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EUROPEAN SOCIAL CHARTER

14th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

Articles 2, 4, 21, 22, 26, 28 and 29
for the period 01/01/2017 – 31/12/2020

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EUROPEAN SOCIAL CHARTER

14th National Report on the Implementation of
The European Social Charter (Revised)

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THE GOVERNMENT OF THE REPUBLIC OF TÜRKİYE

Thematic Group 3:

Labour Rights

Report on Articles 2, 4, 21, 22, 26, 28 and 29

&

Thematic Group 1:

Employment, Training and Equal Opportunities

Complementary information on Articles 1§1, 1§4, 10§3

for the period 01/01/2017 – 30/12/2020

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PART I - RESPONSE TO QUESTIONS ON GROUP 3 PROVISIONS “LABOUR RIGHTS”

RESPONSE TO QUESTIONS ON GROUP 3 PROVISIONS (CONCLUSION 2022) LABOUR RIGHTS

ARTICLE 2

RESC Part I – 2. All workers have the right to just conditions of work.

Article 2 – The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;

a) Please provide updated information on the legal framework to ensure reasonable working hours (weekly, daily, rest periods, ...) and exceptions (including legal basis and justification). Please provide detailed information on enforcement measures and monitoring arrangements, in particular as regards the activities of labour inspectorates (statistics on inspections and their prevalence by sector of economic activity, sanctions imposed, etc.).

1. LEGAL FRAMEWORK

Working Time

According to Article 63 of Labour Law No. 4857, as a rule, working time is 45 hours maximum weekly. Unless the contrary has been decided, working time shall be divided equally by the days of the week worked at the establishment. Moreover, working time for miners working underground is limited to a maximum of 7.5 hours daily and 37.5 hours weekly in Article.

Provided that the parties have so agreed, working time may be divided by the days of the week worked in different forms on the condition that the daily working time must not exceed 11 hours. In this case, within two months, the average weekly working time of the employee shall not exceed the normal weekly working time. This balancing (equalising) period may be increased up to four months by collective agreement.

Therefore, during this equalisation period, workers will work much less than normal working hours for some weeks and the working time will be brought to the level of normal weekly working time.

In the tourism sector, the average weekly working time of the worker cannot exceed the normal weekly working period within four months. The equalisation period can be increased up to six months with collective bargaining agreements.

Pursuant to Article 66 of Labour Law No. 4857, the following periods shall be considered as the employee's daily working hours:

- the time required for employees employed in mines, stone quarries or any other underground or underwater work to descend into the pit or workings or to the actual workplace and to return there from to the surface
- travelling time, if the employee is sent by the employer to a place outside the establishment,
- the time during which the employee has no work to perform pending the arrival of new work but remains at the employer's disposal,
- the time during which the employee who ought to be performing work within the scope of his duties in the establishment is sent on an errand for his employer or is employed by him in his household or office, instead of performing his own duties,
- the time allowed to a female employee who is a nursing mother to enable her to feed her child,
- the time necessary for the normal and regular transportation of groups of employees engaged in the construction, maintenance, repair and alteration of railways, roads and bridges to and from a workplace at a distance from their place of residence.

However, time for transportation to and from the establishment which is not a requirement of the activity but is provided by the employer solely as a form of amenity shall not be regarded as part of the statutory working time.

The Regulation on the Work Requiring Maximum Seven and a Half Hours or Less a Day in terms of Health Rules that was published in the Official Gazette on 16 July 2013 determines the jobs that can be worked for a maximum of 7.5 hours a day (Article 4), and jobs that need to be worked less than 7.5 hours a day (Article 5).

Pursuant to *the Regulation on Working Conditions for the Pregnant or Nursing Women Nursing Rooms and Nursing Homes for Children* published in the Official Gazette dated 16 August 2013, a pregnant or nursing employee cannot work for more than 7.5 hours a day.

According to Article 99 of the Civil Servants Law No. 657, weekly working time is generally defined as 40 hours for civil servants.

Overtime Work and Work at Extra Hours

According to Article 41 of Labour Law No. 4857, overtime work may be performed for purposes such as the country's interest, the nature of the operation or the need to increase output. Work that exceeds 45 hours a week is defined as "overtime work" within the framework of the conditions defined in Labour Law No. 4857. In cases where the principle of balancing is applied in accordance with Article 63 of the Law, work that exceeds a total of 45 hours a week shall not be deemed overtime work, provided the average working time of the employee does not exceed the normal weekly working time. Wages for each hour of overtime work shall be remunerated at one and a half times the normal hourly rate.

According to paragraph (c) of Article 102 of the Law, in case of one of the following situations, the employer or his/her representative shall be liable to two hundred twenty Turkish Liras for each employee in the following categories:

- He/she fails to pay the employee overtime wages indicated in Article 41,

- He/she fails to allow the employee to use the free time to which he/she is entitled within six months,
- He/she does not obtain the employee's approval for work at extra hours.

In cases where the weekly working time has been set by the employment contract at less than 45 hours, work that exceeds the average weekly working time and that may last only up to 45 hours weekly is defined as “*work at extra hours*”. In work at extra hours, each extra hour shall be remunerated at one and a quarter times the normal hourly rate.

If the employees who have worked overtime or at extra hours so wish, rather than receiving overtime pay they may use, as free time, one-hour and thirty minutes for each hour worked overtime and one hour and fifteen minutes for each extra hour worked. The employees shall use this free time to which they are entitled within six months, within their working time and without any deduction in their wages.

The employee's consent shall be required for overtime work/work at extra hours. Total overtime work shall not be more than 270 hours in a year.

Furthermore, no overtime work shall be done in work of short or limited duration due to health reasons mentioned in the last paragraph of Article 63 as well as in night work stated in Article 69.

Compulsory Overtime Work

According to Article 42 of Labour Law No. 4857, all or some of the employees may be required to work overtime either in the case of a breakdown, whether actual or threatened or in the case of urgent work to be performed on machinery, tools or equipment or in the case of force majeure, provided that it shall not exceed the time necessary to enable the normal operating of the establishment. In these cases, employees must be allowed adequate time for rest.

Overtime Work in Emergency Situations

Pursuant to Article 43 of the Labour Law No. 4857, during periods of mobilization, the President of the Republic of Türkiye may, if it deems it necessary and limited only by that period, extend the daily hours of work up to the maximum of which the employees working in establishments serving the needs of national defence are capable, according to the nature of the operations and urgency of the needs in question. The provisions of Article 41 regulating overtime work and work at extra hours are applied to employees engaged in such work in terms of overtime pay.

The *Regulation on Health Services in Disaster and Emergency Situations* that was published in the Official Gazette on 25 May 2021 purpose to carry out activities related to harm reduction, preparation, early warning, intervention and recovery phases in order to plan and ensure the quality, effective and efficient execution of health services provided within the scope of disaster and emergencies and humanitarian aid activities in the country and abroad. The second aim is to determine the procedures and principles regarding the administration and ensure coordination among all relevant institutions and organizations.

Compensatory Work

According to Article 64 of Labour Law No. 4857, in cases where time worked has been considerably lower than the normal working time or where operations are stopped entirely for reasons of suspending work due to force majeure or on the days before or after the national and public holidays or where the employee is granted time off upon his/her request, the employer may call upon compensatory work within two months in order to compensate for the time lost due to unworked periods. The period determined for compensatory work in the Labour Law increased from 2 months to four months with the amendment made on 25 March 2020 at the beginning of the COVID-19 pandemic. The President of the Republic of Türkiye is authorised to increase this period up to two times. Such work shall not be considered overtime work or work at extra hours.

Compensatory work shall not exceed three hours daily, and must not exceed the maximum daily working time in any case. Compensatory work shall not be carried out on holidays.

Shift Work

In works where, due to their nature, operations have to be carried on continuously by the disposal of successive or rotating shifts of employees, special principles and procedures concerning working time, weekly rest days, night work and mandatory rest breaks shall be indicated in regulations in accordance with the second paragraph of Article 76 of the Labour Law No. 4857.

Accordingly, the *Regulation on Special Procedures and Principles Regarding Working in Jobs Conducted by Shift Work*, published in the Official Gazette dated 07/04/2004 and numbered 25426, was prepared to define the special procedures and principles regarding the working hours, night work, week holidays and breaks in the works that are operated by employing workers in shifts without stopping due to their qualifications, or that are performed in shifts of workers.

Article 4 of the said Regulation related to working hours of shift working and the number of worker shifts is as follows:

- a) The number of shifts is arranged to be at least three worker shifts in a 24-hour period in works where there is non-stop work due to their qualifications and which are carried out by employing workers in shifts one after the other. However, the arrangement can be made in two shifts in 24 hours in the works carried out by the subcontractor operating in the works where tourism, private security and health services are carried out and in the workplaces where these works are carried out.
- b) The number of shifts to be worked in a 24-hour period and the working time of each worker's shift in works other than subparagraph (a) of this Article and working hours of each worker shifts are regulated in such a way that they do not exceed the daily working time specified in the Regulation stipulated in the third paragraph of Article 63 of Labour Law No. 4857.
- c) It is said that the number of worker shifts and the working time in each shift in jobs which require 7.5 hours or less to work per day in terms of health rules are regulated in such a way that they do not exceed the daily working hours specified in the Regulation specified in Article 63 of Labour Law No. 4857.

In establishments where operations are carried on day and night by alternating shifts of employees, the alternation of shifts must be so arranged that employees are engaged on night work for not more than one week and are then engaged on day work the following week. Alternation of work on night and day shifts may also be carried out on a two-week basis, taking into account the nature and execution of the work, as well as occupational health and safety (OSH) in the workplace.

The shifts of the workers cannot be changed unless it is necessary. When necessary, the employee whose shift will be changed must not be engaged on the other shift unless allowed a minimum rest break of eleven hours.

If the worker certifies with a report that his/her health has deteriorated due to night work, the employer will assign this worker a suitable job during the day shift to the extent possible.

Night Work

Pursuant to Article 69 of Labour Law No. 4857, “night” in working life is the period that starts at 20:00 at the latest and ends at 06:00 at the earliest and lasts for a maximum of 11 hours in any case.

Night work for employees cannot exceed 7.5 hours. However, in the workplaces operating in the field of tourism, private security and health services employees may work over 7.5 hours provided that employees’ consent is obtained.

Furthermore, working in shifts where more than half of the working time coincides with the night will be considered night work.

Rest Break

Pursuant to Article 68 of Labour Law No. 4857, employees shall be allowed a rest break approximately in the middle of the working day fixed with due regard to the customs of the area and the requirements of the work in the following manner;

- Fifteen minutes, when the work lasts 4 hours or less,
- Half an hour, when the work lasts longer than 4 hours and up to 7.5 hours (7.5 included),
- One hour, when the work lasts more than 7.5 hours.

These are minimum durations and the full period must be allowed at each break. These break periods may, however, be split up by contracts where the climate, season, local custom or nature of the work so requires. The employees at the establishment may take breaks at the same or varying times. The breaks shall not be reckoned as a part of the working time.

2. INSPECTION ACTIVITIES

For overtime pay of employees engaged in such work, paragraphs 1, 2 and 3 of Article 41 shall apply. In this regard, in case of overtime work during the pandemic, it is a legal obligation to comply with the provisions in Articles 41, 42 and 43 of Labour Law No.4857.

The Directorate for Guidance and Inspection (DGI) of the Ministry of Labour and Social Security (MoLSS) carries out legislative audits for overtime within the framework of unscheduled inspection or scheduled inspection due to complaints, grievances and denunciations regarding overtime work. In case of detection of a violation of the legislation in the inspections carried out, the violation is eliminated in accordance with the preventive

inspection approach, and if the violation is not corrected, an administrative fine is requested against the employer.

As mentioned above, the organisation of the work and the working periods are generally regulated in Articles 63-76 of Labour Law No. 4857. Besides working hours and flexible working models, these Articles regulate night hours and night work, preparatory, complementary and cleaning operations, working age and restrictions on the employment of children, restrictions on underground and underwater work, restrictions on night work and work during maternity and nursing leave issues.

Article 104 of the Labour Law No. 4857 stipulates that an administrative fine is imposed in case of violation of the provisions on the regulation of work including working time.

In this context, the information regarding the inspection activities of the DGI carried out within the framework of Article 104 of the Labour Law No. 4857 is given as follows:

Table 1. The Inspection Activities of the DGI within the framework of Article 104 of Labour Law

Period	Number of Inspections	Number of Employees Covered in the Inspections	Total Amount of Administrative Fines	Number of Workplaces on which administrative fines were imposed
01.01.2017-31.12.2019	18.521	2.731.233	62.148.458 TL	3.304
2020	5.333	565.261	51.011.166 TL	1.466
2021 (until 24 September 2021)	5.029	523.469	56.686.807 TL	1.714

b) The Committee would welcome specific information on proactive action taken by the authorities (whether national, regional, local and sectoral, including national human rights institutions and equality bodies, as well as labour inspectorate activity, and on the outcomes of cases brought before the courts) to ensure the respect of reasonable working hours; please provide information on findings (e.g. results of labour inspection activities or determination of complaints by domestic tribunals and courts) and remedial action taken in respect of specific sectors of activity, such as the health sector, the catering industry, the hospitality industry, agriculture, domestic and care work.

In order to ensure that reasonable working hours are observed, the issues regulated by the legislation, including the following issues, are examined by labour inspectors both in the unscheduled inspections carried out on complaints and notices and in the scheduled inspections based on preventive inspection approach:

- Documents pertaining to the working hours of the workers (daily monitoring charts bearing the signature of the worker, charts of electronic card or payroll schedule, etc.),
- The way of application of daily and weekly working time in the workplace, equalisation, part-time and compensatory work practices,
- Daily working hours of workers working in jobs covered by the *Regulation on Radiology, Radium and Electrical Treatment Institutions*,
- Whether or not a break is given, and if so, its compliance with the legal period,

- Whether night work is done, and if so, its compliance with the provisions of the Labour Law and regulation,
- Whether work in shifts is applied or not, and if it is, its compliance with the provisions of the relevant Regulation,
- Whether the working hours are applied in a way that does not exceed the daily legal working hours and by allowing an equalization period of up to a maximum of 6 (six) months in businesses and workplaces where daily and weekly working hours cannot be applied due to their nature as stipulated in Article 63 of Labour Law No. 4857,
- Announcement of daily working hours,
- Compliance of the preparatory, complementary and cleaning operations with the provisions of the relevant regulation,
- Compliance of the employment of child and young workers with the provisions of the Labour Law and regulation,
- Compliance of the employment of women workers with the provisions of the Act and regulation,
- Compensation work application,
- Compliance of the employment of those who work in underground mining with the provisions of the Labour Law,
- Compliance with the provisions of the *Regulation on the Work Requiring Maximum Seven and a Half Hours or Less a Day in terms of Health Rules*,
- Paid leave for pregnant employees during their periodical check-ups,
- Compliance with the prohibition of female employees not to be employed before and after childbirth (maternity leave),
- Allowing women employees to breastfeed their children under the age of one,
- Opening rooms and nursing homes for children in workplaces employing the specified number of female workers in the law,
- Compliance with the prohibition of night work for the breastfeeding worker for six months following the birth,
- Compliance with the prohibition of work more than seven and a half hours a day for a pregnant, postpartum and breastfeeding worker.

For information on administrative fines issued as a result of these inspections, please see the subsection on [Inspection Activities](#) under section (a) of this Article.

c) Please provide information on law and practice as regards on-call time and service (including as regards zero-hours contracts), and how are inactive on-call periods treated in terms of work and rest time as well as remuneration.

LEGAL FRAMEWORK

Work on call

Work on call is regulated in Article 14 of Labour Law No. 4857. Accordingly, an employment relationship that foresees the performance of work by the employees upon the emergence of the need for their services, as agreed to in the written employment contract, qualifies as a part-time employment contract based on work on call.

In the event the length of the employees' working time has not been determined by the parties in terms of time periods such as a week, month or year, the weekly working time is considered to have been fixed as 20 hours under the Article in question. The employees are

entitled to wages irrespective of whether or not they are engaged in work during the time announced for work on call.

Unless the contrary has been decided, the employers who have the right to request the employees to perform their obligation to work upon call must make the said call at least four days in advance.

The employees are obliged to perform work upon the call communicated to them within the said time limit. If the daily working time has not been decided in the contract, the employers must engage the employees in work for a minimum of four consecutive hours at each call.

Inactive On-Call Periods

In subparagraph (c) of the first paragraph of Article 66 of Labour Law No. 4857, the period during which the employee has no work to perform pending the arrival of new work but remains at the employer's disposal is one of the situations considered as the employee's daily working hours.

The expression "at the employer's disposal" shows that the employee does not have to be "at the workplace" during the period described in the aforementioned provision. In this respect, since the practice of "being on call" eliminates the possibility of the employee to use the "free period" unrestrainedly and imposes an obligation on the employee to be ready to be called to work at any time, it is considered as working time. Thus, the limitations on working hours in Labour Law No. 4857 and the wage rights stipulated for overtime work are also applied to these periods.

d) Please provide information on the impact of the COVID-19 crisis on the right to just conditions of work and on general measures taken to mitigate adverse impact. As regards more specifically working time during the pandemic, please provide information on the enjoyment of the right to reasonable working time in the following sectors: health care and social work (nurses, doctors and other health workers, workers in residential care facilities and social workers, as well as support workers, such as laundry and cleaning staff); law enforcement, defence and other essential public services; education; transport (including long-haul, public transport and delivery services).

MEASURES TAKEN DURING THE COVID-19 PANDEMIC

Remote Work

Provisions on remote work were introduced in Labour Law No. 4857 with the amendment made on 6 May 2016. As a result of the COVID-19 outbreak in 2020 and the measures taken in this context, the percentage of employees working remotely has increased in Türkiye. Therefore, the principles and procedures of remote working are clearly regulated by the *Regulation on Remote Work* published in the Official Gazette dated 10 March 2021 during the COVID-19 pandemic.

The main aim of the Regulation is to determine the procedures and principles of remote working, as well as the implementation of the rules regarding the protection of employees and sharing of data. While it regulates the rights and obligations of employers and employees working remotely, it also specifies works that cannot be performed remotely.

Remote work is an employment relationship established in writing, based on the principle that the employee performs the act of working within the scope of the work

organization created by the employer, at home or outside the workplace with technological communication tools.

In the employment contract to be signed for this purpose, provisions are included regarding the definition of the job, the way it is done, the duration and place of the job, the issues regarding the wages and payment of wages, the equipment provided by the employer and the obligations regarding their protection, the employer's communication with the worker, and the general and special working conditions.

According to Article 14 of the Regulation, the employment relationship can be established as a remote work contract, or the employment contract of the employee currently working at the workplace can be converted into a remote work contract if the worker and the employer agree. However, in the event that remote work is implemented in the whole or part of the workplace due to compelling reasons specified in the legislation such as the pandemic, it is possible to shift to remote working without either the request or the approval of employers.

Article 13 of the Regulation identifies the jobs that cannot be performed remotely. Accordingly, jobs that involve working with hazardous chemicals and radioactive substances, processing these substances or working with the wastes of these substances and working processes that have a risk of exposure to biological factors cannot be performed remotely.

Pursuant to Article 9 of the Regulation, the working hours and duration of remote work is specified in the employment contract. Working hours can be changed by the parties within the limitations defined in the relevant legislation. Overtime work can be done upon the written request of the employer, with the acceptance of the employee, in accordance with the provisions of the legislation.

In remote work, employees cannot be subjected to different treatment compared to a peer employee, purely due to the nature of the employment contract, unless there is an objective reason for different treatment.

Furthermore, the employers are obliged to inform the employees about OSH measures, to provide the necessary training and health surveillance as well as to take the necessary OSH measures regarding the equipment provided, by taking into account the nature of the work performed by the employees working with a remote work relationship.

Flexible Working Methods in the Public Sector

In order to protect public employees from the adverse effects of the COVID-19 pandemic, flexible working methods such as distance and rotational working were introduced in the public sector and were applied by the Presidential Circulars in the following three periods, by taking into account the course of the pandemic:

- The period between 23.3.2020¹ and 1.06.2020².

¹ The Presidential Circular No. 2020/4 on "Measures for Public Employees within the Scope of the COVID-19" published in the Official Gazette dated 22.3.2020 and numbered 31076.

² The Presidential Circular No. 2020/8 on "Normalization and Measures to be taken in Public Institutions and Organizations within the Scope of the COVID-19" published in the Official Gazette dated 29.5.2020 and numbered 31139.

- The period between 27.8.2020³ and 2.3.2021⁴.
- The period between 15.4.2021⁵ and 1.7.2021⁶.

During these periods, those who are over the age of 60, pregnant, staff with chronic diseases and those who have any health risk in terms of the pandemic were considered on administrative leave. Female public employees with children aged 10 and younger were allowed to work from home. All the financial and social rights and benefits of all public employees within this scope, including those considered on administrative leave, are reserved during these periods. Moreover, public institutions and organisations were allowed to determine the working hours of public employees as 10:00-16:00 as of 2 December 2020.

The Temporary Restriction on the Termination of Labour Agreements during the COVID-19 Pandemic

Provisional Article 10 was added to Labour Law No. 4857 in response to the COVID-19 crisis and pandemic with the Law on Reducing the Effects of the Novel Coronavirus Pandemic on Economic and Social Life and the Law on the Amendment of Certain Laws No. 7244 published in the Official Gazette No. 31102 and dated 17 April 2020 at the beginning of the COVID-19 outbreak and as a result of this provisional Article, a three-month temporary restriction was imposed on the termination of labour agreements by employers, except for situations of:

- immoral, dishonourable or malicious conduct or other similar behaviour mentioned in subparagraph (II) of the first paragraph of Article 25 of Labour Law No. 4857,
- the expiry of the term in fixed-term employment or service contracts,
- the closure of the workplace for any reason and the termination of its activity,
- the termination of the work in all kinds of service procurement and construction works made in accordance with the relevant legislation.

As of the effective date of this Article, the employer may have taken the employee on unpaid leave, in whole or in part, for a period not exceeding three months. Taking unpaid leave within the scope of this Article does not give the worker the right to terminate the contract based on the rightful cause.

The restriction on the termination of labour agreements was extended with the following Presidential Decisions and thus, was implemented during the period between 17 April 2020 to 30 June 2021 as a result of these decisions:

- With the Presidential Decision dated 29/6/2020 and numbered 2707 published in the Official Gazette dated 30/6/2020 and numbered 31171, the periods specified in the first and second paragraphs of Provisional Article 10 was extended for one month.

³ The Presidential Circular No. 2020/12 on “Measures for Public Employees within the Scope of the COVID-19” published in the Official Gazette dated 26.8.2020 and numbered 31225.

⁴ The Presidential Circular No. 2021/5 on "Normalization and Measures to be taken in Public Institutions and Organizations within the Scope of COVID-19" published in the Official Gazette dated 1.3.2021 and numbered 31410.

⁵ The Presidential Circular No. 2021/8 on “Measures for Public Employees within the Scope of the COVID-19” published in the Official Gazette No. 31454 dated 14.4.2021.

⁶ The Presidential Circular No. 2021/13 on “Normalization and Measures to be taken in Public Institutions and Organizations within the Scope of the COVID-19” published in the Official Gazette dated 30.6.2021 and numbered 31527.

- With the Presidential Decision dated 30/7/2020 and numbered 2811 published in the Official Gazette dated 31/7/2020 and numbered 31202, the periods specified in the aforementioned paragraphs was extended for one month from 17/8/2020.
- With the Presidential Decision dated 03/9/2020 and numbered 2930 published in the Official Gazette dated 04/9/2020 and numbered 31234, the periods specified in the aforementioned paragraphs was extended for two months from 17/9/2020.
- With the Presidential Decision dated 26/10/2020 and numbered 3135 published in the Official Gazette dated 27/10/2020 and numbered 31287, the periods specified in the aforementioned paragraphs was extended for two months from 17/11/2020.
- With the Presidential Decision dated 29/12/2020 and numbered 3344 published in the Official Gazette dated 30/12/2020 and numbered 31350, the periods specified in the aforementioned paragraphs was extended for two months from 17/1/2021.
- With the Presidential Decision dated 08/03/2021 and numbered 3592 published in the Official Gazette dated 09/03/2021 and numbered 31418, the periods specified in the aforementioned paragraphs was extended for two months from 17/03/2021.
- Finally, with the Presidential Decision dated 29/04/2021 and numbered 3930 published in the Official Gazette dated 30/04/2021 and numbered 31470, the periods specified in the aforementioned paragraphs was extended from 17/05/2021 until 30/6/2021.

Along with other financial and technical supports provided to employers and workers during the COVID-19 pandemic, the main purpose of this temporary restriction is to ensure that employees remain in employment and to prevent layoffs during this period.

This provision was applied to all employees, regardless that whether the employee is subject to Labour Law No. 4857 or not. The employer may have the employee use unpaid leaves entirely or partially within the mentioned period of prohibition of termination and using such unpaid leaves shall not grant the employees the right to terminate labour agreement with valid reasons.

To ensure the effective implementation of this measure, the employers and/or the employer representatives who terminate the labour agreements against this provision shall be imposed with an administrative fine corresponding to the amount of the gross minimum wage set in effect as of the termination date per each labour agreement terminated. Furthermore, they shall not be entitled to apply for a short-time working allowance set out in Unemployment Insurance Law No. 4447.

Short-Time Working Allowance

The short-time work allowance is a means to provide employees with income support to be paid from the unemployment fund if and when the working hours in a workplace are decreased by one-third of the ordinary working hours or the operations of a workplace have been wholly or partially suspended for at least a 4-week period due to a general economic, sectoral or regional crisis or a force majeure event.

This provision related to short-time working has already been in place in the Unemployment Insurance Law No. 4447 of 25 August 1999 since 2008, but it was put into practice because of the COVID-19 pandemic as of the beginning of the pandemic. Taking into account the adverse financial impacts of the COVID-19 pandemic and lockdown measures taken in this regard on employers and employees, the Board of Directors of the Turkish Employment Agency (ISKUR) has decided to accept the pandemic as *force majeure* for the

application of the short-time work allowance. With Temporary Article 23 added to the Unemployment Insurance Law No. 4447 entered into force on 23 March 2020, the eligibility conditions for short-time working allowance have been simplified due to the COVID-19 to ensure that more employees can benefit from this allowance during this period. For example, the number of days that workers have to pay contributions in the last 3 years to be eligible for this allowance was reduced from 600 days to 450 days. Likewise, the condition of being subject to a labour agreement for a certain period was also shortened from 120 days to 60 days.

Within this framework, applications for the short-time work allowance were received in this context until 30 June 2020. Considering the course of the COVID-19 pandemic, applications continued to be received in the same scope in December 2020 and January 2021 with the Presidential Decisions published later. As a result, the short-time working allowance implemented due to the COVID-19 pandemic remained in practice for the period between 30 June 2020 and 30 June 2021, with the Decisions of the Presidency.

In order for the employer to benefit from the short-time working allowance, it is necessary to apply to the ISKUR and to determine by the Labour Inspectors that the workplace is affected by the COVID-19 pandemic. During this evaluation, it is also examined whether the workers on the short-term working list are informed or not by employers.

The short-time working allowance is paid from the Unemployment Insurance Fund to employees every month for the periods when they are not working in order to complete the weekly working period applied in the workplace. The daily amount of short-time work allowance is 60% of the daily average of the gross income of the respective employee. This is calculated based on the employee's income being subject to social security premiums within the last twelve months. The short-time work allowance is accrued daily but paid on a monthly basis.

A total amount of 36,7 billion Turkish Liras have been paid to 3,8 million employees since March 2020 within the scope of the short-term working allowance.

Cash Wage Support

With the aim of mitigating the effects of the COVID-19 pandemic on economic and social life, cash wage support was initiated for those who are within the scope of Provisional Article 24 of the Unemployment Insurance Law No. 4447, for the period they are sent to unpaid leave or they are unemployed to be paid from Unemployment Fund and the ISKUR.

As of 17 April 2020, workers who are sent on unpaid leave by the employers with whom they have labour agreements and who cannot benefit from short-time working benefits and those whose labour agreement was terminated without their own will and fault after 15 March 2020 but who could not benefit from unemployment benefit have benefited from cash wage support during the time they are on unpaid leave or they are unemployed unless they do not receive old-age pensions from any social security institution.

The application which was initiated on 17 April 2020 and put into force for three months was extended until 30 June 2021 and ended as of this date with the Presidential Decision.

During the COVID-19 pandemic, 14 billion Turkish Liras in total were paid to 3,1 million employees in the scope of cash wage support. In addition to cash wage support, a payment of approximately 11,8 billion Turkish Liras was made to 1,9 million employees within the scope of unemployment benefits.

Normalization Support

With Temporary Article 26 of the Unemployment Insurance Law No. 4447 entered into force on 23 July 2020, normalization support for employers started to implement in case the workers benefiting from short-time working allowance or cash wage support return to normal weekly working hours.

Under the normalization support initially implemented during the period 1 August 2020 and 31 December 2020, all the social security premiums of the workers in question are supposed to be covered for three months from the Unemployment Insurance Fund. However, the implementation period of this support has been extended until 30 June 2021 and the period of benefiting from it has been extended from 3 months to 6 months by the Presidential Circular.

Support for Small Business Owners

Small business owners, namely tradesmen and craftsmen, were among the sectors most affected by the COVID-19 pandemic. In addition to the aforementioned measures, the following support packages have been implemented to eliminate the adverse effects of the pandemic on small businesses:

- Insurance contribution support,
- Turnover loss support for businesses in the food and beverage sector,
- Rental support,
- Income loss support for 133 professions for 4 months,
- Tradesmen were provided with the opportunity to use loans with low interest.
- The loan repayments of tradesmen and craftsmen to Halkbank were postponed several times since the beginning of the pandemic.
- Grant support amounting to 4 billion 622 million TL was given to more than 1.384.000 tradesmen and artisans.
- The debts of farmers who suffered from drought to Ziraat Bank and agricultural credit cooperatives were postponed.

Employees in the Health Sector

The working order, working hours of the employees working in health institutions are determined by the *Regulation on the Operation of Inpatient Treatment Institutions* and other relevant legislation. The following points can be stated regarding health employees (nurses, doctors and other health workers etc.) on duty:

- These duties are carried out in four ways as normal duty, emergency duty, branch duty and home watch.
- Health employees on duty work from 8:00 to 8.00 the next day.
- The hospital chief physicians may determine different working hours for services such as shifts and guard duties, taking into account the number of personnel, in order to ensure the continuity and non-interruption of health services.
- Health employees on duty are not given a job the next day.
- Health employees on duty in weekdays and public holidays may be given leave for the duration of the duty on other working days, provided that the service is not disrupted.
- Additional wage is paid to health employees on duty. The personnel who cannot take leave by holding normal, emergency or branch duties outside of the weekly working time, are paid for each hour of the duty that cannot be met by leave.

- The directors of hospitals may determine different working hours for duties in line with the relevant legislation, taking into account the number of personnel, in order to ensure the continuity and non-interruption of health services.

e) The Committee would welcome additional general information on measures put in place in response to the COVID-19 pandemic intended to facilitate the enjoyment of the right to reasonable working time (e.g. flexible working hours, teleworking, other measures for working parents when schools and nurseries are closed, etc.). Please include information on the legal instruments used to establish them and the duration of such measures.

For the measures put in place by Türkiye in response to the COVID-19 pandemic intended to facilitate the enjoyment of the right to reasonable working time, please see the subsections on [Remote Work](#) and [Flexible Working Methods in the Public Sector](#) under section (d) of this Article.

f) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Information about the maximum weekly working time may exceed 60 hours in flexible working time arrangements.

The subsection on [Working Time](#) under section (a) of this Article refers to Article 63 of Labour Law No. 4857 that, with the agreement of the parties, the normal weekly working time could be distributed differently to the working days of the week at workplaces, provided that it did not exceed eleven hours a day, and the details are provided therein.

The same issue is regulated under the title of "Working on the Basis of Equalisation" in Article 5 of the *Regulation on Working Hours related to Labour Law*. Accordingly, with the written agreement of the parties, the normal weekly working time may be distributed differently to the working days of the week at the workplace, provided that it does not exceed 11 hours a day. In this case, the total working time is compensated in a way that does not exceed the total normal time required to work, by employing the worker for shorter periods in the period after the intensive work week or weeks. Equalisation will be completed within two months; this period can be increased up to four months with collective bargaining agreements.

In the tourism sector, the average weekly working time of the worker cannot exceed the normal weekly working period within a four-month period. The equalisation period can be increased up to six months with collective bargaining agreements.

The provisions of the said Regulation regarding equalisation are also applied for the jobs where wages are paid according to the amount of work performed, such as per piece or lump sum.

Within this legal framework, in this flexible working arrangement, although the weekly working time may exceed 60 hours, an equalisation period of two months (four months in the tourism sector) is available. During this period, the employee will work much less than normal working hours for some weeks and the working time will be brought to the normal weekly working time hours.

2. to provide for public holidays with pay;
3. to provide for a minimum of four weeks' annual holiday with pay;
4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;
5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;
6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;
7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

a) No information is requested on these provisions, except insofar as they concern special arrangements related to the pandemic or changes to work arrangements following the pandemic: public holidays (Article 2§2), annual holiday (2§3), reduced working time in inherently dangerous or unhealthy occupations, in particular health assessments, including mental health impact (2§4), weekly rest period (2§5), written information or worktime arrangements (2§6), measures relating to night work and in particular health assessments, including mental health impact (2§7).

There are no amendments to the legislation related to the aforementioned paragraphs of Article 2 during the reference period.

b) However, if the previous conclusion concerning provisions in Article 2, paragraphs 2 through to 7, was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship.

Information about whether civil servants receive, upon starting of the employment relationship or soon thereafter, written information referring to the applicable legislative provisions and including therefore the elements of information required under Article 2§6 of the Charter

Qualifications, appointments, duties and authorities, rights and responsibilities, salaries and allowances and other issues related to the status of civil servants are regulated in the Civil Servants Law No. 657 dated 14 July 1965. In accordance with the provision of paragraph (B) of Article 4 of the Law, public service officials who are employed by contract limited to the fiscal year in public administrations, institutions and organisations and are not considered as workers are called *contracted personnel*. A written contract is made with these officials and a copy of the contract containing the working conditions is given to them.

Paragraph (A) of Article 4 of the above-mentioned Law defines “civil servants” as those who are assigned to perform the essential and permanent public services carried out by the State and other public legal entities in accordance with the principles of general administration. Those who meet the necessary conditions and who are successful in the exams are appointed as civil servant candidates by the relevant institutions. The nomination period of a civil servant appointed as a candidate cannot be less than one year and more than two years, and the candidate cannot be transferred to other institutions during this period. According to Article 55 of the Law, civil servants appointed as candidates must firstly participate in the following training programmes:

- Basic training programme on the common qualifications, rights and obligations of all civil servants defined in Law No. 657,
- The preparatory training programme,
- Internship programme related to their classes, and be successful in order to be appointed as civil servants.

According to Article 58 of the Law, candidates who are successful in the exam held at the end of these programmes within the candidacy period are appointed to civil services effective from the date of approval.

The content of these programmes covers all the essential elements of the employment relationship such as the qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances of civil servants and other issues related to their status.

7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Information about if workers’ representatives are consulted on night work.

Workers’ Representatives on OSH

OSH Law No. 6331 regulates the duties, authorities, responsibilities, rights and obligations of employers and employees in order to ensure OSH in workplaces and to improve existing health and safety conditions.

Workers' representatives are assigned according to Article 20 of OSH Law No. 6331 and in the event that no person might be elected or chosen to represent workers, the employer shall designate a workers' representative considering the risks present at work and the number of workers with special attention to balanced participation of workers.

Pursuant to Article 16 of OSH Law No. 6331, “the employer shall inform the workers and workers' representatives of the following issues taking into account the characteristics of the enterprise for the purposes of ensuring and maintaining OSH:

- the safety and health risks and protective and preventive measures.
- their legal rights and responsibilities.
- workers designated to handle first aid, extraordinary situations, disasters, fire-fighting and evacuation.

The employer shall also:

- inform all workers who are, or maybe, exposed to the serious and imminent danger of the risk involved as defined in Article 12 and of the steps taken or to be taken as regards protection as soon as possible,
- ensure that employers of workers from any outside undertakings and/or enterprises engaged in work in his undertaking and/or enterprise receive adequate information concerning the points referred to in paragraph 1 which is to be provided to the workers in question.
- ensure that support staff and workers' representatives shall have access to the risk assessment, protective and preventive measures related to safety and health at work, the information yielded by measurements, analysis, technical controls, records, reports and inspections.”

In this regard, workers’ representatives are authorized to participate in the activities related to OSH, monitor the work, request that measures be taken to eliminate the source of danger or to reduce the risk arising from the danger, make suggestions and represent the employees in similar issues. No restrictions are placed on the powers of the workers’ representative regarding the type or time of work. Therefore, they have the right to use these powers in the entire working process, including night work and shift work, if the issue in question falls within the scope of the aforementioned Article.

As a matter of fact, all employees in the workplace, regardless of whether they work during the day or work at night, use their rights such as participating in the work to be done on OSH, being represented and giving their opinions, and can benefit from all the measures to be taken at the workplace. Also, it is stipulated in the regulations published within the scope of Law No. 6331 that the OSH professionals at the workplace will be assigned by the employer in the workplaces in accordance with the shifts where shift work is carried out.

It should be noted that during the COVID-19 pandemic in the reference period, there has been no suspension or postponement for the implementation of the aforementioned provisions of OSH Law No. 6331 and Labour Law No. 4857.

ARTICLE 4

RESC Part I – 4. All workers have the right to a fair remuneration sufficient for a decent standard of living for themselves and their families.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

a) Please provide up to date information on the rules applied to on-call service, zero-hour contracts, including on whether inactive periods of on-call duty are considered as time worked or as a period of rest and how these periods are remunerated.

For information on the rules applied to on-call service, zero-hour contracts, please see the subsections on [Work on call](#) and [Inactive On-Call Periods](#) under section (c) under Article 2§1

b) Please explain the impact of the COVID-19 crisis on the right to a fair remuneration as regards overtime and provide information on measures taken to protect and fulfil this right. Please include specific information on the enjoyment of the right to a fair remuneration/compensation for overtime for medical staff during the pandemic and explain how the matter of overtime and working hours was addressed in respect of teleworking (regulation, monitoring, remuneration, increased compensation).

Civil Servants Law No. 657

Overtime Work

Working time for civil servants is regulated in Article 99 of Civil Servants Law No. 657. According to this Article, the weekly working time of civil servants is defined as 40 hours. The overtime work and overtime pay of civil servants have been regulated by Article 178 of the Civil Servants Law No. 657. The work civil servants perform over the weekly working hours defined in Article 99 of the Law is defined as “overtime work”. In this regard, the duration of overtime work and the wage to be paid per hour are determined each year by the decision of the President of the Republic of Türkiye. According to Article 178, public institutions may employ their personnel outside of daily working hours, if necessary, without overtime pay. In this case, the personnel is allowed one day for every eight hours of overtime work to be done. However, a maximum of ten days of the leave to be granted in this way can be combined with the annual leave and used within the year.

Flexible Working Methods in the Public Sector

In order to protect public employees from the adverse effects of the COVID-19 pandemic, flexible working methods such as distance and rotational working were introduced in the public sector. For detailed information about this issue, please see the subsection on [Flexible Working Methods in the Public Sector](#) under section (d) under Article 2§1.

Labour Law No. 4857

Overtime Work and Work at Extra Hours

For information on overtime work, work at extra hours and compulsory overtime work as well as the rights, obligations and payments of workers in this scope, please see the subsections on [Overtime Work and Work at Extra Hours](#) and [Compulsory Overtime Work](#) under the section (a) under Article 2§1.

It should be noted that Articles 41 and 42 of Labour Law No. 4857 have been implemented in case of overtime work, work at extra hours and compulsory work during the pandemic regardless of the sector or the status of the employee since it is a legal obligation for the employer to comply with these provisions.

Furthermore, the DGI has carried out inspections for overtime work within the framework of scheduled inspection or unscheduled inspection based on complaints, grievances and denunciations. In case of detection of a violation of the legislation in the inspections, the corrective actions are taken for the violation within the scope of the preventive inspection approach, and if the violation may be corrected, an administrative fine enshrined in Article 102 of the Labour Law No. 4857 is imposed on the employer.

Remote Work

As a result of the COVID-19 outbreak in 2020 and the measures taken in this context, the percentage of employees working remotely has increased in Türkiye. Therefore, the principles and procedures of remote working are clearly regulated by the *Regulation on Remote Work* published in the Official Gazette dated 10 March 2021 during the COVID-19 pandemic. Detailed information about remote work in the private sector can be seen in the subsection on [Remote Work](#) under section (d) under Article 2§1.

However, it should be underlined that pursuant to Article 9 of this Regulation, the working hours and duration of remote work should be specified in the employment contract, the working hours can be changed by the parties within the limitations defined in the relevant legislation and overtime work can be done only with the acceptance of the employee. Furthermore, all the provisions on overtime work in the Labour Law including overtime pay are applied to employees working overtime under this Regulation.

Health Sector

The following specific measures on the enjoyment of the right to a fair remuneration/compensation for overtime for employees in the health sector have been put into practice during the pandemic:

- Healthcare professionals have been supported in terms of additional payments by increasing their additional payments by 20%.
- With a view to increasing the wages of healthcare professionals, an additional payment was made based on 100% of the ceiling additional payment, and healthcare professionals who worked selflessly were supported in terms of additional payment during the pandemic.
- It was ensured that healthcare professionals travel to and from work free of charge. Public transport was made free for them.

c) The Committee would welcome information on any other measures put in place intended to have effects after the pandemic which affect overtime regulation and its remuneration/compensation. Provide information on their intended duration and the time frame for them to be lifted.

The explanations made in the previous section are also in response to this information request.

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

3. to recognise the right of men and women workers to equal pay for work of equal value;

a) Please provide information on the impact of COVID-19 and the pandemic on the right of men and women workers to equal pay for work of equal value, with particular reference and data related to the extent and modalities of application of furlough schemes to women workers.

1. LEGAL FRAMEWORK

Turkish Constitution

Article 10 of the Constitution of the Republic of Türkiye, which was amended on 12 September 2010, provides that positive actions can be taken to ensure that equality between men and women exists in practice:

“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.

(Paragraph added on May 7, 2004; Act No. 5170) Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. (Sentence added on September 12, 2010; Act No. 5982) Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.”

Furthermore, the provision of fair remuneration is regulated in the second paragraph of Article 55 of the Turkish Constitution:

“The State shall take the necessary measures to ensure that employees earn a fair remuneration commensurate with the work they perform and that they enjoy other social benefits.”

Labour Law

The principle of equal pay for equal work or work of equal value as a part of the principle of equal treatment and fair remuneration is regulated in subparagraphs 4 and 5 of Article 5 of the Labour Law No. 4857:

“Differential remuneration for similar jobs or for work of equal value is not permissible.

Application of special protective provisions due to the employee’s sex shall not justify paying him (her) a lower wage and no discriminations including gender base are permissible in the employment relationship.”

A lower wage cannot be determined for a job of the same or equal value due to the employee's sex. The right to equal pay for equal work or work of equal value is guaranteed under this legislation.

Besides, except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his/her employment contract due to the employee's sex or maternity pursuant to subparagraph 3 of Article 5 of the Labour Law No. 4857.

Paragraph 6 of Article 5 of Labour Law No. 4857 suggests compensation for employees in case of violation of the principle of equal treatment including the principle of equal pay for equal work or work of equal value: If the employer violates the principle of equal treatment defined in Article 5 in the execution or termination of the employment relationship, the employee may demand compensation of up to his/her four months' wages. The worker may demand compensation for material and moral damages in accordance with the general provisions, as well as the rights about his/her work he/she has been deprived of due to discrimination.

Furthermore, employers shall be imposed with an administrative fine for each worker in case the employer fails to comply with the principle of equal treatment enshrined in Article 5 according to Article 99 of Labour Law No. 4857.

In addition to the general principle of equal pay for equal work or work of equal value, all discriminations including gender discrimination are prohibited in the determination of minimum wage under Article 5 of the *Regulation on Minimum Wage* titled "the Principle of Equal Pay".

Law on Human Rights and Equality Institution Law

In addition to the aforementioned provisions, Article 6 of the Law on Human Rights and Equality Institution (TIHEK) Law No. 6701 introduced a specific provision on the principle of non-discrimination in the labour market: An employer or a person authorized by an employer shall not discriminate against an employee or a person applying to be employed, a person acquiring practical work experience at an undertaking or a person applying for this purpose or against a person wishing to receive information on the undertaking or the work for the purpose of working or acquiring practical work experience there in any stage of the work including getting information, application, selection criteria, hiring criteria and working and termination of the employment. According to the second paragraph of the Article in question, the scope of this provision covers vacancy announcements, workplace, working conditions, access to all levels and kinds of occupational guidance, occupational training and retraining, promotion and access to all levels of the professional hierarchy, in-service training, social benefits and similar issues. It is generally accepted that the principle of equal pay can be evaluated within the scope of the term "and similar issues" in this paragraph.

Law on Trade Unions and Collective Labour Agreements

The Law on Trade Unions and Collective Labour Agreements No. 6356 dated November 7th, 2012 establishes the principles of equal opportunities, equal treatment and non-discrimination in the activities of workers' and employers' unions and confederations. Paragraph 3 of Article 26 of the Law states that organizations shall be obliged to observe the

principle of equality and prohibitions of discrimination among their members regardless of their sex in their enjoyment of its activities including the equal pay right as well as they shall consider the gender equality in their activities.

International Agreements and Conventions

Besides the European Social Charter, Türkiye has ratified several International Labour Organization (ILO) Conventions such as Equal Remuneration Convention No.100, Discrimination Employment and Occupation Convention No.111, Employment Policy Convention No.122 and Human Resources Development Convention No.142 and try to reflect both Charter and ILO Conventions into our national legislation for ensuring equality between women and men in employment.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Social Protection Shield Programme

Since the early days of the pandemic, Türkiye has been implementing the “Social Protection Shield Programme”. Under this inclusive Shield, all citizens are entitled without any discrimination to equal protection from the negative effects of the COVID-19 pandemic. More than 60% of social assistance beneficiaries of this Programme are women.

Incentives

The following incentives are in force to increase women's employment by providing new employment opportunities for women compared with men and to reduce the pay gap between men and women.

- **Additional Employment Incentive:** Additional Employment Incentive has been being implemented within the framework of the Temporary Articles 19 and 21 of Unemployment Insurance Law No. 4447 since the year 2018. Recently extended until the end of the year 2022, this incentive enables to cover the costs of insurance premiums corresponding to the rates and amounts stipulated in the legislation and the costs related to income and stamp tax for each person additionally employed from the Unemployment Insurance Fund. The duration of this support is 18 months between 01.01.2018 and 31.12.2022 for each additionally employed woman and the person with a disability who is registered (over the age of 18) to the ISKUR database.
- **The Incentive for Supporting the Employment of Women, Youth and Persons with Vocational Qualification Certificates:** The employer's share of social security premiums up to the upper limit of earnings (from 733,39 to 5.500,41 Turkish Liras) for unemployed women, young people and persons with vocational qualification certificates employed has been covered by the Unemployment Insurance Fund since 2011. The implementation period of this incentive has been extended until the end of the year 2022. The duration of the incentive is between 24 and 54 months for women (aged 18 and over) and between 12 and 54 months for young people (aged 18-24).

G20 Activities

At their 2014 Summit in Brisbane, G20 Leaders committed to reducing the gender gap in the labour force participation rate by 25 per cent by the year 2025 compared to 2012. As a member of the G20 group, Türkiye also has accelerated its efforts to reach this goal. Under the Italian G20 Term Presidency in 2021, a new set of indicators on multiple economic indicators

including earnings have been defined to ensure much more effective monitoring and reporting system of the Brisbane Target. In regard, Türkiye prepares a report on the monitoring of the Brisbane Target and submits it to the G20 Presidency every year.

Inspection Activities within the Scope of Labour Law

In the inspections carried out by the Labour Inspectors in order to prevent discrimination and to apply the principle of equal pay for equal work or work of equal value, it is aimed to prevent the violations on this issue within the framework of the Labour Law and related legislation.

The payments are made through the bank transfers within the framework of the provisions of Article 32 of the Labour Law and the *Regulation on the Payment of Wages, Premiums, Bonuses and All Kinds of Such Benefits through Banks*. During the inspections, the difference between the payments made to female workers who are subjected to different remuneration due to gender-based discrimination and the payments made to male workers can be revealed through bank records.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Information about how to ensure the implementation of the equal pay principle, the burden of proof and rules on penalties.

As a general rule, the burden of proof in regard to the violation of any provisions in the Labour Law by the employer rests on the employee. However, according to paragraph 7 of Article 5 of Labour Law No. 4857, the burden of proof is shifted from the worker to the employer in cases of the violation of Article 5 of the Law (the principle of equal treatment including the principle of equal pay for equal work or work of equal value) if the worker indicates “a strong likelihood of such a violation”. Moreover, Labour Law ensures workers’ right to provide more favourable evidence to the court. The same rule is also regulated in paragraph 1 of Article 21 of TIHEK Law No. 6701 stating that in the applications filed at the Institution exclusively on the basis of an alleged violation of non-discrimination, if the applicant exhibits the presence of strong signs and presumptive facts relating to the veracity of his/her allegation, then the other party shall be required to prove the non-violation of the non-discrimination and principle of equal treatment.

Information about whether it is possible to make a salary and job comparison directly outside the relevant company in the case of equal pay

According to Labour Law and the Code of Obligations, the employer is obliged to determine the remuneration of a worker on the basis of comparable employee’s remuneration in the implementation of the principle of equal pay for equal work or work of equal value. In this regard, the comparable employee is defined in the last paragraph of Article of the Law as the one who is employed under an open-ended contract in the same or a similar job in the establishment. Therefore, the implementation of the equal pay principle is limited to the establishment defined in Article 2 of the Law as the unit wherein the employees and material

and immaterial elements are organised with a view to ensuring the production of goods and services by the employer.

It should be noted that all premises used by reason of the nature and execution of the work and organised under the same management, including all facilities annexed to the establishment such as restrooms, day nurseries, dining rooms, dormitories, bathrooms, rooms for medical examination and nursing, places for physical and vocational training and courtyards as well as the vehicles are deemed to be part of the establishment pursuant to this Article.

4. to recognise the right of all workers to a reasonable period of notice for termination of employment;

a) Please provide information on the right of all workers to a reasonable period of notice for termination of employment (legal framework and practice), including any specific arrangements made in response to the COVID-19 crisis and the pandemic.

During the COVID-19 pandemic, a temporary restriction on the termination of labour agreements was implemented as a part of the job-retention policy. For more information on this restriction, please see the subsections on [Temporary Restriction on the Termination of Labour Agreements during the COVID-19 Pandemic](#) under section (d) under Article 2§1.

Labour Law

Notice of Termination

Before the termination of the labour agreement, a notice to the other party must be served by the terminating party according to Article 17 of Labour Law No. 4857. Under this Article, increasing notification periods are regulated according to the employment period of the employee in the workplace. Accordingly, the agreement shall then terminate:

- In the case of an employee whose employment has lasted less than six months, at the end of the second week following the serving of notice to the other party;
- In the case of an employee whose employment has lasted for six months or more but less than one and a half years, at the end of the fourth week following the submission of notice to the other party;
- In the case of an employee whose employment has lasted for one-and-a-half years or more but less than three years, at the end of the sixth week following the submission of notice to the other party;
- In the case of an employee whose employment has lasted for more than three years, at the end of the eighth week following the submission of notice to the other party.

These periods are minimum periods. It means that they may be extended through contracts between the parties but cannot be shortened.

All rights and obligations arising from the employment contract for the employee and the employer continue during the period from the date of the notification of termination to the date of the termination of the employment contract. However, the right of the employee and the employer to terminate immediately for a just cause without giving any notification is enshrined in Articles 24 and 25 of Labour Law No. 4857 is reserved during this period.

Permission to seek new employment

According to Article 27 of Labour Law No. 4857, the employer must grant the employee permission to seek new employment within working hours without any deduction from his wage during the notification period. The period of the permission to seek new employment can be combined by the employer and made available to the employee once.

In case the employer does not grant the permission to seek new employment or allows less time than that stipulated in this Article, he/she must pay the employee the wages corresponding to the time to which he was entitled. If the employer makes the employee work during the time to be allowed for seeking new employment, he/she must compensate the employee twice the amount of wages he is entitled to even for no work during the time which should be allowed for seeking new employment.

Procedure for Termination of the Contract

According to Article 109 of Labour Law No. 4857, all the notifications under this Law should be made in written form. Furthermore, the employer must give a written notice of termination involving the reason for termination, which must be specified in clear and precise terms under paragraph 1 of Article 19 of Labour Law No. 4857. This requirement is a condition of validity for the notification of employees who are within the scope of employment security and proof for the notification of other employees.

Employment Contract with a trial (probation) clause

According to Article 15 of Labour Law No. 4857, the trial period for the employment contract is defined as two months. However, it may be extended up to four months by collective agreement. Within the trial period, both parties are free to terminate the employment contract without having to comply with the termination period and without having to pay compensation. The employee's entitlement to wages and other rights for the days worked is reserved.

The Code of Obligations

Notice Period of Termination

Article 431 of the Turkish Code of Obligations No. 6098, each of the parties has the right to terminate the indefinite-term contract by complying with the termination periods. Before the termination of the indefinite-term contract, a notice to the other party must be served by the terminating party according to Article 432 of the Turkish Code of Obligations No. 6098 and the following notification periods of termination are applied to employees who are not covered by the Labour Law:

- Two weeks for an employee whose term of service has lasted up to one year,
- Four weeks for an employee whose service has lasted from one year to five years,
- Six weeks for a worker who has served more than five years.

As Article 17 of Labour Law No. 4857, these periods are minimum periods which means that they may be extended through contracts between the parties but cannot be shortened.

However, the employer may terminate the service contract by paying the fee for the termination notice period in advance pursuant to paragraph 4 of Article 432 of the Turkish Code of Obligations No. 6098.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Information about the notice period required for dismissal during a probationary period; two weeks' notice period, for employees employed in agriculture and forestry in enterprises with less than 50 employees with more than six months and less than a year of service; a six weeks' notice period, for employees employed in agriculture and forestry in enterprises with less than 50 employees, with more than five years of service.

All employees outside the scope of the Labour Law including employees employed in agriculture and forestry in enterprises with less than 50 employees are subject to the Code of Obligations. Therefore, the explanations made in the previous section on [the Code of Obligations](#) are answers to these information requests.

5. to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country. For conclusions of non-conformity, please explain whether and how the problem has been remedied and for deferrals, please reply to the questions raised.

Information on the maintenance payments and information on whether, after all authorised deductions, the wages of workers with the lowest pay do not allow them to provide for themselves or their dependents.

The employer cannot reduce the wages of the worker by his/her own decision. The employee's consent must be obtained for possible reductions in wages to be made against the employee.

Labour Law

According to Article 35 of the Labour Law No. 4857, more than a quarter of the monthly wages of the workers cannot be seized, transferred or assigned to a third party. However, provided that any maintenance allowances awarded by a judge to members of the employee's family whom he is required to support shall not be included in this sum. This provision shall apply without prejudice to the rights of persons entitled to alimony.

According to Article 38 of the Labour Law No. 4857, the employer cannot impose a wage cut penalty to the worker, except for the reasons indicated in the collective agreement or labour agreements. The deductions to be made as a penalty from the wages of the workers must be notified to the worker immediately, together with the reasons. The deductions to be made in this regard from the wages of the workers cannot be more than the two-day earning of the worker in a month.

Code of Obligations

Furthermore, paragraph 2 of Article 407 of the Turkish Code of Obligations No. 6098 clearly states that the employee's debt to the employer cannot be exchanged for the wage that the employer is obliged to pay to the employee. Making these deductions from the wages of the worker without the consent of the worker denotes underpayment of the wage. In certain conditions, the employee may be entitled to severance pay by terminating the employment contract with just cause due to the underpaid wage. Under the aforementioned provision, no debts/losses can be collected from the wages of the worker without a court decision for deductions that are not included in the law pertaining to special circumstances.

ARTICLE 21

RESC Part I

21. Workers have the right to be informed and to be consulted within the undertaking.

22. Workers have the right to take part in the determination and improvement of the working conditions and working environment in the undertaking.

Article 21 – The right to information and consultation

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

a) Please provide information on specific measures taken during the pandemic to ensure the respect of the right to information and consultation. Please make specific reference to the situation and arrangements in the sectors of activity hit worst by the crisis whether as a result of the impossibility to continue their activity or the need for a broad shift to distance or telework, or as a result of their frontline nature, such as health care, law enforcement, transport, food sector, essential retail and other essential services.

1. LEGAL FRAMEWORK

Labour Law

In Labour Law No. 4857, the right of workers to be informed and consulted is regulated in three main areas: the establishment of the labour agreement, any change in the working conditions and the termination of the labour agreement.

- **The Establishment of Labour Agreements:** Pursuant to the last paragraph of Article 8 of Labour Law No. 4857, employers shall provide information to the worker about the general and special conditions of work in the establishment of the labour agreement in written form in cases where no written labour agreement is made.
- **The Change in Working Conditions:** Pursuant to the first paragraph of Article 22 of Labour Law No. 4857, employers shall provide information to the worker about any change by the employer in working conditions based on the employment contract, on the rules of work and similar sources or workplace practices in written form.
- **The Termination of Labour Agreements:** Pursuant to the first paragraph of Article 19 of Labour Law No. 4857, employers shall provide the employee with written notice

of termination, involving the reason for termination, in the case of termination of the agreement by the employer.

OSH Law

According to Article 18 of OSH Law No. 6331, the employer should receive the opinions of employees or employee representatives on:

- Matters related to OSH, granting the right to submit proposals, and taking part in and participating in the negotiations on these issues.
- The application of new technologies, the work equipment to be selected, the effect of the working environment and conditions on the health and safety of the employees.

Furthermore, the employer should consult support staff and employee representatives on the following issues according to this Article:

- Appointment of the workplace physician, occupational safety specialist and other personnel to be assigned from the workplace or out of the workplace, and persons for first aid, firefighting and evacuation works.
- Determining the protective and preventive measures to be taken and the protective equipment and equipment to be used by making a risk assessment.
- Preventing health and safety risks and carrying out preventive services.
- Informing the employees.
- Planning the training to be given to the employees.

Moreover, please see the subsection on [Workers' Representatives on OSH](#) under Article 2§7 for information about workers' representatives,

2. MEASURES TAKEN DURING THE COVID-19 PANDEMIC

For measures implemented in employment by Türkiye in response to the COVID-19 pandemic, please see the following subsections on [Remote Work](#), [Flexible Working Methods in the Public Sector](#), [the Temporary Restriction on the Termination of Labour Agreements During the COVID-19 Pandemic](#), [Short-Time Working Allowance](#) and [Cash Wage Support](#) under the section (d) under Article 2§1.

Remote Work

In addition to the general explanation on remote work in the aforementioned subsection, the specific issues related to the right to information and consultation in remote work are summarised below:

- A remote work employment contract must be concluded in writing and cover issues such as regarding the definition of the job, the way it is done, the duration and place of the job, the issues regarding the wages and payment of wages, the equipment provided by the employer and the obligations regarding their protection, the employer's communication with the worker, and the general and special working conditions.
- Moreover, the employment contract can be converted into a remote work contract only with the approval of an employee. However, in the event that remote work is implemented in the whole or part of the workplace due to compelling reasons specified in the legislation such as the pandemic, it is possible to shift to remote working without either the request or the approval of employers.

- Similarly, overtime work can be done upon the written request of the employer, with the acceptance of the employee, in accordance with the provisions of the Regulation on Remote Work.
- Furthermore, the employers are obliged to inform the employees about OSH measures, to provide the necessary training and health surveillance as well as to take the necessary OSH measures regarding the equipment provided, by taking into account the nature of the work performed by the employees working with a remote work relationship.

OSH Measures

In order to ensure OSH in workplaces and to inform all employees and employers as well as OSH professionals about OSH measures to be taken during the pandemic, the following measures have been taken in the field of OSH:

- The HES code⁷ providing information to people who have been exposed to the virus or who have been in contact with COVID-19 patients has been made mandatory for everyone and has been checked at the entrance of public buildings, restaurants, museums, cafes, shopping malls etc. and before travelling through public transportation.
- MoLSS COVID-19 Monitoring and Tracking Group was established.
- In addition, a COVID-19 information platform was established in order to publish comprehensive frequently asked questions and answers for employees, OSH professionals and employers, and to ensure that the studies and documents prepared are delivered to the relevant people through a single address.
- A consultative committee consisting of 14 academicians from the disciplines of Public Health, Chest Diseases, Internal Medicine and Infectious Diseases was established and studies were carried out within the scope of combating the COVID-19 pandemic in the workplaces.
- The promotion efforts to provide our citizens with easier access to the e-Government applications, website, communication centre and corporate media accounts was strengthened to ensure that citizens do not need to physically come to the public institutions and organizations.
- Dissemination and information activities through social media have been continued during the COVID-19 pandemic.
- Documents were prepared for migrant employees in sectors where they are highly employed and translated into Arabic with the support of the ILO Türkiye Office to ensure the protection of migrant employees from the COVID-19 virus.
- All the employees in the public and private sectors have been informed to comply with the 14 Rules Proposed Against the Risk of Coronavirus by the Ministry of Health (MoH).
- As part of the COVID-19 measures, we mobilized all experts in the field, workplace physicians and workplace nurses to make sure our employers and employees are duly informed. Moreover, approximately 20.000 on-site physicians and nurses were included in the vaccination process.
- In working environments, especially in working rooms, dining halls, public areas etc. haven ensured to be disinfected.
- Protective masks and hygiene products are provided to employees.

⁷ The HES code is a 10 or 12 digit number that has been used to obtain a ticket to travel within Turkey by public transport or visits to areas such as workplaces, hospitals, public institutions.

- According to the risk of the COVID-19 contamination, especially in critical sectors, 36 guides and documents related to 24 different fields of study were prepared by taking the opinions of the Scientific Advisory Board.
- 45 OSH Guidelines have been prepared and published.
- Four algorithms have been prepared for the workplace: “the Detection and Monitoring of Possible COVID-19 Cases and Employees with Contacts and Close Contacts”, “Possible Case Management Detected Outside the Workplace”, “Possible Case Management Detected at the Entrance to the Workplace”, “Possible Case Management Detected at the Workplace”. A guide to Psychosocial Factors has been prepared.
- 9 videos have been broadcasted for significant human-based sectors (including malls, gas stations, banks, call centres, dental clinics, main manufacturing enterprises, food production facilities, security staff, construction sector, hospitality sector, mining facilities, transportation, hairdressers, bakeries, etc.).
- When the normalization began on 1 March 2021 in Türkiye, occupational safety experts working in public institutions were also included in awareness-raising activities in the field.
- For the posteroanterior chest X-Ray capture in mobile X-Ray OSH vehicles, three checklists have been prepared: “Checklist for Combating the New Type of Coronavirus”, “Checklist for Combating New Type of Coronavirus for PA Chest Radiography in Fixed Direct Posteroanterior Chest Radiography Units” and “Checklist for Combating New Type of Coronavirus in OSH”.
- With the “Guide on the Determining the Methodology of the Precautions Taken in Ventilation-Heating/Cooling and Sanitary Installations in Combating Communicable Diseases in Public Buildings and the Establishment of the Implementation Procedures and Principles”, the risk of contamination of public buildings in the current or possible pandemic processes is minimized. In the context of surface disinfection and indoor air quality, appropriate materials and technologies for combating the pandemic have been evaluated by taking into account research and development studies.
- Market surveillance and control activities for personal protective equipment used within the scope of the pandemic were carried out by the MoLSS. The products have been tested using the laboratory infrastructure of our notified bodies. Sanction decisions have been taken to prohibit the placing on the market of products that are found to be unsafe and to recall and eliminate products in the supply chain. In this context, a total of 1.855.837 TL of the administrative fine was imposed by the MoLSS.

3. SECTORAL MEASURES TAKEN BY THE INSTITUTIONS DURING THE COVID-19 PANDEMIC

Agriculture:

- During the pandemic period, a guide and checklist containing the issues to be considered in terms of OSH in the agricultural sector have been published and the relevant documents have been conveyed to the relevant institutions and organizations in the agricultural sector. Frequently asked questions and answers regarding the risks arising from the pandemic related to the sector have been prepared.

Law Enforcement Forces:

The General Directorate of Security:

- In the central and provincial units of the Turkish National Police, work and transactions are carried out in line with the provisions of the OSH Law No. 6331.
- Staff were informed about the measures to protect themselves from the coronavirus.
- Personal protective medical coveralls, masks, gloves, glasses, visors, thermometers were supplied and distributed to all units.
- Brochures on OSH measures prepared by the MoH regarding the COVID-19 were posted in common areas.
- Personnel were informed about complying with hygiene rules, paying attention to social distance, and observing the rules to be considered in the fight against coronavirus in public places.
- Training programmes were organized on the correct use of masks, air ventilation and cleaning the environment.
- Disinfectant devices have been distributed to all units and common areas, service cars and personnel services are being disinfected regularly.
- PCR Tests are applied for the staff having the symptoms of the COVID-19.
- Videos were broadcasted on the need to use masks and pay attention to social distance in the field taking into account risk groups and duty standards.
- Inspections are carried out by the commission regarding mask use and social distance in the central and provincial units.
- Quarantine rules are applied for the staff with a positive test result.

General Commandership of Gendarmerie (GCoG):

- Orders and informative posters and brochures have been published in order to protect the staff from the COVID-19 virus and a specific health information section was created on the website.
- Remote non-contact thermometers have been used at the entrance to the troops and the staff deemed suspicious in terms of COVID-19 infection were transferred to health institutions.
- Non-contact thermometers were distributed to all units and thermal cameras that measure body temperature were distributed to highly-density units.
- The distance between the beds of the privates in the wards has been increased, the dining tables have been moved away from each other, the admission of visitors in the units has been stopped except for essential situations, the weekend permits of the privates in the cities have been cancelled.
- Cleaning and disinfection activities were carried out in the areas where the personnel are settled.
- The troop staff participated in training programmes about the pandemic.
- The COVID-19 Document has been distributed to all units for which the staff has been informed about the virus in question.
- Patisseries, restaurants, sports halls, picnic areas, children's playgrounds and hairdressers were closed at the first stage.
- In order to combat COVID-19 in the barracks of GCoG, control forms were created and monthly inspections of the units were ensured by the unit commands according to these

forms, the number of infectious staff was daily tracked down and the contacts of people with confirmed COVID-19 infection were taken under quarantine.

- Surgical masks, face shields, protective overalls, gloves and N95 filter masks were distributed to troops.

Coast Guard Command:

- A disinfection program with ultraviolet spraying was prepared on weekly basis within the Headquarters of the Coast Guard Command.
- Surgical mask distribution was started at the entrance/exit points of the Headquarters, measures were increased by placing thermometers, foot disinfectant pools and hand disinfectants.
- The tollgates were replaced by contactless ones at the entrance and exit of the buildings.
- Stair handrails and door handles were frequently wiped with bleach and disinfectants.
- The lunch time was reorganized as 1/3 of the personnel could eat at the same time. All equipment was replaced by disposable ones.
- The places of worship have been reorganized with social distance rules.
- Sports centres were closed during the high level of the pandemic, and it was made obligatory to declare a vaccination card or use masks after it was opened.

Health Sector:

- In the fight against the pandemic, respiratory protective mask tests are carried out by the MoLSS in order to deliver safe personal protective equipment to healthcare workers, which are at the forefront during the COVID-19 pandemic. Complaints and notices about the products received by us were quickly evaluated.
- During the pandemic process, distance education was encouraged and face-to-face education was suspended in all health institutions and organizations affiliated to the MoH.
- In addition, the Distance Health Education System within the scope of the Training and Certification Department of the General Directorate of Health Services of the MoH was strengthened, and central training programmes were carried out in order to meet the training needs of the staff providing health services.
- Psycho-Social Support Interview and Request Form for Healthcare Professionals was prepared.
- Health personnel who had the COVID-19 infection were called by the MoH and their requests and suggestions were received.
- The personal protective needs of all health personnel were met.
- Due to the lockdown, provincial health directors were requested to take precautions regarding the shift services in order to regulate the commuting conditions for the health personnel and coordination is provided accordingly.
- With a view to increasing the wages of healthcare professionals, an additional payment was made based on 100% of the ceiling additional payment, and healthcare professionals who worked selflessly were supported in terms of additional payment during the pandemic.
- Annual leaves that healthcare professionals could not use was allowed to be transferred to the next year.
- Healthcare professionals have been supported in terms of additional payments by increasing their additional payments by 20%.

- It was ensured that healthcare professionals travel to and from work free of charge. Public transport was made free.
- With a view to minimizing the negative conditions of the pandemic, it was instructed to review the OSH practices and take precautions.

Transportation Sector:

Aviation:

- The Directorate General of State Airports Authority performing the management of Turkish airports adapted distance working and distance education methods quickly by mobilizing all possibilities of information technologies. In this way, any disruption was not allowed in the public service together with the stakeholders (air carriers, airport operators, leaseholders), and it was ensured that both personnel and service recipients were informed about any interruption/cancellation in air transportation and airport operations.

Railways:

The OSH Board of the Directorate General of Turkish State Railways held an extraordinary meeting regarding the COVID-19 outbreak, immediately after the first case was seen in Türkiye and agreed on the following decisions:

- Awareness-raising activities were carried out for the personnel employed through service procurement (cleaning personnel, drivers, cafeteria personnel, etc.) in the Headquarters of Directorate General of Turkish State Railways.
- Informative and warning posters regarding hygiene during the pandemic were posted, especially in restrooms, washbasins and other common wet environments.
- All station areas and station equipment (elevator, escalator, guardrails, seating areas, etc.) were disinfected regularly.
- Regular announcements were made to passengers about maintaining social distance through written and/or announcement systems.
- The COVID-19 Guide was prepared, which includes risk assessment and emergency plan examples for stations for minimizing the spread of coronavirus.

Highways:

As of 28 March 2020, intercity travels have been started to be made with the permission of the governorships. In this process:

- All personnel working at the bus terminals underwent health controls periodically.
- Health checkpoints were set up at the gate of the bus stations for passengers and personnel on the buses allowed to travel, and bus travel was allowed after health controls were completed.

Tourism Sector:

- In order to reduce the adverse effects of the COVID-19 pandemic on the tourism sector and to continue the activities in a safe way by starting the normalization process in a controlled manner, the Circulars were issued and thus, the measures about the following issues have been taken in culture, art and tourism facilities: the rules to be followed by the staff for the reception of guests, correct usage of common areas, general cleaning

and maintenance, sampling procedures for the COVID-19 test from the visitors, and the creation of an isolation room for the visitors when necessary.

- On the other hand, the “Safe Tourism Certification Program” was prepared under the leadership of the Ministry of Culture and Tourism, with the contributions of the Ministries of Health, Transport, Interior and Foreign Affairs and in cooperation of all sector stakeholders. Accommodation, food and beverage facilities, tour and transfer vehicles, congress and art facilities, theme parks, mechanical lines and sea tourism service organizations are inspected at international standards within the framework of certain criteria by accreditation companies authorized to issue the Safe Tourism Certificate within the framework of this program.
- Meanwhile, in order to ensure that the employees of the sector can serve in a healthy way and that the tourism activities are carried out uninterruptedly throughout the year, the employees in the tourism sector were included in the vaccination program starting from the open facilities and the vaccination of all employees working in the sector have been completed gradually.

ARTICLE 22

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a. to the determination and the improvement of the working conditions, work organisation and working environment;
- b. to the protection of health and safety within the undertaking;
- c. to the organisation of social and socio-cultural services and facilities within the undertaking;
- d. to the supervision of the observance of regulations on these matters.

a) Please provide information on specific measures taken during the pandemic to ensure the respect of the right to take part in the determination and improvement of the working conditions and working environment. Please make specific reference to the situation and arrangements in the sectors of activity hit worst by the crisis whether as a result of the impossibility to continue their activity or the need for a broad shift to distance or telework, or as a result of their frontline nature, such as health care, law enforcement, transport, food sector, essential retail and other essential services.

1. LEGAL FRAMEWORK

Remote Work in the Private Sector and Flexible Working Methods in the Public Sector

For measures put in place by Türkiye in response to the COVID-19 pandemic intended to improve the working conditions and working environment during the pandemic, please see the following subsections on [Remote Work](#) and [Flexible Working Methods in the Public Sector](#) under section (d) of Article 2§1.

OSH Law

Please see the subsection on [OSH Law](#) under section (a) of Article 21 for information about the right to information and consultation in OSH and the subsection on [Workers' Representatives on OSH](#) under Article 2§7 for information about workers' representatives.

It should be noted that all the provisions of OSH Law No. 6331 and its sub-regulations including consultation and participation of employees have been applied during the COVID-19 pandemic.

2. MEASURES TAKEN DURING THE COVID-19 PANDEMIC

OSH

In addition to the general COVID-19 measures mentioned in [OSH Measures](#) under section (a) of Article 21, the activities and measures have been carried out by the MoLSS in cooperation with non-governmental organizations and public institutions, especially social partners in order to improve OSH and to prevent the spread of COVID-19 in workplaces. Some of these activities are mentioned below:

- With the participation of the Microsurgery and Reconstruction Foundation Board of Turkish Confederation of Employer Associations’, a meeting was held on 24/07/2020 to focus on maintaining strong cooperation in the field of OSH, both within the workplace and with external stakeholders, especially the effective fight against the pandemic in workplaces.
- As a result of the studies carried out with the Turkish Chemicals, Petroleum, Rubber and Plastics Industry Employers' Association, five guides have been prepared for employees, employers and OSH professionals: “the COVID-19 Guide to Management of Subcontractors in the Period”, “Guide for Ventilation and Air Conditioning Systems in the Period of the COVID-19”, “Guide to Management and Action Plan for the COVID-19 Pandemic”, “Guide to Teleworking in the COVID-19 pandemic” and “Guide for Common Uses in the Period of the COVID-19” ”.
- In the construction sector, where the risk of contamination is high during the pandemic, a precautionary guideline has been published about the protection of employees in construction sites. In this regard, a new partnership was signed with the Turkish Construction Industry Employers' Association in order to reduce the impact of the pandemic and to maintain healthy and safe working conditions in the construction sector.
- An online meeting was held on 08/10/2020 with the Mining Industry Employers Union (MASIS) to evaluate the process of the normalization process and the OSH measures necessary to be taken in the mining sector and the measures decided therein was taken after the meeting.

3. SECTORAL MEASURES TAKEN BY THE INSTITUTIONS DURING THE COVID-19 PANDEMIC

In addition to the sectoral COVID-19 measures in [Sectoral Measures Taken by the Institutions during The COVID-19 Pandemic](#) under section (a) of Article 21, the following measures were taken in order to ensure the respect of the right to take part in the determination and improvement of the working conditions and working environment.

Transport:

Highway:

- Persons employed in the international/domestic passenger and cargo sector were ensured to comply with the pandemic rules. For example, rules such as PCR testing and disinfectant were introduced at border crossings, international/domestic passenger transportation was temporarily suspended and passenger capacity was limited due to pandemic conditions.
- In order to minimize face to face contact, e-Government Services have been promoted, and sector members have been provided with the opportunity to monitor/perform their business and transactions remotely. Furthermore, the usage of online services was promoted by providing discounts of up to 5% in e-Government applications.
- In passenger transport, restrictions were imposed on catering in order to minimize the contact between the crew and the passengers.
- Moreover, in order to protect the health of passengers and crew, the Ministry of Transport’s system has been integrated with the system of the MoH, the control of passengers’ HES codes has become compulsory and travel restrictions have been imposed on the COVID-19 infected persons.

Railway:

- Remote/flexible working methods were applied for employees in line with the Presidential Circulars.
- A guideline for combating the pandemic was prepared for passenger trains that continued to be operated during the COVID-19 pandemic process, and the relevant units were informed.
- In order to prevent the personnel actively working at train operations from being at risk, the validity periods of health and psycho technical evaluation procedures have been extended. Risk assessment studies were carried out as part of workplaces' preparations for pandemic conditions.
- A working group in the Headquarters Service Building of the State Railways of the Republic of Türkiye was established in order to carry out the works on the COVID-19 measures to be carried.
- In order to prevent the security guards working at the building entrances from being affected by the pandemic, they were directed to work with gloves and to use hand disinfectant at the visitor entrances.
- Microphone-speaker devices were established to prevent contact with the glass separator in the work area of the security personnel working at the visitor entrance.
- The barber and hairdresser in the Headquarters Service Building of the State Railways of the Republic of Türkiye were closed and personal visitors were not allowed into some buildings during the pandemic.
- Employees were also ensured to use the necessary protectors such as masks and gloves.
- Equipment such as non-contact thermometers was used at the stations and offices where the personnel work intensively to detect the COVID-19 infected persons and persons having the suspected COVID-19 symptoms.
- The number of inspections of the Station Managers increased to ensure that passengers and employees fully complied with the COVID-19 measures and rules at all the stations.
- The passengers who had the suspected COVID-19 symptoms infected were taken to an isolated area and directed to the health teams to prevent contamination.
- All station areas and station equipment were disinfected periodically.
- The control of passengers' HES codes has become compulsory.
- Travel restrictions have been imposed on the COVID-19 infected persons.

Airline:

- Remote/flexible working methods were applied for employees in line with the Presidential Circulars and the personnel of the State Airports Authority were generally employed within the hours determined by the Turkish legislation.
- In March 2020, flexible/remote/alternate working methods were implemented, minimizing the number of people who had to be in the same environment. Instruction has been given so that the actual number of employees of all units is below 50%.
- The necessary disinfection process was carried out after the hygiene of the personal equipment and materials were used by the operational personnel.
- Hygienic hand washing instructions were posted on the premises, the dining hall and cafeterias were closed and lunch was provided with take-away service. While cleaning and disinfection processes continue in detail at the airports, the frequency of cleaning

of wet floors, sinks, cabin doors, ceramic walls and places of worship has been increased.

- Gloves and hand sanitiser were distributed to the personnel at the points where there is direct communication with the passenger, measures such as providing masks for the use of personnel and not accepting farewells and greeters in the terminal buildings were strictly implemented.
- The periodic cleaning and disinfection processes of the areas such as offices, lounges, airports are carried out and a sufficient number of hand disinfectants are placed in the corridors so that everyone can reach them.
- The technical infrastructure required for remote working was quickly put into use, enabling the personnel to work from home, thus preventing the workload from being put on only those who are actually working. In order for the working environments to be sterile, the necessary sensitivity has been shown by the personnel to comply with the mask, distance and hygiene rules.

Health:

During the pandemic process, distance learning was encouraged in all health institutions and organizations affiliated to the MoH, and face-to-face training was suspended. Moreover, the Distance Health Education System within the scope of the Training and Certification Department of the General Directorate of Health Services of the MoH was strengthened and central training programmes were carried out and the training needs of the personnel providing health services were tried to be met.

Within the scope of regulation of working conditions and working environment;

- In order to reduce the workload of health workers, the timed health reports were extended.
- It has been ensured that drugs, medical supplies and diapers that require continuous use due to chronic diseases and disabilities can be obtained from pharmacies and medical centres without the need to write a prescription before going to a health institution.
- Patients who do not have an emergency situation are encouraged to receive service from family medicine first.
- Non-urgent elective surgical procedures have been planned to a more convenient date as much as possible.

b) If the previous conclusion concerning the provision, was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Information about the availability of legal remedies in case of violation of workers' right to participate in the determination and improvement of working conditions and working environment.

According to Article 26 of OSH Law No. 6331 titled “Administrative fines and their implementation”, the following administrative fines are imposed in case of the violation of the right to express opinions on the improvement of the working conditions and working environment of the employees:

- One thousand Turkish Liras for the employer who does not fulfil the obligations set forth in Article 18 related to the consultation with and participation of workers;
- One thousand Turkish Liras for the employer who does not fulfil the obligations specified in the first and fourth paragraphs of Article 20 related to workers' representative, and one thousand five hundred Turkish Liras for the employer who does not fulfil the obligations specified in the third paragraph, provision is included.

The amounts included in the said provision are applied on the basis of the status of the workplace and the number of employees in the workplace as follows, taking into account the Revaluation Rate for 2021.

Table 2. Amount of the Penalty applied in 2021 within the scope of Article 26 of OSH Law

Workplaces with Fewer Than 10 Employees			Workplaces with 10-49 Employees			Workplaces with 50+ Employees		
Less Dangerous (Same amount)	Dangerous (increased by 25%)	Very Dangerous (increased by 50%)	Less Dangerous (Same amount)	Dangerous (increased by 50%)	Very Dangerous (increased by 100%)	Less Dangerous (increased by 50%)	Dangerous (increased by 100%)	Very Dangerous (increased by 200%)
3.836 TL	4.795 TL	5.754 TL	3.836 TL	5.754 TL	7.672 TL	5.754 TL	7.672 TL	11.508 TL

ARTICLE 26

RESC Part I – 26. All workers have the right to dignity at work.

Article 26 – The right to dignity at work

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

1. to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;
2. to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

a) Please provide information on the regulatory framework and any recent changes in order to combat harassment and sexual abuse in the framework of work or employment relations. The Committee would welcome information on awareness raising and prevention campaigns as well as on action to ensure that the right to dignity at work is fully respected in practice.

1. LEGAL FRAMEWORK

Code of Obligations

Article 417 of Turkish Code of Obligations No. 6098, which entered into force on 11/01/2011 and directly refer to the expression of psychological harassment in the workplaces for the first time in Turkish legislation, regulates legal guarantees against psychological and sexual harassment in the workplace. According to this Article, the employer is obliged to protect and respect the personality of the worker in the employment relationship, ensure order in accordance with the principles of honesty in the workplace, and take the necessary measures especially to prevent the workers from being subjected to psychological and sexual harassment and to prevent further harm to those who have been subjected to such harassment. Furthermore, compensation for damages resulting from the employer's behaviour contrary to this Article is subject to liability provisions arising from breach of a labour agreement.

Labour Law

Article 5 of Labour Law No. 4857 prohibits discrimination on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. Although sexual harassment is not explicitly mentioned within the scope of this Article, it is considered within the scope of discrimination on the basis of sex. Psychological harassment is also considered within the scope of this article if it includes discrimination in this context.

Article 5 of Labour Law No. 4857 suggests compensation for employees: If the employer violates this article in the execution or termination of the employment relationship, the employee may demand compensation up his/her four months' wages. The worker may demand compensation for material and moral damages in accordance with the general

provisions, as well as the rights about his/her work he/she has been deprived of due to discrimination. Furthermore, employers shall be imposed with an administrative fine for each worker in case the employer fails to comply with the principle of equal treatment enshrined in Article 5 according to Article 99 of Labour Law No. 4857.

Sexual harassment is defined as one of the just causes to terminate the employment contract without giving notice in Articles 24 and 25 of Labour Law No. 4857. Subparagraphs (b) and (d) of paragraph II of Article 24 of Labour Law No. 4857 give the employee the right to terminate his/her labour agreement immediately for just cause without giving notice by the employee in case of sexual harassment by the employer or if the employer or the employer's representative doesn't take the necessary measures to prevent sexual harassment by another employee or by third parties in the workplace despite reporting it to the employer or the employer's representative. Moreover, subparagraph (c) of paragraph II of Article 25 of Labour Law No. 4857 gives the employer the right to terminate the labour agreement of the employee who sexually harassed another employee of the employer, immediately for just cause without giving notice by the employer. The employee may also demand severance pay and compensation for material and moral damages according to Article 26 of Labour Law No. 4857.

Since psychological harassment, which is contrary to the employer's obligation to protect employee's mental and body health and the principle of equal treatment, can occur as a result of many different acts, paragraph II of Article 24 of Labour Law No. 4857 titled "immoral, dishonourable or malicious conduct or other similar behaviour" and the situations mentioned in subparagraphs (b), (c) and (f) of this paragraph may give the employee, who is subject to psychological harassment, the right to terminate his/her labour agreement immediately for just cause without giving notice. The expression "and similar" in the title of this paragraph expresses that the situations listed in the paragraph are not limited and although the expression of psychological harassment is not explicitly included in the text of the provision, it may give the employee, who is subject to psychological harassment, the right to terminate his/her labour agreement immediately for just cause without giving notice.

TIHEK Law

TIHEK Law No. 6701 was entered into force by the Official Gazette dated 20.04.2016 and numbered 29690. The TIHEK, affiliated to the Ministry of Justice, with public legal entity status and administrative and financial autonomy, was established by Law No. 6701 based on the international law to which we are a party in the field of human rights.

The purposes of this Law are to:

- Regulate the principles pertaining to the establishment, organization, duties and powers of the TIHEK,
- Ensure the protection and promotion of human rights on the basis of human dignity, guaranteeing individuals' right to equal treatment,
- Prevent discrimination in the exercise of legally recognized rights and freedoms,
- Effectively fight against torture and mistreatment and act as National Preventive Mechanism in this regard.

Harassment is defined as all kinds of intimidating, humiliating, humiliating or embarrassing behaviour, including its psychological and sexual types, with the aim of violating human dignity or causing such a result in Article 2 of the same Law.

In Article 3 of Law No. 6701, discrimination based on gender, race, colour, language, religion, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health, disability, and also age is prohibited. Moreover, types of discrimination are listed in Article 4 of Law No. 6701 and harassment is included in this list as a form of discrimination.

The scope of the prohibition of discrimination is regulated very broadly in Article 5 of Law No. 6701 titled “Scope of Non-Discrimination”. Accordingly, public institutions and agencies, professional bodies with public institution status, natural persons and legal persons established under private law providing services of education and training, judiciary, law enforcement, health, transportation, communication, social security, social services, social assistance, sports, accommodation, culture, tourism and similar services shall not discriminate, in respect of their activities, against persons who use or have applied to use or wishing to be informed of such services. This provision also covers access to buildings and spaces where public services are provided. When offering movable and immovable property to the public; public institutions and agencies, professional bodies with public institution status, natural persons and legal persons established under private law and those authorised by them shall never discriminate against those who wish to acquire or rent such property and wish to receive information thereon at any stage during the lease of such property, formulation of the conditions of the contract of lease, renewal of the contract of lease or termination thereof, sale or assignment. There shall be no discrimination against any person in terms of joining associations, foundations, labour unions, political parties and professional organizations, being elected to their bodies, benefiting from membership opportunities, termination of membership as well as participating in and benefiting from their activities.

The law includes provisions to implement the prohibition of discrimination in the field of employment and self-employment, both in the private and public sectors. Law No. 6701 designates a specific provision for working life: An employer or a person authorized by an employer shall not discriminate against an employee or a person applying to be employed, a person acquiring practical work experience at an undertaking or a person applying for this purpose or against a person wishing to receive information on the undertaking or the work for the purpose of working or acquiring practical work experience there in any stage of the work including getting information, application, selection criteria, hiring criteria and working and termination of the employment. The first paragraph shall also cover vacancy announcements, workplace, working conditions, access to all levels and kinds of occupational guidance, occupational training and retraining, promotion and access to all levels of the professional hierarchy, in-service training, social benefits and similar issues. An employer or a person authorized by an employer shall not reject an employment application for the reason of pregnancy, maternity or child care. There shall be no discrimination in terms of admission into, licence, registration, discipline and similar issues of self-employment. This Article also covers all kinds of contracts of work and performance not falling into the scope of the Labour Law No. 4857 dated 22/05/2003. Employment in public institutions and agencies is subject to the provisions of this Article.

Penal Code

Sexual harassment is not only a subject of the labour law but also taking into account the possible negative effects of sexual harassment on society, sexual harassment is regulated within the scope of criminal law. Therefore, sexual harassment is specifically defined as a crime in Article 105 of the Turkish Penal Code No. 5237. Pursuant to Paragraph 1 of this Article, the

person performing sexual harassment is sentenced to a term of imprisonment from three months to two years or a judicial fine. Paragraph 2 of the Article in question was amended on 18 June 2014 by Article 61 of Law No. 6545. According to this Paragraph:

- If the act of such offence is committed by using the advantage of working in the same workplace as the victim, the punishment to be imposed according to the first paragraph is increased by one half.
- If the victim was obliged to quit his/her job for this reason, the punishment to be imposed cannot be less than one year.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

TIHEK Activities

The duties of the Institution are determined in Article 9 of TIHEK Law No. In this context the duties of the TIHEK are as follows:

- To examine, investigate, decide on the violations of non-discrimination ex officio or upon application and follow the results,
- To assist those who apply to the Institution with the allegation that they are victims of violations of the prohibition of discrimination, in order to provide guidance on the administrative and legal processes they can use to remedy their grievances and to enable them to follow up on their applications,
- To raise public awareness on human rights and anti-discrimination issues through information and education, using mass media,
- To contribute to the determination of the principles of pre-professional and in-service human rights and equality education programs of public institutions and organizations and to the execution of these programs,
- To cooperate with public institutions and organizations, non-governmental organizations, professional organizations and universities operating within the scope of protection of human rights and combating discrimination

Within this framework of awareness-raising activities of the TIHEK, the following activities have been organized during the reporting period:

- An international workshop on “Combating Discrimination at Work” was held in Ankara on 17 April 2019. In the workshop held with national and international participation, three panels were held on “Different Faces of Discrimination at Work”, “International Norms in Combating Discrimination at Work” and “Mechanisms in Combating Discrimination at Work”.
- The TIHEK, which is exclusively assigned to combat discrimination, considers mobbing in the workplace based on discrimination grounds as a type of discrimination and has an important position in the fight against mobbing. In this context, the information note on mobbing in the workplace was published on the official website of the institution and brought to the public attention.
- The 2nd International Human Rights Symposium was held on 29-30 April 2019 with the theme of the “Right to Protect the Family” and papers on various topics were presented.
- The "Workshop on the Prevention of Violence" was held on 15-16 November 2019 in order to draw attention to the rapidly increasing phenomenon of violence in society, to evaluate the effectiveness of the mechanisms introduced in the fight against violence, and to determine multi-dimensional and holistic policies for combating violence.

- A special issue on the Prevention of Violence has been added to the TIHEK Academic Journal, consisting of important papers presented at the Workshop on the Prevention of Violence.
- In cooperation with the TIHEK and Istanbul University, "Workshop on the Vaccination Practices Against the COVID-19 from the Human Rights Perspective" was held in Istanbul on September 27th, 2021. In the last session of the workshop, which was held in three sessions on "The General Health Protection Duty of the Administration and Its Practices Against the COVID-19", "Mandatory Vaccination Practices in Comparative Law" and "The Appearance of Mandatory Vaccination Practice in Human Rights Judgment". The topic of "Vaccination Application and Its Reflections on Working Life" was also discussed.
- The TIHEK has published an information note about mobbing as awareness-raising: <https://www.tihkek.gov.tr/mobbing-bilgi-notu/>

In addition, the TIHEK is planning to conduct an opinion research activity in the near future with the aim of informing and awareness-raising in the public. In this context, the "Gender Equality in Business Life Questionnaire" has been determined as one of the study subjects.

The Department of Legal Support and Victim Services of the Ministry of Justice

With Presidential Decree No. 63 on Supporting Victims of Crime published in the Official Gazette dated 10 June 2020, the Department of Legal Support and Victim Services was established as the main service unit of the Ministry of Justice. The objective of this Department is to contribute to the establishment of an effective, sustainable and accessible victim support system within the framework of the principles of restorative justice and social state of law for victims and especially vulnerable groups in the judicial process by working on the rights and services to be offered to victims of crime in the light of national and international regulations.

Under this Department, the Legal Support and Victim Services Offices was established in 116 courthouses and planned to be expanded throughout the country. In these Offices, studies are carried out to strengthen the access of people involved in the judicial process to justice, and various services are provided to victims, mostly affected by crime due to their characteristics, (including vulnerable groups such as children, women, the elderly and the disabled). Moreover, various measures are taken to prevent the victims of the vulnerable group from experiencing repeated victimization. Furthermore, they are accompanied by experts during the hearings in order to help them understand the court process and reduce their anxiety levels. Finally, services such as directing and following up on those who are found to need psycho-social support after the judicial process are provided.

During the COVID-19 pandemic, notifications, complaints and information requests received by the Legal Support and Victim Services Department and Offices continued to be examined and answered with the contributions of the relevant institutions.

Forensic Interview Rooms

In 2017, the Ministry of Justice started an application to protect people who are considered to be objectionable to come face-to-face with the perpetrator. Accordingly, forensic interview rooms (FIR) have been implemented in order to receive the statements of victims, witnesses, children driven to crime, victims of sexual crimes and domestic violence crimes and other vulnerable persons in private environments accompanied by experts. Currently, 109 FIRs

have been put into operation in 81 provinces and 104 courthouses. Thus, special environments have been created where the aforementioned people can receive psychological support and give their statements outside the courtroom, under the support of experts, without coming face to face with the accused. Moreover, in the forensic interview rooms, it was made possible for the victims to be heard by experts during the investigation and prosecution phases.

During the COVID-19 pandemic, taking into account the quarantine conditions, the processes of taking statements were continued in the judicial meeting rooms by taking the necessary precautions.

Complaint and Application Mechanisms

The administrative and legal complaint and application mechanisms for those who claim to have been harassed are listed below:

- They can apply to the Turkish Grand National Assembly with a petition.
- Complaints and requests for psychological harassment in the workplace can be conveyed through the Presidential Communication Centre (<https://www.cimer.gov.tr/>).
- ALO 170 is the telephone line (hotline) for obtaining information about the services offered by the MoLSS, the SSI and the ISKUR. Psychologists trained in workplace psychological harassment are assigned to support callers, they informed and directed them, and receive requests from those who want to file a complaint. Demands made to ALO 170 are answered within 72 hours at the latest.
- Public servants who claim to be subject to harassment can apply to the Public Servants Ethics Committee.
- If it is claimed that the harassment is caused by the acts or actions of the administration, they can file a complaint with the Ombudsman Institution without paying any fee.
- Since mobbing is primarily a violation of human rights and sexual harassment is defined as a type of discrimination in Law No. 6701, they can apply to the TIHEK without paying any fee.
- Those who claim to have been harassed in the workplace can apply to the DGI.
- They can also file a lawsuit before labour courts.

b) Please provide information on specific measures taken during the pandemic to protect the right to dignity in the workplace and notably as regards sexual, and moral harassment. The Committee would welcome specific information about categories of workers in a situation of enhanced risk, such as night workers, home and domestic workers, store workers, medical staff, and other frontline workers.

The Prime Ministry Circular on the Prevention of Psychological Harassment in Workplaces

In order to prevent psychological harassment in the workplace, raise awareness and take necessary measures in the field of combatting psychological harassment, the *Prime Ministry Circular on the Prevention of Psychological Harassment (Mobbing) in Workplaces* has been published in the Official Gazette dated 19 March 2011 and numbered 27879.

In this regard, psychological harassment in the workplace is defined as malicious, intentional, negative attitudes and behaviours performed by one or more persons in the workplace 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 relations or the health of the victim or victims.

Within the scope of the aforementioned Circular, various responsibilities have been given to the MoLSS in order to fight against mobbing in workplaces. In this regard, awareness-raising activities are carried out in the MoLSS in the fight against mobbing, and it also acts as a coordination institution in order to evaluate the applications for psychological harassment in the workplace. Mobbing complaints are received from individual petition applications from the Communication Line (Hotline) of the MoLSS (ALO 170) or the Presidential Communication Centre channels. The complaint is transmitted to the highest authority of the relevant institution if the complainant is a public institution employee and to the Provincial Directorate of Labour and Employment in the province where the relevant company is located if the complainant is a private sector employee.

The Board on Combating the Psychological Harassment

With the approval of the MoLSS dated 21/5/2012, the *Board on Combating the Psychological Harassment* was established in accordance with Article 5 of the *Circular on the Prevention of Psychological Harassment (Mobbing) in Workplaces*. The Board is mandated to:

- Determine policies across the country for the prevention of mobbing in workplaces,
- Coordinate training and information activities in this field,
- Conduct research and examinations on needed issues,
- Prepare reports, guides and information documents in this field,
- Work towards raising public awareness,
- Ensure inter-institutional coordination,
- Ensure the execution and monitoring of the decisions taken by the Board.

The said Board is not a complaint authority, and the issues referred to the Board are also followed up to be taken into account in the design of policies in order to take measures in this field.

The Board meets twice a year under the chairmanship of the General Director of Labour of the MoLSS with the participation of the TIHEK and social partners. It may convene extraordinarily when necessary.

The Board started its work by preparing the *Action Plan on the Implementation of Circular on the Prevention of Psychological Harassment in Workplaces (2012-2014)*. The Board also prepared and implemented the *Action Plan for Combating Psychological Harassment in the Workplace (2018-2020)* in order to guide its work within the scope of combating psychological harassment in the workplace.

Inspections

Inspections regarding the provision of appropriate and effective protection against sexual harassment and psychological harassment (mobbing) in the workplace are carried out by the DGI within the framework of the principle of equality in accordance with Article 5 of Labour Law No. 4857 during the COVID-19 pandemic.

In the inspections carried out on psychological harassment (mobbing) by the Directorate for Guidance and Inspection, the following steps are followed:

- Conducting interviews with the applicant worker/employee and obtaining his/her written statement,
- Conducting interviews with the workers who the applicant worker/employee claimed to have witnessed the event or other persons who are seen as relevant and obtaining their written statements,
- A detailed examination of whether the allegations fall within the scope of psychological harassment (mobbing) according to the provisions of the relevant legislation on the basis of the interviews and statements,
- Preparing the inspection report on basis of this detailed examination (If the applicant worker/employee and other alleged witnesses to the incident have not been interviewed, the reason is explained in the report).

The Healthcare Quality System

The Healthcare Quality System aims to ensure patients' and employees' safety and their satisfaction in all healthcare institutions in Türkiye. In this regard, hospital quality standards in healthcare have been created.

Under this system, a risk assessment is carried out based on hospitals and health institutions. It should cover the physical, chemical, biological, ergonomic and psychosocial risks that employees may encounter in the hospital. In terms of employee safety, certain issues are necessary to be evaluated within the scope of risk assessment. Violence against employees and mobbing (psychological harassment) are among these issues. In this regard, quality improvement activities are planned and implemented to eliminate or prevent risk factors defined based on hospitals and health institutions. Undesirable events that the employees are exposed to are recorded and necessary corrective and preventive actions are initiated. Moreover, employees are provided with support services for medical and psychological problems experienced.

Allegations of sexual assault, sexual harassment or psychological harassment reaching the MoH are immediately taken into consideration and sent to the relevant city and unit for examination, evaluation and investigation immediately. Every year, regular training programmes are organized for all personnel, especially on psychological harassment (mobbing).

c) Please explain whether any limits apply to the compensation that might be awarded to the victim of sexual and moral (or psychological) harassment for moral and material damages.

Labour Law

Paragraph 6 of Article 5 of Labour Law No. 4857 suggests compensation for employees in case of violation of the principle of equal treatment: If the employer violates the principle of equal treatment defined in Article 5 in the execution or termination of the employment relationship, the employee may demand compensation up his/her four months' wages. The worker may demand compensation for material and moral damages in accordance with the general provisions, as well as the rights about his/her work he/she has been deprived of due to discrimination.

Furthermore, employers shall be imposed with an administrative fine for each worker in case the employer fails to comply with the principle of equal treatment enshrined in Article 5 according to Article 99 of Labour Law No. 4857.

Although an upper limit is defined for the discrimination compensation and administrative fine applied in case of the violation of the principle of equal treatment enshrined in Article 5, there is no limit on the compensations for material and moral damages that the worker suffered by the victims of sexual and psychological harassment may request.

TIHEK Law

The TIHEK is authorized to examine the violations of the prohibition of discrimination ex officio or upon application. The procedures and principles regarding the applications to be made within the scope of the law are regulated in Article 17, and the administrative sanctions to be applied in case of violation of the prohibition of discrimination are regulated in Article 25. In addition, in Article 9; it is among the duties of the Institution to provide guidance to those who apply to the Institution with the allegation of being a victim of violations of the prohibition of discrimination regarding the administrative and legal processes that they can use to remedy their grievances, and to ensure that they follow up their applications. Physical and legal persons can apply to the Institution for the claim that they have suffered from the violation of the prohibition of discrimination

Applications to the Institution can be made directly, as well as through governorships in provinces and districts. It is also possible to make an e-application on the Institution's website. Before applying to the Institution, it is necessary to request the correction of the application that is claimed to be against the Law from the relevant party. In case these requests are rejected or no response is given within thirty days, an application can be made to the Institute. However, where it is likely that damages arise which are irremediable or difficult to remedy, the Institution may accept applications without seeking such a condition. Applications filed at the Institution within the legal period for filing a court case shall suspend such period. The Institution finalizes the applications and the examinations made ex officio within three months at the latest, following the decision of the application and ex officio examination. This period may be extended by the President of the Institution for once, for a maximum of three months. The party against the alleged violation is requested to submit a written opinion. This opinion is also communicated to the applicant and he is asked to present his opinion. In the applications made to the Institute with the allegation of violation of the prohibition of discrimination, if the applicant reveals the existence of strong indications and presumptive facts regarding the truth of his claim, the other party must prove that he has not violated the prohibition of discrimination and the principle of equal treatment. In this context, the burden of proof falls on the addressee. Depending on the nature of the examination by the President of the Institution, the parties may be invited to compromise ex officio or upon request, after the opinions are received. Reconciliation may include ending the practice that is claimed to be a violation of human rights or the violation of the prohibition of discrimination or solutions that will provide this result for the victim, or it may be in the form of paying a certain compensation to the victim. The findings, proofs or statements made during the reconciliation negotiations cannot be used as evidence in any investigation, prosecution or lawsuit. If the TIHEK detects violations of human rights or violations of the prohibition of discrimination, the subject of which constitutes a crime, it files a criminal complaint.

According to Article 25 of Law No. 6701, in case of violation of the prohibition of discrimination, it is stated that administrative fines will be imposed on public institutions and organizations, professional organizations in the nature of public institutions, real persons and private entities that are responsible for the violation, taking into account the gravity of the impact and consequences of this violation, the economic situation of the perpetrator and the aggravating effect of multiple discrimination. In the event that the administrative fine is imposed on public institutions and organizations and professional organizations in the nature of the public institution, the administrative fine paid is recourse to the civil servants and other public officials that cause the discriminatory practice which is the basis of the penalty. The TIHEK may turn the administrative fine into a warning penalty for one time only. However, in case of repetition of the discriminatory actions of the person or institution against whom a warning is given, the penalty to be imposed is increased by fifty per cent.

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Information about prevention provided for moral psychological harassment in the workplace.

National Employment Strategy and Action Plans (2014-2023)

“Increasing the Employment of Groups Requiring Special Policy” is one of four main axes of the National Employment Strategy and Action Plans (NESAP) (2014-2023) prepared and carried out under the coordination of the MoLSS. The following objective was defined under this policy axis: “Measures will be taken to prevent discriminatory practices that employees are subject to in the labour market”. To achieve this objective, well-functioning information, complaint and control mechanisms regarding the legal ways to be followed in discriminatory practices such as mobbing and sexual harassment will be established.

Please see the subsections on [The Prime Ministry Circular on the Prevention of Psychological Harassment in Workplaces](#) and [The Board on Combating the Psychological Harassment](#) under section (b) of this Article For more information on the measures taken to prevent psychological harassment in the workplace.

ARTICLE 28

RESC Part I – 28. Workers’ representatives in undertakings have the right to protection against acts prejudicial to them and should be afforded appropriate facilities to carry out their functions.

Article 28 – The right of workers’ representatives to protection in the undertaking and facilities to be accorded to them

With a view to ensuring the effective exercise of the right of workers’ representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

- a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers’ representatives within the undertaking;
- b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

a) With the objective of keeping this reporting exercise focussed, the Committee asks for no specific information in respect of Article 28. Nonetheless, it would welcome information about the situation in practice concerning this right during the pandemic and about measures taken to ensure that the COVID-19 crisis was not used as an excuse to abuse or circumvent the right of workers’ representatives to protection, especially protection against dismissal.

In order to ensure that the COVID-19 pandemic is not used as an excuse for dismissal, temporary restriction on the termination of employment contracts by employers has been introduced for all the workers including shop stewards and worker’s representatives in the Temporary Article 10 of Labour Law No. 4857. For detailed information, please see the subsection on [Temporary Restriction on the Termination of Labour Agreements during the COVID-19 Pandemic](#) under section (d) under Article 2§1.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Information about;

- *Whether the protection granted to workers’ representatives has been extended for a reasonable period after the expiration of their mandate;*
- *What are the facilities granted to workers’ representatives.*

Information about whether the protection granted to workers’ representatives has been extended for a reasonable period after the expiration of their mandate;

Considering the key role of the shop stewards in the realization of union activities in the workplace, an effective protection mechanism for the shop stewards has been introduced in Law No. 6356 on Trade Unions and Collective Labour Agreements. The workers who continue to work in the workplace despite being managers in workers' organizations (amateur managers) can also benefit from this protection mechanism given to the shop stewards.

While the backbone of this mechanism is the protection of the shop stewards against unfair dismissal by an employer, they are also under the protection in case of any change in his/her workplace or his/her work.

With the amendment made in the second paragraph of Article 24 of Law No. 6356 on Trade Unions and Collective Labour Agreements in 2017 (12/10/2017-7036/Art.31), it is foreseen that the Regional Court of Justice would make a final decision instead of the Supreme Court in case of an objection to the decision of the court in the cases brought against the notice of termination. In this way, the process of dispute settlement will be shortened.

Provisions on this subject are regulated in Article 24 of Law No. 6356 on Trade Unions and Collective Labour Agreements:

“(1) An employer shall not terminate the employment contract of shop stewards unless there is a just cause for termination and he/she indicates this clearly and precisely. The shop steward or the trade union of which he is a member shall have the right to apply to the competent court within one month of the date when the notice of termination is communicated to him/her.

(2) The court shall apply fast-hearing procedures. In the event of an appeal of the decision given by the court, the decision of the District Court of Appeal shall be final.

(3) If the court decides that the trade union representative is to be reinstated in his employment, the termination shall be annulled and the employer shall pay his full wages and all other benefits between the termination and final decision date. On the condition that the trade union representative applies within six working days following the final decision of reinstatement, and in the event that he is not reinstated within six working days, his wage and other benefits shall continue to be paid by taking into account that his employment relation is still continuing. This provision shall likewise apply in the case of the re-appointment as shop steward.

(4) Unless there is written consent of the shop steward, the employer shall not change the workplace of the shop steward or shall not make a drastic change in his work. Otherwise, the change shall be considered void.

(5) Union officials who continue to work in the workplace shall also benefit from the provisions of this Article.”

The period regarding the protection of the workplace union representatives set forth in the above provision is limited to the duty period of the shop steward. However, the protection in the aforementioned provision continues in case they are re-appointed, as specified in Paragraph 3 of Article 24 of Law No. 6356 on Trade Unions and Collective Labour Agreements. Otherwise, he/she benefit from rights and trade union freedom that guaranteed for all workers in Article 25 of Law No. 6356 on Trade Unions and Collective Labour Agreements:

“(1) The recruitment of workers shall not be made subject to any condition as to their joining or refraining from joining a given trade union, their remaining a member of or

withdrawing from a given trade union or their membership or non-membership of a trade union.

(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.

... ”

Moreover, the following penalties of imprisonment are foreseen in case of preventing the exercise of trade union rights in Article 118 of the Turkish Penal Code:

“(1) A person who uses force or threats in order to compel another person to be, or not to be, a member of a trade union, to attend or not to attend activities of a trade union, to leave a trade union or to leave a position of management of a trade union shall be sentenced to a penalty of imprisonment for a term of six months to two years.

(2) In the event that the activities of a trade union are prevented by the use of force, threats, or by means of any other unlawful act, a penalty of imprisonment for a term of one to three years shall be imposed.”

In addition to shop stewards, workers' representatives assigned according to Article 20 of OSH Law No. 6331 to participate in works related to health and safety, to monitor work, to ask for measures to reduce or eliminate the risk of danger, to make proposals and to represent employees in OSH issues, may not be placed at a disadvantage because of their respective activities.

Information about what are the facilities granted to workers' representatives

In Paragraph 3 of Article 27 of Law No. 6356 on Trade Unions and Collective Labour Agreements, the duties of shop steward and chief representative, on condition that they are limited only to the workplace, are defined as follows:

- To hear workers' requests and handle their grievances;
- To maintain cooperation, harmony at work and peaceful relations between workers and employers;
- To protect the rights and interests of the workers;
- To assist in the application of working conditions provided for in labour legislation and collective labour agreements.

Furthermore, employers shall provide shop stewards appointed according to Article 27 of Law No. 6356 on Trade Unions and Collective Labour Agreements and workers' representatives assigned according to Article 20 of OSH Law No. 6331 with appropriate means and necessary facilities to carry out their duties in the workplace quickly and efficiently pursuant to Paragraph 4 of Article 27 of Law No. 6356 on Trade Unions and Collective Labour Agreements and Paragraph 4 of Article 20 of OSH Law No. 6331.

ARTICLE 29

RESC Part I – 29. All workers have the right to be informed and consulted in collective redundancy procedures.

Article 29 – The right to information and consultation in collective redundancy procedures

With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

a) With the objective of keeping this reporting exercise focussed, the Committee asks for no specific information in respect of Article 29. Nonetheless, it requests information about the situation in practice as regards the right to information and consultation in collective redundancy procedures during the pandemic, and about any changes introduced in law modifying or reducing its scope during the COVID-19 crisis.

1. LEGAL FRAMEWORK

The issue of collective dismissal is regulated in a detailed way in Article 29 of the Labour Law No. 4857:

“When the employer contemplates collective terminations for reasons of an economic, technological, structural or similar nature necessitated by the requirements of the enterprise, the establishment or activity, he shall provide the union shop-stewards, the relevant regional directorate of labour and the Public Employment Office with written information at least 30 days prior to the intended lay-off.

A collective dismissal occurs when,

- a) in establishments employing between 20 and 100 employees, a minimum of 10*
- b) employees; and*
- c) in establishments employing between 101 and 300 employees, a minimum of 10 percent of employees; and*
- d) in establishments employing 301 and more workers, a minimum of 30 employees,*

are to be terminated in accordance with Article 17 on the same date or at different dates within one month.

The written communication mentioned therein shall include the reason for the contemplated layoff, the number and groups to be affected by the lay-off as well as the length of time the procedure of terminations is likely to take.

Consultations with union shop-stewards to take place after the said notification shall deal with measures to be taken to avert or to reduce the terminations as well as measures to mitigate or minimize their adverse effects on the workers concerned. A document

showing that the said consultations have been held shall be drawn up at the end of the meeting.

....

If in seasonal and campaign work layoffs are carried out in conjunction with the nature of such work, provisions on collective dismissals shall not apply.

The employer shall not apply the provisions on collective dismissal to evade and prevent the application of Articles 18, 19, 20 and 21 of Labour Law No. 4857. Otherwise, the employee may file suit according to these Articles.”

The employer or his/her representative who lays off employees in contravention of the provisions of Article 29 of the Law shall be imposed with an administrative fine for each employee thus terminated pursuant to Article 100 of Labour Law No. 4857.

2. COVID-19 MEASURES ON COLLECTIVE REDUNDANCY

During the COVID-19 pandemic, a temporary restriction on the termination of labour agreements was implemented as a part of the job-retention policy. For more information on this restriction, please see the subsections on [Temporary Restriction on the Termination of Labour Agreements during the COVID-19 Pandemic](#) under section (d) under Article 2§1.

3. STATISTICS AND OTHER RELEVANT INFORMATION

To ensure the effective implementation of the provisions related to the ban on dismissals defined in Provisional Article 10 of Labour Law No. 4857 and collective dismissal regulated in Article 29 of the Labour Law No. 4857, inspections have been carried out:

- 70 inspections were carried out in 2020 and as a result of these inspections, a total of 281.564 TL administrative fine was imposed on 24 workplaces.
- In 2021, as a result of 507 inspections carried out within this scope, 281 workplaces were fined 2.299.905 TL in total.

PART II – COMPLEMENTARY INFORMATION ON GROUP 1 PROVISIONS “EMPLOYMENT, TRAINING AND EQUAL OPPORTUNITIES”

ARTICLE 1

Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;

Scope of the provisions as interpreted by the ECSR

A policy of full employment should be pursued by means of economic measures conducive to creating and preserving jobs and assisting those who become unemployed in finding jobs.

RESPONSE TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

a) Information on all employment measures and programmes implemented for young people, including NEETs, women and workers over the age of 55.

1. STRATEGIES AND ACTION PLANS

National Employment Strategy and Action Plans (2014-2023)

NESAP (2014-2023) (Official Gazette no: 29015 and dated May 30th, 2014) was drawn up with the participation and contribution of all stakeholders of the working life in order to solve the structural problems of the labour market and to increase the contribution of overall economic growth to employment in the medium and long term.

Strategy is based on four main policy pillars and prioritizes seven economic sectors that are thought to have high growth potential or with a high correlation between growth and employment:

- Strengthening the relationship between education and employment,
- Ensuring labour protection and flexibility in the labour market,
- Increasing the employment of the groups requiring special policy actions,
- Strengthening the relationship between employment and social protection.

These pillars have been identified as the main policy pillars. On the other hand, prioritized economic sectors are as follows:

- Informatics,
- Finance,
- Construction,
- Health,
- Agriculture,
- Tourism

- Textile and ready-made garments.

In this respect, there are special policy measures and targets for the disabled, women, youth and NEET youth under the third main policy pillar of “increasing the employment of the groups requiring special policy actions”. In this framework,

- Female labour force participation and employment rates will be increased and informality will be addressed;
- The youth employment rate will be reduced;
- Labour force participation and employment rates of the disabled will be increased;
- Returning to work for the long-term unemployed will be facilitated;
- Anti-discrimination regulations will be enhanced.

The specific targets set in this regard are as follows:

- The female participation rate will be increased to 41% by the year 2023.
- The informal employment rate for women, which was recorded as 46% as of the year 2015, will be reduced to 30% by 2023.
- The youth unemployment rate, which was 18,5% in 2015, will be reduced to the levels of overall unemployment rate by 2023.
- The long-term unemployment rate, which was 21% in 2015, will be decreased to 15% by 2023.
- Fight against discriminatory practices faced by employees in terms of their access to the labour market and employment conditions will be pressed forward.
- Labour market databases will be upscale so as to determine more effective policies to support the employment of the groups of persons requiring special policy actions.

National Youth Employment Strategy and Action Plans (2021-2023)

National Youth Employment Strategy (NYES) (2021-2023) was prepared with the participation of relevant public institutions and organizations, professional organisations, social stakeholders, universities and non-governmental organisations for the purpose of removing the obstacles in front of youth employment, and ensuring the young people to develop comprehensive skills and knowledge range in order to participate in existing and future labour markets by taking into consideration the needs, problems and expectations of the labour market. The NYES was adopted by the Presidential Circular numbered 2021/21 and dated 2 October 2021.

NYES Action Plans were built upon three policy axes. The criteria for determining these fundamental policy axes are increasing young people's labour productivity and decreasing their fragilities, strengthening the education-employment relationship, increasing the positive impact of macroeconomic policies on youth employment, empowering the role of our country throughout the digitalising world, and updating the labour market in line with the changing conditions and supply of labour. The fundamental policy axes of the strategy are as follows;

- Strengthening the relationship between education and employment,
- Increasing the employment of young people not in education, employment or training,
- Jobs of the future.

Within the scope of this fundamental policy framework which the strategy is based on and with the policies and measures defined, the fundamental objectives of NYES are specified as follows:

- The youth unemployment rate which is 25,23% in the year 2020 will be decreased to 17,8% as of the year 2023.
- The youth labour force participation rate which is 39,1% in the year 2020 will be increased to 46% as of the year 2023.
- The ratio of youth not in employment, education or training (NEETs) that is 28,3% in the year 2020 will be decreased to 20% as of the year 2023.

Within the framework of the aforementioned objective related to NEETs, 11 actions have been defined under the following targets in the NYES Action Plans:

- Research, steering and promotion activities aimed at increasing the employment of people in the NEET group will be augmented.
- The ISKUR services, primarily career and counselling services will be offered to young people identified as potential NEETs.
- Infrastructure and training activities aimed at increasing the employment of people in the NEET group will be increased.

It should be noted that special importance has been given to women who are classified within the NEET group in the design of these actions and some of the actions specifically focus on women. For example, the following action has been defined for women under the second target: “Mechanisms implemented to increase the participation of young women in the labour force and employment will be strengthened”.

The Strategy Paper and Action Plan on Women’s Empowerment (2018-2023)

The Strategy Paper and Action Plan on Women's Empowerment (2018-2023), which was prepared under the coordination of the Directorate General of Status of Women of the Ministry of Family and Social Services (MoFSS) and with the contribution of all relevant parties, aims to strengthen the economic position of women, to support female entrepreneurship and to reconcile work and family life.

The SPAP includes 5 main policy pillars for women’s empowerment and various duties and tasks have been defined for the public institutions and organisations, local authorities and private sector therein. These pillars are as follows;

- Education,
- Economy,
- Health,
- Participation in Decision-Making Mechanisms
- Media,

In the SPAP, policies aimed at empowering women in the economic field are designed to provide more active participation of women in working life and to have a voice in economic life in line with changing labour market dynamics. Strategies determined in this field can be summarized as;

- Re-evaluating the labour market legislation and making necessary improvements for effective implementation within the framework of the goal of further empowerment of women,
- Strengthening opportunities for vocational training and skills development in order to increase the employment of qualified women in the labour market,

- Strengthening the economic position of women and developing economic and social policies to combat informality, especially unpaid family labour,
- The preparation of certification infrastructure and equality of opportunity between companies and men and development of public-private sector cooperation,
- Improving women's entrepreneurship and strengthening the economic position of women, in particular by spreading the use of information and communication technologies,
- Increasing efforts to engage women who require special policies in economic life.

In order to implement these strategies, a total of 40 activities have been identified.

2. ACTIVE LABOUR MARKET POLICIES

The number of women and young people benefitting from active labour market policies is shown in the table:

Table 3. the Number of Women and Young People benefitting from ALMPs during the period 2017-2021

		Vocational Training Programmes	On-the-Job Training Programmes	Entrepreneurship Training Programmes	Individual/Group Interviews*	Individual Counseling Services**
2017	Total	117.580	297.255	94.016	4.276.025	2.971.064
	Women	81.819	151.388	46.301	1.539.941	1.070.307
	Youth (15-24)	35.227	157.900	16.566	1.173.388	855.910
2018	Total	117.239	300.512	81.183	5.928.010	3.679.115
	Women	85.066	159.206	40.377	2.491.884	1.586.835
	Youth (15-24)	38.759	161.545	15.988	1.537.428	1.034.610
2019	Total	124.920	402.393	41.107	7.057.356	4.356.645
	Women	88.893	193.646	19.405	2.752.025	1.791.495
	Youth (15-24)	44.447	202.892	8.337	1.806.054	1.223.953
2020	Total	87.372	335.761	-	2.663.432	1.923.696
	Women	60.127	158.443	-	890.940	689.970
	Youth (15-24)	34.346	166.495	-	711.832	540.452
2021	Total	101.501	360.170	-	2.421.114	1.795.318
	Women	72.928	183.857	-	903.660	707.212
	Youth (15-24)	40.006	184.215	-	667.823	516.522

Services for the NEET

In order to increase the effectiveness of the Job and Vocational Counselling Services, a new process for detecting potential NEETs has been initiated by the ISKUR. For this new process, a new model of services has also been developed by the ISKUR.

With help of this new model, job and vocational counselling services are provided to those detected as potential NEETs in order to recruit them in the labour market. As part of this service model, job and counselling counsellors carry out a scanning process for determining the

most appropriate services provided by the ISKUR in accordance with the special conditions of the potential NEET individual.

From 2019 to October 2021, 472.581 young people in the ISKUR NEET pool (detected as potential NEETs) were interviewed, 39.607 of them were placed in a job through the ISKUR and 29.335 of them benefitted from the active labour market programmes.

3. INCENTIVES

In addition to the incentives mentioned in the subsection on [Incentives](#) under section (a) of Article 4§3, Young Entrepreneur Incentive has been being implemented in Türkiye. With the Young Entrepreneur Incentive, which was put into practice with the Law No. 7143, the insurance premiums of self-employed, which are calculated over the minimum wage limit of real persons who are between 18-29 years of age and have opened a business for the first time since 01.06.2018, are covered for one year by the Treasury. This incentive continues and as of September 2021, 104.592 young entrepreneurs benefit from this incentive in total.

4. PROJECTS

Engineer Girls of Türkiye Project (2016-2021)

Engineer Girls of Türkiye Project (2016-2021) was carried out with the cooperation of the MoFSS, the United Nations Development Programme (UNDP) and Limak Holding. The project aims to give support in all spheres for the female students who want to be engineers and enable them to be role models of their profession. With the decision taken at the Project Steering Committee Meeting held on 3 November 2020, the duration of the project was extended for one year.

The project, which is designed with a holistic approach, includes the programs carried out for high school and university students, as well as the Gender Equality Seal Program, which aims to create an inclusive model in corporate life as the 3rd group activity area.

Within the scope of the high school program, awareness and information activities regarding engineering fields have continued for students, teachers, school administrators and their parents who are studying in Science and Anatolian High Schools in Science and Anatolian High Schools in the pilot provinces. Under this program, role model studies and awareness-raising activities were held in a total of 125 high schools in 40 provinces. The total number of students, parents and teachers reached so far is 26.849.

Within the scope of the university program of the project, internship and employment opportunities, English language training, the “Leadership in Engineering” program and mentoring support are provided, along with the scholarship opportunity to its students. In this context, 560 female students have benefitted from the scholarship program so far. Within the scope of the high school program of the project, training of trainers’ programs has been carried out with the participation of 307 teachers in total, and role model studies, awareness and awareness-raising activities have been organized by the teachers who participated in the training programs of trainers in 125 high schools in 40 provinces. Within the scope of these activities, the number of students, parents and teachers who have been reached so far is 54.000.

Cooperation Protocol on Strengthening Women's Cooperatives

The First 100-Day Presidential Action Plan includes the goal of strengthening women's cooperatives, ensuring their sustainability, improving their institutional capacities and

increasing their visibility. In this context, the “Cooperation Protocol on Strengthening Women's Cooperatives” was signed on 30 October 2018 in cooperation with the Ministry of Agriculture and Forestry and the Ministry of Trade. In order to ensure the local applicability of the aforementioned Protocol and to guide the implementers, the “Implementation Principles of the Cooperation Protocol for the Strengthening of Women's Cooperatives” was prepared for the Provincial Directorates of the Ministries and shared with 81 provinces. In this context, Women's Cooperatives Working Groups were established in provinces, annual business plans were prepared, various activities and meetings were organized.

Within the scope of the said Protocol, the “Women's Cooperatives Empowerment Workshop” was held on 15 November 2018 in order to evaluate the current situation, problems and solution proposals of women's cooperatives in Türkiye with the relevant parties.

39.124 people were reached through a total of 811 workshops, training and information meetings in 81 provinces. 377 visits were made to the cooperatives and 510 new cooperatives were established. “Women's Cooperative Studies: Provincial Evaluation Meeting” was held in Ankara on 18 February 2020 in order to share the experiences of the staff of the Provincial Directorates of the MoFSS, to ensure the dissemination of good practices in the provinces, to guide the activities planned to be carried out within the framework of the Protocol and to share information. In addition, the “Women's Cooperatives Regional Meetings” were held in order to develop cooperation and dialogue in the field of women's cooperatives, to raise awareness and to spread good practices. 3.152 people have been reached through meetings so far.

Operation on the Empowerment of Women through Cooperatives

With the aim of strengthening women's cooperatives, ensuring their sustainability, improving their institutional capacities and increasing their visibility, the “Operation on the Empowerment of Women through Cooperatives” has been carried out in cooperation with the MoFSS and the Ministry of Agriculture and Forestry. Within the scope of the said project, which started as of 15 September 2021, and was planned to last for 30 months; Studies on informing, raising awareness and developing cooperation for women who have the potential to establish cooperatives, to become partners in cooperatives, and to women and men who are already involved in these activities are carried out and women's cooperatives will be encouraged with studies in this direction.

Moms At Work Project

The “Moms At Work Project”, which has been implemented with joint efforts by the ISKUR and the Ministry of National Education (MoNE) supports women in acquiring vocational qualifications and job skills. Within the scope of this project, consultancy services are provided in an intensified format towards the women in Job Clubs, and they are oriented towards vocational education courses with a job placement guarantee rate of 50%, or they are directed towards on the job training programs.

Women who participate in these courses and programs are paid 95 TL for each day of attendance in the course or program. A total of 60.259 people benefited from the project during the period between October 2018 and October 2021.

Moreover, a child care support of 400 TL is paid to mothers who attend the vocational education courses organized in professions in the industrial sectors and the on the job training programs organized in the manufacturing sector, and who have a child aged 2-5, in addition to

the ordinary allowances given to them. 694 women benefited from child care support by the end of 2021 October.

Operation on Supporting Registered Employment of Women through Institutional Childcare Services (INST-CARE)

The purpose of the Operation INST-CARE implemented by the SSI is to support women's employment through facilitating to access institutional childcare services and it aims to support registered women's employment with a cash transfer to cover partially institutional early childhood education and care cost and their costs of commuting, meals and transportation. The contract was signed on 19.02.2019 and the implementation period started on 01.04.2019.

The pre-registration has started on 15 October 2019, following the announcement of the MoLSS. The registrations have started on 1 November 2019. The number of pre-registered applications reached 157.755 as of the end of December 2021.

The number of registered (beneficiary) mothers reached 18.609 as of the end of December 2021. The monthly payments to beneficiary mothers have been started in January 2020. In total 20.603.500 Euros has been paid to beneficiary mothers including financial support and stationery cost payments.

4 of the project outputs have been achieved as;

- Number of beneficiary mothers: 17.892 (Target: 10.250)
- Number of beneficiary children: 17.892 (Target: 10.250)
- People accessed through awareness-raising campaigns: 97.540 (Target: 1.740)
- People accessed through visibility materials: 972.586 (Target: 20.000)

Operation on Supporting Registered Employment of Women through Promoting Educated Child-Caregivers (EDU-CARE)

The objectives of the Operation implemented by the SSI are to promote registered employment and decent work conditions for home-based childcare givers and support their professionalization in this sector via supporting certified/educated professionals as well as to promote registered employment of women by providing financial support to working mothers for home-based childcare services.

The expected results of EDU-CARE will be as follows:

- 3.700 certified childcare giver women will be able to find a job.
- Around 3.700 mothers who are at risk of withdrawal from the labour market due to care responsibilities will be able to continue to participate in the labour market.
- Around 6.000 women will have a childcare Course certificate approved by the MoNE.

As of November 2021, 3.527 mothers started receiving financial support in the project carried out in Ankara, İstanbul and İzmir. The number is expected to increase rapidly. 7.518 child caregivers have received training support. The sum of mother and caregiver payments made within the scope of the project is 15.770.975 Euros as of January 2022.

Operation on Supporting Registered Women Employment (WOMEN-UP)

The objective of the Operation is to support registered women employment through granting for women employees who will be employed additionally by women entrepreneurs in

the selected provinces within the scope of Operation. The operation will be composed of a direct grant component (29.5 million Euros) with a duration of 32 months. The target group of the Operation is, enterprises registered and run by women entrepreneurs for 8 years before the start of the Operation and their women employees employed additionally. In this context, 4.000 women entrepreneurs will be supported within the scope of the Operation. With the additional 4.000 women workers employed in these enterprises, the Operation will have a positive impact on at least 8.000 women in total.

Wage reimbursements provided to women employers are expected to support small-scale women entrepreneurs and promote registered women employment. During the project, approximately 4.000 women employers will be supported. The amount of wage reimbursement will be 320 Euros (cannot exceed 65% of the total cost of an employee to the employer). The wage reimbursement will be given monthly for a maximum of 20 months.

The project will be implemented in the following provinces: Ankara, İstanbul, Samsun, Aydın, Denizli, Şanlıurfa, Kahramanmaraş.

Promoting Decent Future of Work Approach with a Focus of Gender Equality Project

Promoting Decent Future of Work Approach with a Focus of Gender Equality Project (2020-2022) aims at supporting employment, employability and entrepreneurship in the focus of gender equality and the approach of decent works of the future and improving the policymaking and implementation capacity of the MoLSS. The Project implemented by the Directorate General of Labour consists of the grant component developed within the framework of gender equality and decent future of work and service component prepared to increase the institutional capacity of the MoLSS and related institutions/organizations through activities such as training and research. The pre-evaluation process of the grant projects was completed as of February 2021. The full application evaluation process continues under the grant component.

More and Better Jobs for Women Programme

Phase I of the Project “More and Better Jobs for Women: Women’s Empowerment through Decent Work in Türkiye” was implemented by the ILO and the ISKUR with funding from the Swedish International Development Cooperation Agency in 2013-2018. Important outcomes have been achieved in the Phase I of the Project at the policy level as well as in terms of ensuring access for women to decent work opportunities and raising awareness on gender equality and working conditions in order to support women's employment in Türkiye.

Phase II, which is designed as “More and Better Jobs for Women Programme” funded by the Swedish International Development Cooperation Agency is implemented under the “Gender Equality at Work Portfolio” of the ILO Office for Türkiye. Under the programme, various projects will be carried out in the provinces of Ankara, Bursa, İstanbul, İzmir, Kocaeli and Konya to promote women’s access to employment opportunities and improve women’s working conditions.

In this framework, joint works will be carried out with multiple institutions including the ISKUR, the General Directorate of Labour of the MoLSS and the other related public institutions, employers’ and workers’ organisations, women’s organisations, universities as

well as the private sector to improve women's working conditions in the selected sectors of textiles, commerce and office, food, general services and metal.

“More and Better Jobs for Women-II” (2019-2022) is funded (3.280.481,1 USD) by Sweden, through the Swedish International Development Cooperation Agency. The programme aims both at supporting women job seekers' access to employment opportunities and at contributing to the improvement of decent working conditions for working women. The programme hence includes various projects focusing on different dimensions of difficulties that prevent women to access decent work in cooperation with key actors of the world of work in order to increase the number of women who work under decent work conditions and contribute to the promotion of gender equality. The programme is conducted in 6 pilot provinces which are Ankara, Bursa, İstanbul, Konya, Kocaeli and İzmir.

Women in Neither Education nor Employment Project

Women in Neither Education nor Employment Project (2021-2024) aims to lay the groundwork for the problems and needs of NEET women aged 18-29 to ensure that they take place in the local/national agenda, and to establish solution mechanisms for these problems. It is funded by the United Nations Development Program and the Sabancı Foundation and it implemented in cooperation with the Directorate General of Labour of MoLSS and the Directorate General of Status of Women of MoFSS. As of December 3rd, 2021, the project started to be implemented.

Courses in Women Guest Houses

Special courses are organized for women who accommodate in Women Guest Houses under the protection of the State, providing them with skills and capabilities to acquire professions. A total of 1.094 trainees benefitted from these courses in 2020.

b) Information on labour market measures taken to support people living in geographical areas or within communities (e.g. the Roma community) with distinct levels of under-employment or unemployment.

The Selection of the Pilot Provinces in the Projects and Other Measures

In the design of all the projects and measures implemented in the field of employment, the current labour market situation of the target groups in the geographical areas is analyzed and taken into account to select the provinces where the projects will be implemented. For example, in the WOMEN-UP operation mentioned above, the following criteria have been taken into account in the selection of the pilot provinces:

- Socio-economic development levels of the provinces,
- Number of insured women entrepreneurs in those provinces,
- The population of the provinces,
- Budget constraint and priorities of the project,
- The capacity of Provincial Directorates of Social Security.
- Regional distribution at the country level.

The National Strategy Paper on the Social Inclusion for Roma People (2016-2021)

Right to education and training, freedom of employment and contract, right to access to health services, housing facilities, and social security are guaranteed in the Constitution of

Republic of Türkiye and principles of equality and equity were adopted regarding access to fundamental public services. However, it is observed that Roma people face some obstacles in terms of access to education, health, employment and housing in practice. For that reason, a special paragraph was included under the Section titled “Fundamental Rights and Liberties” of the 2016 Action Plan of the 64th Government announced on December 10, 2016: *“previously taken steps regarding the solution of the problems of Roma people will be evaluated and new studies will be launched”*.

In this context, the Strategy Paper and associated Action Plans (Phase I: 2016-2018 and Phase II: 2019-2021), which were prepared under the coordination of the MoFSS and with the contribution of related public institutions and organisations and civil society organisations, aims to improve the living conditions of Roma people. Basic public services such as education, health, housing, employment and social services are specifically addressed for the improvement of the socio-economic status of Roma people both in the short and long term. In this regard, the Action Plans focus on 5 main policy areas: education, employment, housing, health and social services/assistance.

In terms of employment, the Action Plans include the following measures and activities to facilitate and support the access of Roma People to the labour market such as;

- Providing information on the activities of the ISKUR in regions where Roma People reside densely (Responsible Institution: ISKUR),
- Ensuring Roma People benefit more from entrepreneurship training programmes, (Responsible Institution: ISKUR),
- Organization of vocational training courses to increase the employability of the Roma People (Responsible Institution: ISKUR),
- Awareness-raising activities for supporting the employment of Roma People, (Responsible Institution: Directorate General of Labour of MoLSS).

In this framework, the total number of persons benefitting from the specific active labour market programmes designed to increase the employability of the Roma People during the implementation periods of the Action Plans (2017-2021 July) in 22 provinces where Roma People reside densely are given below:

- On-the-job Training Programmes: 867.745
- Vocational Training Courses: 198.894
- Entrepreneurship Training Programmes: 124.931

On the other hand, the measures for increasing the employment of Roma People in the Strategy Paper and the Action Planes are under the responsibility of our Directorate General of Labour of MoLSS. More specifically, Phase II Action Plan (2019-2021) defines the activities and tasks to be implemented by the responsible and relevant Ministries and institutions in accordance with the current needs and budgetary limits and covers the areas such as education, employment, housing, health, social services and social assistance, as well as monitoring and assessment.

Project for Improving the Social Integration and Employability of Disadvantaged Persons

Within the scope of the European Union Instrument for Pre-Accession Assistance (IPA), the “Project for Improving the Social Integration and Employability of Disadvantaged Persons” was carried out by the Directorate General of Labour of MoLSS during the years 2016 and

2017. Within the scope of the grant component of the project, a specific part of which is entirely devoted to increasing the employment and social integration of Roma People, grant support amounting to 5 million 381 thousand Euro was provided to 46 projects in 20 provinces regarding the employment of Roma People.

Project for Supporting the Employment of Roma People

Lastly, in the framework of the "Project for Supporting the Employment of Roma People", which was implemented in 2019 by the Directorate General of Labour within the scope of the 2018 Investment Program with the aim of establishing employment policies for Roma People and strengthening national and local capacity, a field study was conducted on the situation and expectations of Roma People in the labour market.

c) Details information on government employment policies and the active measures taken or the number of participants (broken down by type of measure and year).

Also information of the activation rate (i.e. the average number of participants in active measures as a percentage of the total number of unemployed), or public expenditure on active and passive labour market measures (as a percentage of GDP).

1. ACTIVE LABOUR MARKET POLICIES

In order to support maintaining and increasing employment, developing vocational qualifications of the unemployed, reducing the unemployment levels and bringing groups requiring special policies to the labour market, the ISKUR organizes vocational training courses and on-the-job training programmes within the framework of active labour market policies.

Please see the subsections on [Active Labour Market Policies](#) (ALMPs) under section (a) of Article 1§1 for the ALMPs statistics:

2. PASSIVE LABOUR MARKET POLICIES

Passive labour market policies, which have been in practice for many years, turned out to be one of the most effective tool to minimize the negative impacts of the COVID-19 pandemic on Turkish labour market. Therefore, it should be noted that the number of beneficiaries as well as the amounts paid as part of passive labour market policies has increased significantly in the reporting period.

Unemployment Benefits: During the period between 01.01.2017 and 31.07.2021, 7.229.224 unemployed persons applied for unemployment benefits. A total of 25.167.918.952 Turkish Liras was paid to 3.315.922 persons fulfilling the conditions of the benefit.

Short-term Working Allowances: 3.972.323 persons were entitled to receive a short-term working allowance during the period between 01.01.2017 and 31.07.2021. The total amount of the payments is 36.952.923.803 Turkish Liras in this period.

Wage Guarantee Fund: During the period between 01.01.2017 and 31.07.2021, a total of 82.005 persons received an allowance in the context of the Wage Guarantee Fund. The total amount of the payments in this period is 330.379.728 Turkish Liras.

Half-time Working Allowances After Birth or Adoption: 29.085 persons were entitled to receive a half-time working allowance during the period between 01.01.2017 and 31.07.2021. The total amount of the payments is 90.663.333 Turkish Liras in this period.

Job-Loss Compensation Payments: During the period between 01.01.2017 and 31.07.2021, 1.688 persons received job-loss compensation payments. The total amount of the payments in this period is 25.662.562 Turkish Liras.

d) Information on the results of assessments of the effectiveness of the labour market measures taken by the authorities.

As expressed in the previously shared National Reports regarding the implementation of the provisions of the European Social Charter in Türkiye, the National Employment Strategy (2014-2023) is implemented through 3-year Action Plans (2014-2016, 2017-2019 and 2020-2023). In the later stages of each Action Plan, the Monitoring and Assessment Board convenes in order to assess the effectiveness of the policies and measures implemented. In this framework, a “Monitoring and Assessment Report on the National Employment Strategy and Action Plan”, which includes a current situation analysis and the assessments of the measures taken, is drafted in order to shape the decisions and future policy measures regarding the implementation during the next period.

Since the reference period of the 12th National Report of Türkiye (01.01.2015 – 31.12.2018) on the European Social Charter and the implementation periods of the Action Plans (2014-2016 and 2017-2019) of the Strategy do not match, there are two different documents for this reference period. Taking this fact and the length of the reports into consideration, the English translation of a specific paragraph from the “Monitoring and Assessment Report on the National Employment Strategy and Action Plan (2014-2016)” Chapter on Main Policy Pillar I (Strengthening the relationship between education and employment) Current Situation Analysis, is provided below as a sample. Here, it must be noted that each report covers all of the main policy pillars of the National Employment Strategy by giving information on the progress in relation to each policy measure (a total of 219 measures for 2014-2016) under that main policy pillar.

“From: Monitoring and Assessment Report on the National Employment Strategy and 2014-2016 Action Plan

Main Policy Pillar I

Strengthening the relationship between education and employment

Current Situation

One of the most important factors that determine the level of development of a country is the quality of the human resources of that country. In this direction, trained professional and technical labour force, who can adapt to changing conditions, communicate well with their environment, work in teams, have the basic knowledge and skills required by their profession, is among the priorities of development. Unemployment is also one of the leading socio-economic problems that countries deal with, regardless of their level of development. Therefore, the fight against unemployment has an important place in the policies of the countries. In order to transform vocational training into an important tool in the socio-economic development of Türkiye, solving the existing problems in the system should be one of the primary objectives. Education-employment relationship has an important place in increasing the employability and productivity of the labour force. Sustainable economic and social development of our country and global competitiveness can only be achieved by establishing a strong education-employment relationship.

Vocational and technical education based on knowledge, skills and competence is at the same time gaining importance on a global scale as well. Providing vocational and technical training in line with the needs of the labour market, strengthening the education-employment relationship, implementing active labour market policies effectively, and increasing the employability of the workforce by solving the problem of unemployment are among the priority issues of developed countries.

The importance of vocational and technical education increases with economic development. Vocational and technical education is, in a sense, an accelerator of economic development. In economic terms, vocational and technical training also makes a significant contribution such as; meeting the needs of the labour market, increasing productivity and quality in production, reducing unemployment, increasing competitiveness in domestic and foreign markets, using resources on the basis of efficiency, productivity and rationality, following modern technologies, reflecting these technologies in the production of goods and services and fast, stable and healthy realization of economic development.

In the fight against unemployment and efforts for increasing employment, increasing the education level of the workforce and the employability of the unemployed more qualified through educational tools must be underlined. For this reason, in relation to strengthening the relationship between education and employment, it is important to assess the qualities of labour supply and demand and to take appropriate measures in a timely manner.

When the employment rates according to education level in Türkiye are analysed, it is observed that the employment rates increase as the education level increases. According to the results of the Turkish Statistical Institute (TUIK) Household Labour Force Survey in January 2016; while the highest employment rates are seen in college and faculty graduates, the lowest employment rates are seen in illiterates. Employment rates are 45,1% for high school graduates, 15,2% for illiterates and 71,6% for those with higher education levels. Considering the employment rates in terms of gender, the employment rate for men is 68,2% while it is 30% for women. When the labour force participation rates are analysed, it appears that while the participation rate is 55,4% for the total population, it is 16.6% for illiterate persons and 79,6% for those with higher education. On the other hand, the male participation rate is 76,2 while the female participation rate remains at the level of 34.6%.

When unemployment rates are examined; according to 2016 data, it appears that the highest unemployment rate with 14,3% is among general high school graduates. This rate was 8,3% for illiterate persons and 10,1% for higher education graduates. The low level of unemployment among illiterate persons compared to others can be explained by the reasons such as the fact that those in this group generally work in occupations that do not require qualifications and that their labour force participation rates are also low.

The reasons for the high unemployment rate among higher education graduates can be explained by the fact that educated but inexperienced young people who have just entered the labour market cannot find jobs matching their skills. These statistics reveal the importance of the relationship between education and employment. It is a fact that there is a negative correlation between the skill level of the workforce and the unemployment rates and when the skill level increases, unemployment rates decrease. Depending on this mutual interaction between education and employment, the life-long education approach comes to the fore in the information society where technology-based production forms are dominant.

Table 4. Unemployment rates in relation to educational attainment

Educational Attainment	Unemployment Rates					
	Total		Male		Female	
	Jan. 2015	Jan. 2016	Jan. 2015	Jan. 2016	Jan. 2015	Jan. 2016
Total	11,6	11,3	10,8	10,5	13,4	13,3
Illiterate	6,7	8,3	16,2	11,3	2,4	3,1
Below high school	11,4	11,3	11,8	10,0	10,4	11,3
High school	13,3	14,3	10,0	9,5	22,0	18,2
Vocational high school	11,1	10,4	8,5	7,7	19,6	18,2
Higher education	11,2	10,1	8,0	7,6	16,3	14,7

ISKUR provides vocational training courses, on-the-job training programmes, entrepreneurship training programmes, programmes for the benefit of the society and services within the scope of active labour force services to help sustain and increase employment, to develop the professional qualifications of the unemployed, to reduce unemployment and to place groups requiring special policies within the labour market.

A total of 128.274 people benefited from 43.341 courses and programmes started within the scope of Active Labour Market Programs in the January-March period of 2016. In the same period of the previous year, 11.064 courses/programs were organized and 58.775 people attended those courses/programs. The beneficiaries of these activities increased by 118,25% compared to the same period of the previous year.

Considering the educational status of the beneficiaries who benefited from these courses and programs in the January-March 2016 period, 42,2% are primary school graduates, 32,8% are secondary education graduates and 1,9% are illiterate.

Table 5. Active Labour Market Policies during the period January-March 2016

Type of the programme	January – March 2016			
	Number of the programmes	Number of the Participants		
		Male	Female	Total
On the job training (OJT)	71.975	72.673	64.279	136.952
Vocational Training Courses (VTC) for the Vulnerable	870	4.254	15.331	19.585
VTC without employment guarantee	936	1.962	17.353	19.315
Entrepreneurship Training Programmes	461	1.339	4.814	12.153
UMEM Project/VTC	654	6.775	5.008	11.783
VTC with employment guarantee	497	4.834	6.027	10.861

UMEM Project/OJT	397	1.128	1.185	3.313
Vocational Training for the Employed	105	2.288	597	2.885
Courses for the disabled/Financed by the Commission	94	515	392	907
Courses for the ex-convicts/ financed by the Commission	14	271	11	282
Courses for the disabled/ISKUR	3	29	14	43
Courses for the ex-convicts / ISKUR	2	33	0	33
TOTAL	76.008	103.101	115.011	218.112

The growth policies of the Medium-Term Program covering the years 2015-2017 include the statement "A quality-oriented transformation based on equal opportunities will be continued in the education system, which improves the characteristics and skills of the individuals, strengthens their harmony with the labour market within the framework of lifelong learning approach". In the Tenth Development Plan and the National Employment Strategy document, policy measures to strengthen the education-employment relationship were determined, and this issue was particularly emphasized. One of the priority transformation programs included in the Tenth Development Plan covering the period of 2014-2018, the "Program for Development of Basic and Vocational Skills" was created within this framework. The said program consists of the components of harmonizing the education system with the labour market, developing the basic skills of the young people in the education age, developing the basic skills of the young workforce, developing artistic and sportive activities and increasing professional qualifications.

Lifelong Learning (2014-2018) Strategy Document and Action Plan of Türkiye, which was approved by the Higher Planning Council (YPK) decision dated 13.05.2014 and 2014/7 and published in the Official Gazette dated 16.07.2014 and numbered 29062, focuses to increase public awareness, to expand LLL opportunities for all, especially the disadvantaged, and to strengthen the newly established LLL system. In the document, first of all, the importance of lifelong learning for Türkiye was explained and education policies and legislation aimed at strengthening the foundations of lifelong learning were taken into account. A summary of the current state of the lifelong learning system is presented, focusing on key challenges. In the 3rd part of the document, six priorities to strengthen lifelong learning in Türkiye and the measures to implement these priorities are given. As a result, the steps to be taken for the implementation of the Lifelong Learning Document have been indicated with the action plan. 29 measures provided in the articles under the "priorities" are still in progress.

Within the scope of the Programme for the International Assessment of Adult Competencies coordinated by the Organization for Economic Cooperation and Development and carried out jointly by the MoLSS, the Directorate of European Union and Financial

Assistance and ISKUR. The aforementioned project, which aims to contribute to the acquisition of the skills of the workforce more efficiently and effectively, evaluates the education levels of adults between the ages of 16-65 and their situation in the labour market.

The overall goal of the program is to contribute to the efficient and effective acquisition of the skills of the workforce in the economy. The program aims to collect statistical information and make comparative evaluations on the educational status of adults, the knowledge they have gained from their education, how this knowledge is used in the transition to business life, and how the education system responds to the requirements of socio-economic life. A total of 33 countries participated in the project, including Türkiye (I. round and II. round). Türkiye is included in the II. tour study which covers the years 2011-2016. The pilot study activities of the project, which consisted of two phases as a pilot and main study, were completed in 2013. In 2016, the reporting process of the project will be carried out.

The Vocational and Technical Education Strategy Document and Action Plan (2014-2018) of Türkiye, which entered into force with the decision of the YPK dated 06.05.2014 and numbered 2014/5, has been designed in three main policy axes that make up the vocational and technical education system. The axis of access to vocational and technical education includes issues such as awareness-raising for the importance of vocational and technical education and access to opportunities, providing a flexible and permeable structure in horizontal-vertical transitions between types and levels of vocational and technical education institutions, increasing the access opportunities of groups that require special policies, and job opportunities in R&D activities. The axis of capacity in vocational and technical education, on the other hand, includes important headings such as the qualification system in vocational and technical education, preparation of curricula according to national occupational standards and qualifications and provisions regarding the workplace environments, vocational guidance and career system, administration and financial management and quality assurance system development. The axis of vocational and technical education and employment covers issues such as providing key skills to vocational training students, trainees and graduates, including groups requiring special policy, workplace-based education, creativity, innovation and entrepreneurship, occupational health and safety, national and international mobility.

Third Monitoring and Evaluation Board Meeting on “Vocational and Technical Education Strategy Document and Action Plan” (2014-2018) was held on 21.01.2016, and the “2016 Work Plan” priorities, measures and activities in the meeting held on 16.03.2016. shared with the representatives of social partners.

According to Article 4 of the Vocational Education Law No. 3308, the Vocational Education Board of Türkiye has been established to make recommendations and give opinions on the planning, development and evaluation of apprenticeship, journeyman and mastership training, and vocational training in schools and businesses.

...

Under the (Strengthening the Education-Employment Relationship) Policy Pillar of the National Employment Strategy there a total of 45 specific measures in 6 priority areas:

- *Providing everyone with basic skills and competencies starting from pre-school within an accessible education system,*
- *Increasing the quality and effectiveness of general and vocational education,*

- *Creating open learning environments within the scope of Lifelong Learning (LLL) and encouraging LLL,*
- *Ensuring harmony between education and labour market,*
- *Expanding ALMPs and increasing their effectiveness,*
- *Supporting project-based innovation and entrepreneurship with the help education system and ALMPs.*

11 of these measures are under the responsibility of the MoNE, while other measures are under the responsibility of the following institutions: the Higher Education Council - 6 measures; the Vocational Qualifications Authority - 3 measures; ISKUR - 16 measures; Ministry of Finance - 1 measure; the Small and Medium Enterprises Development and Support Administration- 6 measures; the Union of Chambers and Commodity Exchanges of Türkiye - 1 measure; the Directorate of European Union and Financial Assistance of the MoLSS - 1 measure. Among those 45 measures, 15 of the action items are continuous action items while 15 action items have already been completed, and 15 action items will be concluded as of 2016.”

When the findings of the Board as summarized in the Report (2014-2016) analysed, it appears that 76% of the measures have successfully been implemented while there is only partial progress in relation to 15% and %9 of those measures are failed to be implemented.

The original Turkish texts of the reports prepared by the Monitoring and Assessment Board can be provided in writing upon the request of the European Committee on Social Rights.

4 to provide or promote appropriate vocational guidance, training and rehabilitation.

Scope of the provisions as interpreted by the ECSR

Vocational guidance, continuing vocational training for all workers should be guaranteed. Persons with disabilities (PwDs) should receive specialized guidance and training.

RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

Information on the fact that the right of persons with disabilities to mainstream education and vocational training effectively guaranteed.

As Türkiye has accepted Article 9, 10§3 and 15§1 of the Charter, measures relating to vocational guidance, to vocational training and retraining of workers, and vocational guidance and training for PwDs are examined by ECSR under these provisions.

The Committee considered the situation to be in conformity with the Charter as regards measures concerning vocational guidance (Article 9) (Conclusions 2016) as well as vocational training for PwDs (Article 15§1) (Conclusions 2016).

However, the Committee deferred its conclusion on continuing vocational training (Article 10§3) (Conclusions 2020). Accordingly, the Committee defers its conclusion on Article 1§4.

On the other hand, as it is considered however that the situation was not in conformity with the Charter as regards measures relating to vocational training for PwDs (Article 15§1) on the ground that it has not been established that the right of PwDs to mainstream education and vocational training is effectively guaranteed. Accordingly, the Committee (Conclusion 2016) considers that the situation is not in conformity with Article 1§4 on the same ground.

In the light of the above conclusion of ECSR, we would like to give further information about the effectively guaranteed right of PwDs to mainstream education and vocational training.

Vocational training courses are organized to provide the handicapped who have any occupation, knowledge and skills in professions according to their interests, needs, and talents in order to help them to become recruited or work independently.

Türkiye would like to summarize the legal framework in order to take the necessary measures to provide PwDs with guidance, education and vocational training. The principle of equality and non-discrimination also in terms of the disability policies are regulated within the scope of the Constitution and other related Laws in Türkiye.

1. LEGAL FRAMEWORK

International Conventions in the field of PwDs ratified by Türkiye

There are several international conventions ratified by Türkiye on the rights of disabled such as “ILO Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons) Convention (1983)”, “The United Nations (UN) Convention on the Rights of Persons with Disabilities (CPRD)”, “The UN Declaration on the Rights of Persons with Disabilities”, “International Covenant on Economic, Social and Cultural Rights”, “International Covenant on Civil and Political Rights” and “ILO Recommendation No. 168 on Vocational Rehabilitation

and Employment (Disabled Persons) Recommendation”. Türkiye has adopted a set of regulations in recent years to improve the lives of the disabled.

Türkiye is one of the first countries to adopt the United Nations Convention on the Rights of PwDs in 2007 and launched affirmative action policies for the disabled in 2010. According to Article 90 of the Constitution, international agreements duly put into effect bear the force of law. No appeal to the Constitutional Court can be made with regard to these agreements on the grounds that they are unconstitutional.

“The Marakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired, or Otherwise Print Disabled”, prepared by the World Intellectual Property Organization in order to facilitate the access of the visually impaired to books and other printed materials was accepted by Türkiye and entered into force on the date of 20 March 2021.

In the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements prevail according to Article 90 of the Turkish Constitution. As such, the provisions of international human rights and disability rights conventions ratified by Türkiye may be directly invoked before Turkish courts.

Turkish Constitution

Article 10 of the Turkish Constitution provides 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. As per an amendment made in this Article, the measures to be taken to ensure equality exist in practice shall not be considered a violation of the principle of equality.

Disability Law

The First Turkish Disability Law No. 5378 was restructured on 6 February 2014 in line with the obligations stipulated by the CRPD. First and foremost, the principles of the CRPD are strongly reflected to the Law. PwDs have been redefined based on the human rights approach of the CRPD.

According to this re-definition introduced in Article of the Law, persons with disability refer to persons who have various levels of physical, intellectual, mental or sensory impairments which in interaction with attitudes and environmental conditions may hinder their full and effective participation in society on an equal basis with others.

Besides, various terms including “disability-based discrimination, types of discrimination, reasonable accommodation and accessibility” were also defined in accordance with the CRPD. It is important to note that the Republic of Türkiye was one of the first countries to sign the CRPD that includes measures to facilitate providing PwDs full and equal rights within the scope of the anti-discrimination principle.

Since the date of ratification, 26 March 2015, the Convention and the protocol have been taken as the basis in developing policies towards PwDs in Türkiye. As of the content and status of the CRPD in domestic law, its ratification by Türkiye brought forth significant opportunities for protection, promotion and enhancement of rights of PwDs in Türkiye.

Besides, it has been attributed to the enhancement of rights of PwDs, carrying national implementations to the level of internationally accepted standards, promotion of monitoring the implementation processes, activation of disability laws and policies in Türkiye and elimination of possible shortcomings in the implementation of such policies.

Article 4 of Disability Law No. 5378 provides that the State shall develop social policies against all kinds of abuse of disability in general and all PwDs on the basis of the immunity of human honour and dignity, the State shall not discriminate against PwDs and fight against discrimination shall form the basic principle of policies towards PwDs. Article 15 of the Law clearly underlines that the right of education of PwDs cannot be prevented by any reason and that children, youth and adults with disabilities shall be provided with education in equal terms with others and in inclusive environments by taking special conditions and varieties of individuals into consideration.

Penal Code

Another significant legislative arrangement made in terms of the ban on disability discrimination is the amendment of the Turkish Penal Code No. 5237 in 2005. By means of this amendment, the term “disability” was added to the conditions of discrimination which shall be deemed to be offensive action and thus disability discrimination became a crime according to Art. 122 of the Turkish Penal Code No. 5237.

Decree-Law on Special Education

The developments for a more inclusive education increased rapidly in the 1990s. As a result, the First Special Education Committee was gathered in 1991 and significant decisions about inclusive education were taken. One of the most important decisions was to prepare an individual education plan (IEP) for every disabled child. In addition, it was decided to employ special education teachers for children with special education needs (SENs) (National Education Congress Report, 1999).

Education policy is based upon the principle that all citizens have the right to education without facing any discrimination on the basis of language, race, colour, sex, political opinion, philosophical belief, religion or sect and conducted along the lines of contemporary scientific and educational principles. Decree-Law No. 573 on Special Education Services which was enacted in 1997 ruled that preschool education starting from the early childhood period is obligatory for all children with special needs and it regulated the principles regarding primary, secondary, higher and non-formal education. The principles determined in this Decree-Law are as follows:

- Special education is considered an indispensable branch of general public education;
- All children with special education needs should be provided with special education services irrespective of the severity of their disabilities;
- Early intervention is a crucial step for special education provision;
- Children with special needs should receive individualized educational programs on the basis of their unique needs;
- Children with special needs should be educated in the least restrictive environment with their non-disabled peers;

- Vocational education and rehabilitation services should be provided without interruption for children with special needs; and
- For all levels, education services for children with special needs should be planned by relevant institutions.

In addition to the Decree-Law in question, a more recent regulation about special education services was published in July 2018. This comprehensive Regulation on Special Education Services touches upon many issues about special education such as the aims of special education services, educational evaluation and diagnosis procedures, early childhood education, education of children who have more than one disability, education at home and hospitals, parenting education, individualized education programs, mainstreaming and integration practices and so on.

With the enactment of Law No. 6287 on Amendments in Law on Primary Education and Certain Other Laws in 2012, the duration of compulsory elementary education was increased to 12 years and this brought about a need for reform in the structure and names of existing special education schools and institutions.

In this context, by means of amendments made in the *Regulation on Special Education Services*, existing education rights of persons with special education needs were maintained together with the introduction of new rules on the use of these rights. As per this regulation, educational assessment and evaluation of persons with special education needs are performed through assessment tools that are appropriate to the characteristics of the individual. Guidance during the transfer of students with special education needs (SENs) to higher education institutions, determination of the type of supportive education, preparation of Individualized Education Programme (IEP) are among the issues regulated by this regulation.

When necessary, opinions of parents and individuals are taken during the education process or placement of such students to education institutions (Art. 8). All procedure regarding guidance, placement or monitoring of SENs is performed by guidance services of schools and counselling and research centres (Art. 11, 12, 13, 22). Guidance and psychological consultation services for persons with special education needs are rendered in accordance with the *Regulation on Guidance and Psychological Consultation Services*. Vocational guidance and consultancy services are rendered by the MoNE and the ISKUR.

The MoNE provides these services through special education assessment commissions of Counselling and Research Centers at provinces or districts or through Psychological Counselling and Guidance Services established within the bodies of public education institutions. The MoNE provides vocational training programmes to PwDs in formal or non-formal education institutions in inclusive environments, private vocational training schools, and apprenticeship training centres or public education centres.

In addition, the ISKUR also holds vocational training courses for PwDs. Vocational Training Law No. 3308 which was enacted in 1986 imposed the obligation of holding orientation courses or special vocational courses for persons with special needs (Art. 39). As a result of rearrangement and amendment of the *Regulation on Vocational and Technical Training* in 2002 and 2008, it was stipulated that necessary physical arrangements shall be made in the vocational education environments for students with disabilities and physical barriers shall be eliminated as much as possible.

As per Decree-Law No. 573 on Special Education, special education support at each level and type of education shall be rendered to individuals who are in need of special education in order to realize the goals of educational programs, and individual and group education possibilities are provided to meet this goal.

Persons with special education needs receive education in mainstreaming/inclusive classes together with their peers without disabilities, in special education classes, in special education schools for separate types of disabilities or in private special education schools established by natural and legal persons or special education and rehabilitation centres. These education services, including the early childhood period, are provided at pre-school, primary and secondary education levels and in non-formal education. Education costs of persons with special education needs whose disabilities were certified to be at least 20% with a medical board report and who were found eligible for special education and rehabilitation services upon an assessment of special education assessment boards are covered by the MoNE budget at a certain rate to be set each year (Law No. 3797, Additional Art. 3).

National Education Basic Law

National Education Basic Law No. 1739 underlines the principle that education institutions are open to everyone without discrimination. According to the provisions of this law, all Turkish citizens hold the right to primary education. Equal opportunities and chances are provided for all persons including both men and women. Article 8 of this Law also provides for special measures to be taken in order to create equal opportunities for persons with special education needs.

Primary Education and Training Law

Educational environments for children with disabilities were also regulated in line with contemporary approaches. In addition, as per Primary Education and Training Law No. 222, all parents or guardians are obliged to ensure regular attendance of their children to compulsory education institutions (Art. 52). The MoNE which is responsible for providing equal education opportunities to all children also ensures that all children with disabilities use their right to education.

Labour Law

Article 5 of Labour Law No. 4857 prohibits discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons within the employment relationship. Turkish Disability Law also underlines the ban on disability discrimination in its provisions regarding education (Art. 15) and employment (Art. 16).

Social Services Law

In addition, an amendment made in Social Services Law No. 2828 in 2011 ruled that equality of opportunities shall be taken as one of the basic principles of education/training services provided to PwDs at all ages, including pre-school and school ages and adults. On the other hand, parents were given the opportunity to participate in all levels of education of their children (Decree-Law No. 573 - Art. 4; Disability Law No. 5378 - Art. 16).

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Guidance and Research Centers and Rehabilitation Centers

The General Directorate of Special Education, Guidance and Counselling Services under the MoNE is the main responsive unit for special education in Türkiye. It supervises 228 regional Guidance and Research Centers across Türkiye which are charged with the diagnosis and placement of SENs.

These centres are located in all cities and big towns of Türkiye and include qualified teachers and experts. Inclusion of students with SENs in regular schools is the most common way of special education practices with 70%. These students are the ones who were diagnosed and had their official diagnostic statements. Children with SENs in regular schools are included as full-day and half-day students according to their individual needs.

The ones who are included as half-day students take educational support in private rehabilitation centres. Rehabilitation centres are charged with educational support for children with SENs in mainstream schools. They are all privately funded institutions. However, children who go to these centres do not pay any money for the services they take. Turkish government gives 862 TL (Turkish Liras) per month per child for private sessions in rehabilitation centres and 241 TL (Turkish Liras) for group sessions in 2021. There is a huge number of private rehabilitation centres in almost every city of Türkiye.

There may be two main reasons for this; strong attention and support from the MoNE for special education and the guarantee payment provided by the Turkish government. Education and rehabilitation services in these centres are provided by special education teachers, preschool teachers, general education teachers with special education certificates, nurses, physical and speech therapists etc.

In the 11th National Development Plan 2019-2023, humanity and physical opportunities will be strengthened so that individuals who need special education can benefit from educational services. Provincial-based surveys will be carried out and need maps will be created for the identification of individuals who need special education.

Mobile platforms will be established in order to expand the special education service. Special education needs of PwDs are being addressed from a holistic perspective and there are capacity-building programmes for inclusive education teachers. Home-based learning is also available, according to the curricula used in schools.

Teachers and families are critical for early detection of disabilities. Therefore, the Government has developed information and education activities to raise their awareness on the issue. Children in rural areas, including children with disabilities, are provided with free transportation to the nearest school.

In the process of preparing statements for children with disabilities, these steps are followed; firstly, parents go to a hospital to get the reports that show their children's disabilities. Then, they apply to the nearest Guidance and Research Centre with the reports.

Afterwards, children are examined with some tests by special education experts and the statements showing children's individual needs are prepared within one or two weeks. At the end of this process, children are sent to regular schools or special schools related to their disabilities.

Children who are sent to regular schools are followed closely and regularly by counselling experts in regional Guidance and Research Centers in coordination with guidance and counselling teachers within schools.

One of the most important issues in the continued development of special education is the training of professionals. There are forty undergraduate programs in special education in the universities in Türkiye. In addition to training general education teachers in the special education field, regional Guidance and Research Centers provide one week courses for all elementary school teachers who will have students with SENs in their classrooms.

Undergraduate Programmes for Special Education Teacher Candidates

There were four undergraduate programmes for special education teacher candidates in Turkish universities till 2016. These were Teacher Education for Hearing Impaired, Mentally Handicapped Teacher Education, Visually Handicapped Teacher Education and Gifted and Talented Teacher Education.

Beginning from the 2016-2017 academic year, Higher Education Council in Türkiye made a decision to unify all four programs of teaching children with special education needs under a single department named “Special Education Teacher Education Program”.

Lifelong Learning Programmes for PwDs

General Directorate of Special Education Institutions and General Directorate of Lifelong Learning affiliated with the MoNE carry out joint activities for PwDs whose ages are not eligible for compulsory education. The courses demanded by persons with special education needs are opened within the body of Adult Education Centers. Besides, literacy courses are opened every year in July and August for illiterate adults with visual or hearing disabilities whose ages are over the compulsory education age.

Services, Measures and Activities of the MoNE for PwDs

The MoNE has some supportive practices for persons with special education needs such as free transportation to public institutions of special education, free provision of lunches, education materials and course books in accessible formats. The MoNE also prepares various publications with the purpose of finding solutions to problems faced in inclusive education practices.

For instance, a guide book for managers, teachers and families with the title “Why, What for and How of Inclusive Education in Our Schools” and a book for pre-school education teachers with the title “Guide Book on Pre-School Special Education and Inclusion” were prepared and published on the official website of the MoNE.

The MoNE has been communicating to its provincial organizations that measures should be taken as much as possible in order to plan educational environments for students with physical disabilities on the ground floors of all pre-existing schools. Measures to ensure accessibility of secondary or higher education exams are taken on the basis of personal needs.

In this respect, persons with special education needs who attend inclusive classes and persons with special education needs who attend primary education, general education or vocational/technical training programs in special education schools/institutions can take central exams or other exams held in provinces on request.

There are special measures for students with disabilities in exams such as allocation of a class for the person (if required by the type of disability), granting of extra time, assignment of assistants for reading questions or coding answers and replacement of some questions with its equivalent.

The sign language interpretation of the guidebook was also recorded in video format for the use of applicants with hearing disabilities. Besides, the audio format of the exam booklets as well as code sheets or a reader and a code sheet are provided to persons with visual impairments on request or extra time is given.

Pre-school, primary, secondary and high-school education of persons with special education needs who receive inpatient treatment in public or private healthcare institutions and/or have a chronic illness is provided in 53 hospital classrooms which were opened within the framework of the *Regulation on Special Education Services* and in line with protocols signed between the MoNE and the MoH or universities.

Special education services and inclusive education practices have increased rapidly in the last decade, especially after the publishing of the *Regulation on Special Education Services* in 1997. In the last decade, the MoNE has emphasized the importance of inclusive education and the implementations of inclusion have been widespread.

At the same time, the number of special schools has been increasing rapidly to educate every disabled child who has the right of getting an education like other children with no disabilities.

Work on infrastructure and capacity building continues as well as the efforts to improve the quality of vocational and professional education of individuals with special learning needs and the services provided in Guidance and Research Centres. Within the context of non-formal education, the MoNE, in collaboration with the ISKUR and relevant units of municipalities, offers certified training programmes on care services for disabled and elderly people in Community Education Centres, which are affiliated to the Directorate-General for Lifelong Learning.

As regards formal education, 4 years of Patient and Elderly Care Programmes have been opened in Anatolian Vocational High Schools in 31 provinces, which are affiliated to Directorate-General for Vocational Education.

Services and Activities of Local Government Bodies and Non-Governmental Organizations for PwDs

Local Government Bodies and Non-Governmental Organizations are highly connected with people enabling them to offer a large variety of services. Municipalities are constantly making policies and taking measures to ensure social and economic adaptation of PwDs to society. Most municipalities in Türkiye are providing vocational education and courses for PwDs, helping them integrate into society and find jobs.

While providing these services, municipalities cooperate with universities; vocational high schools; government agencies and non-governmental organizations. In addition, PwDs are evaluated by professionals and guided towards education that is most suitable for them.

Sign Language, arts, wood painting, foreign languages training, marbling, jewellery design, folk dances, music, home economics, ceramic design, typography, woodworking, galosh manufacturing, greenhouse flowers, candle manufacturing, computer training,

needlework, drama education, literacy education, and carpentering are just a few examples of vocational education courses provided by municipalities.

Activities of Non-Governmental Organizations for PwDs

Spinal Cord Paralytics Association of Türkiye, provides English, fabric painting, silver works, wood painting and needlework courses for PwDs.

“Six Dots Foundation for the Blind” made a research about careers suitable for visually impaired people and suggest communications officers, consultants, printing businesses.

Children with disabilities are provided with special education. With partial inclusion in education children with disabilities can study with students their own age. To provide education and communication to people with hearing disabilities, the Turkish Linguistic Society has created the Turkish Sign Language System. The MoNE and the Ministry of Culture and Tourism carry out the process of preparing audio, braille books and electronically available materials and subtitled films to meet the educational and cultural needs of PwDs.

Services Provided to PwDs in Universities

Disability Law No. 5378 stipulates the establishment of Consulting and Coordination Centers for PwDs in universities within the body of the Higher Education Council with the tasks of providing education materials, preparing special education materials, planning for and ensuring environments appropriate for education, sheltering or study of PwDs (Art. 15).

University students with disabilities are given priority in public dormitories and state grants. However, due to the fact that non-refundable grants are subject to the condition of academic achievement, students with disabilities are also supposed to meet this condition for continuing their grants. This provides motivation for success among them and also prevents any abuse. Additionally, newly built dormitories for university students are required to meet accessibility criteria. Old buildings, on the other hand, have to make additional accessibility arrangements.

It is approved by the Higher Education Council at the Higher Education General Assembly meeting on 08/02/2018 that special quotas (10% quota) for disabled persons are reserved at the Student Selection and Placement Exam only valid for programs that accept students with a special aptitude exam.

The right to education for disabled people cannot be prevented by any reason. The disabled children, youngsters and adults are provided with equal education opportunities with the nondisabled people and in inclusive environments by taking the special conditions and differences into consideration.

Counselling and Coordination Centre for Disabled People is established in order to carry out works within the Higher Education Council on the procurement of tools and equipment, preparation of special class material, enabling the preparation of education, research and accommodation environments suitable for the disabled people in order to facilitate the education life of the disabled university students.

The operation methods and principles of the Counselling and Coordination Centre for Disabled People are arranged by the regulation which was prepared jointly by the MoH, the MoNE, Higher Education Council and the then Administration on Disabled People. Turkish

sign language is created by the Turkish Language Institution in order to provide the education and communication of the hearing impaired people.

The methods and principles of the works for creating and implementing this system are determined by the Regulation to be issued jointly by the MoNE, General Directorate of Social Services and Protection of Children Agency and the then Administration on Disabled People under the coordination of the Turkish Language Institution.

The required procedures in order to provide the production of relief, audio and electronic books, subtitled film and similar material to meet all kinds of educational and cultural needs of the disabled people are carried out jointly by the MoNE and the Ministry of Culture and Tourism.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Job and Vocational Counselling Services in Türkiye

There are approximately 4.800 job and vocational counsellors working within the ISKUR across the country as of June 2021. One of the duties of Job and Vocational Counsellors is to provide face-to-face service to job seekers and those who are in the process of choosing a profession in order to prepare them for vocational training and/or to participate in the labour market.

In this context, it is extremely important for job seekers with disabilities to receive this service in terms of their integration into the labour market. The number of individual interview services for the disabled by Job and Vocational Counsellors over the years are as follows, with a drop in 2020 due to the pandemic circumstances:

Table 6. Number of PwDs Interviewed

Years	Male	Female	Total
2020	177.298	33.874	211.172
2019	300.296	63.082	363.378
2018	257.682	56.203	313.885

Job Coaching for PwDs

In order to improve the capacity and standardize the employment services provided for the disabled, studies for the Supported Employment Model (Job Coaching for PwDs Project), which is accepted as a modern and cost-effective method started in 2018 in order to ensure the PwDs participate in the labour market.

The main objectives of the project are to prepare Individual Action Plans for PwDs, to establish the necessary contact with employers, to direct the disabled person to the appropriate job/profession according to their knowledge, skills and competencies, and then to provide work adaptation support in line with the needs of them. In this way, it is aimed to support them to maintain their lives by being included in the social production process, to facilitate their transition to employment and to help them create added value for society by ensuring social integration. In this scope, the PwDs are provided with;

- Training on job-seeking skills and interview techniques,
- Vocational orientation,

- Referral to active labour programmes,
- Information about job vacancies,
- Job placement services in public and private sectors.

The “Job Coaching for PwDs” model is applied in 73 units of 51 Provincial Directorate of the ISKUR as part of the job and vocational counselling services. Studies are continuing to disseminate the practice across 81 provinces with the aim of contributing to the sustainable employment of disabled individuals.

In addition to these services, studies are continuing to establish monitoring mechanisms to determine the needs and expectations of disabled persons more accurately, support their labour market transition and retain them in employment.

In the first six months of 2021, the Disabled Business Coaching Model studies were carried out online due to the ongoing pandemic conditions. In this context, online Sign Language Training was provided to 154 Job and Vocational Counsellors working as Job Coaches for PwDs across Türkiye.

Services Delivered by the MoNE

The General Directorate of Special Education and Guidance Services was established under the MoNE with the aim of providing education and training services in the least restricted environments in line with the needs, qualifications, interests and abilities of individuals with special education needs by early diagnosis and of increasing their social participation by providing individuals with independent living skills.

The General Directorate ensures the effectiveness of guidance and psychological counselling services in educational institutions and guidance and research centres in order to support the social, emotional, academic and career development of PwDs.

Various special education programs that are implemented in Türkiye are listed as below:

- Early Childhood Special Education Curriculum
- Pre-School Special Education Curriculum
- Special Education Practice School I. Level Curriculum
- Special Education Practice School II. Level Curriculum
- Special Education Practice School III. Level Curriculum
- Physical Education Sport and Independent Movement Lesson Curriculum for Blind/ Low Sighted Students
- Special Education Vocational School Academic Program (For Mildly Mentally Disabled)
- Special Education Vocational School Academic Programs (New) (For Mildly Mentally Disabled)
- Special Education Vocational School Academic Programs (New) (For Visually Impaired)
- Social Adaptation Skills Lesson Program for the Mildly Visually Handicapped
- Support Training Programs

- Sign Language Course Schedule
- Sign Language Instructor and Interpreter Training Course Program
- Turkish Sign Language Course for the Hearing Impaired Primary School (1st, 2nd and 3rd Grades) Curriculum

The data on the breakdown of Research and Development Training and Application Centers, Special Education Vocational High School (Hearing Impaired), Special Education Vocational High School (Orthopedic Disabled), The data of the Special Education Vocational School (Visually Impaired-III. Level), Special Education Practice School (III. Level), Special Education Vocational School (Mentally Disabled-III. Level) operating under the MoNE within the scope of Vocational and Technical Secondary Education, where disabled students receive services, are given in the table below on the basis of years:

Table 7. Statistics about Education for students with disabilities

Academic Year	Number of Schools	Number of Students	Number of Teachers	Number of Classrooms
2017-2018	428	11.809	3.428	1.508
2018-2019	444	25.951	6.876	3.315
2019-2020	477	25.907	7.389	3.488
2020-2021	493	26.664	7.812	3.805

Source: MoNE

Table 8. Distribution of private education institutions for Disabled by years

Education Year	Number of Schools	Number of Teachers
2020-2021	1.517	16.671
2019-2020	1.417	15.321
2018-2019	1.489	14.043
2017-2018	1.395	12.846
2016-2017	1.362	12.009
2015-2016	1.268	11.595

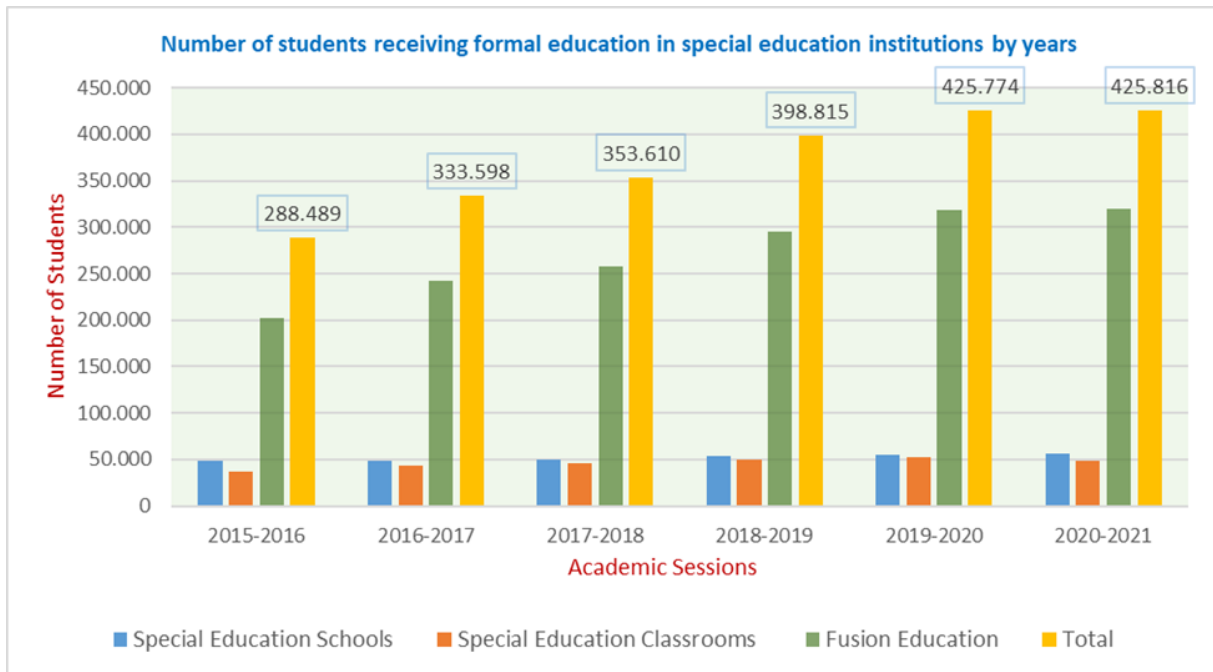
Source: MoNE

Table 9. Distribution of students receiving formal education in Special education institutions by years

Education Years	Special Education Schools	Special Education Classrooms	Fusion Education	Total
2020-2021	56.741	49.194	319.881	425.816
2019-2020	55.588	51.886	318.300	425.774
2018-2019	53.814	49.304	295.697	398.815
2017-2018	50.025	45.815	257.770	353.610
2016-2017	48.212	42.900	242.486	333.598
2015-2016	49.206	36.742	202.541	288.489

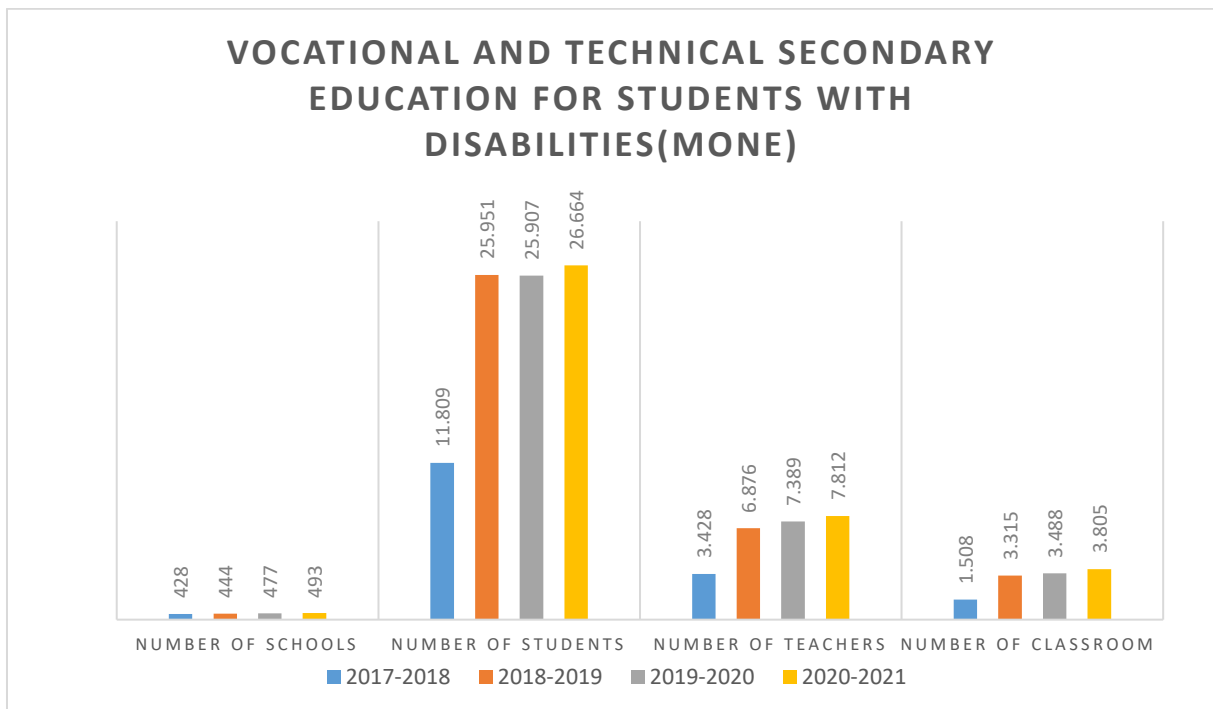
Source: MoNE

Figure 1. Distribution of students receiving formal education in private education institutions in the 2020-2021 academic year



Source: MoNE

Figure 2. Vocational and Technical Secondary Education for Students with Disabilities (MoNE)



Source: MoNE

Table 10. MoNE Projects for PwDs

NAME OF PROJECT	IMPLEMENTATION PERIOD	BUDGET	OBJECTIVES
Unimpeded Life Project from East to West-TANAP	August 2018 - May 2019	5.490.150 TL	It was implemented to make physical improvements for the participation of individuals to education and social life suffering from the cerebral palsy disease who live in the 8 provinces on the TANAP line
3DP Teacher Project	October 2019 - September 2021	239.663,00 Euro	To develop the professional competence of teachers at the international level on 3D printer modelling systems in order to improve students' analytical skills, spatial awareness and mathematical skills.
Project on the Development of Integrative Education (BEGEP)	August 2019 - July 2022	5.689.475 Euro	To contribute to an innovative, sustainable and integrative education system by supporting the development of teachers, school administrators and other actors involved in inclusion/integration practices.
Project for Renewal of Psychosocial Support Programs	November 2017 - October 2019	4.195.890 TL	The aim of the psychosocial support programs project, which was prepared in cooperation with the MoNE and UNICEF in 2001 and is still being implemented, is to ensure the renewal and dissemination of the said support programs.
Strengthening the Capacity of Guidance and Research Centers to Provide Inclusive Educational Services (RAMKEG)"	April 2019 - December 2019	4.619.410 TL	The aim is to improve the educational services offered to all disadvantaged students, including foreign students, in the guidance and research centres operating under the MoNE and to increase the capacity of RAM staff.
Project for Improving Teacher Competencies in the Employment of PwDs	July 2017-December 2018	26.424 Euro	The aim of the project is to support the employment of individuals with mild mental disabilities by increasing the professional competencies of

			vocational teachers working in special education vocational schools.
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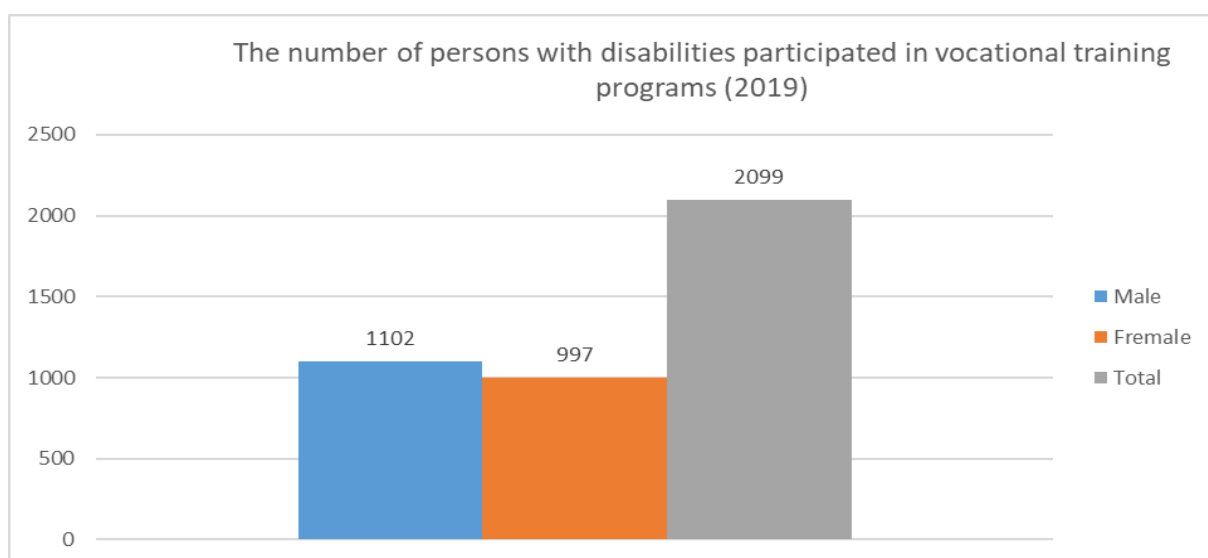
Source: MoNE

Table 11. Disabled Persons Benefitting from the ISKUR Vocational Training Courses and on-the-job Training Programmes by Years and Gender

Years	Vocational Training Courses			On-the-job Training Programs		
	Male	Female	Total	Male	Female	Total
2016	1.468	1.090	2.558	738	194	932
2017	1.389	1.079	2.468	900	302	1.202
2018	1.091	824	1.915	1.962	617	2.579
2019	1.102	997	2.099	3.137	956	4.093
2020	592	465	1.057	3.089	830	3.919
Total	5.642	4.455	10.097	9.826	2.899	12.725

Source: ISKUR

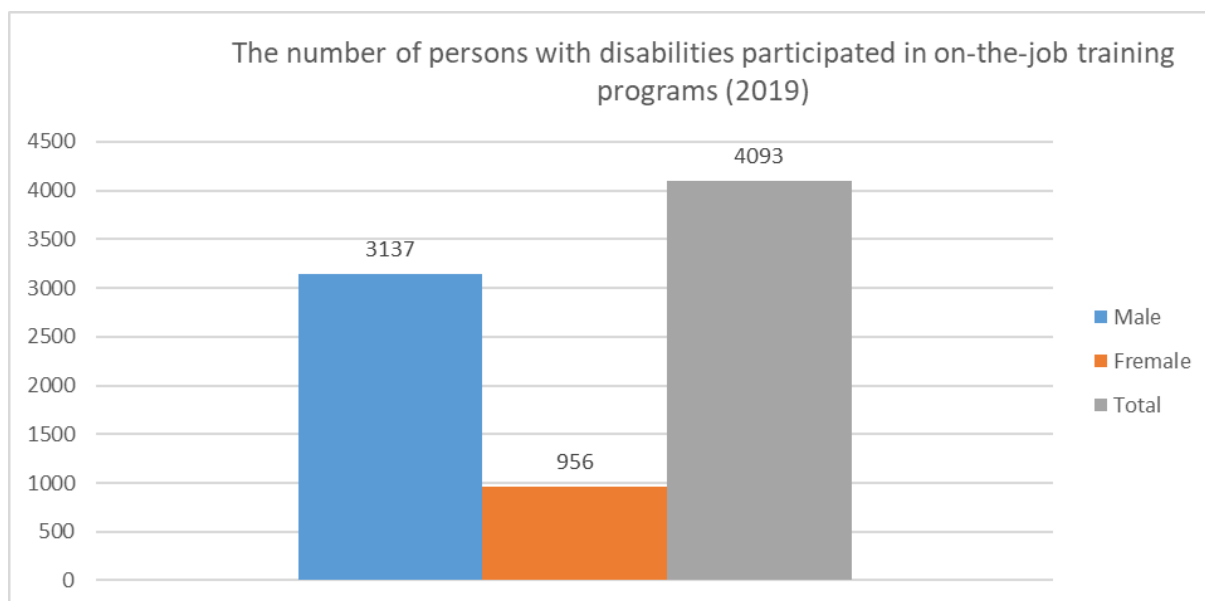
Figure 3. The Number of PwDs participated in Vocational Training Programmes in 2019



Source: ISKUR

The total number of PwDs benefited from the vocational training programs in 2019 was recorded as 2.099.

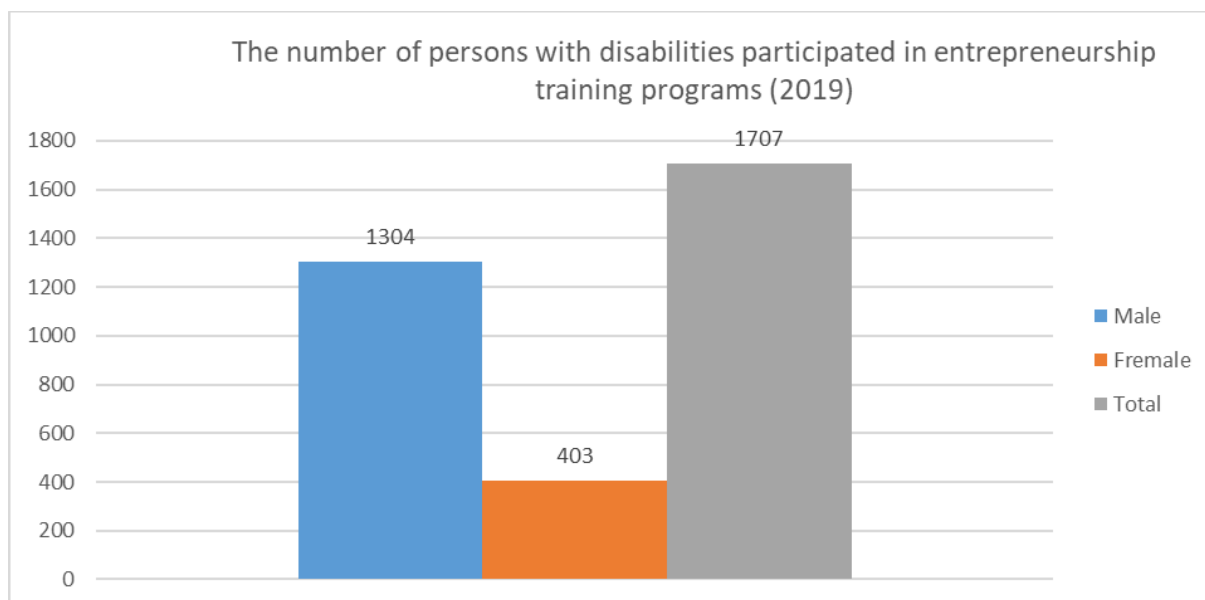
Figure 4. The Number of PwDs participated in On-the-Job Training Programmes in 2019



Source: ISKUR

The total number of PwDs benefited from the on-the-job training programmes in 2019 was 4.093, 956 of which were women.

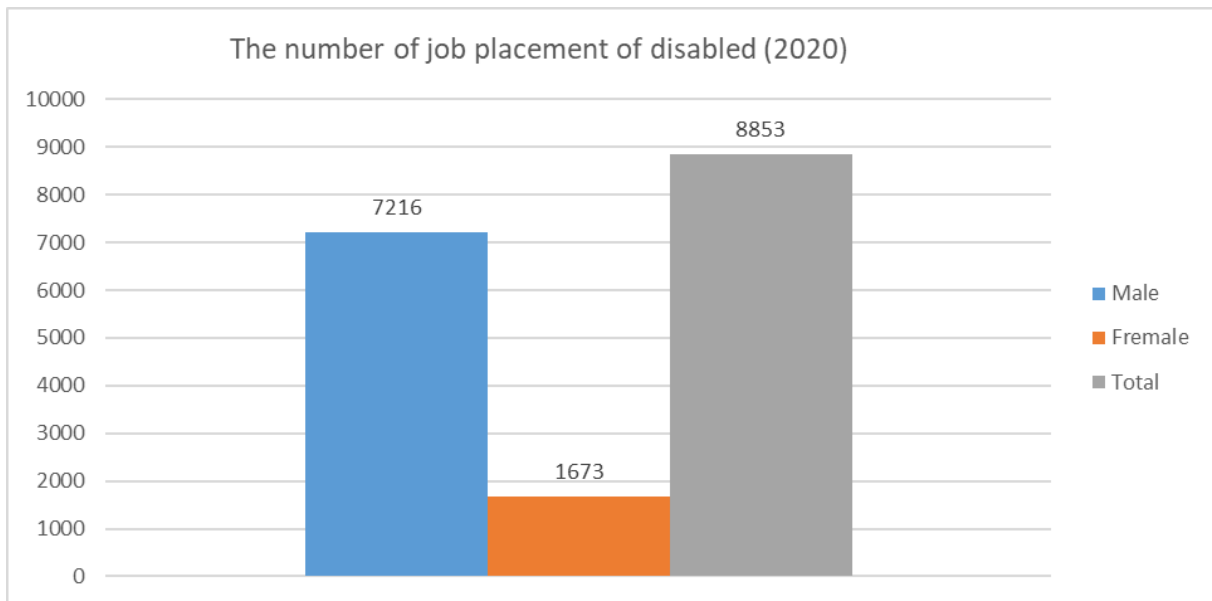
Figure 5. The Number of PwDs participated in Entrepreneurship Programmes in 2019



Source: ISKUR

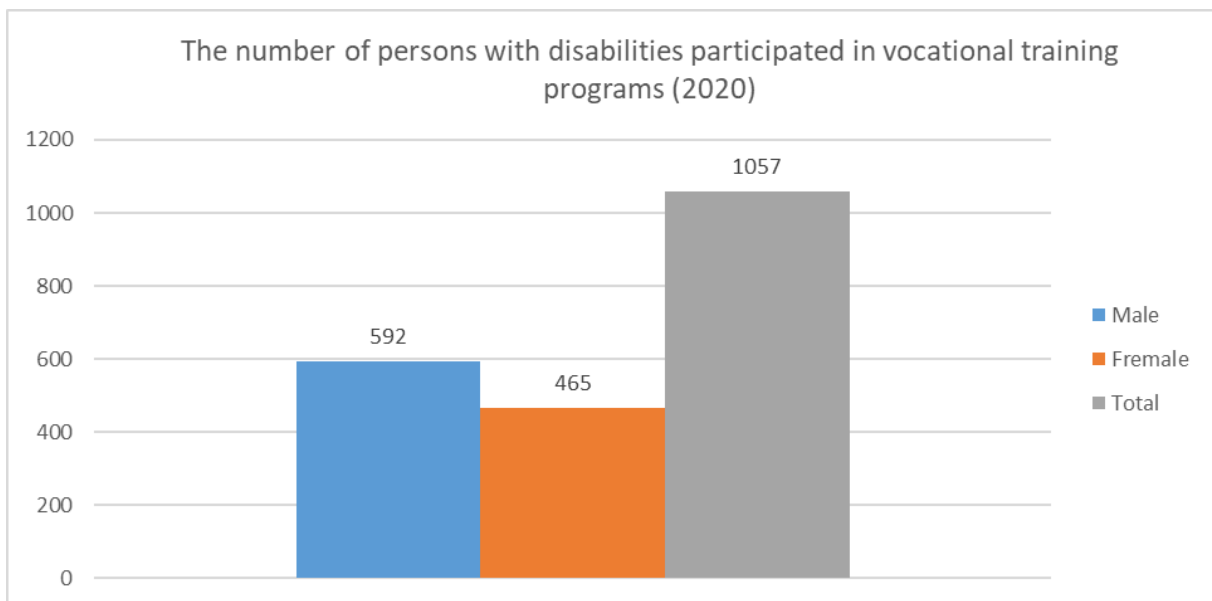
A total number of 1.707 PwDs benefited from the entrepreneurship programs in 2019. 1.304 of those were male and 430 trainees were female.

Figure 6. The Number of Job Placement of PwDs



Source: ISKUR

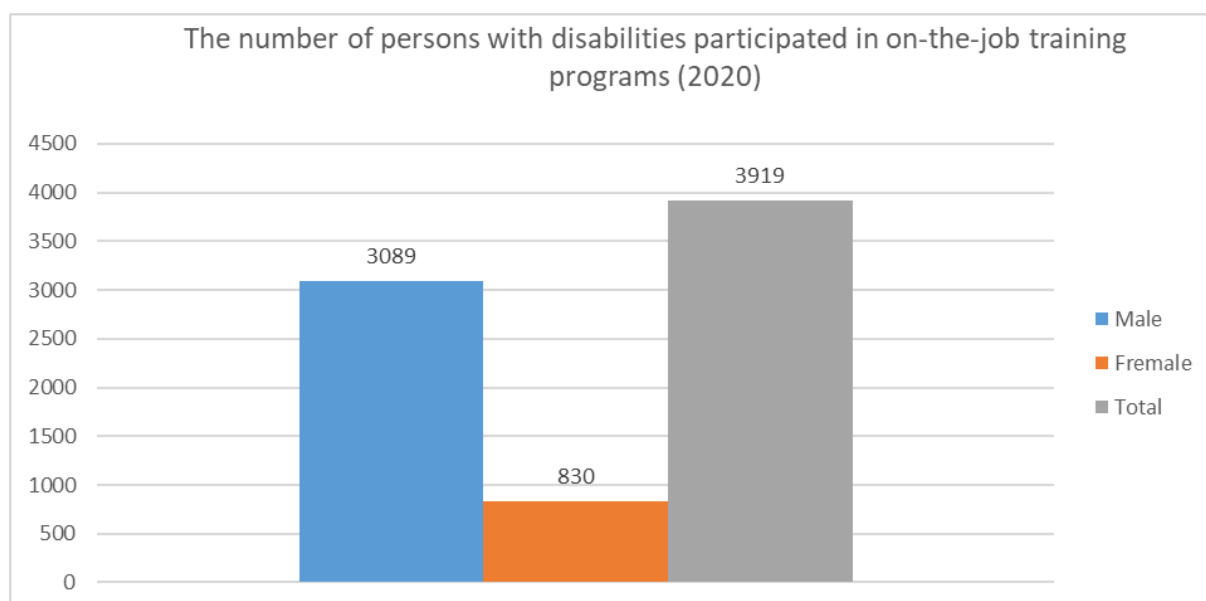
Figure 7. The Number of PwDs participated in Vocational training Programmes in 2020



Source: ISKUR

The total number of PwDs benefited from the vocational training programs in 2020 was recorded as 1.057.

Figure 8. The Number of PwDs participated in On-the-Job Training Programmes in 2002



Source: ISKUR

The total number of PwDs benefited from the on-the-job training programmes in 2020 was 3.919, 830 of which were women.

The projects prepared for the disabled are briefed in the table below:

Table 12. The Projects prepared for PwDs

Project	Accepted	Rejected	Total	Fund (€)
Vocational training projects	42	35	77	310.600
Start-up projects for disabled	917	1.028	1.945	3.316.000
Support Technologies projects	6	8	14	161.980
Sheltered workshops projects	1	0	1	23.544
Adaptation to work and workplace projects	3	0	3	17.593
TOTAL	969	1.071	2.040	3.829.717

ARTICLE 10

Article 10 – The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

3 to provide or promote, as necessary: a adequate and readily available training facilities for adult workers; b special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;

Scope of the provisions as interpreted by the ECSR

Provide or promote appropriate and readily available training facilities for adult workers and unemployed persons and special facilities for retraining adult workers in response to technological developments or new trends in employment. Non-nationals must be granted equal treatment, as specified in paragraph 1.

RESPONSE TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

a) Information on the overall participation rate of employed persons in training, percentage of employees participating in vocational training and expenditure.

The table below provides some recent figures in relation to the percentage of vocational and technical training in the overall education (secondary education)

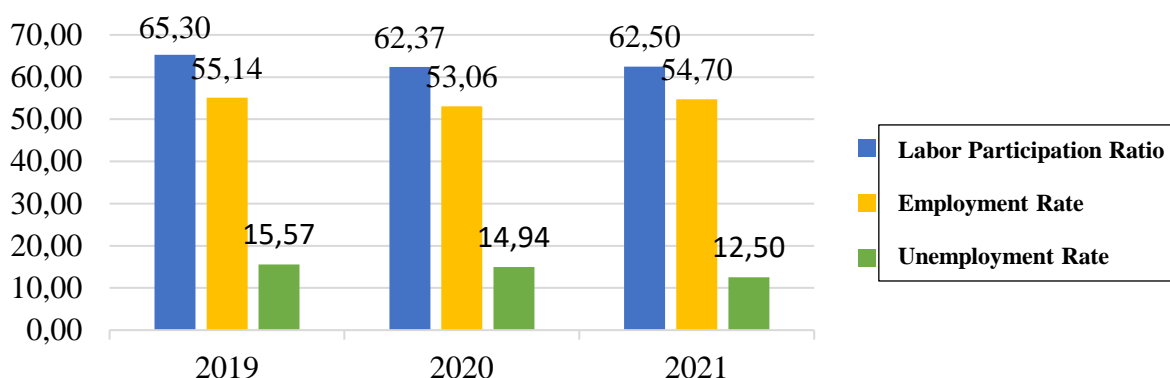
Table 13. The Percentage of Vocational and Technical Training (Secondary) in Overall Secondary Education

Percentage of Vocational and Technical Training (Secondary) in Overall Secondary Education (%)			
Years	Türkiye Average	OECD Average	EU Average
2018-2019	35,59	36,52	42,86
2019-2020	34,00	N/A	N/A
2020-2021	32,48	N/A	N/A
2021-2022	31,92	N/A	N/A

Source: MoNE

The following graph shows the rate of employment of the graduates of vocational and technical training at the secondary level.

Figure 9. Employment Rate of the Graduates of Vocational and Technical Training at the Secondary Level



Source: August 2021, TÜİK Labour force statistics

The following table provides information on budgetary arrangements in relation to the share of vocational and technical education in the overall National Education Budget.

Table 14. The Budget of the MoNE, the General Directorate of Vocational and Technical Education (MTEGM), Share of MTEGM in the Budget of the MoNE, and Financial Allocations per Student/Teacher and School

Year	The MoNE Budget (billion TL)	MTEGM Budget (billion TL)	Share of MTEGM in the MoNE Budget (%)	Financial Share Allocated to Vocational and Technical Secondary Schools (TL)	Share Allocated to Vocational and Technical Secondary Schools per Teacher (TL)	Share Allocated to Vocational and Technical Secondary Schools per Schools (TL)
2018	92,53	12,46	13,47	7.609,72	95.777,37	3.437.843,78
2019	113,81	14,75	12,96	9.770,44	109.506,10	3.929.527,05
2020	125,28	15,94	12,72	10.936,52	120.949,03	4.247.170,53
2021	146,92	18,13	12,34	11.421,14	139.167,54	4.937.908,50

Source: MoNE

In addition to the foregoing figures, it should be highlighted that the central budget allocated 1.967.072.549,80 Turkish Liras to the Lifelong Learning General Directorate of the MoNE in 2020. Since there is no specific expenditure item allocated for the share spent for education among these resources, the share allocated for vocational education could not be clearly identified. Detailed information on the relevant figures for the year 2020 is provided in the Annual Monitoring and Evaluation Report of the MoNE, which can be accessed at the following address: <https://bit.ly/3CRL4vS>.

A total of 3.757.718 trainees participated in the general courses organized in 2020. Among this figure, 1.679.760 trainees participated in the vocational training courses. Detailed information on adults' vocational education classified by such criteria as age, gender etc. can

be found in the Annual Monitoring and Evaluation Report of the MoNE, which can be accessed at the aforementioned internet address.

Vocational Training Courses

Of 1.679.760 trainees who participated in the vocational training courses in 2020, the number of women is 1.026.256, constituting the majority with a percentage of 61.10 %.

All these efforts are based on the exemplary action that set the initial step in this direction, namely the opening of Istanbul Professional Development Institute with the support of then-Minister of National Education, Hasan Ali Yucel, under the leadership of the sewing teacher, Refia OVUC, in order to provide women with a profession to take an efficient place in labour life and national development. As of the year 2020, the number of these Professional Development Institutes reached 24 in 23 provinces, two being in Istanbul, which operate with the spirit of the first model following the same entrepreneurship philosophy.

Training and Education Programs and Courses in E-Yaygin System

Examining the data of e-Yaygin System, which is a platform for accessing the widespread training and education programs and courses, organized by the MoNE, there are a total of 156.332 trainees from 135 different countries who are currently in Türkiye and who benefit from public training and education centres as of the year 2020. Of these trainees, 67.423 are men (43%) and 88.909 are women (57%).

Besides, there are vocational open education institutions operating throughout the country in the open education institutions, the data is kept according to educational semesters. When we look at the data of 1st semester of 2020-2021 educational year on the basis of gender, we see that the number of girls is quite higher in the Open Secondary Education and Open Education Imam Khateeb Religious High Schools. However, the number of boys is higher in the Open Education High Schools and Vocational Open Education High Schools. In total, 49% of the students are girls and 51% are boys.

Digital Is My Job Project

A special project named “Digital Is My Job” has recently been put into practice under the leadership of the Lifelong Learning General Directorate of the MoNE, in particular its sub-units including community education centres and development institutes. Women who receive training in this project meet the digital world to empower them in the social life and meet them the opportunities in the digital sector.

On-the-Job Training Programmes for the Jobs of the Future

With the "On-the-Job Training Programmes for the Jobs of the Future" commenced in the year 2018, the duration of the on-the-job training programme for 18 to 29 years' age group young people participating in the on-the-job training programmes organised for the field defined as the jobs of the future was extended from 3 months to 9 months. In addition, higher essential expenses allowance is provided to young people participating in the programmes organised for these professions compared to the participants to on-the-job training programmes organised for other professions. Through the on-the-job training programmes organised for the jobs of the future at Technocities, R&D Centres, Design Centres and companies dealing in the informatics sector with this application, the qualified labour force who will enable digital

transformation is being raised. In this regard, 1,958 people participated in these programmes during the period between January and October 2021.

Vocational Training of Employees

The ISKUR organizes vocational training courses in order to ensure the skilling and re-skilling of employees, to improve their professional knowledge and skills of employees and to help them adapt to new technologies. Vocational training course programmes are organized in the light of the aforementioned objectives through service procurement or cooperation methods in workplaces and the employees of the workplace can attend these courses. Also, training programmes can also be organized for workers employed in hazardous and very hazardous jobs within the scope of the provisions of the relevant legislation. Those who attend these courses receive a certificate at the end of the training.

With a legislative amendment, in case of a protocol with public institutions and organizations or professional organizations in the nature of public institutions, vocational training courses can be organized for employees of these organizations.

The number of employees attending these programmes during the period 2017-2021 (until 31.10.2021). As you can see from the table, the number of participants decreased due to the COVID-19 pandemic and measures taken to minimize the spread of the COVID-19.

Table 15. The Number of Employees attending Vocational Training Programmes during the period 2017-2021

Year	Men	Women	Total
2017	10.915	2.082	12.997
2018	5.072	1.385	6.457
2019	1.608	634	2.242
2020	1.932	502	2.434
2021 (until 31.10.2021)	652	333	985

b) Information on the measures taken to increase the participation of women in such courses.

A series of policies, active labour market policy measures and projects have been undertaken by various Ministries and public bodies in order to increase the number of women participating in the vocational training programs.

Please see the subsection on [Active Labour Market Policies](#) for information about the number of women benefitting from active labour market policy measures and [Projects](#) under section (a) of Article 1§1 for information about the projects where activities focus on the training programmes to increase women's employment.

c) Information on the measures does the government plan to take in order to increase the participation of unemployed persons in training and re-training programmes.

Please see the subsections on [Active Labour Market Policies](#), [National Employment Strategy \(2014-2023\)](#) and [National Youth Employment Strategy and Action Plans \(2021-2023\)](#) under section (a) of Article 1§1 for information about the strategy aiming at increasing the participation of unemployed persons in vocational training programmes and thus, the employability of these persons.

d) Information on strategies and measures in place to ensure skilling and re-skilling in the full range of competencies needed by workers to be competitive in emerging labour markets.

Human capital, which is one of the main elements of sustainable socio-economic development, expresses values such as knowledge, skills and experience that affect the qualities of individuals. Education is one of the most important elements in increasing the quality of the human capital of countries. Vocational and technical education, in particular, has a direct connection with the labour market due to the academic and professional skills it provides to its students. This situation requires vocational and technical education to respond rapidly to changes and transformations in the labour market.

Progress and developments in the Turkish economy have led to an increase in employment and labour productivity in the labour market. The efforts have been mobilized in Türkiye in order to let the country take the place it deserves among the high-income economies, to increase the efficiency of the labour market, to support the young people with a fragile structure in this market with special, medium and long-term policies, to train qualified labour force through vocational training and ensure that this labour force takes part in the production.

The role of our vocational education institutions is very important in determining strong and effective training - production - employment strategies and achieving the determined targets in order to increase employment rates and labour productivity even more.

In terms of the density of the young population, Türkiye has an important potential that very few countries have, and this constitutes a demographic opportunity when it comes to mobilizing the young population towards an efficient labour force. In order for this superiority of Türkiye to contribute to the economic production process, it is essential that young people increase their knowledge, capabilities and skill levels through vocational training and take an active part in the labour market.

With the change of traditional forms of work and the distancing from physical work environments and widespread use of flexible work methods during the COVID-19 pandemic period, it became apparent that the necessary regulations have to be made and applications have to be developed in order to create a labour force market that provides a labour protection base for all employees, contain adequate living wage and working hour limit, provide safe and healthy working conditions that safeguard a balance of business, family and social life.

Within the framework of the shift in the general approach towards vocational and technical education in recent years, Turkish institutions are working to increase the quality of vocational education in a way that will ensure the training of a qualified workforce in the professions and fields demanded by the business world, so as to ensure that the education-employment-production link is maintained on healthy ground. In line with achieving this goal, we continue to take important steps to establish an effective and efficient corporate structure and to further improve the human, financial, physical and technological infrastructure, management and organization of Türkiye's vocational education system.

One of the most important steps taken in this direction was enriching the collaborations by establishing a stronger and more inclusive link between the labour market and umbrella sector organizations and vocational and technical education. Within the scope of these collaborations, graduates were provided with employment-guaranteed or priority vocational

training, the updating of the education programs was carried out together with the representatives of the sector, new fields and branches were opened to meet the current needs, new vocational secondary education institutions were established, the infrastructures of the existing vocational secondary education institutions were strengthened, the training of teachers was carried out by the experts in the sector, significant increases were achieved in scholarships and supports provided to students. Other improvements made include ensuring that all occupational fields comply with the National Vocational Standards, mapping Türkiye's occupations, encouraging production within the scope of revolving funds to support applied education, and establishing a quality assurance system.

For many years, the MoNE has been making efforts to strengthen vocational education and regain its deserved prestige, develop cooperation with the business world and implement many projects. As a priority, important steps have been taken to improve the perception of vocational and technical education in society in a positive way. The steps taken began to bear fruit in a short period of time. Strong and comprehensive collaborations have been established with all fields of education and sectors, the education-production-employment cycle has been strengthened, and successful students have started to prefer vocational education.

The modest contribution of vocational education institutions in overcoming the first shock by rapidly producing the products needed by the society during the COVID-19 pandemic has shown that strengthening of vocational education can not only train the human resources needed by the labour market, but also rapidly produce the products that the society needs under extraordinary conditions. This performance, on the one hand, helped vocational education regain the weakened self-confidence after the coefficient policy, on the other hand, it changed the view of the society and the business world towards vocational education in a positive way.

Moreover, active labour market policies towards catching up to the transformation in the labour force market are sustained. The ISKUR develops special policies and applications to enable raising qualified labour force in respect to the skills and professions to emerge with the 4th Industrial Revolution and organises vocational training courses and on-the-job training programmes for raising the labour force needed by employers in line with the objectives defined for the field in question. In this regard, please see the subsection on [On-the-Job Training Programmes for the Jobs of the Future](#) and [Vocational Training of Employees](#) under section (a) of this Article for specific reskilling and upskilling programmes organized for employees to adapt to new technologies.