



## Information Note for the Questionnaire on “Women’s Human Rights in the Changing World of Work”

Our country is at the top of the countries that always cares about the place of women in social and working life, work to bring women to better place and carry out its policies by attaching special importance to the issue of equality between men and women. In many of our laws, there are articles that maintain and strengthen the position of women in business life and contribute to the provision of equal opportunities for women and men.

The first of these is the Labour Law No:4857, which came into force in 2003. In the Labour Law, important steps were taken to increase the participation of women in working life with achievement of new regulations especially in 2011 and 2016 by taking into account the biggest obstacle to women entering the working life.

According to our national labour legislation, women can work under the same conditions as male workers in all forms of employment and occupations permitted by law. The only exception to this is the prohibition of employment of women on underground or underwater works such as mines and cable laying, sewerage and tunnel construction within the context of the Underground Work (Women) Convention No.45.

According to Article 5 “Principal<sup>1</sup> of equal treatment” of the Labour Law No. 4857, the distinction between language, race, colour, gender, disability, political thought, philosophical belief, religion and sect and similar reasons cannot be made. According to the same article, the employer cannot, directly or indirectly, undertake any kind of treatment, whether due to the reasons for the nature of the work or the biological nature of the work, to the employment of a worker, to the creation, implementation and termination of its conditions, sex or pregnancy. In addition, no lower wages may be considered for the same or equivalent work based on gender. The implementation of special protective provisions due to the employee's gender shall not warrant the payment of lower wages.

In the case of a violation of these provisions during, or upon termination, of the employment relationship, the employee may request a suitable remuneration equalling their four months' pay as well as other rights, of which they were deprived.

The burden of proving the employer's violation of the provisions of the above paragraph shall fall on the employee. However, the employer shall be obliged to prove the non-existence of a violation where the employee indicates a situation, which convincingly demonstrates the possibility of the existence of such violation.

According to Article 24, if the employer utters defamatory and libellous remarks about the employee or any of his family members, displays misconduct to that end, or sexually harasses the employee; if the employer raises accusations against the employee or any of his family members, or intimidates them or entices, provokes, or encourages the employee or his family members to commit any unlawful acts, or commits a crime against the employee or his family members punishable by imprisonment, or makes unfounded, grave, disparaging and libellous imputations and accusations against the employee; if the employee is sexually harassed by another employee or third person at the workplace, and necessary measures are not taken despite the fact that this situation was brought to the employer's attention, the employee may



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terminate the employment contract before the expiration of the term or without waiting for the notice period, regardless of whether the contract is definite or indefinite term.

In 2016, additional paragraph has been added to Article 74, “As from the end of the maternity leave following the birth, used pursuant to the first paragraph, a female employee, and a female or male employee adopting a child under three years of age may, if the wish so, and in order to care for and raise the child, obtain unpaid leave, corresponding to half of the weekly working hours, of sixty days at the first birth, one hundred and twenty days at the second birth, and one hundred and eighty days at the following births. In the case of multiple births, thirty days each shall be added to these periods. This period shall be applied as three hundred and sixty days in the event that the child is born with disabilities. The provisions regarding nursing leave shall not apply during the period in which the provisions of this paragraph are exercised.”

Furthermore, additional paragraph has been also added to Article 13, “Following the end of the leaves specified in Article 74 of this Law and until the beginning of the month following the date on which the compulsory primary school education age begins, one of the parents may request part-time employment in accordance with this Article. This request shall be met by the employer, and shall not be considered a valid reason for termination. The employee having started to work part-time under this paragraph may return to full-time employment, in which case they will be waiving from their right to benefit from this right again for the same child. In cases where the employee who has switched to part-time work returns back to full-time work, the employment contract of the employee who is employed to replace the former shall automatically terminate. The employee wishing to benefit from this right or to return to full-time work shall give the employer at least one month's written prior notice of this request. The working spouse may not request part-time work in cases where the other parent is unemployed. Those who individually, or jointly with their spouse, adopt a child who has not yet completed the age of three may also benefit from this right from the date on which they actually take charge of the child.”

These regulations allow employees especially women to adapt more easily to business life, to share responsibilities related to child care for parents and to ensure equal opportunities in business life for women and men by ensuring flexible working.

In addition to legal documents, there are also policy documents that protect women's place in the working life and allow women and men access to equal opportunities in the labour market. The 11th Development Plan and the National Employment Strategy have also included policies and measures to remove barriers to women's participation in the labour force and employment. In this context, many works and projects have been carried out by our Ministry.