



**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 10: RECOMMENDATION REPORT ON MOBBING COMPLAINTS WITH A PARTICULAR FOCUS ON GENDER**

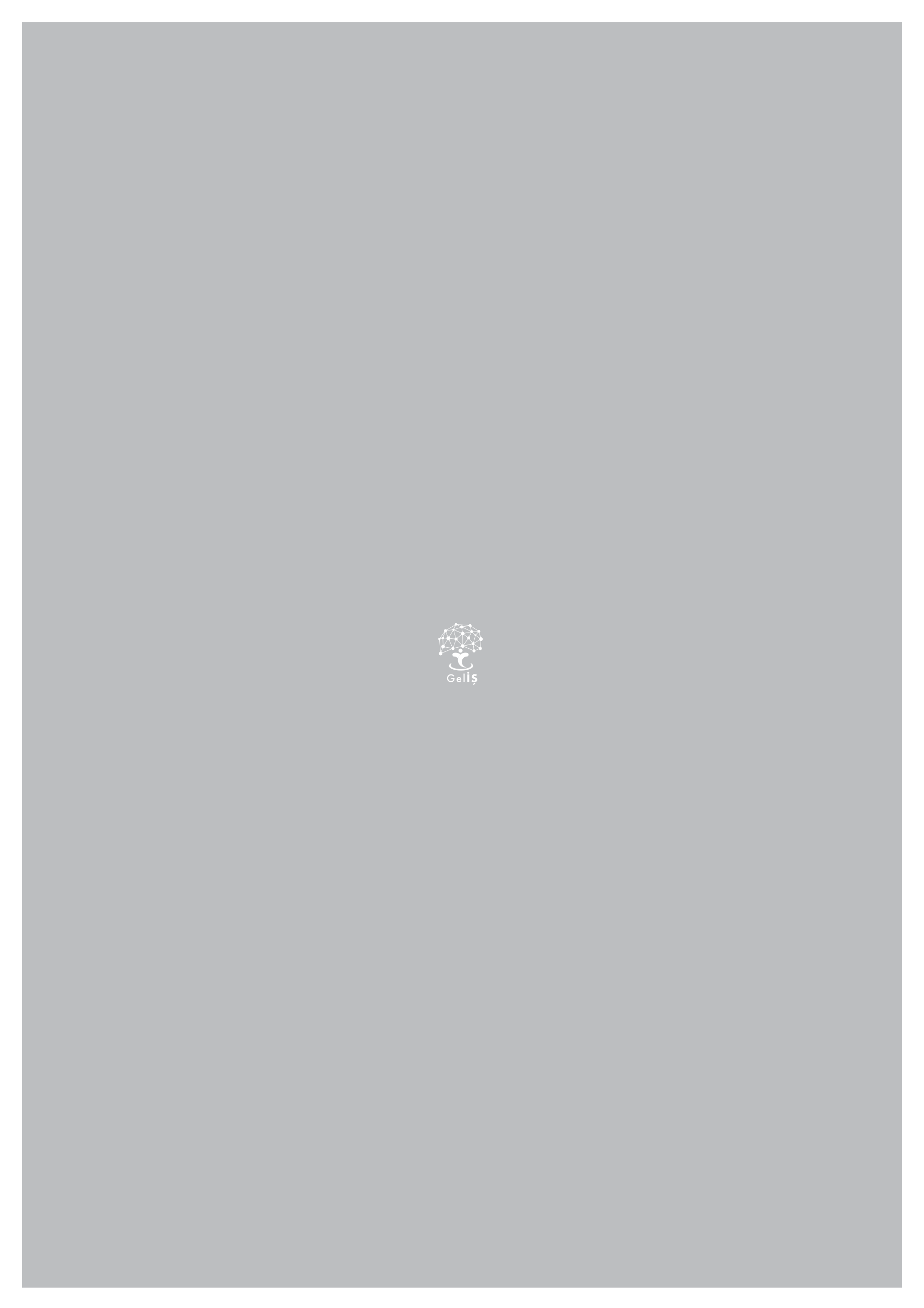
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LIST OF ABBREVIATIONS

|  |  |
| --- | --- |
| **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 |
| HAK-IS | Confederation of Trades’ Unions |
| ILO | International Labour Office |
| INQA | New Quality of Work (Initiative Neue Qualität der Arbeit) |
| TAT | Technical Assistance Team |
| TIHEK | Human Rights and Equality Institution of Türkiye |
| 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 Turkish Ministry of Labour’s Department for Employment Policies, to examine the question of mobbing in a Turkish and an international context, and to develop recommendations to reduce the incidence levels in the Turkish workplace. 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’.

Mobbing is the scourge of many a workplace, and has been since the dawn of organised labour. This Report contains a wealth of qualitative and quantitative information which examines mobbing in the context of international and Turkish legislation and policies, and the perception of the situation ‘on the ground’ through the eyes of stakeholder institutions and employers/employees.

The information has been derived from numerous sources:

* Extensive desk research into international and Turkish approaches;
* A series of structured meetings with institutions directly involved in Mobbing issues;
* A Pre-Study Stakeholder Workshop at which 57 representatives of the public and third sectors formulated their views on how Mobbing policies could be improved.
* Findings from a field study involving over 100 respondents.
* A Post-Study Workshop at which 103 representatives of the public and third sectors provided feedback to the draft Recommendations.

This has been carefully analysed and processed to produce a series of evidence-based recommendations which fall into 4 main categories:

* Legislation Changes;
* Improved Data Collection;
* Increased Awareness-raising;
* Improved Mechanisms of Cooperation and Coordination among Responsible Institutions.

Two clear issues emerged from the work undertaken for this Report. The first is that the term ‘mobbing’ is not clearly understood (this is not just a Turkish phenomenon- legislation in other countries remains vague on the subject), and the second is that the data collection system in Türkiye lacks cohesion and consistency. The expression ‘if you can’t measure it you can’t manage it’ is particularly relevant here. Unless and until ‘mobbing’ is more clearly defined, and data collection becomes more consistent, the scourge of mobbing is likely to persist. The recommendations in this Report are intended to assist Turkish policy-makers to make some headway towards redressing the situation.

**FoW TAT**

**July 2022**

# INTRODUCTION AND BACKGROUND OF THE STUDY

This Report analyses the current situation with regard to Mobbing in Türkiye and internationally, and presents a series of recommendations for policy and legislative change to reduce the incidence of Mobbing and, thereby, improve workplace conditions.

The information included in this Report has been derived from:

* Extensive desk research into international and Turkish approaches;
* A series of structured meetings with institutions directly involved in Mobbing issues;
* A Pre-Study Stakeholder Workshop at which 57 representatives of the public and third sectors formulated their views on how Mobbing policies could be improved.
* Findings from the field study and analysis of data.
* A Post-Study Workshop at which 103 representatives of the public and third sectors provided feedback to the draft Recommendations.

A Report on the Pre/Post-Study Workshops, along with findings from the field study, meetings and analysis of data are attached as Annexes to the Report.

# CONTEXT

The project’s Terms of Reference (ToR) set the following task for the Technical Assistance Team:

*“In addition to the Operation Beneficiary, the Presidency of the Republic of Türkiye Directorate of Communications and Human Rights and Equality Institution of Türkiye are also two institutions responsible for mobbing issue.*

*In order to improve methods of data collection and statistics in mobbing cases, a desk study will be prepared by compiling official mobbing complaints and appeals received by abovementioned institutions for better understanding and implementation of the culture of decent work. Determination of relevant factors such as sector, age, sex, harassment, duration, physical and psychological consequences will be necessary to develop relevant policies.*

*Examination of three institutions’ records; interviews with officials of three responsible institutions; desk study and 100 indicative face-to-face interviews with employers and/or employees (in Ankara) will be conducted for the subject research.*

*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 draft relevant regulations and/or policies. The report should include diversification of province, gender, sector, age and title of people who are subjected to mobbing and so-called mobbing. It will be published on the official web site of the Operation Beneficiary.”*

# DESK RESEARCH AND ANALYSIS OF OFFICIAL RECORDS

## Current Legislative Framework and Policies in dealing with Mobbing Cases

In this section, we summarise content from the Desk Research Report (see Annex 1) which set out to analyse European Countries Legislation of Mobbing and work-related violence, European and international organisation approaches to reduce mobbing/work-related violence and the Turkish Legislation on Mobbing and available complaint mechanisms.

### European Countries’ Legislation on Mobbing and Work- Related Violence

In September 2011, the European Parliament adopted a resolution which included measures to prevent and combat mobbing and sexual harassment at the workplace, in public spaces, and in political life in the EU (published in 2018). The resolution underlines the urgent need for member states, local authorities, employers, and trade unions to understand the barriers that victims face in reporting cases of sexual harassment in the workplace and to offer them full support to report these cases safely, without fear of consequences. It also calls on member states to encourage workplace policies based on prevention, confidential procedures to deal with complaints, and tough and dissuasive sanctions for perpetrators.[[1]](#footnote-1)

The existence of a national definition and legislation against mobbing and/or violence was considered central to an expression of the state of awareness of the issues at a national level. In various EU projects, under the Daphne programme, an overview of the European legislation on harassment, bullying and mobbing at work was prepared.[[2]](#footnote-2) The purpose of DAPHNE is to contribute to the work of non-governmental organisations (NGOs) in combating violence against children and women. The list of projects is extraordinarily wide-ranging. It covers all Member States and local, national as well as EU-wide projects. Among the many different areas of activity are networks for experts dealing with violence against women, missing children, a feasibility study of a register for tracking convicted child sex abusers and an audit of the provisions for child protection in the EU. One research study will measure effectiveness of programmes to prevent recidivism of sex offenders. Other examples are projects against child pornography on the Internet, training of police in dealing with women victims of rape, projects against exploitation of immigrant women and of domestic workers, etc.

According to a Focal Point Survey produced by the European Agency for Safety and Health at Work and the country reports, the legal status of workplace violence does not differ between old EU and the new Member States. Even though a definition for third-party violence exists in many countries, it is not commonly mentioned in the national legislation, and the term ‘third-party violence’ is mentioned in the national legislation of only ten countries[[3]](#footnote-3). Of those countries which have no separate legislation, only the Czech Republic and Italy have plans to develop such legislation. Harassment is mentioned in the national legislation of 17 European countries. However, in many countries, legislation covers only sexual harassment, and is often based on the laws of equal treatment. Sexual harassment has an official definition, for example, in Bulgaria, France, and Romania.

In some countries, like France, Finland, and Sweden, there is a special law, or special sections, in the law about harassment/bullying. Even though, in many countries, there is no specific legislation on workplace violence, there is usually a more general law on safety and health or equal treatment that covers the several aspects of work, relating to both the physical and psychosocial work environment. Below, some examples of the distinct kinds of legislation against work-related violence are presented.

* A specific legal framework exists **in France** concerning harassment at work and sexual harassment. The Labour Code states: ‘that no employee must be subjected to repeated deeds of moral harassment aimed at or leading to a deterioration of working conditions likely to detract from the rights of employees and their dignity, to undermine their physical or mental health or to compromise their professional future’ (Article L1152-1, Article L1152-4, 1.5.2008).
* The Labour Code stipulates an obligation, for the director of the enterprise, to prevent moral harassment at work by making ‘all the necessary provisions aimed at preventing activities constituting moral harassment’ (‘general obligation of safety,’ Article L4121-1, 1.5.2008).
* Harassment at work can be also referenced to the principle of non-discrimination (Article L.1132-1, 27.5.2008).
* The ‘Hygiene, Safety and Working Conditions Committee’ (CHSCT), present in all the companies employing at least fifty people, has the role of contributing to the protection of health, safety, and to the improvement of working conditions of employees. It must prevent risks of sexual and moral harassment. Concerning sexual harassment, the Labour Code lays down that: ‘activities of harassment on the part of any person aimed at obtaining sexual favours for self or for a third party are prohibited.’ (Article L1153-1, 1.5.2008). It also lays down an obligation to prevent sexual harassment (L1153-5) for the director of the enterprise, who must make ‘all the necessary provisions with a view to preventing activities constituting sexual harassment’. The Criminal Code (Article 222-33) clamps down on the crime of sexual harassment. This offence is broadly based on the existence of a relationship of authority. Contrary to the case of moral harassment, the perpetrator of sexual harassment can only be a hierarchical superior. In civil terms, sexual harassment is punished by law (Law No 2008-496, 27.5.2008).

In some countries, harassment at work is covered by other laws such as sex equality legislation. A good example is Slovakia.

* The Anti-discrimination Act 365/2004 Section 6 contains the principle of equal treatment in employment and other similar legal relations. It prohibits discrimination on the grounds of gender, religion or beliefs, race, nationality or ethnicity, disability, age, sexual orientation, marital or family status, colour of skin, language, politics, or other opinions, national or social origin, property.
* It covers: (a) access to employment, occupation, other gainful activities or functions (‘employment’ hereinafter), including recruitment requirements and selection criteria and modalities; (b) employment and conditions of work including remuneration, promotion and dismissal; (c) access to vocational training, professional upgrading and participation in the active labour market policy programmes (including access to vocational guidance services) (‘vocational training’ hereinafter); or (d) membership and activity in employees’ organisations, employers’ organisations and organisations associating persons of certain occupations, including the benefits that these organisations provide to their members.
* Act No 311/2001 Coll. Labour Code as amended Section 13 Prohibition of discrimination.

### 3.1.2. European and International Organisations’ Approach to Reduce Mobbing/Work-Related Violence

The European Parliament, the International Labour Organisation, the European Foundation for the Improvement of Living and Working Conditions, the European social partners — BUSINESS EUROPE, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC), and the World Health Organisation have all been active in the field of work-related violence.

#### 3.1.2.1. European Framework for Psychosocial Risk Management (PRIMA-EF) [[4]](#footnote-4)

This is a policy-level European initiative during the 2000s. The European framework for psychosocial risk management (PRIMA-EF) included work-related violence, harassment, bullying, and mobbing aims to provide a framework to promote policy and practice at national and enterprise level within the European Union (EU). The PRIMA-EF framework has been developed by several European institutes and identifies key aspects and stages and provides best practice guidelines in psychosocial risk management in the workplace. The framework is broad and aims at accommodating differences in approach and culture across EU Member States. It can be used by companies as the basis for the development of relevant policies, indicators, and action plans to prevent and manage work-related stress and workplace violence, harassment, mobbing and bullying.

The PRIMA-EF model incorporates five essential elements:

* a declared focus on a defined work population, workplace or set of operations
* an assessment of risks to understand the nature of the problem and their underlying causes
* design and implementation of actions designed to remove or reduce risks
* evaluation of those actions; and
* active and careful management of the process.

The best practice guidance for bullying/mobbing at work from this project were:

* Awareness and recognition of bullying/mobbing needs to be promoted. Awareness and recognition, as well as knowledge and knowledge of bullying, differs among EU countries and among organisations nationally. If the awareness and recognition of the problem is not adequate, resistance to interventions may appear. Only interventions that employees are prepared for can be successful.
* Bullying/mobbing at work needs to be seen as a work environment problem. Prevention and reduction should concentrate on reducing the risks of bullying in the psychosocial work environment, paying attention to psychosocial risks, the atmosphere in the workplace, organisational culture, and leadership practices. Initiatives focusing on personality are unlikely to succeed.
* Anti-bullying/mobbing policies and codes of conduct including clear and operable procedures to prevent and deal with bullying should be built into organisations to support the management of bullying.
* Building a culture of respect in the workplace is important.
* Management interventions are essential in the prevention of bullying/mobbing. Managers also need to be given training on the responsible and legally sound management of bullying cases.
* Managers’ and workers’ competencies and skills of organisations to combat workplace bullying/mobbing need to be developed.
* When a bullying/mobbing case arises, it needs to be oversaw and settled immediately with those involved.
* External consultants involved in bullying/mobbing interventions should adopt a neutral and impartial role

#### 3.1.2.2. ILO Strategies to Tackle Mobbing/Violence at Work

The long strategy of ILO against mobbing and violence at work can be synthesised in one phrase: “Everyone has the right to live and work free from violence and harassment”[[5]](#footnote-5) In the last years, the organisation has put a special attention on the violence and harassment against women in the world of work. Women are disproportionately affected by violence and harassment because of their employment status, the type of work they conduct, or because of the conditions in the sector that they work in.

The United Nations Framework to Underpin Action to Prevent Violence against Women has highlighted the workplace as an important entry point for addressing this issue across the economy and society [[6]](#footnote-6). Any type of violence and harassment against women in the world of work is a serious violation of women’s human rights and a major barrier to achieving equality of opportunity and access to decent and dignified work[[7]](#footnote-7). It has a devastating impact on women workers’ health, wellbeing, and performance at work. It is also deeply connected to social norms, values and stereotypes that foster gender inequalities.

In 2019, ILO approved the Convention 190 on Violence and Harassment. Between the innovations presented, they intentionally broaden the definition of where and how work happens to include the ways that violence and harassment affect workers at the workplace as well as during related activities—such as communication, travel, and commute—and account for the impacts of domestic violence. The Convention brings attention to various aspects and dynamics of the issue and provides a roadmap to enable governments, public and private sector employers, and workers to address it. The recommendation 206 that accompany the Convention establish a uniform set of minimum standards that can help shape new policies and practices to recognize the dignity and value of all workers, avoiding any kind of violence.

#### 3.1.2.3. Raising Awareness on Psychological Harassment at Work – World Health Organisation (WHO)

The document ‘Raising awareness of Psychological Harassment at Work’[[8]](#footnote-8) which was published by the World Health Organisation (WHO) within the Global programme of occupational health proposed some prevention methods to be used at primary, secondary, and tertiary level prevention and was an important antecedent to work against mobbing and violence at work.

*On primary prevention*: The employer should adopt ways to inform and train managers and staff. This could be pursued by producing guidelines and codes of ethics to encourage ethical behaviour, confidence in one’s professionalism, a climate of tolerance and freedom of attitude, and discouraging the collaboration with, or indulgence in, improper behaviour.

*Secondary prevention:* Once harassment (mobbing) has started, it can become difficult to control, unless timely and effective measures are taken. In such situations the following methods proposed includes:

* a confidant/e — a person, either an employee or someone outside the company, which can be charged with the task of listening to anyone who considers himself/herself a victim of mobbing.
* a mediator — mediation is defined as a process in which an impartial third party, the mediator, offers people in conflict the opportunity to meet to resolve differences and negotiate a solution.

*Tertiary prevention:* Since harassment (mobbing) can have grave consequences for workers, the following measures can be taken to help them recover their health and dignity.

* Early diagnosis of health effects can help reduce the consequences at all levels (the individual, the family, the social network).
* Consciousness-raising groups that bring together people who have suffered from harassment (mobbing) in different situations.

The importance of legislation is also emphasised in the prevention of violence at work in this Guide. In general, the law should address the following points while taking into account local habits and cultures when devising strategies: (i) encourage preventive measures to reduce occurrences of workplace bullying; (ii) protect workers who engage in self-help to address bullying and provide incentives to employers who respond promptly, fairly and effectively; (iii) provide proper relief to targets of severe bullying, including compensatory damages and, where applicable, reinstatement to his or her position; and (iv) punish bullies and the employers who allow them to abuse their co-workers.

#### 3.1.3 Some Policies and Initiatives in Europe

In many European countries, specific non-legislative policies, or codes of conduct at the enterprise level have been introduced to prevent third party violence. As in the acknowledgement of the problem and in nationwide or sector-orientated initiatives, there are more policies or codes of conduct in the old EU Member States than in the new ones. In relation to harassment, in many countries specific non-legislative policies or codes of conduct at the enterprise level have been introduced to prevent harassment. An example from United Kingdom is included for the importance of the subject.

**Codes of Conduct (United Kingdom)**

The Employment National Training Organisation has overseen the development of the National Occupational Standards for the Management and Prevention of Work-Related Violence. These exist to provide employers with a framework against which to map their policies and procedures on the issue. Additionally, the Standards can serve as a guide for organisations to measure the suitability of potential external training courses and providers on work-related violence.

The Dignity at Work project (jointly run by the government department BERR and the trade union Amicus) seeks to provide tools to tackle bullying aimed at individuals, line managers, trade unions and directors.

**Acts of the Danish Working Environment Authority (Denmark)**

When the Danish Working Environment Authority (DWEA) receives information about, or a complaint on, harassment, they assess the case. When the DWEA react to information or a complaint they send their inspectors to the company in question. The DWEA never reveal that they are visiting the company because of a complaint. If the inspectors find proof of the information or the complaint, and the company is not able or willing to deal efficiently with the problem, the company receives an injunction to take precautionary measures. If, on the other hand, the inspectors suspect that there is harassment but cannot find proof, the company will receive an injunction to use a certified work environment advisor to examine their problems. If the report from the advisor shows that there is harassment in the company and the company is not able or willing to deal efficiently with the problem the company receives an injunction to take precautionary measures against the problem.

**New Quality of Work (Germany)**

In 2001, the national initiative ‘New Quality of Work’ (Initiative Neue Qualität der Arbeit — INQA) was launched by the German Ministry of Work and Social Affairs. At the core of INQA are various thematic groups where representatives of different organisations (e.g., enterprises, OSH insurances, trade unions, professional associations) join and coordinate their activities. In 2003, the thematic group ‘Traumatic incidents’ was founded. Its activities include the topic of violence at work and its psychological outcomes, and its aims were: O to increase the awareness for the problem; O to provide information and tools; O to share experiences and examples of good practice, for example, in a periodical newsletter, a special website, brochures, etc. The members of the group functioned as multipliers in their organisations. At the end of 2008, the INQA thematic group ‘Traumatic incidents’ was transformed into a regular working group under the responsibility of the DGUV (Deutsche Gesetzliche Unfallversicherung — German Statutory Accident Insurance.

### 3.1.4 Turkish Legislation on Mobbing and Available Complaint Mechanisms

As in the global level, the definition of mobbing is still vague in Türkiye. In the information note of The ***Prime Ministry Circular No. 2011/2*** on “Preventing Psychological Harassment (Mobbing) in Workplaces”, it is defined as “deliberately and systematically humiliating, belittled, excluded, harming the personality and dignity of the employee, being subjected to ill-treatment, intimidation and similar behaviours for a certain period of time”.[[9]](#footnote-9) Pursuant to Article 5 of the said Circular; a “Committee for Combating Psychological Harassment” was established under the Ministry of Labour and Social Security with the participation of non-governmental organizations and relevant parties. The Committee is tasked with monitoring, evaluating and developing preventive policies regarding psychological harassment of employees. The Committee has prepared the “Circular Implementation Action Plan on Preventing Psychological Harassment at Workplaces (2012-2014)”.

In 2017, ***Ministry of Labour and Social Security*** published informative guidelines on psychological mobbing at the work place and provided basic terminology which defines mobbing as “malicious, intentional, negative attitudes and behaviours perpetrated by one or more persons in the workplace against another person or persons, continuing systematically for a certain period of time, aiming to intimidate, pacify or remove from work; harming the personality values, professional status, social relationships or health of the victim or victims”.[[10]](#footnote-10)

The ***Law No. 6701[[11]](#footnote-11), on Human Rights and Equality Institution***, became effective with its publication in the Official Gazette of 20 April 2016. With this law, which comprises 30 articles, protection against discrimination is strengthened in Türkiye. Türkiye had its Human Rights Institution established by Law no. 6332 in June 2012. The Human Rights Institution has now been restructured and replaced by the Human Rights and Equality Institution.

* The Human Rights and Equality Institution of Turkey (TİHEK) is an Institution established with the Law No. 6701 based on the international legislation to which we are a party in the field of human rights, with administrative and financial autonomy, with a special budget, with a public legal personality and associated with the Ministry of Justice.
* The Human Rights and Equality Board is the decision-making body of the Institution (Article 10/1).
* The Law defines direct discrimination, indirect discrimination, harassment, mobbing, multiple discrimination, segregation, instruction to discriminate and implementation of such an instruction, reasonable accommodation in line with the EU acquis, mainly the Recast Directive 2006/54/EC[[12]](#footnote-12) (Article 2). Going on definitions, pursuant to Article 3 of the Law, each person may equally benefit from legal rights and freedoms. The Law forbids discrimination based on gender, ethnicity, nationality, skin colour, language, religion, philosophical or political opinion, wealth, birth, marital status, medical condition, disability or age. The Law stipulates nine types of discrimination, with mobbing listed as one of them with regard to Employment Law. The Law specifically describes mobbing as “intentional actions to disincline, to isolate and to make him/her wary of a person in the workplace based on the discrimination types listed in the Law under Article 2/1(g).”
* In case of violation of the prohibition of discrimination, public bodies with responsibility and mandate on the issue and public professional bodies have to take measures necessary to end the violation, to avoid its consequences, to prevent its reoccurrence, and measures for pursuance of claims in judicial and administrative proceedings (Article 3/3).
* Articles 5 and 6 aim at transposition of Directives 2004/113/EC [[13]](#footnote-13)and 2010/41/EU[[14]](#footnote-14). The primary means of enforcing anti-discrimination laws in the employment field has been by means of individual claims to labour courts. Now, a new approach to enforcement is envisaged by Law no. 6701. The Human Rights and Equality Institution will investigate discrimination upon complaint and ex-officio and to fine people and public/private legal entities in cases of discrimination. It will also offer guidance to victims about administrative and legal procedures (Articles 9, 11/b).
* The Institution has a wider authority than its predecessor, the Human Rights Institution. Natural persons and legal entities can file complaints of discrimination. Applications can be made directly to the Human Rights and Equality Institution or through governors in towns and sub-governors in sub-towns. Applications are free of charge (Article 17/1). Applicants have to apply firstly to the perpetrator for correction. If the application is rejected or not responded within a period of 30 days, then they can apply to the Institution.
* The Institution can accept a claim of discrimination without requiring this first step only if there is the possibility of emergence of damages that are impossible or very difficult to be compensated (Article 17/2).
* To initiate an ex-officio investigation the approval of the victim or the victim’s representative has to be sought in cases where the victim can personally be determined (known) (Article 17/5).
* In individual applications, identities of children, of people under guardianship or protection, and of victims with such a request will be kept in secrecy (Article 17/6).
* Any adverse treatment of applicants, applicants’ representatives, or those involved in administrative and judicial procedures (victimisation) constitutes discrimination (Art. 4/2).
* The Institution will settle complaints within 3 months following receipt of application or following decision to initiate an ex-officio investigation. This period can be extended for a maximum of 3 months by the President of the Institution (Article 18/1).
* The party claimed to have discriminated will be asked to submit in written form his/her testimony. Upon request, the parties can be called to make oral explanations separately before the Board (Article 18/2). On its own initiative or upon request, the President of the Institution may bring victim and perpetrator to a settlement (to reach a compromise) first, and if this fails, the Board will arrive at a decision based on the testimony of the parties and the accounts of witnesses. Settlement can include avoidance of the practice claimed to be discriminatory, solutions leading to termination of such a practice, and/or payment of a certain amount of compensation (Article 18/3).

***The Parliamentary Equality Commission (2011***) found that employees in the field of education and health are frequently exposed to mobbing and discrimination.[[15]](#footnote-15) Studies have shown that women are more exposed to mobbing in business life.[[16]](#footnote-16) There are many women who are victims of mobbing. Studies and researches in the field of mobbing in Türkiye are limited. The researches of the Turkish Mobbing Association[[17]](#footnote-17) show that mobbing victims are generally women. 2017 report of the Ministry of Labour summarizes data from ALO 170 on mobbing complaints and it is noteworthy that 75.58% of the complainants are men.[[18]](#footnote-18)

Some countries have special laws or special regulations in this regard. Unfortunately, there is no special law on this subject in Türkiye, but some articles in the existing laws are interpreted broadly to provide protection in this area. Especially with the precedent decisions given by the judiciary, this protection increases. In terms of the legislation applied in Türkiye, the concept of mobbing is new and the applications related to it are mostly developed with judicial jurisprudence.[[19]](#footnote-19)

**The Constitution of Türkiye** forbids any kind of discrimination including the working rights. Relevant articles of the Constitution can be interpreted in the scope of anti-mobbing provisions. In Article 12, The nature of fundamental rights and freedoms, it is written: “Everyone has fundamental rights and freedoms that are inviolable, inalienable and inalienable. Fundamental rights and freedoms also include the duties and responsibilities of a person towards society, his family and other people.” Article 17 states that “No one shall be subjected to torture or mal-treatment; no one shall be subjected to penalties or treatment incompatible with human dignity.” Article 49 states that “The State shall take the necessary measures to raise the standard of living of workers, and to protect workers and the unemployed in order to improve the general conditions of labour, to promote labour, to create suitable economic conditions for prevention of unemployment and to secure labour peace.” Article 10 of the Constitution states that “Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds”, which suggest that gender equality must be ensured in any field including the working life.

In parallel, Article 5 of the **Labour Law No. 4857 and MD. 24/II AND 25/II** obliges the employer to apply the principle of equality among its workers in the employment relationship. Mobbing at workplace is also regulated in the **Law No: 6098** on Debts. Article 417 of the law aims at protecting the worker against mobbing at the work place.[[20]](#footnote-20)

***The Trade Unions and Collective Bargaining Law No. 6356*** need to be mentioned. In the Art. 25, “Guarantee of freedom of trade union”, the law mentions: (2) The employer shall not discriminate between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to working conditions or termination of employment. The provisions of the collective labour agreement with respect to wages, bonuses, premiums and money-related social benefits shall be exceptions; (3) No worker shall be dismissed or discriminated against on account of his membership or non-membership in a trade union, his participation in the activities of trade unions or workers’ organisations outside his hours of work or during hours of work with the employer’s permission.

There are also regulations regarding mobbing in the other laws mentioned below[[21]](#footnote-21):

* **Turkish Civil Law Number 4721 (Article 2 And Articles 23 And Article 25)**

Psychological harassment, which usually occurs in the form of attacks on personal rights, starts with the basic principle of “everyone must comply with the rules of honesty while exercising his rights and fulfilling his obligations” in Article 2 of the Turkish Civil Code.

According to these articles, situations that can be considered within the scope of psychological harassment will be evaluated separately according to the characteristics of the event; the person whose personal rights have been unlawfully attacked;

* Can request protection from the judge.
* The judge may also request the prevention of the danger of attack, the termination of the ongoing attack, and the determination of the illegality of the attack, the effects of which continue even if it has ended.
* The person is also financially and morally able to compensate for the damages he has suffered and can also claim compensation.
* **Turkish Criminal Law No. 5237**

Protection of individual rights and freedoms is among the main objectives of the Turkish Penal Code. Some of the psychological harassment behaviours can be among the acts subject to the crimes regulated in the Turkish Penal Code No. 5237, and in this respect, they can be subject to punishment within the scope of the Turkish Penal Code.

Some of the crimes that can be associated with psychological harassment are listed below.

* Torment (art. 96),
* Sexual Harassment (art. 105),
* Threat (art. 106),
* Blackmail (art. 107),
* Violation of freedom of work and work (art. 117),
* Discrimination (art. 122),
* Disrupting people's peace and quiet (art. 123),
* Preventing communication (art. 124),
* Violation of the confidentiality of communication (art.132),
* Listening and recording the conversations between people (art. 133),
* Violation of the privacy of private life (art.134),
* Recording of personal data, (art.135)
* **Civil Servants Law No. 657 (Articles 10, 21, 125,135)**

The Civil Servants Law No. 657 provides for the justice and equality of the officers of the superiors.(art.10)

* Civil servants have the right to file complaints and lawsuits due to administrative actions and procedures applied to them. The officer who has been subjected to psychological harassment can make a complaint verbally or in writing, starting with the nearest superior and bypassing the superiors who have perpetrated the abuse by succession. (art. 21)
* Upon complaint, the civil servant who commits the act of harassment may be punished with a warning, reprimand, cut off salary, suspense of advancement, and dismissal from civil service, depending on the concrete incident. (art. 125)
* If the disciplinary punishments specified in the law are used as a tool in the psychological harassment process, the civil servant who has been subjected to an unfair disciplinary punishment has the right to object and file a lawsuit against this punishment. (art. 135)
* **Occupational Health and Safety Law No. 6331 (Article 4)**
* Although the phenomenon of psychological harassment is not regulated directly in the Occupational Health and Safety Law, it can be considered within the scope of the Law in cases where it affects the mental and physical health of the employees.
* The employer is obliged to take all kinds of measures to ensure occupational health and safety in the workplace, to make a risk assessment and to have it done. (art. 4) In this context, the employer is obliged to ensure and oversee the creation of a physically and psychologically healthy working environment in the workplace

***The National Employment Strategy 2017-2019*** is the main policy axis of "Increasing Employment of Groups Requiring Special Policy", which is one of the 4 axis and 7 sectors of the National Employment Strategy covering the period of 2014-2023. The Strategy was prepared to solve the structural problems in the labour market and to find a permanent solution to the unemployment problem with the participation of all relevant parties under the coordination of the MoLSS. Within the Action Plan, “Regulations for combating discrimination” will be developed. Under this policy, there is a precautionary clause on the establishment of well-functioning information, complaint and audit channels regarding the legal ways to be followed in discriminatory practices, mobbing, sexual harassment, and how to take measures in this regard. In order to implement the said precautionary article, studies are carried out with relevant institutions and organisations. "

Prevention of mobbing is a must to ensure decent working rights of the employees. Article 26 of the revised European Social Charter of 1996 calls on member states to make concrete arrangements to protect the dignity of workers at work. The Revised Social Charter has been approved by the Law No. 5547 of 27 September 2006 in Türkiye. Thus, this international text has become a law of national legislation in accordance with Article 90 of the Constitution. Article 26 of the Charter provides for the protection of employees against sexual harassment and psychological harassment in the workplace.

European norms are also binding for Türkiye. Besides the ratification of the Council of Europe Social Charter, Türkiye has to harmonize its domestic law in line with this directive, as the EU directive is also included in the acquis of EU labour law and the process of full membership negotiations continues. In this context, the provision regarding sexual harassment in Article 417 of the Turkish Code of Obligations, titled “Protection of the Personality of the Worker” has been expanded and “the employer is obliged to take the necessary measures to ensure that the workers are not subjected to psychological and sexual harassment and that those who have been subjected to such harassment are not further harmed”.

There are important **mechanisms available** in Türkiye for submitting complaints when a person is exposed to mobbing. Persons exposed to mobbing at the workplace have the right to apply in writing to the Turkish Grand National Assembly and the competent administrative authorities. An application can be made to the "Presidential Communication Centre (CIMER)" for complaints and requests for psychological harassment in the workplace. There is also a hotline (ALO 170) for similar complaints. Real and legal persons who claim that they have been subjected to psychological harassment by the actions and acts of the administration can file a complaint with the Ombudsman Institution without paying any fee. Established under the Law No: 6328, Ombudsman Institution is obliged to review the complaints received from individuals against administrations. The Ombudsman Institution is in charge of examining and investigating all kinds of actions and transactions and attitudes and behaviours of the administration and making suggestions to in terms of compliance with the law and equity, within the understanding of justice based on human rights. Individuals can apply to the Human Rights and Equality Institution of Türkiye without paying any fee, alleging that they are exposed to intimidation and discrimination in their workplaces.

Depending on the characteristics of the concrete case, it is possible to apply to civil, criminal or administrative remedies regarding psychological harassment. There are decisions made by the Supreme Court in some cases.[[22]](#footnote-22)

In conclusion, there is not a specific legislation on mobbing in Türkiye. However, revised provisions in the aforementioned legislation provides a basis for litigation of mobbing cases. Mobbing by its nature is difficult to prove and have various negative effects on the persons, their families, and also on the economy and thus must be dealt with due care.

# 4. QUALITATIVE INFORMATION

## 4.1 Root Cause Analysis

### 4.1.1 Introduction

Root Cause Analysis (RCA) is a popular and often-used technique that helps people answer the question of why a problem has occurred. It seeks to identify the origin of a problem using a 3-Step approach, to find the primary cause of the problem. The 3 Steps are:

1. Determine what happened.
2. Determine why it happened.
3. Determine what to do to reduce the likelihood that it will happen again.

RCA assumes that systems and events are interrelated. An action in one area triggers an action in another, and another, and so on. By tracing back these actions, you can discover where the problem started and how it grew into the symptom you're now facing.

Generally, there are three basic types of causes:

* 1. Physical or Structural causes – Tangible, material items failed in some way (for example, a car's brakes stopped working).
  2. Human causes – People did something wrong, or did not do something that was needed. Human causes typically lead to physical causes (for example, no one filled the brake fluid, which led to the brakes failing).
  3. Organisational causes – A system, process, or policy that people use to make decisions or do their work is faulty (for example, no one person was responsible for vehicle maintenance, and everyone assumed someone else had filled the brake fluid). RCA looks at all three types of causes. It involves investigating the patterns of negative effects, finding hidden flaws in the system, and discovering specific actions that contributed to the problem. This often means that RCA reveals more than one root cause.

### 4.1.2 Context

The Project’s Technical Proposal (TP) proposed that an RCA be conducted as part of the desk research into Mobbing, to gain some insights into the underlying causes. In compliance with this, the Technical Assistance Team (TAT) revisited the data collected from the institutions interviewed to understand the current situation on mobbing and the underlying reasons, considering relevant factors such as sector, work conditions, age, sex, type of harassment, duration, physical and psychological consequences, personal characteristics.

### 4.1.3. The 3 Steps

TAT subjected the data to the 3-Step approach, addressing, in particular, the first 2 questions set out above:

* **What happened?**

Here TAT has listed the behaviours which may be observed in typical workplace mobbing situations. These should be considered to be ‘symptoms’ – patterns of behaviour which can lead to colleagues/fellow workers feeling uncomfortable, challenged, belittled.

* **Why did it happen?**

This is where the RCA comes into play. Making use of ideas and information from the desk research and the targeted interviews, and applying basic common sense, it is possible to speculate with regard to the underlying causes of inappropriate behaviours. Frequently, there can be multiple causes for a single act of inappropriate Behaviour. Consequently, it is useful to break the potential causes down into the following categories:

* Physical/Structural;
* Human/Societal;
* Organisational.

The following table presents a summary of this approach:

**Table No. 1: Preliminary Root Cause Analysis - Summary**

|  |  |  |  |
| --- | --- | --- | --- |
| **What Happened?** | **Why did it happen?** | | |
|  | **Physical/Structural** | **Human/Societal** | **Organisational** |
| Verbal abuse – being subjected to insults - men/women shouting to men/women. |  | * Acceptance, in some communities, of an aggressive approach to life. | * Lack of workplace policies regarding appropriate standards of behaviour. |
| Bosses verbally abusing (shouting at) employees. |  | * Acceptance, in some communities, of an aggressive approach to life. | * Inadequate interpersonal training of management staff; * Inadequate workplace disciplinary policies (e.g. formal and enforceable complaints procedures) leading to sense of ‘manager invincibility’. |
| Physical violence towards fellow workers by fellow workers. |  | * Acceptance, in some communities, of a normative aggressive approach to life; * Personal anger-management issues. | * Inadequate workplace disciplinary procedures defining appropriate standards of behaviour; * Lack of consistent application of disciplinary measures even where they do exist. |
| Groups isolate individuals. | * Possible inadequate working space leading to sense of frustration. | * Possible age/gender/race bias; * Possible personal hygiene issues. | * Inadequate interpersonal training of management staff; * Inadequate workplace disciplinary policies (e.g. formal and enforceable complaints procedures) leading to sense of ‘manager invincibility’. |
| Manager/employees belittling skills of other employees. |  | * Possible active or passive discrimination (e.g. male manager/employee believes female employees will not be able to operate specific equipment); * Gender/race/stereotyping. | * Lack of Equal Opportunities policies; * Inadequate management training. |
| Manager threatens dismissal if work/other demands are not agreed to (e.g. unplanned overtime working). |  | * Goals override personal considerations; * Lack of empathy to employees’ personal circumstances; * Lack of employee acceptance of business priorities. | * Inadequate interpersonal training of management staff; * Inadequate workplace disciplinary policies (e.g. formal and enforceable complaints procedures) leading to sense of ‘manager invincibility’. |
| Employee forced by manager to transfer to less favourable work space. |  | * Abuse of power by manager; * Possible active or passive discrimination by manager. | * Inadequate interpersonal training of management staff; * Inadequate workplace disciplinary policies (e.g. formal and enforceable complaints procedures) leading to sense of ‘manager invincibility’. |
| Managers issue threats to employees seeking to join trade unions. |  | * Abuse of power by manager. | * Lack of clear company policy regarding unionisation. |
| Employees subject to direct verbal/physical abuse (by managers/other employees) regarding gender, ethnicity, age. | Organisation climate | * Acceptance, in some communities, of a normative aggressive approach to life; * Personal anger-management issues; * Possible age/gender/race bias. | * Inadequate interpersonal training of management staff; * Inadequate workplace disciplinary policies (e.g. formal and enforceable complaints procedures) leading to sense of ‘manager invincibility’. |
| Employees excluded from work rotas appropriate to their skills levels. |  | * Abuse of power by manager; * Possible active or passive discrimination. | * Inadequate interpersonal training of management staff; * Inadequate workplace disciplinary policies (e.g. formal and enforceable complaints procedures) leading to sense of ‘manager invincibility’. |
| Employees resign citing ‘unreasonable/inappropriate behaviour by managers, fellow employees or both. |  | * Abuse of power by manager; * Possible active or passive discrimination. | * Inadequate interpersonal training of management staff; * Inadequate workplace disciplinary policies (e.g. formal and enforceable complaints procedures) leading to sense of ‘manager invincibility’. |

### 4.1.4 Purpose of RCA

As can be seen, the causes are speculative. However, they provided the basis for the meetings (and face-to-face interviews) which were conducted in the field research, during which the final element of the 3-Step Approach (**How to reduce the likelihood of it happening again?)** was also addressed.

## 4.2 Stakeholder Meetings

### 4.2.1 Methodology

Six in-depth interviews were conducted with the following institutions (the list also includes people interviewed).

**Table No. 1: List of Institutions**

|  |
| --- |
| **Institution** |
| **CIMER** |
| **MoLSS Press and Public Relations Consultancy** |
| **Ombudsman Institution** |
| **TİHEK- Human Rights and Equality Institution of Türkiye** |
| **MoLSS- Department of Guidance and Inspection** |
| **Ministry of Justice** |

The data was gathered through questionnaires previously prepared. and the Root Cause Analysis was deployed to carefully differentiate between ‘symptoms and causes’. At this stage, corrective actions were not proposed: these were explored during the face-to-face interviewing process (see following section).

### 4.2.2 Participating Stakeholders

Meetings were organised in December 2021 with 5 institutions including the Ombudsman Institution, Presidency of Communication (CIMER), MoLSS Press and Public Relations Consultancy, MoLSS Press and Public Relations Consultancy, and Human Rights and Equality Institution of Türkiye. During the stakeholders’ interviews, a structured questionnaire was used to focus on important issues around mobbing: these included the following:

* Definition of mobbing and legislation;
* Existing complaint mechanisms;
* Data collection and information sharing;
* Awareness and training activities in the fight against mobbing;
* Cooperation between public institutions and NGOs;
* Underlying causes and relationship to gender;

Measures and recommendations to be taken in the fight against mobbing; were among the focus areas during stakeholder meetings.

Notes of the meetings are attached at Annex 2.

### 4.2.3 Findings from Stakeholder Meetings

Based on the results from stakeholder meetings, the following conclusions emerged;

* There is a lack of an agreed and common understanding on the definition of mobbing
* There are no coherent data collection mechanisms (each responsible institution collects their own data but there is no common database and data sharing among the institutions, preventing the development of evidence-based policies for fighting against mobbing)
* Following on from this, the possibility of an independent Mobbing Council was mooted;   
  In this sense, although applications are made through various institutions and organisations and different mechanisms (CIMER, ALO 170, etc.), applications are made to the Human Rights and Equality Institution and the Ombudsman Institution within the scope of rights violations and discrimination in general, even if there is no mobbing in particular, and they are evaluated in these Boards. Therefore, the creation of a separate council, such as an Independent Mobbing Council, may mean entering the jurisdiction of existing institutions, since TIHEK is an institution established for this purpose. In addition, making applications through different institutions and channels could lead to confusion. Therefore, an arrangement can be made within the scope of this institution, such as a Mobbing Unit within this institution, and an arrangement can be made such that applications are made to this single institution.
* Even when the stakeholders say that there is no data desegregation by gender, age, sector, and similar parameters;based on the application made through different mechanisms (such as ALO 170) and surveys, the data revealed by gender, sector, etc. as differentiated. The problem is not the absence or segregation of data, but the lack of a secure and unbundled TR-wide database.
* Even when the stakeholders manifest that there is a lack of awareness-raising and training activities (to create awareness among the public and among the employers and institutions on mobbing behaviour and the methods for its prevention); after the Prime Ministry Circular No. 2011/2, many institutions and organizations, notably the Anti-Psychological Harassment Board established within the MoLSS, carried out awareness-raising and training activities on this issue, and the level of awareness on mobbing was increased significantly across TR. Therefore, an expression such as awareness raising and training activities should be increased.

### 4.3 Pre-Study Workshop

A Pre-Study Workshop on Mobbing Complaints was held on 10 March 2022 online. (The Annexes to this Report include the Pre-Study Workshop Report). 57 stakeholders participated in this Workshop, drawn from the public and third sectors.

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 3 ‘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.

In the afternoon session, participants were divided into three groups to discuss three different topics related to mobbing policies in Türkiye:

* Group 1: Inter-Institutional cooperation and data sharing
* Group 2: Perception of Mobbing
* Group 3: Indicators

Each group was moderated by an expert, who guided the participants though focus questions and took notes during discussions.

#### 4.3.1 Group 1: Inter-Institutional Cooperation and Data Sharing: Key Issues Evaluated by Participants

The main issues evaluated in this group are summarised below:

1. Mobbing is a very important phenomenon which has many economic, social, and psychological consequences at individual and community level. Thus, it might be included in the Criminal Law with heavy sanctions.
2. There is a need to conduct an impact analysis for Prime Ministry Circular No. 2011/2. The Circular foresees important tasks to be carried out by the employers and the impact analysis should indicate if the employers have undertaken these tasks so far.
3. There is a need to prepare specific legislation on mobbing.  **P**rotective, preventive and sanction-containing provisions can be added to existing laws might be more appropriate.
4. Data collection and sharing is a very important tool for effective fight against mobbing. As such, sectoral measures can be taken by careful analysis of sectoral data on mobbing. A mobbing mapping study can be developed to present mobbing data per sector, business, province, region, gender, age, etc. This would feed into policies and programmes for prevention of mobbing.
5. ILO Convention No. 190 is an important tool for prevention of mobbing so it is suggested to be signed.
6. Women may refrain for reporting mobbing cases due to many issues including gender inequalities. Thus, their access to complaint mechanisms might be increased and they might be supported with special tools and programmes.
7. Awareness raising and information programmes might be carried out for increasing public awareness on complain mechanisms, sanctions, and methods for fighting against mobbing.
8. Training seminars might be implemented at workplaces at regular intervals (every three or five years).
9. There are many publications and reports by NGOs which are available at their websites. These reports might be shared among public institutions and also could be disseminated among the public.

#### 4.3.2 Group 2: Perception of Mobbing: Key Issues Evaluated by Participants

In this group, the participants focused on the concept and types of mobbing as well as the existing legal sanctions and genitive effects of mobbing.

The main issues evaluated in this group are summarised below:

1. While defining the Psychological Harassment (Mobbing), it might be stated that it can be directed not only to "one person" but "to more than one person". “Intention”, “systematic application” and “frequency” might be among the elements.The definition made by the Psychological Anti-Harassment Board in 2014 includes these elements. Performed by one or more persons in the workplaces for another person or persons, continuing systematically for a certain period of time, aiming to intimidate, pacify or remove from work; harming the personality values, professional status, social relationships or health of the victim or victims; malicious, intentional, negative attitudes and behaviours.
2. People's awareness might be increased with correct definitions and elements of what mobbing is. As a matter of fact, mobbing is an abstract phenomenon and there is a need to distinguish whether the issue that people complain about is caused by the character of the person, conflict or really mobbing. In most of the complaints made to ALO ​​170, it has been determined that the complainants define mobbing themselves and they complain about the issues that are not actually mobbing.
3. Participants suggested that mobbing complaints are reported by men more than women. However, studies have shown that women are subjected to psychological harassment due to gender inequality. The reason why women do not report their complaints may be due to cultural, economic and social reasons. Confidentiality, non-disclosure and privacy are important in the complaint process and data collection.
4. In many cases, senior managers exhibit mobbing behaviour against their juniors. But there are also cases for the reverse situation in which a junior employee tries to undermine the authority of a senior manager. This might be also considered under mobbing perception.
5. In accordance with the hierarchy of norms, there was a need that a separate law and main rules might be determined, and then administrative regulations might be made on a sectoral or professional basis for practices.
6. It was emphasised that workplaces might make transparent arrangements for their workers and create a commission, and that union representatives might also take part in this commission.
7. There are various effects of mobbing at individual, community and economic levels. At an individual level, the health and wellbeing of the person who is exposed to mobbing can be affected. At community level, the family is negatively affected and there can be social unrest. The productivity is reduced and there can be economic consequences.
8. Data analysis needed to be standardised, data analysis might be carried out on the basis of professions rather than sectors, minimising the groups in data analysis gives more accurate results. Public and private sector, and particularly education and health sectors, where mobbing cases are most common, might be examined.
9. Mobbing could also occur in the form of giving more workload to one or some workers. In addition, it was stated that mobbing is more common in sectors with performance pressure and productivity concerns (such as banking).
10. Gender roles also created cases of mobbing. A woman could be absent from the workplace due to care work and domestic responsibilities, which raised psychological pressure from the senior managers and colleagues and resulted in career pitfalls for women.
11. Labour inspectors impose sanctions on workplaces within the scope of Article 5 of the Labour Law, but this sanction is not a deterrent (397 TL per person for the year 2022), there is a need to have more deterrent sanctions.
12. During the Covid 19 pandemic, it was stated that mobbing was applied to the workers with the Provisional Article 10 of the Labour Law, indefinite unpaid leave was applied, and this situation was abused by the employers, some workers were deliberately left unemployed, and this had serious psychological and economic damages.

#### 4.3.3 Group 3: Indicators: Key Issues Evaluated by Participants

In this group, the participants focused on the indicators that should be used for a standard data recording and registration of mobbing cases. The main issues evaluated in this group are summarised below:

1. It was suggested that the registration form to be prepared might be differentiated according to demographic characteristics, sector and business branches.
2. There appeared to be a need that measurement can be made with questions that will exemplify their experiences at work. (Have you been made to feel inadequate at work?
3. Turkish norms might be used to develop a scale for measuring mobbing in Türkiye.
4. An umbrella organisation could be needed to coordinate the works. The Psychological Anti-Harassment Board carries out activities to contribute to the determination of policies across the country for the prevention of psychological harassment in the workplace, to coordinate education and information activities, to conduct research and examinations on needed issues, to prepare reports, guides and information documents, and to raise public awareness. Therefore, it has been established after the Prime Ministry Circular as the institution that will ensure the coordination of mobbing studies. The effectiveness of the Anti-Psychological Harassment Board can be increased in order to determine nationwide policies to prevent mobbing and to coordinate the studies to be carried out in this regard.
5. It was important to receive individual applications through a standard form via a common registration database. Then, these applications can be grouped and thus mobbing cases can be separated.
6. The Bar Associations might be included among the stakeholders.
7. Similar to the above suggestion, the good practices can be rewarded.
8. There should be more protective, preventive and sanction-containing provisions could be added to existing laws.
9. Impact assessment was a must for detecting the impact of legislation and policies in preventing mobbing cases.
10. A 'Mobbing Mapping' study could be developed to indicate mobbing cases on a map by province, district, gender, age, sector, business branch, etc.
11. A mobbing measurement tool could be developed in accordance with Turkish norms by making its validity and reliability.

### 4.2.5 Additional Information from Meetings with Stakeholders and NGO´s

To complement the findings from initial stakeholder meetings, the Pre-Study Workshop, and the face-to-face interviewing process, TAT conducted six more in-depth interviews with the representatives from health sector, banking sector, university/academic sector, legal sector, and civil society.

These interviews aimed at validating the results from field studies about the possible causes of mobbing per sector and the recommendations. Although the interviews did not directly ask about the perceived level of mobbing in the sectors, there was a common perception among interviewees that the education and health sectors were the two main sectors in which there is a high prevalence of mobbing. It is also noteworthy that the participants indicated that insufficient staff in particular sectors like health sector led to mobbing because of the high workload and performance pressures imposed on employees by their managers. There were also other responses for the possible causes of mobbing, which are listed above:

* Lack of strict sanctioning for mobbing behaviour in legislation
* Inadequate institutional structures and procedures
* Lack of management competency
* Competitive and high-performance requirements in particular sectors (especially private sector)
* Unclear job descriptions and mismatch between the job and the qualifications of the employee

All participants agreed on the necessity of well-designed and specific legislation to prevent mobbing, however, they also stated that the availability of legislation would not necessarily solve the issue. Strict sanctions and also enforcement of the legislation is listed among more important and efficient preventive measures against mobbing. Also, the interviewed respondents indicated that there are no established procedures and structures at the company/institution level to prevent mobbing. They all agreed that independent mobbing boards should be established and regularly meet to inspect mobbing complaints. In particular, the Human Rights and Equality Institution is an institution that specifically examines these rights violations. Regulatory work can be carried out under this institution. It seems that there is a lack of information on state obligations enforced by 2011 Directive which requires the establishment of such boards.

All participants agreed on the need for awareness-raising in the form of internal training or informative seminars to be given to employees and managers for clarifying the elements of mobbing and the behaviours which may result in mobbing at the workplace. The participants indicated that the current level of awareness on mobbing is not at the desired level and all companies/sector should consider organising such seminars and meetings for their employees at least twice a year.

A common understanding was observed among the respondents with regards to the negative effects of mobbing. They listed decreased performance and mental wellbeing of the employee who is exposed to mobbing as the main negative effects. One participant from a civil society organisation highlighted the importance of categorising mobbing as a type of occupational disease.

In conclusion, the findings from the additional in-depth interview confirm the findings from other sub-activities under this Intervention in terms of highlighting the importance of specific legislation and sanctioning, the need for training and awareness raising, and the negative effects of mobbing on the employee and the organisation.

# 5. QUANTITATIVE INFORMATION (FINDINGS FROM THE FIELD STUDY AND ANALYSIS OF DATA)

## 5.1 Methodology

The field study was based on a semi-structured questionnaire which had been prepared and piloted in Ankara in February 2022. The field study itself took place in in March 2022 in Ankara. 109 employees and 39 employers from sectors such as manufacturing and services were interviewed, face-to-face, using the semi-structured questionnaire. Before distributing the questionnaires, respondents were given a brief explanation about the confidentiality and the procedure of the study, and were guaranteed anonymity. For each participant the procedure took approximately 20-25 minutes in average.

## 5.2 On Data Required

## As it is mentioned in the ToR, the Presidency of the Republic of Türkiye Directorate of Communications, Human Rights and Equality Institution of Türkiye (TIHEK) and MoLSS – Department of Guidance and Inspection are institutions that receive mobbing complains. After the interviews maintained and for an official letter from the Ministry, information on three institutions’ records was required.

## The information received from the institutions are the following:

## 5.2.1. MoLSS (Department of Guidance and Inspection) for the period 2018- 2022 (until 09/06/2022)

It is seen that 2,915 applications were made in this period with the claim of "Psychological Harassment". It is seen that 44.9% (1311) of these applications were included in the inspection program and 89.2% (1170) of those included in the program were concluded.

Administrative fines were imposed on a total of 81 employers, and the total administrative fine was determined to be 343,455 TL.

On the other hand, according to the data of the Ministry of Labor, it was observed that a total of 1207 applications were made in the records of 2021.

**Table 2: Table of distributions by mobbing parties**

|  |  |  |
| --- | --- | --- |
|  | **Number of Mobbing Complaints Received** | **%** |
| Total number of mobbing applications | 1.207 | 100 |
| Number of mobbing done by women | 240 | 20 |
| Number of mobbing done by men | 432 | 36 |
| Number of mobbing unknown by whom | 535 | 44 |

Source: MoLSS (Department of Guidance and Inspection)

According to 2021 data, 20% of mobbing complaints made by women, 36% of mobbing complaints made by men, 44% of mobbing complaints by unknown person were recorded.

**Table 3: Table of acceptance rates of mobbing complaints**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Mobbing Complaints Received** | **Accept** | **Acceptance rate (%)** |
| Total number of Mobbing applications | 1.207 | 458 | 37.9 |
| Number of mobbing done by women | 240 | 152 | 63.3 |
| Number of mobbing done by men | 432 | 258 | 59.7 |
| Number of mobbing unknown by whom | 535 | 48 | 9.0 |

Source: MoLSS (Department of Guidance and Inspection)

While only 37.9% of the applications made with 1.207 mobbing complaints were accepted, this rate is 63.3% for mobbing made by women. Likewise, the acceptance rate of mobbing complaints made by men is 59.7%, and the acceptance rate is 9% in applications where it is not known by whom.

**Table 4. Mobbing complaints resolution rate table**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Accept** | **Concluding** | **Outcome rate**  **(%)** |
| Total number of Mobbing applications | 458 | 155 | 33.8 |
| Number of mobbing done by women | 152 | 41 | 27.0 |
| Number of mobbing done by men | 258 | 88 | 34.1 |
| Number of mobbing unknown by whom | 48 | 26 | 54.2 |

Source: MoLSS (Department of Guidance and Inspection

While it was seen that accepted mobbing complaints resulted in 33.8% in general, it was seen that 27% of mobbing incidents by women resulted, 34.1% of mobbing incidents by men resulted and 54.2% of mobbing incidents by unknown persons resulted.

**Table 5: Administrative fine application rates table for accepted and concluded mobbing incidents**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Accepted**  **Application** | **Concluding**  **Application** | **Given IPC**  **Application** | **% (within accepted**  **administrative fine**  **delivery rate)** | **Administrative Fine**  **Delivery rate** |
| Total number of mobbing applications | 458 | 155 | 24 | 5.2 | 15.5 |
| Number of mobbing done by women | 152 | 41 | 3 | 2.0 | 7.3 |
| Number of mobbing done by men | 258 | 88 | 16 | 6.2 | 18.2 |
| Number of mobbing unknown by whom | 48 | 26 | 5 | 10.4 | 19.2 |

Source: MoLSS (Department of Guidance and Inspection)

While it is seen that an administrative fine is applied in 5.2% (24) of the mobbing incidents (458) whose applications are accepted and evaluated, it is seen that an administrative fine is applied in 15.5% of the mobbing incidents that resulted (155). On the other hand, administrative fines were imposed on 2% of mobbing incidents (152) committed and accepted by women, while administrative fines were imposed on 7.3% of the mobbing incidents concluded (41).

It is seen that 6.2% of the mobbing incidents by men (258) were applied IPC, and 18.2% of the resulting (88) mobbing incidents were applied IPC.

As can be seen from Table 4, IPC was applied in 10.4% of the mobbing incidents (48), whose origin was unknown, while IPC was applied in 19.2% of the resulting applications (26).

**Table 6: Table of distribution of mobbing applications by sectors**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Business line** | Total | % | Accept | % | Concluding | % | IPC Yes | % | I.PC Amount | % |
| Commerce, Office, Education And  Fine Arts | 341 | 28 | 110 | 24 | 42 | 27 | 7 | 17 | 10,665 | 6.2 |
| Metal | 113 | 9 | 52 | 11 | 18 | 12 | 3 | 17 | 876 | 0.5 |
| General Works | 103 | 9 | 42 | 9 | 9 | 6 | 1 | 11th | 396 | 0.2 |
| Health and Social Services | 93 | 8 | 28 | 6 | 8 | 5 | 1 | 13 | 292 | 0.2 |
| Accommodation and Entertainment Works | 83 | 7 | 36 | 8 | 10 | 6 | 1 | 10 | 292 | 0.2 |
| Transportation | 65 | 5 | 20 | 4 | 7 | 5 | 1 | 14 | 23,352 | 13.5 |
| Weaving, Apparel and Leather | 59 | 5 | 31 | 7 | 8 | 5 | 2 | 25 | 6.128 | 3,5 |
| Defense and Security | 51 | 4 | 16 | 3 | 9 | 6 | 0 | 0 | 0 | 0.0 |
| Petroleum, Chemical, Tire,  Plastic and Medicine | 50 | 4 | 26 | 6 | 13 | 8 | 2 | 15 | 56,864 | 32.9 |
| Food Industry | 48 | 4 | 24 | 5 | 6 | 4 | 0 | 0 | 0 | 0.0 |
| Communication | 32 | 3 | 11 | 2 | 0 | 0 | 0 | 0 | 0 | 0.0 |
| Ship Building and Sea Transportation,  Storage and Warehouse | 31 | 3 | 17 | 4 | 9 | 6 | 0 | 0 | 0 | 0.0 |
| Construction/ Build Sector | 28 | 2 | 9 | 2 | 2 | 1 | 0 | 0 | 0 | 0.0 |
| Bank, Finance and Insurance | 27 | 2 | 6 | 1 | 3 | 2 | 0 | 0 | 0 | 0.0 |
| Energy | 26 | 2 | 11 | 2 | 7 | 5 | 5 | 71 | 70,875 | 41.0 |
| Hunting, Fishing,  Agriculture and Forestry | 13 | 1 | 7 | 2 | 0 | 0 | 0 | 0 | 0 | 0.0 |
| Cement, Soil and Glass | 12 | 1 | 4 | 1 | 1 | 1 | 1 | 100 | 2,943 | 1.7 |
| Wood and Paper | 11 | 1 | 3 | 1 | 2 | 1 | 0 | 0 | 0 | 0.0 |
| Press, Publication and Journalism | 11 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0.0 |
| Mining and Quarry | 10 | 1 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0.0 |
| Total | 1,207 | 100 | 458 | 100 | 155 | 100 | 24 | 15 | 172,683 | 100.0 |

Source: MoLSS (Department of Guidance and Inspection)

When the distribution of mobbing applications by sectors is examined, it is seen that the highest mobbing event is in the "Trade, Office, Education and Fine Arts" sector, while it is seen as Metal, General works, Health and social services, accommodation and entertainment works. It is seen that the rates of acceptance and conclusion come to the fore in the same sectors.

According to the IPC issuance rates, 70.8% in the Energy sector; It is seen that IPC is given in 25% in the weaving, ready-made clothing and leather sector, 17% in the commerce, office, education and fine arts, 17% in the metal sector and 15% in the petroleum, chemical, rubber, plastic and pharmaceutical sectors.

The highest rate of fines in terms of amount is seen in the Energy sector (41%), while this rate is seen as (32.9%) in the petroleum, chemical, rubber, plastic and pharmaceutical sectors.

## 5.2.2. Information from TİHEK – the Human Rights and Equality Institution of Türkiye

The report received from the Human Rights and Equality Institution of Türkiye stated that with the Law No. 6701, published in the Official Gazette dated 20.04.2016 and numbered 29690, this institution was established and the Institution was authorized and tasked with the fight against discrimination, in addition to its duties as a national human rights institution and a national prevention mechanism.

The Report also stated that in Türkiye:

* The types of discrimination covered by this Law are as follows: a) Segregation; b) Ordering and implementing discrimination orders; c) Multiple discrimination; d) Direct discrimination; d) Indirect discrimination; e) Mobbing in the workplace; f) Failure to make reasonable adjustments; g) Harassment; h) Discrimination based on presumed grounds.
* Negative treatment of persons who initiate or participate in administrative or judicial processes in order to comply with the principle of equal treatment or to prevent discrimination, and their representatives, for this reason, constitutes discrimination.

As mentioned above, ***“intimidation in the workplace”*** isidentified as a form of discrimination. In subparagraph (g) of the first paragraph of Article 2 of the aforementioned Law, titled “*Definitions*”, it is stated that mobbing in the workplace refers to actions taken intentionally to alienate, exclude, and tire the person from their job, based on the discrimination grounds listed in the Law. In this context, mobbing applications in the workplace, which can be examined within the scope of TİHEK's mandate, must be related to the fundamentals listed in the Law; general mobbing allegations cannot be examined by the Institution. In addition, the Institution can take action ex officio without waiting for an application in case of alleged violations within its scope of duty. If the Authority determines that the prohibition of discrimination has been violated as a result of its examination of the applications and ex officio examinations, it imposes an administrative fine on the responsible natural or legal persons.

In Article 65 of the Regulation on the Procedures and Principles Regarding the Implementation of the Law on the Human Rights and Equality Institution of Türkiye, the types of decisions that can be made by the Institution as a result of the examination and investigation carried out within the scope of the application or ex officio examination are regulated as follows: a) Decision of Non-examination, b) Reasoned acceptance Decision of Ineligibility, c) Decision of Dispatch, d) Decision of Violation, e) Decision of Administrative Sanction, f) Decision of Reconciliation, g) Decision of Rejection, h) Decision of No Place for Decision.

The statistical data regarding the applications made to our institution within the scope of mobbing at the workplace are as follows:

**Table 7. Table showing the numerical data according to the decision types of the applications regarding the allegations of mobbing in the workplace (2019- 2022)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2022** | **2021** | **2020** | **2019** |
| **Not Processed** | 1 | 1 | 3 | 12 |
| **Legal Guidance** | 4 | 15 | 2 |  |
| **Inadmissibility** | 11 | 5 |  | 3 |
| **Ongoing Review** | 9 | 6 | 11 |  |
| **Breach** | - | 1 | 1 |  |
| **No Violation** | 2 | 3 | 4 | 3 |
| **TOTAL** | **27** | **31** | **21** | **18** |

Source: TIHEK

The table showing the numerical data of the applications regarding the allegations of mobbing in the workplace according to the discrimination grounds.

**Note:** An application may contain more than one discrimination basis.

To understand the origin of the mobbing cases, the numerical data is presented in the following table showing the numerical data of the applications regarding the allegations of mobbing in the workplace according to the discrimination grounds, for the period 2019 – 2022

**Table 8. Applications regarding the allegations of mobbing in the workplace according to the discrimination grounds, for the period 2019 – 2022**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2022** | **2021** | **2020** | **2019** |
| **Disability** | 7 | 6 | 2 | 1 |
| **Gender** | 1 | 6 | 3 | 3 |
| **Religion, faith** |  | 4 | 1 |  |
| **Health** | 6 | 11 |  |  |
| **Race and ethnicity** | 4 | 4 |  |  |
| **Philosophical and political issues** | 5 | 7 | 2 | 3 |
| **Age** | 1 | 1 | 1 |  |
| **Marital Status** |  |  | 1 |  |
| **No legal grounds** | 8 | 9 | 13 | 15 |
| **TOTAL** | 32 | 48 | 23 | 22 |

*Source: TAT with TIHEK information*

**Note:** An application may contain more than one discrimination basis.

* + 1. Example Decisions
* In an application made to TİHEK, the applicant stated that she was working in a municipality and her contract was terminated on the grounds that there was no need for a staff, but the main reason was her pregnancy, she started a legal process against the termination notice, and continued to work with a stay of execution decision as a result of the lawsuit she filed, although she continued to work in places far from her place of duty in the next period. He claimed that he was appointed and that he was given jobs outside of his job description. As a result of the examination made about the application; Since the applicant was exposed to mobbing at the workplace on the basis of gender, it was decided that the prohibition of discrimination was violated and an administrative fine was imposed on the addressee municipality. (For the decision, see: [https://www.tihek.gov.tr/upload/file\_editor/2021/02/1612857117.pdf](about:blank) )
* In another application made to the Institution, a female applicant claimed that she was subjected to intimidation in the municipality where she was working under a contract during her pregnancy and after her request to use a maternity leave. In the examination carried out, the applicant was found to be justified and it was decided by the Human Rights and Equality Board of Türkiye that the applicant was exposed to mobbing in the workplace on the basis of gender. (To reach the decision: [https://www.tihek.gov.tr/upload/file\_editor/2022/01/1643635674.pdf](about:blank) )
  + 1. Other Studies
* Within the scope of informing the public and raising awareness, TİHEK carries out studies related to its duties. In this context, "Mobbing Awareness Survey in Public Institutions" was organized in March 2022. Within the scope of the survey; Considering the ALO 170 data, the institutions and organizations where the survey will be conducted were determined, the survey link was sent to all central and provincial organisations of the said institutions with official consent, and the participation of all personnel at all levels was requested. In the aforementioned survey, there were questions about the knowledge levels and awareness of public employees about mobbing. It is planned to prepare an analysis report regarding the survey, which is thought to provide important data on the field; work on this is in progress.
* Public institutions and organisations, non-governmental organisations, trade unions, social and professional organisations, higher education institutions, press and public institutions, in order to discuss the problems and solution proposals on the issues related to the prohibition of discrimination within the framework of Article 22 of the Law No. 6701 and to exchange information and opinions on these issues. It is envisaged that the Consultation Commission will be formed with the participation of broadcasting organisations, researchers and other relevant persons, institutions and organizations. In this context, the Commission was formed in 2021 and its first meeting was held in November of the same year. The second meeting of the commission, which legally convenes every 6 months, was held in May 2022. One of the agendas of the meeting was about mobbing, and the members of the Commission shared their opinions and recommendations on this area. As a result of the meeting, it was decided to establish a subcommittee in the field of mobbing and to carry out studies in this area.

## 5.3. Analysis of Findings from Employee Face-to-Face Interviews

In this section of the report, we summarise the main findings from the field study conducted with 109 employees. The responses were collected through a structured questionnaire which can be found in Annex 4 (Questionnaire for Employees)

### 5.3.1. Demographic Information

Table 9 presents the overall distribution of demographic information collected from the respondents.

**Table 9: Distribution of demographic characteristics of the respondents**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | f[[23]](#footnote-23) | % |
| A1. Sector | Service sector | 74 | 67.9 |
| Manufacturing sector | 35 | 32.1 |
| Total | 109 | 100.0 |
| A2. Gender | Female | 52 | 47.7 |
| Male | 57 | 52.3 |
| Total | 109 | 100.0 |
| A4. Educational Status | primary school graduate | 11 | 10.1 |
| secondary school graduate | 28 | 25.7 |
| University graduate | 47 | 43.1 |
| Master degree | 23 | 21.1 |
| Total | 109 | 100.0 |
| A5. Marital status | Married | 48 | 44.0 |
| Single | 57 | 52.3 |
| Widowed/Divorced | 4 | 3.7 |
| Total | 109 | 100.0 |
| A6. How many years have you been working in this business? | 0-5 Year | 82 | 75.9 |
| 6-10 Year | 20 | 18.5 |
| 11 + Year | 6 | 5.6 |
| Total | 108 | 100.0 |
| A7. What is your role in this workplace? | White-Collar | 59 | 54.1 |
| Blue-Collar | 50 | 45.9 |
| Total | 109 | 100.0 |

Source: TAT Elaboration

As it is seen, 67.9% of respondents work in the service sector and 32.1% work in the manufacturing sector. 47.7% of respondents were women (52 respondents) and 52.3% were men (57 respondents). When the educational status of the participants is examined, it is seen that the highest rate (43.1%) is among university graduates, followed by secondary school graduates (25.7%).It was observed that 44% of the participants were married and 52.3% were single. The average age of the respondents was 31 (21 was the minimum age of the respondents and 55 was the maximum age).

The duration of working in their company is also reflected in the study. According to the results seen in the above table, 75.9% of the respondents have been working in their companies for the last 5 years, and 18.5% of them have been working for 6-10 years. When the status of the respondents in the workplace is examined, it is seen that 54.1% of them are white-collar workers and 45.9% are blue-collar workers.

### 5.3.2.Definition and Perception of Mobbing in the Workplace

In the first part of the questionnaire, the questions were designed to measure the level of mobbing perception among the respondents. In this first question, a list of potential behaviours which can be associated with mobbing were given to the respondents as seen in below table.

**Table 10. Definition and Perception of Mobbing in the Workplace**

|  |  |  |
| --- | --- | --- |
| **B1. How do you define `mobbing`** | n[[24]](#footnote-24) | % |
| Oppression and intimidation | 22 | 20.2 |
| Psychological violence and oppression | 15 | 13.8 |
| The employee is exposed to all kinds of pressure from his/her superior | 13 | 11.9 |
| Bad behaviour towards the worker | 11 | 10.1 |
| Hostility and pressure on someone in the workplace | 10 | 9.2 |
| Any systematic act that affects the morale and motivation of the employee, creates pressure on the employee and negatively affects employee’s mental wellbeing | 8 | 7.3 |
| Other | 22 | 27.3 |
| Total | 109 | 100 |

Source: TAT Elaboration

As seen, the respondents mostly see oppressive and intimidating behaviour in the workplace as a kind of mobbing behaviour. It is noteworthy to state that the `systematic and repetitive` nature of the mobbing behaviours as defined in the relevant legislation is not well known among the respondents. Only 7.3% of the respondents marked `systematic acts` in the survey. In overall, any hostile, intimidating oppressive acts, both physical and verbal, which affects the mental wellbeing of the employee are seen as mobbing behaviour.

### 5.3.3. Perceived Task Distribution in the Workplace by Gender

In the next question, the respondents were asked if they think the female employees in their workplace are given tasks that require less qualifications than male counterparts. In total, 17.4% said `yes`, 37.6% said `partially`, and 45% said `no` to this question.

**Table 11.** **Perceived Task Distribution in the Workplace by Gender**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | **A2. Gender** | | | | | |
| **Women** | | **Men** | | **Total** | |
| **n** | **%** | **n** | **%** | **n** | **%** |
| B2. Do you think that female employees in your workplace generally take on tasks that require less skill than male employees? | Yes | 8 | 15.4 | 11 | 19.3 | 19 | 17.4 |
| Partially | 15 | 28.8 | 26 | 45.6 | 41 | 37.6 |
| No | 29 | 55.8 | 20 | 35.1 | 49 | 45.0 |
| Total | 52 | 100.0 | 57 | 100.0 | 109 | 100.0 |

Source: TAT Elaboration

However, looking at the gender distribution of the respondents for this question, the majority of women in the study (55.8%) do not think that women take tasks which require less skills than their male counterparts, while the majority of men in the study responded as `yes` or `partially` to this question (64.9%).

### 5.3.4. Level of mobbing experienced at the work place by gender

Question 3 aims at measuring the exposure to mobbing among the respondents. Below table indicates the percentages of exposure or witnessing to mobbing at the workplace.

**Table 12. Level of Mobbing Experienced in the Workplace by Gender**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **B3. Do you think there are mobbing/psychological violence behaviours in workplaces?** | | **A2. Gender** | | | |
| **Women** | | **Men** | |
| **n** | **%** | **n** | **%** |
|  | Yes, I was exposed to mobbing | 31 | 59.6 | 36 | 63.2 |
|  | Yes, I witnessed mobbing at the workplace | 31 | 59.6 | 34 | 59,6 |
|  | I did not witness myself but I have heard about such cases | 14 | 26.9 | 9 | 15.8 |
|  | No, I have not experienced/witnessed/heard of such an event | 6 | 11.5 | 4 | 7.0 |

Source: TAT Elaboration

In total, 61.5% of the participants stated that they were exposed to mobbing/psychological violence at the workplace. When the responses are analysed by gender, it is seen that 63.2% of men included in the study were exposed to mobbing themselves, while 59.6% of women were exposed to mobbing themselves. Only 9.2% of the respondents said they have not experienced, witnessed, or heard about any mobbing cases in their workplace. The findings suggest that mobbing behaviour is common in the studied sectors, however, the results do not suggest a statistically meaningful difference between male and female employees in terms of exposure to violence.

Looking at the age distribution among women and men, it is noteworthy to state that single women and women between ages 30-39 constitute the majority among respondents who stated that they have been exposed to mobbing at the workplace (64.3% and 68% respectively). A statistically meaningful difference was not found between male and female respondents by marital status and age groups.

### 5.3.5. Perceived Causes of Mobbing in the Workplace

Question B4 asked the participants about the reasons for mobbing at the workplace. In the study, the respondent was asked about the underlying causes of mobbing at workplace. The options were listed as structural, personal, and social causes. Among the structural causes are; i) lack of measures to prevent mobbing (52.3%), ii) ineffective functioning of human resource management (28.4%); lack of institutional structure at the workplace (39.4%). Among the personal/individual causes are; i) management style and incompetence of managers (66.1%), ii) lack of information on mobbing (16.5%). Lastly, among the social causes are; i) lack of communication at the workplace (61.5%) and lack of solidarity among employees (45.9%).

**Figure 1. Perceived Causes of Mobbing in the Workplace**

Source: TAT Elaboration

When the responses to the question “B4. What could be the reasons for being exposed to mobbing/psychological violence in the workplace?”, the majority of the total respondents indicated `**management style and incompetence of the managers**` as the main cause for mobbing (66.1%) within the personal causes category. However, when gender distribution is analysed for this question, the majority of women think that the main reason for mobbing is structural; `**lack of measures to prevent mobbing**` (75%). For female respondents, the two other main causes are within the social category: `lack of communication` (69.2%) and `lack of solidarity at the workplace` (59.6%), while male respondents’ communication (54.4) and lack of institutional structure (35.1) are the other two main reasons. The findings suggest a gender-based difference for the perception of mobbing and the underlying causes between female and male employees.

### 5.3.6. Response to Mobbing Behaviour

The respondents were asked about their possible reaction towards mobbing. The responses can be categorised as i) internal referral to higher management (verbal information, 53.2%; written information, 19.3%; confronting the other person, 62.4); ii) passive behaviour (doing nothing (17.4%); getting away from the work place through medical reports or leave permit (8.3%), resigning (27.5%); iii) external referral (seeking legal remedies, 18.3%). As seen, when the total number of responses are analysed, majority of respondents stated that they “would try to solve the issue by confronting the other person who exhibits the mobbing behaviour” (68.4% among men and 55.8% among women). The second most frequent response is “providing verbal information to the senior management” (49.1% among men and 57.7% among women).

The below graph presents the gender distribution per each response indicating a gender-based difference in terms of the possible reaction towards the mobbing behaviour.

**Figure 2. Response to Mobbing Behaviour**

Source: TAT Elaboration

As seen, more women than men think that they would do nothing since they don’t think that the management would do anything to solve the issue (21.2% for women and 14% for men). This suggests that the level of trust among women towards an institutional solution is lower than men. In addition, women tend to be absent from the workplace due to mobbing more than men in the study. The ratio of those who state that “they would get away from the workplace by medical reports or permits” is higher among women (13.5%) than men (3.5%). It is also noteworthy to examine the ratio of respondents who would seek legal remedies externally. More women than men stated that they would seek legal remedies if they were exposed to mobbing (25% among women and 12.3% among men). This last finding is particularly important in terms of analysing the access to justice among women. The results from this study should be benchmarked against the statistics from judicial cases and complaint mechanisms for validation in a further study.

In the next question, the respondents were asked about the reaction of their managers towards a past or potential mobbing incident at the workplace. The results from the question also confirms the previous question in terms of the lack of trust among women towards institutional structures within the workplace. 61.5% of women in the study stated that their managers did not/would not do anything if they received/had received any mobbing complaints, while only 31.6% of men gave this same answer. It is seen that male respondents have more confidence in institutional structures within their companies than women. 61.4% of men stated that their managers would find a solution while only 34.6% of women stated that. Similarly, 50% of women in the study think that the other employees would remain silent towards a mobbing incident at the workplace while 40.4% of men think that other employees would support the solution process.

### 5.3.7. Exposure to Various Mobbing Behaviours among Employees

In section C of the questionnaire, the respondents were asked to indicate the type and frequency of various mobbing behaviour that they are exposed to in the workplace. The respondents were asked to indicate the frequency of exposed mobbing behaviour between 0-Never and 6-Everyday. When the responses are calculated as No-Never and Yes (frequency between 1-6), it is seen that 45.9% of the respondents stated that they have been exposed to at least one of the listed mobbing behaviours in their workplace in the last 6 months with varied frequencies. Taking the highest frequencies as a systematic mobbing behaviour (once in a week or more), it is seen that **8.3% of the respondents stated that they had been exposed to systematic mobbing behaviour** in their workplace. The distribution of this ratio by gender suggest that women are exposed to systematic mobbing behaviour more than men involved in this study**. 13.4% of women in the study stated that they have been exposed to at least one of the listed mobbing behaviour in the last 6 months once a week or more, while the ratio of men is 3.6%. More women stated that they had been exposed to systematic mobbing than men.**

**Table 13. Frequency of Mobbing Exposure in the Last 6 months by Gender**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | **A2. Gender** | | | | | |
| **Women** | | **Men** | | **Total** | |
| **n** | **%** | **n** | **%** | **n** | **%** |
| C30. Have you been exposed to at least one of the listed mobbing behaviour in the last 6 months (more than once a week)? | 0 – No/Never | 31 | 59.6 | 28 | 49.1 | 59 | 54.1 |
| 1 – A few times a year or less | 7 | 13.5 | 16 | 28.1 | 23 | 21.1 |
| 2 – Once in a month or less | 4 | 7.7 | 7 | 12.3 | 11 | 10.1 |
| 3 – A few times in a month | 3 | 5.8 | 4 | 7.0 | 7 | 6.4 |
| **4 – Once in a week** | 2 | **3.8** | 1 | **1.8** | 3 | 2.8 |
| **5 – Several times in a week** | 3 | **5.8** | 1 | **1.8** | 4 | 3.7 |
| **6 - Everyday** | 2 | **3.8** | 0 | **0.0** | 2 | 1.8 |
| Total | 52 | 100.0 | 57 | 100.0 | 109 | 100.0 |

Source: TAT Elaboration

Examining the type of exposed mobbing behaviour, it is seen that “**being ignored, alienated**” is the most common mobbing behaviour. 62.4% of the respondents have been exposed to this with various frequencies between 1-seldom to 6-everday. This is followed by “unfair assessment of the work done” (60.6%) and “absurd or meaningless tasks” (57.8%). More severe mobbing behaviour such as physical and verbal threats (3.7%) or sexual harassment (7.3%) was observed less in the study.

**Figure 3. Type of Exposed Mobbing Behaviours**

Source: TAT Elaboration

Finally, the perpetrators of mobbing behaviour are found to be supervisors (82%), followed by colleagues (10%) and subordinates (8%). Looking at gender distribution for this question, it is seen that when women stated that they had been exposed to mobbing, they mostly indicated that it was by **their boss/supervisors** while 13.8% of men who have been exposed to at least one of the listed mobbing behaviour in the last 6 months stated that the mobbing behaviour was performed by their **subordinates**. No women in the study stated any mobbing from their subordinates. Since gender of supervisors and subordinates were not indicated in the study, it is not possible to further explore the gender aspect of performed mobbing behaviour.

**Table 14. Perpetrators of Mobbing**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **The person who performs mobbing behaviour** | | **A2. Gender** | | | | | |
| **Women** | | **Men** | | **Total** | |
| **n** | **%** | **n** | **%** | **n** | **%** |
|  | 1 – Boss or supervisor | 19 | 90.5 | 22 | 75.9 | 41 | 82.0 |
| 2 – Colleague | 2 | 9.5 | 3 | 10.3 | 5 | 10.0 |
| 3 - Subordinates | 0 | 0.0 | 4 | 13.8 | 4 | 8.0 |
| Total | 21 | 100.0 | 29 | 100.0 | 50 | 100.0 |

Source: TAT Elaboration

In conclusion, the field study indicated that there is a lack of knowledge about the definition of mobbing and its **systematic**, **repetitive** aspect among the respondents. For an act to be considered as mobbing, it should be systematic and repetitive. Although 61.5% of the respondents stated that they are/were exposed to mobbing (59.6% among women and 63.2 among men), only 8.3% of the respondents (**13.4% among women and 3.6% among men**) stated that they have been exposed to systematic mobbing behaviour (frequency 4 and higher) in their workplace in the last 6 months.

## 5.4. Analysis of the Findings from Employer Face-to-Face Interviews

### 5.4.1. Demographic Information

The field study among the employers were conducted with 39 respondents (23 from service sector, 8 from manufacturing and 5 from other sectors). 66.7% of the employers interviewed are men and 33.3% are women. When the educational status of the participants is examined, it is seen that the highest rate (50%) is among university graduates, followed by secondary school graduates (27.8%).

**Table 15: Distribution of Demographic Characteristics of Respondents**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **n** | **%** |
| A2. Gender | Women | 12 | 33.3 |
| Men | 24 | 66.7 |
| Total | 36 | 100.0 |
| A4. Educational Status | Primary school graduate | 2 | 5.6 |
| Secondary school graduate | 10 | 27.8 |
| Graduated from a University | 18 | 50.0 |
| Master degree | 6 | 16.7 |
| Total | 36 | 100.0 |
| A6. How many years have you been working in this business? | 0 - 5 years | 7 | 19.4 |
| 6 - 10 years | 13 | 36.1 |
| 11 + years | 16 | 44.4 |
| Total | 36 | 100.0 |

Source: TAT Elaboration

The distribution among the respondents by their position at the work place is given below. As seen, the majority of the respondents are business owners (38.9%) followed by chief/manager/project manager (36.1%) and general managers (13.9%).

**Table 16. Position of respondents at workplace**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | n | % |
| A7. Specify your job in your workplace | Other | 4 | 11.1 |
| Business owner | 14 | 38.9 |
| General Manager / Coordinator | 5 | 13.9 |
| Chief / Manager / Project manager | 13 | 36.1 |
| Total | 36 | 100. |
| Other | Academic Physician | 1 | 2.8 |
| Associate professor | 1 | 2.8 |
| Doctor | 1 | 2.8 |
| Construction engineer | 1 | 2.8 |
| Total | 4 | 100.0 |

Source: TAT Elaboration

### 5.4.2. Definition and Perception of Mobbing in the Workplace

In the first question, the respondents were asked to define mobbing in their own words. The majority defined mobbing as “pressure upon the employees by their superiors” (33.3%). When the respondents were asked about their opinion on the elements of mobbing to define an act as mobbing, the following responses were given.

**Figure 4. Perceived Elements of Mobbing**

Source: TAT Elaboration

As seen, “being oppressive” and “systematic” are considered as the main characteristics of any mobbing case, according to employers.

### 5.4.3. Perceived Level of Mobbing

When the respondents were asked if they thought there was mobbing at the workplaces, 19.4% stated that mobbing does not occur in their workplaces:

**Figure 5. Perceived Level of Mobbing**

Source: TAT Elaboration

### 5.4.4. Perceived Causes of Mobbing in the Workplace

When the respondents were asked about their opinion on the underlying causes of mobbing in the workplace, the following causes were indicated:

**Figure 6. Perceived Causes of Mobbing**

Source: TAT Elaboration

As seen in the above table, lack of preventive measures at the workplaces is seen as the main cause of mobbing (50%), followed by lack of communication (33.3%).

When the respondents were asked about their opinion on the negative effects of mobbing/psychological violence on workplaces in case of possible mobbing/psychological violence, the following responses were given.

**Table 17: Negative Effects of mobbing**

|  |  |  |
| --- | --- | --- |
|  | n | % |
| Decreased productivity of the workplace and its employees | 20 | 55.6 |
| Increased employee absenteeism and increased leaves | 14 | 38.9 |
| Legal expenses of the workplace | 10 | 27.8 |
| Decreased job quality | 21 | 58.3 |
| Loss of brand reputation of the workplace | 13 | 36.1 |
| Reducing employee trust, effort, and loyalty | 15 | 41.7 |
| Increased resignations | 14 | 38.9 |
| Deterioration of employee-employee and employee-manager relations | 14 | 38.9 |

Source: TAT Elaboration

As seen above, the majority of the respondents stated that the job quality (58.3%) and productivity at the work place (55.6%) is/would be negatively affected from mobbing.

Below are the results obtained from other questions are presented,

**Table 18. Measures/Policies Against Mobbing in the Workplace**

|  |  |  |
| --- | --- | --- |
|  | n | % |
| Giving training seminars on mobbing to prevent mobbing | 11 | 30.6 |
| Finding a solution by meeting with the perpetrator | 17 | 47.2 |
| Verbal warning to the perpetrator | 17 | 47.2 |
| Informing the perpetrator in writing | 11 | 30.6 |
| Termination of the employment contract of the perpetrator | 7 | 19.4 |
| Application to Legal Authorities | 3 | 8.3 |

Source: TAT Elaboration

It was seen that 19.4% of the respondents to the question of what measures/policies are there against possible mobbing in your workplace, answered "termination of the employment contract of the perpetrator". It is seen that 8.3% of them gave the answer "Apply to Legal Authorities". It is noteworthy to indicate that employers in the study do not think of legal remedies as a solution to end mobbing.

When asked whether mobbing cases have increased as a result of cultural changes in recent years, 38.9% of the participants answered "Yes, it has increased a lot". It is seen that 2.8% of them gave the answer "I don't know".

To the answer if they think women are considered a socially disadvantaged group and which are the reasons on that, the majority of the respondents (72.2%) think that women are disadvantaged in work life due to cultural and patriarchal prejudices, care responsibilities caused by gender inequalities, and the lack of work-life balance. Only 27.8% of the respondents stated that they do not think women as a disadvantaged group in the work life.

When the respondents were asked about the preventive protective measures against mobbing in the workplace, 10.2% think that legislation is important, 30.7 % training and awareness raising, 20.5% think it is a responsibility of employees to maintain their work performance and 38.6 % don't answer the question.

On the responsibility of the State, 62.1% strict legislation and audits, 30.3% training/awareness and psychological support, and 7.6% don't answer the question.

# 6. POLICY RECOMMENDATIONS AND SUGGESTIONS TO ENHANCE RELEVANT REGULATIONS AND TO DRAFT NEW POLICIES

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.

6.1 Legislation

The definition of Mobbing at the workplace remains unclear and there is a confusing lack of agreement and common understanding in handling complaints of workplace psychological harassment. The proposed recommendation will be in line with ILO Convention 190.

These recommendations follow the Desktop Research, that stated there is not a specific legislation on mobbing in Türkiye. However, revised provisions in the existed legislation provide a basis for litigation of mobbing cases:

* In the Constitution of the Republic of Turkey, Article 12, which determines the nature of fundamental rights and freedoms and emphasizes that “Everyone has fundamental rights and freedoms that are personal, inviolable, inalienable and indispensable”. Immunity of a person is guaranteed under Article 17, which regulates his material and spiritual existence and regulates that “everyone has the right to live, to protect and develop his/her material and spiritual existence”.
* Article 5 of the **Labour Law No. 4857 and MD. 24/II AND 25/II** obliges employers to apply the principle of equality among their workers in the employment relationship;
* Mobbing at workplace is also regulated under the **Law No: 6098** on Debts where Article 417 aims at protecting the worker against mobbing at the work place;
* The following laws also include provisions regarding mobbing: **Turkish Civil Law No. 4721, Turkish Criminal Law No. 5237, Civil Servants Law No. 657 And Occupational Health And Safety Law No. 6331**
* The ***Trade Unions and Collective Bargaining Law No. 6356*** contains comparable provisions;
* The ***National Employment Strategy 2017-2019*** covers the topic in the main policy axis of "Increasing Employment of Groups Requiring Special Policy".

The Desk Research also mentioned that in Article 26 of the revised European Social Charter of 1996, approved in Türkiye by the Law No. 5547 of 27 September 2006, provides for the protection of employees against sexual harassment and psychological harassment in the workplace. (pp. 10 – 15)

One important **mechanisms available** in Türkiye for submitting complaints when a person is exposed to mobbing are the **Presidential Communication Centre (CIMER)**; the **ALO 170**; the **Ombudsman Institution**, where real and legal persons who claim that they have been subjected to psychological harassment by the actions and acts of the administration can file a complaint without paying any fee; and finally Individuals can apply to the **Human Rights and Equality Institution of Türkiye** without paying any fee, if they allege that they are exposed to intimidation and discrimination in their workplaces.(pp. 15 – 20)

In conclusion, there is not a specific legislation on mobbing in Türkiye. However, revised provisions in the aforementioned legislation provides an important basis for litigation of mobbing cases.

In the stakeholder meetings held in December 2021 and April 2022 (pp. 24 – 29 and p. 30) the stakeholders interviewed stated that there is a lack of an agreed and common understanding of the definition of mobbing. During the Pre-Study Workshop, particularly in Group 2 (which considered the “Perception of Mobbing’, key issues which emerged included: ’While defining the Psychological Harassment (Mobbing), it might be stated that it can be directed not only to "one person" but ‘to more than one person’; ’Intention’, ‘systematic application’ and ‘frequency’ might be among the elements” and also that “In accordance with the hierarchy of norms, there is a need that a separate law and main rules might be determined, and then administrative regulations might be made on a sectoral or professional basis for practices” (pp. 31-32).

In the Field Study (pp. 38 - 39), participants made important contributions to identifying the main characteristics of mobbing - the perceived task distribution in the workplace by gender and the level of mobbing experienced at the work place by gender - which can help to formulate a more complete and better definition.

The **main recommendations** with regard to legislation are:

1. To clarify the definition of mobbing in the workplace, considering:

• types of acts constituting mobbing in the workplace (including public and private areas and “the areas where the employee is paid, go out to rest or have dinner or washbasins, showers and changing clothes”);

• work-related trip, travel, education, event or social activity

• situations arising through business communications, including through information and communication technologies.

1. Legally prohibit mobbing, including gender-based violence in the workplace
2. Developing inter-agency cooperation and coordination with a view to bringing measures to effectively protect victims of mobbing.
3. Recommend research on possible preventive initiatives to achieve a harassment-free work environment.
4. Require employers to introduce appropriate control steps to prevent harassment within their company, taking into account:

• Associated psychological risks in occupational health and safety management;

• Information and training needs and provision

The comments of the stakeholders during the Post-Study Workshop (June 2022)can be summarised as follows:

* There is a declaration for prevention of mobbing issued by the Association for Fighting against Mobbing. The chair of the association called for an action for the signing of this declaration by all enterprises and also institutions in the public and private sector.
* TİHEK has carried out a field study with 137.000 persons on mobbing complaints. The results of the study will be published in July 2022. The report is very important in terms of presenting a statistically representative picture of mobbing in Türkiye.
* Looking at the issue from a gender equality lens, it was emphasised that women and men see the issue of mobbing from different aspects. The definitions and perception of mobbing as well as fighting mechanisms might be quite different among men and women. Thus, the field study under the project will reveal very important input in terms of developing gender-sensitive support policies and prevention mechanisms for mobbing. Mobbing victims need empowering support and also in some cases women may lack financial resources to open a file against mobbing. Access to justice among women is an important issue when dealing with mobbing.
* Stakeholders pointed out that mobbing definition can be reviewed in terms of including different types of violence and mobbing. It can be psychological or sexual.
* The issue on the lack of proper and specific legislation was repeated. ILO Convention No 190 was also emphasised due to its valuable importance for prevention of mobbing especially for ensuring gender equality while preventing mobbing.
* To clarify the definition, more studies are needed which should include: migrant workers and their exposure to mobbing which is intensive due to the informal working situations among migrant workers; NGO´s, Universities and academic institutions should be encouraged to carry out field studies and contribute to the existing literature on mobbing in Türkiye.
* Prevention of mobbing is vital and more cost-effective. Thus, there must be intensive and periodic training and awareness raising activities within the organisations and workplaces. Specific training on mobbing should be included in the official curricula in education.
* Apart from the lack of specific legislation on mobbing, there are also issues regarding the implementation of the existing law. The judges should be trained on gender-sensitive handling of mobbing cases. In addition, burden of proof causes forfeiture and women are victimised in law suits. Criminal sanctions are needed for effective fight against mobbing since the existing monetary sanctions are not sufficient.

6.2 Data Collection

In the Desk Research (pp. 15 - 20), it is shown that over the past 25 years the workplace mobbing literature has grown extensively. The current review presents an opportunity to understand the defining features, measurement methods and prevalence studies of victims and witnesses of mobbing.

During the December 2021 and April 2022 stakeholder meetings (pp.24 – 26 and p.30), it was pointed out that there is a need to develop effective policies to have disaggregated and representative data on mobbing at national and sectoral levels. The responsible institutions might work together to create a common database for recording mobbing complaints and the data should be shared among relevant institutions in accordance with the protection of personal data law. A mapping study could guide the policies and programmes with evidence from sectors, regions, and businesses. They also indicated that for effective measurement of mobbing, clear and appropriate indicators might be chosen and monitored at regular intervals. A standard and validated scale could be and applied at national level at regular intervals.

In the Pre-Study Workshop (March 2022), the stakeholders interviewed stated that there is a lack of an agreed and common understanding on the definition of mobbing;

* there are no coherent data collection mechanisms (each responsible institution collects their own data but there is no common database and data sharing among the institutions, preventing the development of evidence-based policies for fighting against mobbing);
* The awareness of the phenomenon might influence the prevalence rates on using the self-labelling method. The variations of prevalence rates can be reduced by developing a uniform definition, measurement methods and operational criteria for examining the phenomenon. The researchers have to further devise effective intervention mechanisms to curb and control the phenomenon in workplaces across the globe.

The **main recommendations** with regard to data collection are:

1. Develop an accepted method for recording cases of workplace mobbing to provide comparability methods at the national, regional and sectoral levels.
2. Conducting further quantitative and qualitative research to gain a deeper understanding of the experiences and motivations of victims, witnesses and perpetrators.
3. To provide gender-disaggregated data in order to establish gender-sensitive policies.

The comments of the stakeholders of the Post-Study Workshop can be summarised as follows:

* Complaints must include the sex of the accused (it must be included in the forms).
* Public institutions and organisations can cooperate to create a shared database at the national level. The creation of this database will greatly contribute to the work carried out by the Anti-Mobbing Board, which was established with the Circular numbered 2021/2, to prevent mobbing.
* The Circular No. 2011/2 should be updated in the light of current developments and its structure and effectiveness should be strengthened.

6.3 Awareness-Raising

During the December 2021 and April 2022 meetings (pp. 24 – 26 and p.30), together with the suggestions during the Pre-Study Workshop (p. 26 - 28) and also the responses of some employees and employers during the Field Study (pp. 34 - 44), awareness raising among the employees and employers is an important tool for the prevention of mobbing and the fight against it. Regular training programmes could be coordinated in both the public and private sectors, and an awareness-raising campaign could be initiated through social media or other communication tools.

Particularly in the April 2022 meetings (p.33), all stakeholders agreed on the need for **awareness-raising** in the form of internal training or informative seminars to be given to employees and managers for clarifying the elements of mobbing and the behaviours which may result in mobbing at the workplace. They indicated that the current level of awareness on mobbing is not at the desired level and all companies/sector should consider organising such seminars and meetings for their employees at least twice a year.

From the Field Study (pp. 34 - 44), a common understanding was observed among the respondents regarding the negative effects of mobbing.

The April 2022 meetings confirmed that decreased performance and mental wellbeing can be seen among employees exposed to mobbing. One participant from a civil society organisation highlighted the importance of categorising mobbing as a type of occupational disease.

In conclusion, from the totality of the research, the **main recommendations** suggested are:

1. Carry out awareness-raising activities on employers' obligations in a way that will provide a safe and risk-free working environment, including the risk of psychological harassment.
2. Develop a consultation mechanism with employees to identify or evaluate mobbing in the workplace by establishing coordination with workers' and employers' unions, making decisions about measures to resolve these situations, providing information and training, and suggesting changes to avoid these situations.
3. Provide and maintain reasonably viable, safe, and harassment-free work systems (setting values and standards, effective leadership).
4. Develop, in consultation with employees, a workplace harassment policy that is easily accessible and communicated to all employees, which encourages transparent reporting of workplace mobbing issues.
5. Develop more information, instruction, training and control mechanisms that will prevent the risk of mobbing in the workplace.
6. Establish mechanisms and determining methods for employees to promptly deal with and take action on mobbing complaints from employers.
7. Develop clear protection mechanisms before, during and after a workplace mobbing report or complaint is made.

6.4 Cooperation and Coordination Mechanisms Between Institutions

From the December 2021 and April 2022 stakeholder meetings (pp.24-26 and p. 30), and the main recommendations of the Pre-Study Workshop (p. 26- 29), efforts to combat mobbing should be carried out effectively, in cooperation with all stakeholders of working life, under the coordination of the Psychological Harassment Board established within the General Directorate of Labour.

The comments of stakeholders can be summarised as follows:

* Labour Unions have also a vital role in the fight against mobbing. One participant from one Confederation stated that they had started to include mobbing provisions in their collective agreements. This promising practice might be disseminated throughout all sectors.
* Last but not least, cooperation and coordination among stakeholders are the two fundamental tools for effective prevention and fight against mobbing. Thus, the Post-Study Workshop (7 June) was considered to be a very effective and successful platform for ensuring that all stakeholders became aware of what different organisations, and structures were doing, and hence learned from each other. A similar platform for data-sharing might be developed by data-sharing protocols, in the view of the participating stakeholders.

The **main** r**ecommendations** on this are:

1. Promote acceptable workplace standards regarding mobbing in the workplace through social dialogue, involving public institutions and organisations, social partners, NGOs and universities.
2. Generate and sustain permanent spaces for collaboration between institutions on mobbing.

6.5 Summation of Recommendations

Here we bring together all the Recommendations mentioned above:

1. Clarify the definition of mobbing in the workplace, considering:

• types of acts constituting mobbing in the workplace (including public and private areas and “the areas where the employee is paid, go out to rest or have dinner or washbasins, showers and changing clothes”);

• work-related trip, travel, education, event or social activity

• situations arising through business communications, including through information and communication technologies.

1. Legally prohibit mobbing, including gender-based violence in the workplace
2. Develop inter-agency cooperation and coordination with a view to bringing measures to effectively protect victims of mobbing.
3. Recommend research on possible preventive initiatives to achieve a harassment-free work environment.
4. Require employers to introduce appropriate control steps to prevent harassment within their company, taking into account:

• Associated psychological risks in occupational health and safety management;

• Information and training needs and provision

1. Develop an accepted method for recording cases of workplace mobbing to provide comparability methods at the national, regional and sectoral levels.
2. Conduct further quantitative and qualitative research to gain a deeper understanding of the experiences and motivations of victims, witnesses and perpetrators.
3. Provide gender-disaggregated data in order to establish gender-sensitive policies.
4. Carry out awareness-raising activities on employers' obligations in a way that will provide a safe and risk-free working environment, including the risk of psychological harassment.
5. Develop a consultation mechanism with employees to identify or evaluate mobbing in the workplace by establishing coordination with workers' and employers' unions, making decisions about measures to resolve these situations, providing information and training, and suggesting changes to avoid these situations.
6. Provide and maintain reasonably viable, safe, and harassment-free work systems (setting values and standards, effective leadership).
7. Develop, in consultation with employees, a workplace harassment policy that is easily accessible and communicated to all employees, which encourages transparent reporting of workplace mobbing issues.
8. Develop lean information, instruction, training and control mechanisms that will prevent the risk of mobbing in the workplace.
9. Establish mechanisms and determining methods for employees to promptly deal with and take action on mobbing complaints from employers.
10. Develop clear protection mechanisms before, during and after a workplace mobbing report or complaint is made.
11. Promote acceptable workplace standards regarding mobbing in the workplace through social dialogue, involving public institutions and organisations, social partners, NGOs and universities.
12. Generate and sustain permanent spaces for collaboration between institutions on mobbing.

# 7. CONCLUSIONS

From the preceding information in this Report, the following conclusions may be drawn:

* On the findings of the qualitative analysis, there is coincidence between the main causes (Physical/structural, Human/societal and Organisational) of mobbing, the lack of an agreed and common understanding on the definition of mobbing, and the current data collection mechanisms. There was a also a common perception among the participants that education and health sectors are the two main sector in which there is a high prevalence of mobbing.
* These issues were explored during the field study. Employees do interpret oppressive and intimidating behaviour in the workplace as a form of mobbing but are not familiar with the idea of `systematic and repetitive` mobbing behaviours as defined in relevant legislation. Any hostile, intimidating oppressive act, both physical and verbal, which affects the mental wellbeing of the employee are recognised, however, as mobbing behaviour. The Study flagged up that 13.4% of female respondents had been exposed to at least one of the listed mobbing behaviours in the last 6 months for at least once a week, e the ratio of male respondents was 3.6%. Also, looking at the age distribution among women and men, it is emerged that single women and women between aged 30-39 constitute the majority among respondents who stated that they have been exposed to mobbing at the workplace (64.3% and 68% respectively). A statistically meaningful difference was not found between male and female respondents by marital status and age groups.
* From the analysis of the findings from employer face-to-face interviews, there is a coincidence with employees in the conception of mobbing, with employers recognising women as socially disadvantaged with the majority of the respondents (72.2%) believing that women are disadvantaged in work life due to cultural and patriarchal prejudices, care responsibilities biased towards women, and the lack of work-life balance. Only 27.8% of the respondents stated that they do not think women as a disadvantaged group in the work life.

**FoW TAT**

**July 2022**

8. Resources

* Commission on equality of opportunity between men and women publications (2011) Psychological harassment at work, available at: <https://res.cloudinary.com/mobbing/images/v1636410268/kadin_erkek_firsat_esitligi_kom_6/kadin_erkek_firsat_esitligi_kom_6.pdf?_i=AA>
* İlgöz, Selda (2016), Kadın ve Mobbing, EMO Kadın Bülteni No 4.
* ILO (2016). Report of the Director-General: Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work, GB.328/ INS/17/5, Appendix I. (Geneva, ILO).
* Leka, S., and Cox, T., (eds), (2008) The European Framework for Psychosocial Risk Management: PRIMA-EF, I-WHO Publications, Nottingham (http://www.prima-ef. org).
* Ministry of Labor and Social Security, General Directorate of Labor, Department of Employment Policies (2017) Psychological Harassment at Workplaces Information Guide, available at: <https://www.csgb.gov.tr/media/1328/i%C5%9Fyerlerinde-psikolojik-taciz-mobbing-bilgilendirme-rehberi-2017.pdf>
* Supreme Court of Appeals General Assembly, E. 2015/9-461; K. 2017/127; T. 25.01.2017; 22nd Civil Chamber of the Supreme Court, E.2017/7875; K.2017/13057; T.01.06.2017; 9th Civil Chamber of the Supreme Court, E.2016/485; K.2016/16921; T.29.09.2016; Supreme Court of Appeals General Assembly, E. 2012/9-1925; K. 2013/1407; T. 25.09.2013; 9th Civil Chamber of the Supreme Court, E.2014/36660; K.2015/3283; T.26.2.2015
* UN Women (2015). Combatting Online Violence Against Women & Girls: A Worldwide Wake-Up Call. (New York, United Nations Broadband Commission).
* UN Women-ILO, U. N. (2019). Handbook: Addressing Violence and Harassment against Women in the World of Work.
* World Health Organisation 2003, ‘Raising awareness of psychological harassment at work’, Protecting Workers’ Health Series, No 4 available at: http://www.who.int/entity/ occupational\_health/publications/en/pwh4e.pdf

**Links:**

* COUNCIL DIRECTIVE 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0113:EN:HTML>
* Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0054>
* Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010L0041
* European Commission, Daphne II programme to combat violence against children, young people, and women (http://ec.europa.eu/justice\_home/).
* European Parliament Resolution (2018): https://docs.euromedwomen.foundation/files/ermwf-documents/8273\_4.283.europeanparliamentresolutiononmeasurestopreventandcombatsexualharassment-2018.pdf
* <https://www.mobbing.org.tr/>
* <https://www.mobbing.org.tr/tbmm-kadin-erkek-firsat-esitligi-komisyonu-mobbing-raporu/>
* Law 6701: https://insanhaklarimerkezi.bilgi.edu.tr/media/uploads/2016/05/18/TIHEK.pdf
* Prof. Dr. Pınar Tınaz (September 15, 2020) Mobbing ve Kadın, available at: <https://kockam.ku.edu.tr/mobbing-kadin-prof-dr-pinar-tinaz/>
* Republic of Turkey, CIRCULAR 2011/2, available at: <https://teftis.ktb.gov.tr/yazdir?1B02C3E0E37405E9723808ABB8645C1F>



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1. https://docs.euromedwomen.foundation/files/ermwf-documents/8273\_4.283.europeanparliamentresolutiononmeasurestopreventandcombatsexualharassment-2018.pdf [↑](#footnote-ref-1)
2. European Commission, Daphne II programme to combat violence against children, young people, and women (http://ec.europa.eu/justice\_home/). [↑](#footnote-ref-2)
3. Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Italy, Spain, Hungary, Netherlands. [↑](#footnote-ref-3)
4. Leka, S., and Cox, T., (eds), 2008, The European Framework for Psychosocial Risk Management: PRIMA-EF, I-WHO Publications, Nottingham (http://www.prima-ef. org). [↑](#footnote-ref-4)
5. ILO and UN Women (2019) [↑](#footnote-ref-5)
6. UN Women 2015. Combatting Online Violence Against Women & Girls: A Worldwide Wake-Up Call. (New York, United Nations Broadband Commission). [↑](#footnote-ref-6)
7. ILO 2016. Report of the Director-General: Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work, GB.328/ INS/17/5, Appendix I. (Geneva, ILO). [↑](#footnote-ref-7)
8. World Health Organisation 2003, ‘Raising awareness of psychological harassment at work’, Protecting Workers’ Health Series, No 4 (http://www.who.int/entity/ occupational\_health/publications/en/pwh4e.pdf) [↑](#footnote-ref-8)
9. <https://teftis.ktb.gov.tr/yazdir?1B02C3E0E37405E9723808ABB8645C1F> [↑](#footnote-ref-9)
10. <https://www.csgb.gov.tr/media/1328/i%C5%9Fyerlerinde-psikolojik-taciz-mobbing-bilgilendirme-rehberi-2017.pdf> [↑](#footnote-ref-10)
11. The complete text of the Law 6701 is available at: https://insanhaklarimerkezi.bilgi.edu.tr/media/uploads/2016/05/18/TIHEK.pdf [↑](#footnote-ref-11)
12. Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast). It replaces the Equal Treatment Directive (76/207/EEC) and the Equal Pay Directive (75/117/EEC). [↑](#footnote-ref-12)
13. The Directive is available at this link: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0113:EN:HTML> [↑](#footnote-ref-13)
14. The Directive is available on this link: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010L0041 [↑](#footnote-ref-14)
15. <https://www.mobbing.org.tr/tbmm-kadin-erkek-firsat-esitligi-komisyonu-mobbing-raporu/> [↑](#footnote-ref-15)
16. <https://kockam.ku.edu.tr/mobbing-kadin-prof-dr-pinar-tinaz/> [↑](#footnote-ref-16)
17. <https://www.mobbing.org.tr/> [↑](#footnote-ref-17)
18. https://www.csgb.gov.tr/media/1328/i%C5%9Fyerlerinde-psikolojik-taciz-mobbing-bilgilendirme-rehberi-2017.pdf, p. 54. [↑](#footnote-ref-18)
19. Selda İlgöz (2016), Kadın ve Mobbing, EMO Kadın Bülteni No 4. [↑](#footnote-ref-19)
20. https://res.cloudinary.com/mobbing/images/v1636410268/kadin\_erkek\_firsat\_esitligi\_kom\_6/kadin\_erkek\_firsat\_esitligi\_kom\_6.pdf?\_i=AA [↑](#footnote-ref-20)
21. <https://www.csgb.gov.tr/media/1328/i%C5%9Fyerlerinde-psikolojik-taciz-mobbing-bilgilendirme-rehberi-2017.pdf> [↑](#footnote-ref-21)
22. Supreme Court of Appeals General Assembly, E. 2015/9-461; K. 2017/127; T. 25.01.2017; 22nd Civil Chamber of the Supreme Court, E.2017/7875; K.2017/13057; T.01.06.2017; 9th Civil Chamber of the Supreme Court, E.2016/485; K.2016/16921; T.29.09.2016; Supreme Court of Appeals General Assembly, E. 2012/9-1925; K. 2013/1407; T. 25.09.2013; 9th Civil Chamber of the Supreme Court, E.2014/36660; K.2015/3283; T.26.2.2015 [↑](#footnote-ref-22)
23. f is a statistical value, a tool to help to understand a variance between two or more populations significantly different   [↑](#footnote-ref-23)
24. The symbol 'N' represents the total number of individuals or cases in the population. [↑](#footnote-ref-24)