the employers’ side; 87.4% of the respondents mentioned that more support from the government to establish nurseries and improve the conditions of breastfeeding rooms and nurseries is expected in the future as the first priority. Regarding employees; 82,1% of the respondents stated that the establishment of a nursery with the support of the government is necessary as one of the top priority areas. This was among the top three priority areas which needed to be developed in the future together with making the duration of maternity leave equal to that of government officers and inclusion of elderly and patient care.

In the Sector Studies Report, there are interesting conclusions in the field study for that particular study:

In the Education sector: “*In order to increase the number of women managers in the education sector, more than half of the sector experts and decision-makers recommended increasing nursery facilities (59.1%), supporting postpartum part-time work opportunities (51.5%) and introducing role models (51.5%) to increase the number of women managers in the education sector. Provision of gender equality training (43.9%) and supporting female employees for socialization and networking (39.4%) were also recommended (see* Sector Studies Report).

In the Health sector, also in order to increase the number of women managers, “*close to half of the sector experts and decision makers recommend provision of gender training in the sector (42.9%) and increasing nursery facilities (40.5%)” (see Sector Studies Report).* The importance of Nurseries was also highlighted in the Energy sector (35.5% of the respondents). In order to increase the number of women managers in the finance and banking sector, “more than half of the sector experts and decision makers proposed increasing nursery facilities (55.0%)” (see Sector Studies Report).

“*When the most important reasons for the low number of female managers in all the sectors compared to the number of male managers were reported as the male-dominated culture in working life at 50.3%, the few female role models in the sector at 36.7% and long working hours at 27.6%”.* The main conclusion is that “*In order to increase the number of female managers in the sector, it is necessary to increase nursery opportunities (46.4%), introduce role models (44.4%) and support postpartum part-time work opportunities (37.2%)”.(*p. 157 Sectors Report)

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.

3.2.3. Work after Maternity Leave

According to participants in the Pre-Study Workshop, different weekly working hours for women returning from maternity leave should be considered, taking into account the number of children, with the eligibility period for part-time work increased 6 months per child.

In the Field Study, the right to part-time work after maternity leave was among the least effectively applied provisions of the Law, with only 17.9% considering it to be beneficial (p.34). Also in the Field Study, 86% of respondents (employees) stated that ‘government should make some payments during the period of unpaid maternity leave.

In the open-ended questionssome respondents in the employee survey commented that after maternity leave, they did not use the breastfeeding leaves efficiently due to their heavy working conditions.

According to the results of the employee survey, the right to part-time work after maternity leave or unpaid leave upon request (32.8%) was one of the least implemented provisions in their working place. Regarding the provisions from which respondents had benefited related to maternity leave: the right to part-time work after maternity leave or unpaid leave upon request was the least used one with 16.4%. Respondents commented that they hesitated to ask for part-time work after maternity and unpaid leave for fear of losing their jobs.

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.

3.2.4. Equal Pay

On the evaluation of the Gender pay in Türkiye, it seems that 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.

Among the main recommendations of the Sector Studies Report, it is mentioned that “*the issue of “gender pay gap” should continue to be addressed”.*

The main benefits of closing the gender pay gap are:

* The benefits of women earning the same as men include an increase in their purchasing power which in turn helps stimulate consumer spending and the economy. This is also the case with more contributions to pension schemes and spending of pension incomes.
* Eliminating the gender pay gap can provide incentives for more women to be economically active, which would advance gender equality and create a virtuous circle.

In the field study, employees and employers were asked to make an assessment about whether women had equal wages, career, and vocational training opportunities with male employees. In the employee survey, 40% of respondents in the employer survey and 25% of respondents in the employee survey mentioned that there is a gap between men and women in terms of wage and career opportunities in their workplaces.

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.

The main reference for this recommendation is related to the Article 2 of the ILO Convention No. 100: Equal Remuneration Convention (1951), that established that:

* Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

3.2.5. Care Obligation

With longer life expectancies and the challenges posed by the COVID-19 pandemic, the demand for long-term care services for older persons and PwDs has been rising steeply. In-home, community and residential care services provide a spectrum of long-term care solutions, but legal frameworks and service supply seem to remain insufficient and inadequate (not only in Türkiye but globally). This can have a detrimental effect on women’s employment opportunities, but also on individual’s income security, health and wellbeing. The cost of care provision can be prohibitively high for lower earners, and therefore present a major barrier to employment, especially for women who are traditionally seen as the primary provider of care within families.

According to participants in the Pre-Study Workshop, care work provisions might cover the care for the elderly, patients, and disabled in addition to childcare. 82.4% of the employee survey respondents indicated that elderly and patient care facilities should be also covered by the law.

One of the main recommendations of the Sector Report is to “*Increase the care services that will facilitate the participation of working women in digital transformation and to facilitate the use of these services by women.” (p. 168 Sectors Report)*

The **main recommendation** is:

14. 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 to establish a statutory universal and free (or substantially subsidised) long-term care policy and service.

3.2.6. Care Incentives for Persons not Covered by the Existing Law

In the Pre-Study Workshop, one suggestion was that care incentives might be extended to include those groups which are not covered by the existing law including platform workers, atypical workers, freelancers etc.

The development of digital technologies and new business models has contributed to the rise of online platforms and the emergence of platform-mediated work, such as “crowd work”, “gig work”, and other forms of on-demand labour. Most of such work is carried out as some form of non-standard employment or self-employment, and in particular by own-account workers, who also need care incentives.

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 (e.g. gig workers) and to differentiate from freelance 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.

3.2.7. Government Support to the Employment of Victims of Domestic Violence

Participants in the Pre-Study Workshop suggested that there was a need for women who are under threat of domestic violence to be supported by the government, including the receipt of severance pay, paid/unpaid leave, finding employment, remote work, allowance, and income support, etc. to enable them to better cope with their predicament (p.22).

The **main recommendation** is:

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.

3.2.8. 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

* Türkiye has the goal of increasing women's employment included in all Türkiye 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, female employment rate is constantly emphasised as one of the macro indicators on which Türkiye should make progress. In this context, there have been considerable legislative amendments and also some regulations were introduced in Türkiye in the last two decades, particularly on gender equality at work.
* During the Interviews done, the interviewees agreed that 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 women workers. They also pointed out an existing need to have more support from the State to the employers to fulfil the responsibilities given to them like the day care centre and breastfeeding room obligation. They also pointed out that existing legislation needs to be actualised to cover non-standard work and care facilities.
* The main conclusions of the Pre-Study Workshop to promote women’s employment were 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. On the first, the changes on legislation to increase the promotion of gender equality was the more relevant with an equalisation between the Labour law and Public Servants Law No: 657 in terms of provisions related to women employees mainly breastfeeding and unpaid work leaves. In the second category, it appears duration of maternity and unpaid work leave, the sanction of a nursery requirement for workplaces employing 150 and more women, and different weekly working times after maternity leaves by considering the number of children. On the third category, the stakeholders consider care work, care incentives, violence at work, new conditions for home-based working conditions (remote working)
* The findings from the field study on employee´s answers indicate that “maternity leave”, “breastfeeding leave”, and “anti-discrimination” provisions of the law are the most effective and widely used at the enterprises. However, the findings also suggest that there is room for improvement for the law by including elderly and patient care within the scope of the law and by levelling up the duration of maternity in the private sector. In addition, state support for more and better crèches/nurseries are widely suggested by the respondents in the study.

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Attached to this Report:

Annex 1: Desk Research Report;

Annex 2: Note of Stakeholder Meetings;

Annex 3: Evaluation Report on Pre-Study Workshop;

Annex 4: Field Study Report;

Annex 5: Evaluation Report on Post-Study Workshop.

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