

An Assessment of Women's Rights in Corporate Compliance Programs in Turkey

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1. Executive Summary

Highlight

Institutional policies and actions that pertain to women's rights in the business environment in Turkey do not exist in the form of strong, comprehensive and distinct corporate compliance frameworks. Instead, they are mostly limited to multinational companies that implement the corporate governance policies of their headquarters. Among these are companies such as Vodafone, Diageo, Unilever and P&G. There is also a select number of large national companies that have innovated their own diversity, sustainability and gender equality programs by combining the legal framework of the government with a set of international corporate compliance trends (for example: Doğuş Holding, Eczacıbaşı Holding, Sabancı Holding, Koç Holding). Some of these companies make use of the term "compliance" as they express their commitments concerning women's rights in a strong manner. Others prefer terms such as "code of conduct" or "code of business ethics" which may not be as binding. Aside from Istanbul-

based companies, a scarce number of examples in other regions of Turkey apply such policies (companies in Bursa, İzmir, Antalya mentioned in the interviews) with respect to this matter.

Cautionary Cases

Companies often address gender equality within the scope of their public relations or social responsibility projects rather than a compliance framework. Government support/motivation seems indispensable for women's rights to transform from corporate social responsibility to an issue with legal weight.

There are numerous leading companies and civil society organizations that use the discourse of gender equality, diversity and inclusion and claim to act accordingly. Despite the geographically unequal distribution of these actions, it's a crowded and saturated domain within its boundaries. However, it is necessary to be attentive about distinguishing the ones who deal with the issue in a truly comprehensive and in-depth manner with a genuine will to

achieve gender equality, from the skin-deep ones organized by the companies and civil society initiatives only for public relations purposes. Since diversity and inclusion are concepts that pay back, many claim to apply them, but few truly intend to deliver substantial outcomes.

The Bright Side

Despite the insufficient prevalence of corporate compliance practices in the country, the issue is being taken seriously by a multiplicity of stakeholders in the private sector. In addition to companies, there are numerous civil society initiatives, networks and alliances that promote women's rights in the workplace with a large range of activities such as public events, trainings and mentorship programs. A subset of multinational and national companies discussed in this report make significant efforts to improve their women employee's rights by establishing and maintaining anonymous communication channels specifically formed for corporate compliance and work ethics related complaints. These efforts aim to comply with the currently existing legal framework. In addition, certain civil society initiatives advocate for more effective and sustainable implementation of the related laws to a larger extent in Turkey's private sector. Even though the government withdrew from the Istanbul Convention recently,

many of the company and civil society initiative representatives stressed upon the need to keep the articles of the convention related to women's rights on their institutional agendas and public campaign discourses.

Caveats

The civil society initiatives mentioned above operate in small clusters or on an individual basis rather than seeking to form larger alliances. Such a fragmented institutional landscape is a disadvantage in regard to the effectiveness of the promotion, dissemination and implementation of corporate compliance practices in the private sector, particularly the companies with no clearly defined programs or agendas. In addition, most of these civil society organizations address a particular social type of women employees in the private sector which could be defined in terms of social markers such as urban, secular, white collar and high social status. Founders and forefront figures of these organizations often come from similar social and cultural social class themselves. On another note, as covered in this report, wearing a headscarf is still an issue in business life in Turkey. This institutional asymmetry limits the impact of the ongoing civil society efforts for addressing the women's rights in the workplace to certain sociological imagination. As for the companies, it is very rare

to see headscarfed women in the head office operations of the company profiles covered in this report. Headscarfed women are more likely to be employed by conservative-capital owned companies. However, their employment rate against men in managerial and high ranked levels is again low. This established disproportion in terms of employment and promotion rates of headscarfed women across the business landscape is a result of subtle discrimination. Such subtlety is heavily built on cultural habits and prejudices as mentioned in the interviews and it is a significant setback for more inclusive hiring practices.

Another caveat is that the employee equality, diversity and inclusion programs run by the leading companies are paradoxically “too comprehensive” while at the same time have a limited approach to women’s rights specific issues. In more concrete words, within the numerous company diversity and inclusion programs examined for this report, the category of “women” is treated on the same managerial plane with other socially disadvantageous groups such as “disabled people.” Flattening out the different needs of these groups and treating them as equivalent components renders many of the pressing issues women face invisible.

Finally, the programs and initiatives in companies are “leader-oriented.” Some good work happens when the leader (male or female boss) has willpower, is motivated, and is supported internally or globally.

Gaps

Due to the fact that currently existing laws are not strictly demanding for a given company to pertain to women’s rights and empowerment, additional ‘compliance’ standards are set by the companies themselves either based on the norms, values and principles mandated by their global headquarters or their executive boards. Still, it’s worth noting that the legislative infrastructure set for the protection of women’s rights in Turkey holds promises (for example: Labor Code 2003, / Article 74, 88, 18). Company representatives interviewed for this report mentioned the need for more qualified and frequent monitoring practices on the government side (especially the Ministry of Labor and Social Security, and the Ministry of Family and Social Services). There are no publicly available databases and related resources that would provide guidance for developing corporate compliance mechanisms regarding this matter. In accordance, the efforts have remained limited to non-binding frameworks adopted by certain companies or by networks

of companies that are based on global principles and international practises. It is not possible to talk about the existence of effective or concerted attempts to push for the creation and adoption of legal frameworks.

Challenges

Corporate compliance programs in Turkey's private sector include varying practices that take into consideration women-specific matters including gender equality in recruitment and promotion, equal pay, equal benefits, equal opportunities, maternity leave, discrimination, sexism, harassment. However, the interviews we conducted with company officials and civil society initiatives indicate that these issues need to be addressed by a much wider portion of the private sector in Turkey. They especially mention the small and medium sized enterprises across the country and the large national companies located outside Istanbul which are mostly run by executive boards composed of male family members. In addition to these, there seem numerous companies from particular sectors (for example, technology start-ups and logistics companies) claiming their meritocratic and people-oriented human resources policies are sufficient enough for avoiding discriminatory practices. Also, some company representatives stated that certain corporate compliance related practices cause

trouble for women in the workplace (for example: women who are stigmatized for reporting a sexual harassment case or feel left out and not taken seriously because of their quota-based recruitment process).

Needs

For improving the corporate compliance program landscape in Turkey's private sector, more resources should be allocated by the companies to adapt and employ women rights specific norms, values and policies in their agendas and procedures. The implementation of these policies requires the formation of bodies including Diversity and Inclusion, and Sustainability departments; as well as strengthening the existing legal and human resource departments to respond well to problems and to protect women and make them feel empowered. For this, companies need to be equipped with the necessary know-how and provide training programs to be able to challenge the existing gender norms that dismiss the improvement of women's rights in the workplace.

Further Action

Especially between 2003 and 2015, there has been a rising trend with regards to promoting,

disseminating, adapting and enforcing corporate compliance practices in Turkey's private sector by the joint (even though sometimes disconnected) efforts of the government (the Ministry of Labor and Social Security, and the Ministry of Family and Social Services in particular), the reformed private sector policies and the civil society initiatives that have flourished. Despite the recent stagnation in government bodies' involvement in these matters, the institutional and societal

infrastructure and corporate compliance practice growth potential still exists. The company and civil society representatives interviewed for this assessment emphasize that the women's rights specific rising trend of 2003-2015 could be reinvigorated with the effective government enforcement mechanisms, private sector and non-governmental body resource allocation, organizational reconfiguration and stakeholder realignment actions to be taken.

2. Introduction

PAR Research and Consultancy Inc. (hereinafter PAR) was given a mandate to develop a comprehensive report on women's rights in corporate compliance programs in Turkey following an open call for proposals by Center for International Private Enterprise (CIPE). The main purpose of the assignment is to provide an independent in-depth assessment of corporate compliance as it pertains to women's rights in Turkey, outline existing programs and initiatives, assess their outcomes against planned outcomes including their contribution to gender equality at workplace.

The assignment defines scope of the work as providing an assessment of women's rights in corporate compliance programs in Turkey based on a comprehensive desk research and interviews with relevant stakeholders. Accordingly, the PAR Team conducted a desk review of legal framework, existing studies and surveys, and initiatives and programs implemented by selected corporate companies and networks in Turkey to understand, analyze

and assess the extent to which they protect women's rights in the business environment. The report prepared includes an assessment of existing collaborations between organizations including business associations, networks, alliances in the civil society and leading multinational and national companies in the private sector.

Researchers also like to note that the work made a special effort to give an inclusive picture of the landscape of Turkey in this matter, therefore it studied and interviewed civil society and business environment representatives from diverse backgrounds and locations as much as possible.

Consequently, as outlined in the ToR, the assignment is designed to:

1. Assess the extent of corporate compliance programs in Turkey; whether they contain measures to ensure women's protection at work places and other women-specific issues such as gender equality in recruitment and promotion, equal pay, equal benefits,

equal opportunities, maternity leave, sexism, harassment, and other relevant issues

2. Outline major existing initiatives, policies, contracts, compliance programs in the private sector
3. Assess the extent to which existing initiatives, programs, et al are implemented
4. Examine existing regulations and legislation in Turkey, and extent of their implementation
5. Develop recommendations for CIPE to address gaps in Turkey in corporate compliance on women's protection at workplace

To address the purpose and scope of the assignment as outlined in ToR, this report sought to provide substantial answers to the following questions below:

1. How does compliance play out in action? Due to which factors its action is limited?
2. How are the sustainability, diversity and inclusion, social responsibility policies of companies in the private sector shape the compliance codes and women's rights in Turkey's private sector?
3. What are the different institutional forms of compliance codes and women's

rights principles in the field? How do the national laws, institutional policies set in multinational companies headquarters that are imposed on their national branches in Turkey, institutional policies set by national companies, benchmarks set by international organizations assemble unique corporate compliance codes for companies?

4. What are the civil society organization activities aim to play facilitating roles for the establishment and implementation of the respective compliance codes and benchmarks in business networks?
5. What are the concrete actions taken by the companies in Turkey's private sector that correspond to the gender-specific corporate compliance codes and women's rights principles defined by various institutional bodies, i.e. government, global HQs of multinationals, benchmarks set by international organizations, civil society initiated collaborations?
6. Via which further actions the compliance in action could be improved concerning women's rights in Turkey's private sector?
7. What are the persistent issues that impede the improvements of women's rights in the workplace in Turkey? Social pressure and

barriers, cultural leanings, political/power dynamics, educational lack (women being informed about their legal rights and how to pursue them)

8. Which diversity and inclusion policies and programs of which companies correspond to which compliance codes and women's rights principles, i.e. codes and principles defined by the government, global HQs of multinationals, benchmarks set by international organizations, civil society initiated collaborations?

9. Via which institutional bodies are these policies and programs defined, put into action, monitored, documented, assessed and improved?

Final assessment includes recommendations to support future programming of CIPE on women's protection in corporate compliance programs in Turkey, an executive summary and annexes. Full list of documents reviewed and a list of stakeholders' interviews are submitted as attachments to the final assessment report.

3. Methodology

This assignment was carried out by collecting and analyzing data and information through desk research and qualitative data collection from semi-structured stakeholder interviews.

Desk research

PAR Team made a preliminary review of several documents and programs to obtain an overview and in-depth understanding of the subject in Turkey to prepare the design phase of the assignment and determine needs for qualitative data collection. This report provides a thorough analysis of the currently existing academic literature, company research output, media representations and legislative documents concerning the corporate compliance practices in Turkey's private sector.

Desk research included:

- an analysis of legal framework in Turkey as it relates to women's participation to labor force and rights at workplace,
- review of existing research, studies, surveys and statistics by universities, civil society

organizations, business groups, international organizations and networks on women's inclusion in labor force and obstacles for women workplace

- review of programs in selected companies as to corporate compliance in Turkey and the yearly sustainability reports of these companies

Interviews

Semi-structured in-depth interviews were conducted with 26 representatives and experts from respective companies and civil society initiatives. Research team first started conducting interviews via the first short list of interviewees and then expanded this via snow-balling effect throughout the process. The team paid a special effort to be inclusive both in terms of geographical and social backgrounds of the interviewees and the institutions they work at. Though small and medium size (SMEs) were not defined as a core group of this research, the research team conducted interviews also with them to be able to give a full picture of Turkey's corporate landscape.

An interview guideline was followed which was submitted with the inception report, however it is pertinent to mention that questions were tailored for each interviewee since the profiles of the interviewees differed.

The interviews were conducted on online communication platforms such as Zoom, Google Meet etc. These (usually) hour long interviews provided the means for holding extensive conversations and hearing details about the current corporate compliance practices (both

the successful and insufficient ones), the existing gaps and challenges in formalized terms but also anecdotal level.

The names of the interviewees and the institutions they work for are anonymized based on the in-depth and candid character of the conversations held with them. Only the publicly available information about a given company or civil society organizations are provided with their names.

4. Background & Context

4.1 Legal framework for gender equality at work in Turkey

The issue of gender equality in Turkey in terms of a legal framework has been heavily on the agenda during 1980s and 2000s, as Turkey became a party to several international agreements and protocols. In 1985, Turkey signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in 2000 signed the Additional Protocol to CEDAW, and in 2002 ratified the Optional Protocol of CEDAW.¹ In addition, in 1995, the Turkish government signed the Beijing Declaration of the Fourth World Conference on Women and committed itself to its Action Plan. Turkey was the first country to sign in 2011, and ratify in 2012, the Council of Europe Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence. On the other hand however

in March 2021, Turkey announced that it is withdrawing from the Istanbul Convention.

Besides the Constitution, main legal documents that frame the legislation for gender equality are the Civil Code, 2003 Labor Law No.4857 and the Penal Code. Starting with the 2000s, the Civil Code and the Penal Code has undergone massive changes, mainly as an outcome of Turkey's EU membership process. Articles 10, 41 and 66 of the Constitution are the pillars that guarantee equality before law. Article 10 was revised in 2004 as "Men and women have equal rights and the State is responsible for the measures to implement those rights,"² which was regarded as a major step for gender equality though it fell short of satisfying women's movement since it did not necessarily increase women's participation in economic and political life.

Consequently, in 2005 and 2009 amendments were made to the Penal Code and Labor

1 European Parliament Report, Gender Equality in Turkey, 2012.

2 Ibid.

Law. Penal code was revised to guarantee the principle of no discrimination. This meant no discrimination could be made with respect to sex and the Law for the Equal Opportunities Commission for Women and Men, Law no 5840, was adopted within the context of the Labor Law. Within this context, the establishment of Equal Opportunities Commission in the Turkish Grand National Assembly was marked as a positive achievement for gender equality in Turkey. The mission of the Commission is defined as to review the legal arrangements prepared by the parliamentarians to ensure their compliance with gender equality principles.

Under the revised Labor Law, maternity leave and pregnancy rights for women employees are guaranteed; these conditions shall not constitute valid reasons for termination of employment, and a fixed term contract cannot be terminated before the expiration of the specified period without a justified ground clearly indicated in the Labor Act.³ If a woman is employed under an open-ended contract and her contract is terminated due to her pregnancy, this is considered as violation of law and employer is subject to pay a compensation. Although, maternity leave and pregnancy rights, are quite established, and some large and mostly

companies based in big cities (İstanbul, İzmir, Ankara) offer even further flexibility and support mechanisms. These mechanisms include “back to work” adaptation programs, mentorship twinning activities and alternative breastfeeding arrangements and flexible working hours.

However, in practice, women feel that they may fall behind in their careers when they benefit from flexible working arrangements. Therefore, women who want to advance their careers often have the urge to rush into getting back to work. A consultant highlighted that it is the executives that set the tone in this matter, not the laws.

A striking example of the disadvantage of maternity leave in the promotion of women occurs at some private universities covered in the interviews, where more than half of the total academic population are women. In some universities, it is necessary to get a certain score to get seniority and promotion. This score is calculated based on the number of academic publications and the number of classes taught. When women academics take maternity leave they cannot teach, and therefore they fall behind their male counterparts. No law or regulation compensates for such inconveniences in favor of women.

3 Süral, N. 2007. Legal Framework for Gender Equality at Work in Turkey. Middle Eastern Studies, Vol.43, No.5.

In 2016, additions were made to Labor Law; articles titled “full-time and partial employment contract” and “working in maternity state” were amended to include flexible working for child care. These additions were worded as: “A male or female worker can request to work part-time until the start of child’s compulsory primary education; the employer is obliged to meet this demand and cannot terminate the employment contract.”⁴ An interviewee described this law as being more progressive compared to similar laws in Scandinavian countries. However, lawyers working on women’s rights highlight how this law works to women’s disadvantage in practice, as women are mostly the ones to ask to benefit from this right defined by law and this becomes an additional challenge at the recruitment stage. Employing women who potentially become care givers to their children after birth becomes a challenge for the companies because the financial burden of flexible working is left to the employer. They say so that the right introduced by law makes women’s employment “expensive” for the

employer. The employer, not the state, bears the burden of the days when the woman is not working as there is no state subsidy for utilizing the flexible working option. One interviewee mentioned that when this is the case employers are focused on minimizing financial risk rather than protecting the employee’s right. Therefore, the employer is able to take financial decisions to hire women or put them in critical positions. Although this regulation seems to give women an important right, it can actually have an adverse effect on women’s employment eligibility.

As part of Turkey’s National Plan on Gender Equality that was announced in 2008, an amendment was made into Law No.4857 to ensure equal opportunities and equal pay. 2003 Labor Law also benefits from the revisions that were made in the Penal Code making a definition of sexual harassment at workplace.⁵

A list of major directives regulation women’s rights at workplace under 2003 Labor Law No. 4857 and related laws are as follows:⁶

4 <https://www.genel-is.org.tr/kadin-iscilere-yonelik-son-yasal-duzenlemeler,2,15457#.YWcl5BMzbow>

5 European Parliament Report, Gender Equality in Turkey, 2012.

6 Kazanoğlu, N. 2019. Work and Family Life Reconciliation Policies in Turkey: Europeanisation or Ottomanisation? Social Sciences, 2019,8.

FIGURE 1: A list of major directives regulation women’s rights at workplace under 2003 Labor Law No. 4857 and related laws

Directive	Content
Labor Code 2003 / Article 74	The law guaranteed pregnant woman a total of 16 weeks paid leave with protection from dismissal and the right to return to the same or equivalent position. It also provided nursing employees a total of 1.5 hours of nursing time after the leave, to be treated as part of her daily working time
Labor Code 2003 / Article 88	The law obliged companies employing 100 to 150 female workers to provide comprehensive nursery rooms, and companies employing more than 150 female workers to provide comprehensive childcare centres and pre-school facilities.
Labor Code 2003 / Article 18	The law ensured equal treatment between part-time and full-time workers.
Municipal Code 2005/ Article 14	The law obliged metropolitan municipalities and municipalities with a population over 50,000 to provide child care centres
Family and Dynamic Population Structure Protection Plan (2015)	The plan introduced the right to paid part-time maternal leave for employed mothers for the first six months following the end of the maternal leave. It also provided parents the right to flexible working arrangements until their children reach mandatory school age (5.5 years old). It also introduced a five-year tax reduction for newly established childcare centres ran by the Ministry of Family and Social Policy
Reform on Labor Code 2003/ Article 74	10-day long unpaid paternity leave to fathers

According to a number of experts, although Labor Law No. 4857 and related amendments introduce a number of new regulations for female workers to ensure gender equality and eliminate discriminatory practices, it leaves gaps that might lead to negative outcomes.

A first and foremost criticism assert that the 2003 Labor Law encourages part-time working arrangements for women which ultimately traps them within the secondary labor market associated with low-paid, insecure jobs where the possibility of promotion is low.⁷ Part-time

7 Ibid.

working is an advantage for women in certain cases, however it is also being negatively exploited when women are encouraged to opt for this choice which would then create a setback in their career leaving them in secondary roles. A second criticism follows about the regulations regarding childcare. Article 88 of the 2003 Labor Law places childcare services as a responsibility of the private sector companies. The companies are obliged to provide childcare services if they have more than 150 women employees, the fact that only the number of women employees, but not the total, is taken into account is criticized. Furthermore, lawyers note that there is a vague control mechanism in place to monitor the compliance of companies to this specific requirement.⁸

“Equal work-equal pay” principle of International Labor Organization (ILO) is a binding one for Turkey, and the principle is also defined as part of the article related to anti-discrimination in 2003 Labor Law Article 5.⁹ Article 5 of Labor Law is aimed to prevent employer’s directly or indirectly taking different action due to gender or pregnancy and covers equal pay as well. If

employee issues a complaint of unfair treatment, the responsibility to prove the contrary lies with the employer. Nevertheless, in practice implementation errors are often due to lack of sufficient control mechanisms. Lawyers note that it is not enough to make protective legal regulations, unless these provisions are not implemented by the employers¹⁰ and monitored and controlled by the state. Civil society’s role could be essential here, however the civil society does not have enforcement power and holds limited data and access to internal company information. Therefore, the civil society can only play a complementary role to the state, as mentioned by an interviewee. In interviews with the lawyers, they were not aware of an exemplary court case on equal payment. They also stated that if a case for the absence of equal work-equal pay is proven sufficiently, it is certain that the court will make a firm decision vis-à-vis the company breaching the anti-discrimination principle enshrined in Article 5.

One other major issue concerning women’s rights at workplace is about mobbing and harassment in the working environment.¹¹ The Constitution

8 An interviewee note.

9 <http://tbbergisi.barobirlik.org.tr/m2012-99-1164>

10 <http://tbbergisi.barobirlik.org.tr/m2018-134-1748>

11 There has been a huge debate in Turkey which pulled in numerous actors from diverse backgrounds of the society around Turkey’s withdrawal from Istanbul Convention. Efforts in Turkey are more focused on the Istanbul Convention rather than ILO Convention on Violence and Harassment.

and 2003 Labor Law are major legal documents dealing with sexual harassment in Turkey. The Constitution does not have a clear definition of harassment at work but it guarantees physical and mental integrity and respect for private life. Article 10 of the Constitution prohibits any kind of discrimination based on race, sex, religion and other grounds. Articles 24 and 26 of 2003 Labor Law are aimed to protect employees from sexual harassment in workplace. However, expert opinions stress that both the Constitution and 2003 Labor Law fall short in addressing harassment at workplace since they do not make a precise and detailed definition of harassment. The law defines the rights an employee has in case of a harassment, however a comprehensive definition of sexual harassment is missing in 2003 Labor Law despite amendments, which should include sexual bribery, intimidation, and harassment that creates a hostile environment. Yet, it is underlined that the regulation only defines the procedures for dismissal, while measures for preventing sexual harassment are left unaddressed. Legal framework in Turkey does not foresee any follow-up mechanisms to track sexual harassment or take preventive measures such as compulsory training for employees or so.

The same articles of Labor Law say that the responsibility to prove that the sexual harassment did not take place lies with the person or employer accused of harassment, additionally give the right of just termination of contract and claim compensation to the employee. However, implementation is highly problematic since regulations do not define mechanisms or bodies for companies to follow if and when such a complaint/violation takes place. In some companies there are clearly set procedures and mechanisms to be followed in case of a complaint by a woman employee; such as hot (phone and email) lines, ethics or compliance policy committees, however setting up an independent or internal body or not is up to the company and there are no laws that enforce the establishment of such committees or other compliance practice related complaint communication channels.¹² Moreover, women face a threat of losing their jobs and a social pressure in reporting a harassment case. Female employees (whether blue-collar or white-collar) often abstain from using legal means. "If I sue, I can't get a job", "I don't want to create enemies", and "I don't want to lose my job" are the most commonly cited excuses. According to a lawyer

12 The user interfaces of these communication channels vary from company to company. For example, Koç Holding has a unique web link for its hot line with an online form named as "Introduction to Whistleblower/Notice Form" (<https://kocsnow.koc.com.tr/hotline>) whereas Sabancı Holding's compliance related event reporting channels are shared on their "Code of Business of Ethics" web page: <https://www.sabanci.com/en/management-approach/sabanci-group-code-of-business-ethics>. It's worth pointing out that many companies don't have these communication information on their publicly available websites.

specialized in mobbing and sexual harassment, "Every time you break the status quo and the solidarity inside the firm, you are stigmatized." There are cases that when harassment was disclosed, the women employee was isolated by her colleagues - for instance she had to sit alone in the cafeteria for a long time. The companies can be inclined to mollify the case, and most often the harasser's department is changed or the harasser's act is terminated by the company in non-agitative ways (with compensation). As an outcome, many women refrain from appealing to the judiciary, even though they have proof and they can afford to do so.

For the blue-collar women employees the issue is more complicated since they cannot always afford to advance complaints and judicial processes. Although the Bar Associations have legal aid systems, the process can have severe psychological and economic consequences. If the woman does not have a strong support system, if she cannot get support from her family or co-workers, and if she lacks economic power, she refrains from reporting her case in the workplace. Therefore, the rates of litigation against companies are quite low according to the lawyers interviewed in this research.

There also needs to be enhanced coherence between the Labor Code and Penal Code. If a woman employee issues a complaint and the state does not protect her, then the law becomes a deterrent rather than an incentive. When the woman applies to the court, she changes a pattern. However, as has been seen in many cases, when/if the state does not protect her, a message is sent to the potential abusers that their actions will not be punished.

Besides, in order for an employee to issue a complaint and claim compensation, a formal employment, contractual relationship must be present. This means that unregistered women workers are left without protection by law.

Here, one area that could be explored further is the capacity, knowledge and experience of the legal departments in the private sector firms on how the female employee should be protected and empowered. Strengthening of the legal and regulatory framework seem very crucial. This area cannot be left to the good faith and willingness of the private sector or most specifically the head management.

Hence, the importance of creating a corporate culture by eliminating the culture of impunity has been emphasized by the interviewees. In very rare, albeit good practices, companies

may receive external support and issue a "protection order" on behalf of the woman, "fire" the harasser without compensation and send a strong message to the rest of the company. The perception that "in our company the act of harrasment and mobbing are get punished" is very rare but could be a very effective move to prevent such acts.

A number of interviewee mentioned the lack of a strong state involvement in "empowering women" to support or pressure companies to implement better policies. Civil society monitoring is considered to be valuable, but not sufficient as civil initiatives themselves are facing difficulty to access compliance practices specific data and these initiatives can engage with companies on the basis of companies' voluntary cooperation. The impact making capacity of these initiatives with respect to triggering legislative change is also limited. "The ones who are willing try to do their best, for those who are unwilling they need a stick, and this stick can only be the state in the Turkish context" notes an interviewee. In the same interview it is highlighted that "in Anatolia especially state is the powerful actor and controls the field, so it is the state that can have a real effective role and civil society can complement".

It was mentioned that the government should engage with strong policies or coercive programs and ask companies to share information and data. Compliance and data sharing enforced by the government is important as it will make companies accountable and visible to the public. The government support or pressure on many issues covered in the report, such as the proportion of women in boards or declaration of salaries to sustain equal pay, do not exist. The law on nurseries is not sufficient to compel companies, but rather allows companies to walk around it easily. Flexible working hours is a policy that seems to be an advantage for women, while in reality it becomes a mechanism that makes women recruitment very expensive and inconvenient for companies and therefore the law itseld hold women back.

A recently negotiated International Labor Organization (ILO) Convention on Violence and Harrasment makes a broad definition of sexual harassment, while recognizing the right to a world of work environment free from violence and harassment for everyone. It also creates a clear and common framework to prevent and address violence and harassment at workplace.¹³ Turkey, though taking part in the

13 The Convention will enter into force on 25th of June 2021 for those who ratified.

negotiations, has not yet ratified the Convention. Lawyers note that Turkey's ratification of ILO Convention on Violence and Harassment is essential to make a broad definition of harassment, define mechanisms in terms of violation and address the rights of unregistered workers since the Convention expands the definition of "workplace" to include work-related trips, events or social activities, work-related communications, employer-provided accommodation, and the work commute.¹⁴

As a conclusion, while there has been important legal progress in Turkey with respect to improving legal framework on women's rights at workplace, there still exists gaps in laws, there are implementation gaps, and lack of standardized monitoring and complaint mechanisms.

4.2 Overview of existing research studies, surveys

UNESCO defines gender equality with the following words: "Women and men have equal conditions for realizing their full human rights and for contributing to, and benefiting from, economic, social, cultural and political

development," adding that "gender equality is therefore the equal valuing by society of the similarities and the differences of men and women, and the roles they play based on women and men being full partners in their home, their community and their society".¹⁵ UNESCO's definition above is a widely accepted international definition according to which any form of discrimination based on gender is accepted as a violation of human rights. As outlined in the legal context, Turkey being a signatory of international agreements on gender equality, governments have introduced a series of goals and measures in the last two decades aiming gender equality in social, economic and political spheres. Though progress has been made to prevent discrimination against women, ensure them to have equal access to rights, opportunities and facilities, gender inequalities persist in many areas including women's participation to labor force and gender equality at workplace.

There is no doubt that all kinds of civic, social, and academic initiatives at the national level play a major role in achievements made.

On top, multinational organizations have

14 https://www.cetinkaya.com/insights/a-roadmap-companies-operating-turkey-combat-violence-harassment-at-work?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration#_ftn4

15 <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BSP/GENDER/PDF/1.%20Baseline%20Definitions%20of%20key%20gender-related%20concepts.pdf>

gradually increased their interest in Turkey's quest of women empowerment. Among many, United Nations Development Program (UNDP), Organization for Economic and Social Cooperation (OECD), European Union (EU) designed widely used measurement tools which helped to enable to gather and compile data to portray scoreboards of countries and understand country specific issues to be focused on to decrease gender inequality at all levels. Turkey has been part of these global studies.

Despite achievements and legislative changes promoting gender equality at workplaces, Turkey's national report card is rather poor in comparative international indexes. Gender Equality Scoreboard of Turkey's 81 Provinces Report¹⁶ prepared by TOBB, TEPAV and TSKB¹⁷ gives useful insights in a comparative perspective. The report takes base 2019 figures of UNDP Gender Inequality Index (GII), according to which Turkey ranks 66th out of 162 countries, taking a large spectrum of indicators into account gives figures of participation of women to labor force from health services to education. The report states that Turkey shows the best

performance in health services, and is more successful than some G-20 countries. On the other hand however, in education and economy, Turkey ranks much lower than average OECD and G-20 countries in terms of gender equality.

There is a darker picture portrayed in the World Economic Forum's (WEF) 2020 and 2021 Gender Equality Reports. Turkey ranks 130th out of 153 countries included in the study in 2020 Report, and 133rd again out of 153 in the 2021 Report. Turkey's score increased by 0.003 compared to 2020 and became 0.638 (out of 1), however since this increase was less than the score changes of other countries, there was a regression in the ranking. The WEF reports take into consideration criteria such as women's participation in the economy, equal opportunities, educational opportunities, health and political empowerment of women.

Research and studies conducted in Turkey by universities, civil society organizations and business associations, women's networks and social initiatives all demonstrate that Turkey has a long way to go to eliminate inequalities between women and men in political, social and economic

16 Gender Equality Scoreboard of Turkey's 81 Provinces, August 2020 https://www.tepav.org.tr/upload/mce/2020/haberler/tobb_tskb_tepav_gender_equality_scorecard_of_turkeys_81_provinces.pdf

17 TOBB (the Union of Chambers and Commodity Exchanges of Turkey), TEPAV (the Economic Policy Research Foundation of Turkey), TSKB (Türkiye Sınai ve Kalkınma Bankası)

life. Gender-based discrimination in social life, especially violence against women, and economic sphere still maintain their scorching heat.

In regards to gender equality in economic life, it should be kept in mind that there are Turkey specific sociological, economic and cultural reasons, all intertwined, at the root of problems.

Considering women's participation in labor force, inequalities in access to education, the burden of child and elderly care and housework being heavily dependent on women are the most important factors. As an additional note, women are employed in unregistered jobs at a higher rate than men, which makes them more vulnerable in terms of access to rights and harassment.

It is stressed in the narratives that low representation of women in public administration and decision-making mechanisms makes it difficult to implement policies focused on women's rights.¹⁸ As of 2021, women parliamentarians make up 17% of the parliament (TBMM) and there is only one women minister

out of a total of 17 ministers. According to Ministry of Family, Labor and Social Services' 2015 figures; out of 176 union leaders only 7 are females, out of 925 union board members 81 are women. Three big confederations in Turkey, HAK-İŞ, Turk-ış and DİSK have either no or only one women in their governing bodies.

It is argued that women's participation in the workforce and gender equality at workplace are topics that are directly related to each other, and need be addressed together. Women Entrepreneurs Association of Turkey (KAGİDER) outlines major reasons of gender inequality in participation in work force and at workplace are as follows:¹⁹

- Low level of women's employment in urban areas compared to men^{20, 21}
- Low level of pre-school education enrollment, insufficient childcare services
- Unregistered women's employment and women's employment in rural areas

18 Women's participation to political life has been one of the core issues women's rights organizations and women's empowerment campaigns focus on. Quota is often raised as a first step and discussed frequently, however it has not been applied until now.

19 KAGİDER (Women Entrepreneurs Association of Turkey), Views and Demands on Gender Equality and Women's Economic Empowerment, 2019.

20 The higher the education status of females, the more they participate into labor force (as quantified in this report). However, in overall numbers women have less employment rates than men in urban areas. For further information you can visit Women in Turkey Report by Ministry of Family, Labor and Social Services, September 2019 through <https://www.ailevecalisma.gov.tr/media/17801/women-in-turkey-eyluel2019sonu.pdf>.

21 2019 through <https://www.ailevecalisma.gov.tr/media/17801/women-in-turkey-eyluel2019sonu.pdf>. The report could be reached at: <https://www.aile.gov.tr/media/68105/women-in-turkey-23-02-2021.pdf>

FIGURE 2: Labor Statistics by Gender – June 2020

	Women	Men	Total
Population aged 15 and over	30.926.000	31.400.000	62.525.000
Labor force population	9.718.000	20.914.000	30.632.000
Labor force participation rate	32%	68%	49%
Employment rate	26,30%	58,90%	42,40%

Source: TUIK 2020 Statistics

- Pay gap
- Male-dominated structures of unions excluding women²²

Women's Participation to Labor Force

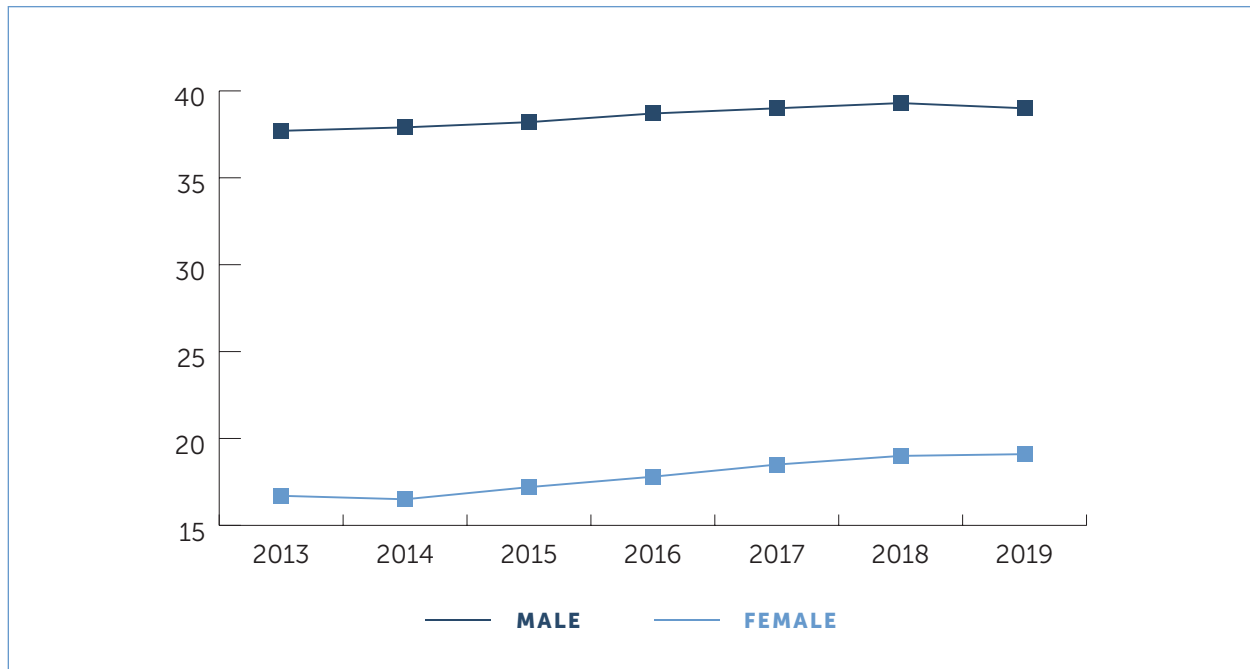
There are 62.5 million people aged 15 and over in Turkey. 31.4 mn of this population are men and 30.9 mn are women. According to the Turkish Statistics Institute (TUIK), the number of people in the workforce is 30.6 mn, out of which 9.7 mn are women and 20.9 mn are men. In other words, while the labor force participation rate is about 32% among women, this rate is 68.2% for men. Once again as per TUIK's June 2020 data, while the employment rate among men in Turkey is 58.9%, the same rate for women is at 26.3%.

Prevailing studies underline the fact that there is a direct correlation between the education level of women and their participation to work force; the higher the education level, the higher participation in the work force. Gender Equality Study by Center for Gender Studies at Koç University (KOÇ-KAM) outlines distinctly in their 2018 Report;²³ that the labor force participation rate of women with university degrees is 71.6%, the same percentage is 42,8% for women who have a technical high school or vocational school diploma and 34,6% for women with secondary degrees. The percentages go down to 28,1% for women with a below-secondary education diploma and to 16,1% for illiterate women. It is important to note that the mentioned ratios are labor force participation

22 Missing

23 <https://www.catunescomujer.org/globalnetwork/wp-content/uploads/2020/09/KOC-KAM-Report-on-Gender-Equality-in-Turkey.pdf>

FIGURE 2: Labor Statistics by Gender – June 2020



Source: TurkStat, Household Labour Force Survey, 2013-2019

percentages, and that overall employment percentages are lower.²⁴ Additionally, women with university degrees are the ones who are employed the most; the percentage is 59.3%.

Additionally, studies on women’s participation to work force note that one needs to go deeper than overall numbers to fully address the hindrances and work towards progress. First, there is a gap in the average duration a man and a woman spend

working. According to TUIK household labor force survey 2019 results, while the duration of working life (for 15+) is 19 years for women, it is almost double, 39 years for men.²⁵

Furthermore, the following figures demonstrate the discrepancy in child-care responsibilities and the importance of providing child-care services either by the state or within the capacity of corporate firms. While employment rate

24 The labor force comprises all persons who fulfil the requirements for inclusion among the employed or the unemployed. The labour force participation rates is calculated as the labour force divided by the total working-age population. The working age population refers to people aged 15 to 64. The employed are defined as those who work for pay or profit for at least one hour a week, or who have a job but are temporarily not at work due to illness, leave or industrial action. Source: <https://data.oecd.org/emp/labour-force.htm>

25 <https://data.tuik.gov.tr/Bulten/Index?p=Women-in-Statistics-2020-37221>

of individuals for 25-49 age group living in households with children under age three was 58.7% in 2019; 87.3% of these are men, and women's share stays at a mere 26.7%. According to 2020 Turkstat data "being busy of house work" is stated as the main reason, with 36% for not being employed; and this 36% is all women.

Wage Gap

Along with the gap in participation to labor force, figures also confirm a wage gap between men and women; TUIK 2019 statistics display that men in Turkey earn 31.4% more than women.²⁶ This gap differs according to the status of participation in labor force; the greatest income inequality is experienced between men and women who work on unregistered daily earnings with a gap of 85.8 %. Income inequality decreases in wage-earning and self-employed groups. Wage earning men earn 20.7% more than wage earning women and self-employed men earn 20.2% more than self-employed women. Both figures illustrate that the inequality decreased as the rate of registered work

increases. However, the fact there is still a 20% gap between wage earning men and women is a significant inequality.

A recent study by International Labor Organization (ILO) and TurkStat provides detailed analysis of gender-based wage gap in Turkey. In the study "Report on Measuring the Gender Wage Gap: Case of Turkey",²⁷ researchers found the average gender wage gap in Turkey as 15.6%. The Report highlights that gender wage gap increases with age, as data shows that gender wage gap is calculated as 3.8% for ages 20-29 (the youngest), and that the gap widens significantly for people aged 60 and older, 29.9%. It is noted that the largest change is observed for the age groups between 30-39 and 50-59. These figures are striking since women mostly face a change in their life routine with marriage and maternity, around 30 years of age. This too corresponds to the age when most job promotions take place at work as pointed out in the same report.

On top of these surveys, there is almost a consensus in the scholarly articles that gender

26 <https://www.dogrulukpayi.com/bulten/turkiye-de-calisma-hayatinda-yasanan-cinsiyet-esitsizligi>

27 Measuring the Gender Wage Gap: Turkey Case https://www.ilo.org/ankara/news/WCMS_757055/lang--en/index.htm

wage gap increases in Turkey due to traditional family roles attributed to women.^{28, 29, 30} The findings of KOÇ-KAM "Report of Gender Equality" supports these observations; according to their survey when asked to name reason(s) for not participating in labor force, "being a housewife" ranks the first with 54.8% in women's answers. Another study, conducted by the Ministry of Family and Social Policies General Directorate on the Status of Women,³¹ brings forth similar data, with percentage of women giving the same answer as 57.6%, which confirms that household responsibilities is the major reason constraining women from participating in economic life.

A number of scholars^{32, 33} also argue that household responsibilities do not only hold women back from working, but also negatively impact working women at their workplace in terms of their positions. It is argued that women face a commitment bias when compared to

their male colleagues, as employers invest less in women with the assumption that they would leave work when they get married or have a child.

A survey on "Public Perceptions on Gender Roles and Status of Women in Turkey" carried out by Kadir Has University in 2016 displays how women themselves are also having difficulty in distancing themselves from their culturally assigned roles. 47.9% of women respondents of this survey state that they seek father/husband/family consent to work. 41.5% show their insufficient educational background as a reason of not being able to work and 27.9% say work environment is not safe. In the 2018 report of the same survey, women rank "discrimination at workplace" as 8th biggest obstacle to gender equality.³⁴

Likewise, Bahçeşehir University Center for Economic and Social Research (BETAM) Report published on Equal Steps platform seeks to answer the question "why women who have left

28 İlkaracan, I. and R. Selim (2007). The gender wage gap in the Turkish labor market. *LABOUR: Review of Labour Economics and Industrial Relations*.

29 Dayıoğlu, M. and Z. Kasnakoğlu (1997). *Kentsel kesimde kadın ve erkeklerin isgucune katılmaları ve kazanc farkliliklari*. Metu Studies in Development

30 Aktaş, A. And Uysal, G. (2012) Explaining the Gender Wage Gap in Turkey, BETAM Working Paper Series 5.

31 The Ministry of Family and Social Policies General Directorate on the Status of Women, Analysis of women's labor force profile and statistics in Turkey, 2014.

32 Kağınçioğlu, D. (2017) The Role of Women in Working Life in Turkey. *WIT Transactions on Ecology and the Environment*, Vol 226. WIT Press.

33 Kaya, E., (2009) An overview of Turkish women's status in Turkey. *Toplum ve Demokrasi*, 2(5).

34 <http://www.skdturkiye.org/esit-adimlar/yakin-plan/toplumsal-cinsiyet-ve-kadin-algisi-arastirmasi-2018>

the labor market do not seek a job.” The first three answers are gender roles (being a house wife), family and personal reasons, and working conditions.³⁵

As these studies show, established norms and traditions at all segments and levels of the society contribute negatively to gender equality. Even though activists and experts welcome amendments made in Labor Law 4857 which now has a more neutral definition of gender roles, they stress that fighting with established prejudices necessitates more sincere and measurable efforts, especially on the part of private companies.

Occupational Status, Women in Decision-Making Mechanisms

Another important pillar of our topic is women’s occupational status, presence in managerial positions and board memberships. There are numerous initiatives addressing the need to increase the number of women at managerial levels and decision-making mechanisms of companies. Women on Board Turkey, Professional Women’s Network, Sabancı University Corporate Governance Forum are

among the leading platforms with a focus on gender diversity at managerial levels and in corporate boards.

A report titled Women on Board Turkey (published by Sabancı University Corporate Governance Forum and Independent Women Directors Project) highlights that “women leave companies at higher rates than men because women face greater barriers to advancement and a steeper path to senior leadership”.³⁶ In the same report director of Sabancı Forum draws attention to global trends and points to 2015 as a milestone date since gender equality at workplace became an important agenda of global firms and a social norm. By then, companies initiated benchmark mechanisms to include more women in corporate boards. Corporations in Turkey, while following the global trend, took the subject into their agenda, but fell short in introducing and implementing gender equality policies.

Capital Markets Board’s (CMBT) Corporate Governance Guidelines is one of the primary sources of compliance in this area in Turkey, recommending companies a “no less than 25% women on board” and requiring them to

35 <http://www.skdturkiye.org/esit-adimlar/yakin-plan/hangi-kadinlar-iscucu-piyasasindan-cikiyor>

36 https://www.yonetimkurulundakadin.org/assets/node_modules/source/pdf/women_on_board_turkey_2015_3rd_annual_report.pdf

announce a date to achieve this. However an analysis of compliance reports of companies showed that most of the institutions had not met this target to date. It is stated that only three companies have accepted the minimum target however did not set a target date.³⁷

Another report by McKinsey Company and TUSIAD named "Women Matter Turkey 2016"³⁸ notes that women participation in work force in leading companies in Turkey is only slightly lower than international benchmarks. Yet, the report notes that this is due to the participation of women in financial institutions such as banks and insurance companies which carry Turkey almost ten percent up³⁹ in its relevant index. Parallel to other research, Women Matter study finds out that the representation of women decreases as they move higher in the management structure; a representation of 25% for the executive committee level and 15% for CEO positions. Moreover, as the companies become financially

smaller (SMEs), women representation decreases. Among the 102 companies that took part in their survey, last 20 companies have no women at executive levels, while the first 25 companies have 45% women representation at decision making levels.⁴⁰

"When Women Thrive" study conducted by Mercer⁴¹ in cooperation with Professional Women's Network and PERYÖN, encompassing 68 volunteer organizations from Turkey, sheds light on companies' compliance policies and underlines what is missing. A striking data from the study is about reporting mechanisms; 94% of the organizations say they are focused on improving diversity and inclusion, while only 34%⁴² have a documented, multi-year strategy. Moreover, while 68% of the organizations say they have senior level people engaged in diversity and inclusion procedures, only 15% of them have dedicated staff for the specific purpose. Yet another significant figure is about the importance

37 Ibid.

38 In 2016, in cooperation with TUSIAD, McKinsey conducted Women Matter research with 102 leading companies and 240,000 white collar employees ranging from entry to CEO level in Turkey.

39 https://www.mckinsey.com/tr/~/_media/mckinsey/locations/europe%20and%20middle%20east/turkey/our%20insights/women%20matter%20turkey/mckinsey-women-matter-turkey-2016.pdf

40 Ibid.

41 https://info.mercer.com/rs/521-DEV-513/images/KADINLAR%20IS%20DUNYASINDA%20PARLADIKCA%202020%20TURKIYE%20RAPORU%20%281%29.pdf?mkt_tok=NTIxLURFVi01MTMAAAF9sm7OXukNn8mrpr1Aub8EKhighH0fdxYDz0Rg0COv255Gkeald225sysmiTI8a2oYqb-9N0TuRQlsCaUloeD6cyBF6CbmM6y8KB5xEvakN8pC11RwgGg

42 It is estimated that percentages are lower for Turkey average since the study was conducted with volunteering companies.

of regulations; companies in Turkey say that they receive low pressure (11% in Turkey as compared to 25% globally) from outside to develop and employ diversity and inclusion policies. One final important figure of the study is on transparency of the companies; only 3% of companies in Turkey disclose their historical employee representation numbers, which prevents connecting data with relevant policies.

A general look at existing research, studies, surveys and statistics reveals that gender equality in terms of participation in labor force and at work place go hand in hand as problem areas that need to be addressed. As covered above, research by various business groups,

leading local and multi-national business groups' initiatives, academic studies, non-profit organizations and networks' work help to produce data, create awareness of the gender gap and promote solutions to address the subject. It should be noted that there is an increase in the number of collaborations between social initiatives, advocacy networks and business groups working to push for the adoption of measurable gender policies, which is positive. Review of existing sources confirms that there is an increasing awareness and good will, however there is also lack of binding regulations, measurement mechanisms to create achievable, assessable and sustainable compliance policies to change the gender gap picture in Turkey.

5. Assessment of the Corporate Compliance Programs and Practices in Turkey's Private Sector

In this section, the private sector stakeholders domain that engage with and pertain to the women's rights in the workplace in Turkey is divided into four major groups of institutions. **First group** is comprised of multinational companies that fully or partly implement the gender equality principles, and diversity and inclusion programs mandated by their global headquarters and the international benchmarks they commit to. In addition to following these corporate compliance directives, these companies also comply to the corporate governance rules mandated to them by Turkey's legal framework. **Second group** consists of a significant portion of the big national companies in the Fortune 500 list. These companies have been actively forming and implementing institutional policies that aim for women's empowerment, gender equality and security at workplace for the last twenty years in Turkey. Similar to the multinational companies in the interest of this report, many of the leading

national companies are signatories of international programs such as UN Women WEPS, active participants of the UN Global Compact and eager pursuers of international benchmark lists including the Bloomberg Gender Equality Index. **Third group** is small and medium-sized enterprises (SMEs). This group, with some exceptions, shows small capacity and lacks active engagement concerning the improvement of the workplace specific rights and involvement of women in Turkey's private sector. The recently emerging technology startup company landscape consists of progressive business practices with regards to women's rights. But due to their small or medium scale employee numbers and the lack of legal compliance mechanisms enforced on them, the components of this eco-system differ from the first two groups in negative or at least ambiguous terms. **The fourth and last group** in this spectrum includes the numerous civil society initiatives, networks and alliances specifically involved in

advocacy, mentorship and training, data collection and knowledge production activities.

Even though Turkey's private sector domain with regards to its wide range of gender equality specific corporate compliance practices consists of four distinct groups due to their legal institution definitions based on their identity, scale and commercial or civic activity spheres, the two main groups are described below. The first part engages with multinational and national leading companies and lays out their women's rights specific corporate compliance practices. The second part provides insights about the SMEs landscape and its limited capacity for developing and growing corporate compliance practices within this report's topical range. The third part generates a snapshot and an institutional map of the civil society initiatives active in this domain. This last part focuses on the differential features between the gender equality advocacy work carried on this domain, the overlaps and collaborative work among the civil society organizations in question.

Multinational and national companies could be assessed in tandem with each other since their corporate compliance practices and principles show similarities. The former group differs from the latter one only with respect to certain gender equality, diversity and inclusion programs

they receive from their global headquarters but eventually the implementation range of these programs don't diverge from the latter group in the private sector we interviewed or compiled desk research data on for this report. This de facto overlap was brought up by an interviewee working at a multinational management consulting firm's Istanbul office. "At the end of the day, both groups of companies are part of the same business landscape. For two reasons: Due to the entrenched social and cultural trends that reproduce gender inequalities across the board, the multinational ones end up adapting to the national landscape. Multinational ones in some cases take lead in introducing certain rights such as paternity leave, however they are careful not to "disturb" cultural conventions and stereotypes regarding familial dynamics in a household or promoting LGBTQ rights and so on. On the other hand, the leading national companies are eager to adapt and implement the practices in their multinational counterparts. Eventually they converge." The SMEs that are topically relevant for this report are mostly small-scale businesses founded by the multinational or national companies as local franchises in numerous regions of Turkey. Below, relevant information about these franchises is provided within the context of the diversity and inclusion programs, women entrepreneurship campaigns and gender

equality training programs introduced to them (the business owners and their employees) via the leading companies of Turkey's private sector.

For the purpose of this report, civil society initiatives are regarded as initiators, facilitators, advocates and monitors of the gender equality and women empowerment practices of these companies with different economic scales, diversity and inclusion visions, actual corporate governance and compliance practices, as well as geographical locations in Turkey. Hence, they are treated as closely-knit actors of the compliance practices of the companies assessed throughout this section. And towards the end of this part, these civil society initiatives are mapped out according to the particularities of the collaborative work they conduct with companies. In addition to laying out their affirmative work and aspirations for such work's enhancement, the reasons for their limited outreach to various regions and demographics considering Turkey's employed (and unemployed and striving to be employed) women are also commented on.

5.1 Leading Multinational and National Companies Landscape

Prominent activities of these companies are considered, unpacked and assessed in four

themes as the first part of this section lays out below. These four themes are as follows: 1) They aim to increase their high-level corporate leadership capacity for gender equality; 2) they embrace work organization principles that treat women and men fairly as they respect and support human rights and non-discrimination practices; 3) they establish and maintain programs that assure the health, safety and well-being of their employees; 4) they conduct education, training and professional and business development programs that aim to empower women. The impact assessment activities of the companies in question, and the lack or absence of such assessments, are also covered and commented on in this part.

5.1.1 Corporate Leadership and Compliance

The number of women members in company executive boards is disproportionately low in Turkey's private sector. Incorporating more women and men who care about, support and prioritize this issue into leadership and decision making positions is considered to be crucial by the company and civil society initiative representatives that were interviewed for this report. As one interviewee, who works at a high level directorial position of a global management and consulting company's Istanbul branch, said:

“The leader sets the tone. Unless you change the corporate leadership structure, it’s not possible to implement gender specific compliance policies in the private sector.” Despite this top-down transformation perspective’s prevalence, the percentage of women members in Turkey’s leading companies is only 15%. And this number is mainly due to the companies located in commercial hubs, especially Istanbul; and the family owned large companies in which a woman family member is an executive board member, too.

The only compliance rule stated by a government body in Turkey addressing this issue is the seventh article of Capital Markets Board of Turkey’s “Press Release Regarding the Amendments to be Made in the Communication Notice About the Specification and Application of Institutional Governance Principles” (“Kurumsal Yönetim İlkelerinin Belirlenmesine ve Uygulanmasına İlişkin Tebliğde Değişiklik Yapılmasına Dair Tebliğ Hakkında Basın Duyurusu”) released in 2012 recommending the companies to include “at least one woman member in their executive boards”.⁴³ In the same article the Board stress upon the fact that their compliance rule is a recommendation, not a rule

to be enforced by them or any other government body. Still, the leading company representatives bring this recommendation up when they are asked about this issue and state that this recommendation caused a 4% percent increase in the number of women company executive members between 2012 and 2021. Further improvement regarding this matter is understood to be tied to the existing political culture and gender dynamics in Turkey. Another interviewee stated that: “For the government institutions to take this issue as a matter of concern and compliance, they need to issue a more serious regulatory rule or a law. But this would implicate a similar call for change in the number of women participating into political party governance mechanisms and parliamentary elections. Since they don’t consider it to be part of their political agenda, such transformative regulations and legal frameworks are not brought up to the discussion table either.”

The “glass ceiling” metaphor that is commonly used for explaining the invisible barriers that affect women’s low rate of promotions to the high-level, leadership positions was explained by the company representatives and gender studies experts interviewed from an economics

43 <https://www.spk.gov.tr/Duyuru/Goster/20120211/0>

angle, too. One interviewee summarized it: “Even though there is a high percentage of women employment in sectors such as finance and banking, the numbers plummet as you start looking into high-level managerial positions.” Due to the market competition dynamics and high economic productivity benchmarks companies set for themselves, some of the companies “cannot afford to accommodate women employees maternity leaves taken by women and the time they ‘lose’ and the additional job positions in their absence within the competitive work environment” said another human resources directoran interviewee. Once women stay away from their work environment even for a while, and their positions are replaced by others, it gets more difficult for them to reach managerial positions once they get back to work since the time they were away might be seen as a costly gap for the company. Some women opt out to leave as they cannot get back to their previous positions or asked to take more passive or low-key managerial roles. The economic performance pressure could be addressed and improved “if the government would set a new set of corporate compliance rules and at the same time subsidize for the ‘loss’ caused by the women in question” according to an interviewee company director. Some civil society organizations brought up a counter point and

mentioned that that higher numbers of women in executive boards eventually produces higher performance rates in a given company.

5.1.2 Equal Treatment of Women and Men Employees in terms of Non-Discrimination

Non-discriminatory treatment of women and men in the workplace is mandated in the Article 10 of the Constitution, Labor Code 2003 and their amendments. Article 10 of the Constitution states that “Men and women have equal rights and the State is responsible for the measures to implement those rights.” Rather than positive discrimination or quota-based women empowerment practices, “the principle of equality” is stressed upon in the diversity and inclusion public statements of leading companies, too. As one of the interviewees who works as the director of a human resources department said: “In our diversity and inclusion training programs we don’t want to make the wrong impression that our company prioritizes women over men. That’s why we stress upon the word ‘equality’ rather than ‘positive discrimination’ or ‘women specific quotas’.” According to the company representatives interviewed for this report, in Turkey’s private sector, the word “equality” could function as a rhetorical device for soothing any

potential backlash from the male employees. In addition, another women director working at a multinational logistics company's Turkey branch said: "I think the word 'quota' or the phrase 'women specific compliance code' eventually puts women in a weaker spot on behalf of their male colleagues." Such words resonate with UN Women Partnerships Manager Meral Güzel's emphasis on the equal treatment in the workplace at her public talk as part of the TURKONFED-CIPE joint webinar series' second event (titled as: Social Stakeholders' Role in Gender Equality) organized in May 7, 2021: "If we treat women as vulnerable individuals who need to be helped, as we consider women's place in the economic domain, we would be wrong in the first place. It is not possible to accomplish our goals with this approach. Instead, our perspective should be this: The society in question is composed of women and men in equal numbers. When one introduces equality to women, men's don't diminish. On the contrary, they become more liberated, too."⁴⁴

Similar points were brought up in a significant number of the interviews conducted for this report who consider gender equality to be structurally linked with their company's prioritization of meritocratic principles with

respect to wage level, recruitment and performance assessment procedures. According to the male-dominated sector company representatives, including logistics and tech start-ups, companies should improve their leadership visions concerning gender equality issues and rather than well-defined corporate compliance codes imposed by the government or the company itself, such issues should be handled by the good will and open-mindedness of the company directors.

Equal pay and equal opportunity are two issues addressed within non-discrimination framework. On equal pay, all the company representatives interviewed stated that there is an equal pay for equal work principle in their company, none of them noted a gender pay gap. While some interviewees stressed that these data are examined carefully in terms of gender equality by human resources departments, others mentioned of a general principle of equality based on performance. However, it is yet not clear how transparently such data is collected and reported within companies.

On equal opportunity, there are good practices that were cited. "Talent pool creating" is one of them that was referenced often. Some companies

44 <https://turkonfed.org/Files/ContentFile/turkonfedbasinbulteni070521-7124.pdf>

make sure to have a list of women candidates if and when a position is to be filled. There were a couple of interviewees who said that they have targets and they act accordingly, but majority of them said they are “doing their best”, “paying an extra effort” to include women candidates while filling in a position. Some companies among the interviewed ones set clear and sharp targets. Among these it was mentioned that Eczacıbaşı, set targets to reach to 50% women employees in overall and 35% at executive level, which they monitor and announce each year. The representative of the company explained that they have been working with consultancy firm McKinsey since 2017 to increase percentage of women both in overall numbers and among the executives. Dow Chemicals Turkey office mentioned that they enforce the candidates and selection committee to be diverse.

One caveat worth mentioning about the employee equality, diversity and inclusion programs run by the leading companies is their paradoxically “too comprehensive” while at the same time limited approach to women’s rights specific issues. In numerous companies’ diversity and inclusion programs examined for this report, the category of “women” is treated on the same managerial plane with other socially disadvantageous groups such as “disable people”. Flattening out the different

needs of these groups and treating them as equivalent components renders many of the pressing issues women face invisible. In addition, treating “women” as a homogenous social group puts certain discriminatory practices that particular women face in the private sector out of sight. This was especially mentioned by the representatives of the two professional women associations interviewed that advocate for the rights and empowerment of women with headscarves (who comprise a significant portion of the women population in Turkey) in the private sector. “The discriminatory practices that women with headscarves are double-fold; both by the male-dominated politically conservative leaning companies and the secularist companies. We need new corporate compliance practices that enforce equality at work principle while overseeing these differential gender specific inequalities,” said one of the interviewees.

Corporate compliance for gender equality in the workplace has been on the policy-making agenda of the government in Turkey since 2013, under the provision of the “Equality at Work Platform” founded and the Declaration co-signed by the Ministry of Family and Social Services and a select number of leading national holdings including Sabancı Holding and Doğuş Holding. However, the corporate compliance principles coded in the articles of the “Equality

at Work Declaration” is no longer seems to be in the Ministry’s or any other government body’s agenda. Even the online link for the platform is not working anymore and there is no mention of it in the Ministry’s website. An interviewee said: “We were really excited about this initiative started by the government. Many of the gender equality, diversity and inclusion programs we started were based on the Platform. But then after 2015, all of a sudden, the government halted its interest about it and no longer monitors our gender equality specific corporate governance practices. We wish that they would be more involved in these matters. We, as a big company, still maintain the Declaration’s principles but the dissemination of these principles and their implementation to smaller companies and companies outside Istanbul is tied to government’s active involvement more than ever.” This statement reinforces the need for allocating more resources and taking more political initiatives for the reinvigoration and sustainable enforcement of the corporate compliance principles formulated by Turkey’s government in 2013.

5.1.3 Corporate compliance practices for the health, safety and well-being of employees

Similar to the assurance of non-discrimination, companies in Turkey are mandated to maintain

the health, safety and well-being of their employees by the current legal framework laid out in this report. The corporate compliance mechanisms that correspond to such maintenance operate via certain institutional policies, programs and infrastructures set in place. The companies interviewed for this report and their counterparts in the leading companies domain of Turkey’s private sector incorporate these gender-equality focused corporate compliance practices despite certain differences in their modus operandi. In this context, distinct company practices concerning the health, safety and well-being of women employees were listed as the following by the interviewees: provision of maternity and parental leaves; establishment of nursing rooms and day care units inside the work space or its vicinity; maintaining the safety of women employees by initiating anti-domestic violence company policies and engaging with the existing public policy campaigns; setting up discreet communication lines for women who are in need to report mobbing and sexual harassment; instituting independent ethical boards that respond women employees respective grievances. It’s worth noting that these practices are formed by the companies in question (and expected to be formed by the ones that currently do not do so) not only for gender equality but also to empower women in order to level up the playing field and ameliorate existing

inequalities in Turkey's private sector. Two of these practices (setting up communication lines for women in need and instituting independent ethical boards) are not part of the corporate compliance related legal framework mandated by the state.

Provision of maternity leaves is a common practice in the private sector of Turkey. However, the ways in which this provision is codified in the company policies vary according to the work environment and culture. A large portion of leading companies implement this policy as part of their internal, officially defined company code of conduct. On the other hand, in other places the terms and scheduling of the maternity leave of a given woman employee is considered to be a singular topic of negotiation and arrangement as a result of the particular dynamic between the employee and her director. An interviewee working at a logistics company mentioned that "working it out with your director is always better than processing it via rigid institutional frameworks." Even though the Labor Code 2003 is clear about the concrete terms of a maternity leave, many women are said to compromise or choose to be flexible about it so that they wouldn't lag in their career prospects. Similarly, even though men employees are provided with

paternity leave, they prefer not to use it for either societal pressures or not giving up on their career prospects, too. This seems to be an exemplary issue for the corporate compliance mandate's clarity but on the other hand the respective addressee's will to modify its terms in actual practice. There are very limited but still good practices encouraging men to take their paternal leave. They both have flexible paternal leave policies for men employees. Here, it is important to stress that if and when such policies are announced and endorsed from top level or as a company policy, then employees feel more comfortable to use the flexibility given to them without fearing to fall back in their career.

Establishment of nursing rooms and day care centers is considered to be a milestone development for improving the well-being of women employees in the private sector. Nursing rooms and day care centers are mandated according to the total number of employees (at least 150) in a company.⁴⁵ Even though the unfavorable overall picture due to some companies' preference to pay the penalty for not complying to this rule and the current compliance law's problematic definition by not benchmarking the women employees exclusively, there are also good practice

45 <https://www.resmigazete.gov.tr/eskiler/2013/08/20130816-8.htm>

examples in the private sector worth mentioning. After assessing the results of an employee satisfaction survey held in 2013, Doğu Otomotiv decided to provide day care center financial support for its employees in need and set up a collaborative program with Bilfen Schools.⁴⁶ Yeşim Tekstil located in Bursa is also considered to be a pioneer in this domain with its day care center established in 1988, more than fifteen years way before the respective legal framework set by the government.⁴⁷ Another good practice mentioned in the interviews is the kindergarten schools started in Gebze Sanayi Bölgesi that offers pre-school education for the children of employees working in the area.⁴⁸

Domestic violence against women is a burning issue in Turkey and it has its implications for gender specific corporate compliance practices in the private sector, too. Numerous companies (such as Mey İçki Diageo,⁴⁹ Garanti Bankası⁵⁰ and Vodafone Türkiye⁵¹) have, within the last

five years, publicly declared policies, established platforms and set up communication lines that aim to provide protective measures for their women employees. During the interviews conducted for this report, initiating and maintaining corporate policies and practices against domestic violence was considered to be a matter of emergent intervention unilaterally. In addition, the 4th National Action Plan Against Violence Against Women for 2021-2025 released by the Ministry of Family and Social Services includes an article that promises to award good practice examples displaying companies in this matter.⁵² Human resources director of an organization interviewed for this report said that: "Without solving Turkey's domestic violence against women social problem, most of our [private sector'] gender equality, diversity and inclusion practices would be considered incomplete." Even though this is not a deliberate corporate compliance rule set by the current government, working against violence against

46 https://www.dogusotomotiv.com.tr/newdogusotomotiv_files/2016728101536774_KSS2014.pdf

47 <http://www.yesim.com/icerik/3669/kadin-dostu-sirket/>

48 <https://www.gosb.com.tr/hizmetler/anaokulu--ilkokul>

49 <https://mey.com.tr/tr-tr/insan-kaynaklari/PublishingImages/Sayfalar/kapsayicilik-ve-cesitlilik/Kadina%20%C5%9Eiddet%20Politikas%C4%B1%20External.pdf>

50 https://www.garantibva.com.tr/tr/garanti_hakkinda/insan_kaynaklari/insan_kaynaklari_politikolari/garantide-yasam.page

51 <https://cms.vodafone.com.tr/static/files/21-02/22/aile-ici-siddet-ve-istismara-yonelik-is-yeri-rehberi.pdf>

52 <https://www.aile.gov.tr/media/87064/kadina-yonelik-siddetle-mucadele-iv-ulusal-eylem-plani-2021-2025.pdf>

women is one of the few activities in which more and more collaborations could kindle between the Ministry in question and the private sector.

Mobbing and sexual harassment cases occurring in the workplace is another serious matter that the a select group of leading companies in Turkey's private sector tackle with via the intra-institutional measures they establish.

Other than the penalties defined and executed via the respective Criminal Laws in Turkey, these cases are not part of the government's corporate compliance framework. Therefore, as gender studies experts interviewed stated, a significant portion of the companies do not prioritize the prevention of mobbing and sexual harassment in their workplaces. Nevertheless, leading actors in the private sector provide anonymous phone lines that could be used to report mobbing and sexual harassment cases by their employees. The reported cases are evaluated by the ethics boards instituted either by the holdings or companies in question. In other companies, these cases are mostly reported to and handled by the respective human resources department. A women's rights activist lawyer interviewed stated that the members of these boards in other companies are mostly people positioned in high ranks and the lack of independence mechanisms cause

intimidation and hesitation among women employees to make use of them. In addition, due to the already existing stigmatization culture many women prefer not to report mobbing or harassment cases and do not appeal to these ethics boards. "A woman knows that she will be ostracized by their colleagues once she applies to one of these boards," the same interviewee said and added that there are no publicly available databases and related resources that would provide guidance for developing corporate compliance mechanisms regarding this matter.

5.1.4 Education, training and professional development programs for women and men employees

Company and civil society organization representatives interviewed for this report brought up the need for cultivating a corporate compliance culture via raising awareness among the wide range of members of the private sector working in varying ranks. They also expressed the need for better communication channels for exchanging accurate information about the existing compliance principles and programs mandated by the state and/or the respective company and providing the necessary know-how and means of improvement for demanding

further compliance programs to be established and implemented from the institutional bodies of governance (either political or corporate) in question. "We need to inform and educate people working in all ranks of a company and reach to wider audiences, not only employee women but also their male colleagues, their families and so on," said an interviewee who works as a director of a global management and executive search firm and also actively participates in gender equality focused mentorship trainings organized in the civil society initiatives. Accordingly, a select group of leading multinational and national companies have been heavily investing in organizing, sponsoring or participating in various types of education, training and professional development programs for the last ten years in Turkey.

The programs mentioned above comprise a wide spectrum as follows: gender equality trainings given to the women and male employees of a company; diversity and inclusion seminars organized for the wide commercial network of holding subsidiary companies and small and middle-sized enterprises; equality at work trainings organized focusing on the human resources team members of companies; technical education programs mandated to the executive and legal teams; leadership and

mentorship programs given to the women with prospective promotions and/or entrepreneurial aspirations; women empowerment programs aiming at employees who struggle with getting back to work after their pregnancy and/or keeping their work and life balance with respect to familial responsibilities including child rearing; and seminars solely aiming to address male employees for informing them about parental leave options and "good fatherhood" practices. Most of these company education and training programs are co-organized by at least one civil society organization or professional network that the directorial cadres of the leading companies are actively involved in, either as founders or regular participant members. By publicizing the large-scale programs in question and promoting them via respective advertisement campaigns in both offline and online platforms, the companies contribute to the cause of raising awareness about gender equality and inform the public about the existing corporate compliance principles and practices in the private sector. No need to say, one needs to be vigilant about distinguishing the genuinely put together education programs from the skin-deep ones organized by the companies only for PR purposes. "This whole raising gender awareness issue produced its own cottage industry of shallow seminars, 8th of March Women's Day

events,” said one of the interviewees who has been working in the human resources departments of leading companies in Turkey and organizing some of the pioneer gender equality training programs for them.

The impact ranges of these education programs among the employees vary in correlation with the business organization scale, geographical branch and franchise distribution, and employee numbers of a given company. Big holdings such as Eczacıbaşı Holding, Koç Holding require gender equality trainings to all of their white- and blue-collar employees working at their headquarters and factories. But these trainings are not required in all of the leading companies that this report analyses and the capacity to monitor and evaluate the significance of these trainings on the employees -- and the society at large -- is a big challenge, interviewees say. A senior director in one such leading company stated, “tracing the impact of these education programs on the employees becomes more difficult once you move away from the main offices and manufacturing facilities of the company. We offer gender equality trainings to all our stakeholders including the franchise business owners and employees across the country. But we don’t have the means to measure and assess to what degree we achieve the awareness and empowerment goals set beforehand in these locations.” Better

and more comprehensive data infrastructure mechanisms are needed for closing this gap between the extent of these programs and their impact evaluation.

One of the legal counsellors interviewed for this report said, “These programs are not directly linked with the corporate compliance policies of these companies. They are organized and conducted in the framework of respective sustainability or diversity and inclusion policies and run by either the human resources or public communication departments. Once a legal matter comes up with an employee who reports on one of the issues covered in these trainings (for example, a case of sexual harassment or discrimination related to promotion or mobbing), it’s hard to tell whether it’s an outcome of the training they received before. The reported case is processed through mechanisms disconnected with the departments that run these education programs. Sometimes even the legal team in a company doesn’t know how to handle such cases. I have witnessed this personally myself.”

Despite this limitation, there are numerous examples of good practice in the education, training and professional development programs initiated and still running in Turkey’s private sector. Eczacıbaşı Holding offers “good fathership” trainings that specifically target its

male employees. This program is said to be organized in collaboration with Mother and Child Education Foundation (AÇEV) which is a prominent civil society organization in Turkey. Koç Holding offers gender equality seminars to its employees across the board, including the local franchises. These trainings are formed under the umbrella of the UN initiative HeforShe project which Koç Holding is a leading participant in. Holdings and companies such as Doğu Otomotiv, Mey İçki Diageo, Suteks Group, Unilever Turkey and Vodafone Turkey also offer similar gender equality education programs to their employees.

Some of these companies don't limit their education program visions and frameworks only with gender awareness issues but also aim to improve their corporate capacities and with women entrepreneurs and company owners. Boyner Group is known for its "Good for Business Program" which is a 12-week program including training on leadership, communication, human resources management, marketing, strategic planning, finance, cash flow and investment courses. According to Arçelik Company Group's 2020 Sustainability report, 100 women entrepreneurs are aimed to be partnered with as local franchises owners of the Beko Company which is a subsidiary of Arçelik in Turkey. The Suteks Textile Company Group offers

mentorship trainings, provides access to the businesswomen networks and financial support to women entrepreneurs who aspire to start their own businesses and leave the company.

5.1.5 Impact Assessment Practices of Companies Regarding their Corporate Compliance Related Policies and Programs

Impact assessment practices regarding the gender equality, diversity and inclusion programs, and the education activities of the leading companies in Turkey could be observed, documented and monitored with certain limitations. As one of the interviewees stated, "Unfortunately in Turkey, the Chief Officer of Sustainability (COS) and similar leadership positions are not incorporated into the organizational structures of the companies, even the very pioneer ones in this domain. Companies undertake the issue of gender equality and assuring women employee's rights with good intentions but then they fail at sustaining these activities after a certain point. The only significant indicators are the women to men employee numbers in different ranks. And because you don't have a COS or similar chair, it all depends on whether you have aspiring executive directors who show the will and determination to pursue these matters."

The company representatives interviewed for this report mentioned their annual sustainability reports as the most accurate sources for assessing the impact of their gender equality, diversity and inclusion programs. The women to men employment ratios and their changing trends within four to five years periods are shared as relevant performance indicators in these documents including the Sabancı Holding,⁵³ Mey İçki Diageo,⁵⁴ Doğu Otomotiv⁵⁵ reports. The ratio of women in leading positions is another benchmark that is observed in some companies. The reports in question could be obtained either from the websites of the respective companies or the participants database of the UN Global Compact available online.⁵⁶

Currently there are more than 318 companies in Turkey enlisted in the UN Global Compact database⁵⁷ as active members and a significant portion of these companies share their annual sustainability reports as part of their progress of participation reporting. These companies declared their commitment to the Ten Principles of the UN

Global Compact concerning human rights, labor, environment and anti-corruption issues in the workplace. Nevertheless, not all of these active participants from Turkey are part of the gender-specific initiatives of the Global Compact but only 50. This decrease in numbers limits the range of impact assessment of Turkey's gender specific corporate compliance practices further more.

Documenting and monitoring the situation for medium-size enterprises (SMEs) is even more challenging in Turkey. In fact, the UN Global Compact active participants list as of the second half of 2021 includes 97 SMEs from Turkey. Only nine are active and not all of these active participants from Turkey are part of the gender-specific initiatives of the Global Compact. Nevertheless, they could be targeted as a select group of SMEs for encouraging women's rights specific compliance practices to be integrated into their corporate governance bodies.

As mentioned in the previous section, holdings and their subsidiary big companies that

53 <https://yatirimciiliskileri.sabanci.com/en/images/pdf/sustainability-report/sustainabilityreport2020.pdf>

54 https://ungc-production.s3.us-west-2.amazonaws.com/attachments/cop_2021/495011/original/Mey_Diageo_2020_Sustainability_Report.pdf?1616588662

55 https://www.dogusotomotiv.com.tr/newdogusotomotiv_files/2021726111018655_Dogus_KSR_2020_EN-v16.pdf; https://www.dogusotomotiv.com.tr/newdogusotomotiv_files/202131143756915_Do%C4%9Fu%C5%9F%20Otomotiv%20cgc_rating_report_17122020.pdf

56 <https://www.unglobalcompact.org/what-is-gc/participants>

57 Missing

incorporate women's rights specific principles in their institutional policies offer gender equality training sessions to the owners and employees of the franchises in their commercial networks. However, the impact of these trainings on women employees' are not assessed by the stakeholders in question due to lack of designed policy to do so personnel and resources needed for this work. "These types of holdings and big companies aim to create awareness within their commercial networks but their promoting compliance mechanisms for their stakeholders is not a clearly defined goal and the male dominant work and family culture that discourages women to own or work at SMEs across the country is a major issue that needs to be tackled," as one of the interviewees said.

5.2 Small and Medium-Sized Enterprises

In-depth interviews conducted with company and civil society representatives indicate that the small and medium-sized enterprises in Turkey need to take major steps for adapting women's rights specific principles that are already taken by the multinational and national big companies. They

do not seem to have institutionalized policies and mechanisms. The UN Global Compact active participants list, as of the second half of 2021, includes 80 SMEs from Turkey. These companies declared their commitment to the Ten Principles of the UN Global Compact concerning human rights, labor, environment and anti-corruption issues in the workplace. However, none of these companies are part of the Target Gender Equality and Women's Empowerment Principles initiatives of Global Compact.⁵⁸

Small and medium-sized enterprise (SME) owner women numbers are low in Turkey's private sector and this is another important issue that needs to be addressed with regard to corporate leadership and compliance mechanisms. Due to pressing competitive dynamics, male-dominated work culture and lack of legally defined compliance measures (many of the laws mentioned previously concern companies with 150 employees and more) that protect women's rights in this economic domain, women entrepreneurs struggle more than men. Other than the SMEs that are part of the commercial networks of these big companies as being their local franchises, meeting the same compliance

58 https://www.unglobalcompact.org/what-is-gc/participants/search?utf8=%E2%9C%93&search%5Bkeywords%5D=%E2%9C%93&search%5Borganization_types%5D%5B%5D=19&search%5Bcountries%5D%5B%5D=202&search%5Bper_page%5D=10&search%5Bsort_field%5D=%E2%9C%93&search%5Bsort_direction%5D=asc

conditions that big leading companies follow puts these SMEs in disadvantageous positions, especially for women entrepreneurs. "If you want to ameliorate this situation, you need to have financial support mechanisms as either state subsidy mechanism or women-specific bank credit campaigns," said one interviewee who works at a major holding company that also organizes empowerment campaigns for entrepreneur women.

The local franchises of big national and multinational companies throughout Turkey form the only subset of SMEs that include businesses complying with women-specific compliance criteria to a certain extent. Holdings and their subsidiary big companies that incorporate women's rights specific principles in their institutional policies offer gender equality training sessions to the owners and employees of the franchises in their commercial networks. However, the impact of these trainings on employees are not assessed by the stakeholders in question due to a lack of designed policy to do so, personnel and resources needed for this work. It is important to say that holdings aim to contribute to awareness raising on gender equality, however there are only a few of them giving direct support. Mostly, what is aimed is to create awareness, developing or promoting a compliance mechanism is not defined as a goal.

In the absence of support or incentive mechanisms, applying a gender equality policy could be costly for an SME. There is a reality of market competition as one interviewee voiced. For an SME to subsidize a woman employee who is on maternity leave might not be easy, the same interviewee stressed. Some of the big national companies and multinationals give such employee support or subsidy to their franchises but SMEs which are not a franchise or branch need to cover such costs of incentives to women on their own, which "complicates the competitive conditions of these SMEs" underlines an interviewee. An human resources described the gender equality case for sub-industry associates as "deplorable." Yet one other point to raise is the limited number of civil society initiatives and business associations engaging with the SMEs on specifically gender equality related issues. One major reason for this lack of contact with SMEs is the Istanbul-centered geographical aggregation of the civil society stakeholders in question. The representative members of these organization members we interviewed for this report talked about their unsuccessful attempts for reaching out to the SME landscape especially outside big business hubs of the country such as Istanbul, Ankara and Izmir and they admitted the lack of strong will and motivation for sustaining such attempts on their behalf. This is not to say that they are non-existent but they remain limited.

KAGİDER's FEM (Equal Opportunity Model) is an example as well as facilities of Turkishwin focusing on Anatolia based awareness raising activities. However, these initiatives are limited both on their outreach and they have no follow up mechanisms that they monitor the achievements made through their trainings or certificate programs.

Among the interviewed ones KADEM (Women and Democracy Association) could be considered as an exception with respect to this lack of contact with SMEs and this is due to this association's wide network of branches located in 51 provinces of Turkey. However, it is observed that making significant impact on SMEs is quite challenging due to the male dominant work culture in most of the SMEs in Turkey.

5.3 Civil Society Initiatives, Associations, Chambers of Commerce, International Organizations

Civil society organizations that engage with and aim to shape corporate compliance in Turkey consist of various institutional forms including initiatives, associations, foundations, professional societies, alliances, networks, chambers of commerce and Turkey-based offices of international organizations.

For this report, representatives from a select group of these organizations were interviewed. General takeaways from these conversations are as follows:

These organizations aim to be pioneers, facilitators and lobbyists for improving and transforming women's rights specific corporate compliance practices in Turkey's private sector. They operate in small clusters particular to their fields of advocacy, networking or educational activities and the fragmented nature of this civil society landscape is considered to be both an advantage and disadvantage for making significant impact. One interviewee said that, "companies do not want to engage with all the calls they receive from all bunch of organizations who introduce distinct or similar demands. They just don't have the resources or the will to work with all of them." Another interviewee said on the other hand, "it's good that each organization engages with specific issues and activities. Otherwise even the incremental changes and positive outcomes that happened recently in the private sector would not be possible."

Most of the gender equality and women empowerment focused civil society organizations are based in Istanbul and this geographical particularity limits the impact level and range of these organizations. Other than a

few with designated women's councils (Turkish Exporters Assembly (TIM) and Union Chambers and Commodity Exchanges of Turkey (TOBB)) nationwide active chambers of commerce do not engage with women's rights specific issues and advocacy for corporate compliance in a result oriented-effective manner.

Although there are exceptions, most of these civil society organizations specialized on women's rights at work place address a particular social type of women employees in the private sector which could be defined in terms of social markers such as urban, secular, white collar and high social status. This institutional asymmetry limits the impact of the ongoing civil society efforts for addressing the women's rights in the workplace to certain sociological imagination.

Despite the ongoing discrimination that women with headscarves (who come from conservative social background) face both from the secular and pious minded companies, many of these civil society organizations don't seem to fully include this into their advocacy agenda.

It is worth noting that some of the leading companies carry out their own civil society activities via their foundations. For example, Vodafone Turkey Foundation organizes special education programs for young women who aspire to be more skilled in digital tools

(Connecting Women Project), learn computer programming (Coding Tomorrow Project) and improve their entrepreneurship and marketing capacity for their small to medium-sized enterprises (Women First in Entrepreneurship). The Foundation also operates a communication hotline for women across the country who face violent acts domestically and in other public spheres (Easy Rescue Application Project). Some of these projects are run in collaboration with a specific government body, Ministry of National Education, but these forms of collaborations do not address any major change in the women's rights specific corporate compliance practices in the private sector.

People Management Association of Turkey (PERYÖN) is a good example for a professional society (formed by the human resources professionals from various sectors) that engages with women's rights specific corporate compliance issues by organizing round table conversation series (İşte Birlikte Project), collaborating with civil society actors from other domains (minority rights and LGBTQ organizations), producing evidence-based reports and publishing guidelines addressing a wide range of companies not only in Istanbul but other industrial zone containing cities such as Bursa, Antalya, Adana, Kayseri and Gaziantep.

Organizations such as Sabanci University Corporate Governance Forum of Turkey are hybrid institutions that operate as academic think tanks but also civil society organizations. The Forum's "Gender and Business" program runs projects in collaboration with leading companies such as Egon Zehnder, international organizations such as United Nations Population Fund, business associations such as Turkish Industry and Business Association (TÜSİAD) and foreign governments such as the Kingdom of Netherlands. The policy papers and technical reports published by the Forum was brought up as a useful resource for improving corporate compliance practices in Turkey by other interviewees working in other civil society organizations.

There have been attempts to include specifically men from private sector into civil society activities regarding these matters by founding organizations such as 30% Club Turkey and Yanındayız Association. "Having women only organizations don't help after some point. We need to include more and more men into this process. They are the ones who occupy the decision making seats in the corporate governance bodies and without their convictions, the compliance practices won't be more attentive to women's rights and the diversity and inclusion programs won't be getting

more present in a larger portion in the private sector," said one of the interviewees.

Two associations (Women on Board Association Turkey (WOB Turkey) and Yeniden Biz Association) stand out as organizations that particularly aim to provide mentorship and improve the leadership and professional development skills of women employees who aspire to get promoted to senior levels in the private sector. WOB Turkey has a yearlong mentor-mentee training program that specifically aims to cause impact in Turkey's business landscape by preparing its cohort members for executive board membership promotions. One major downside of this program is its high cost (\$10,000 per year to be paid by the company of the mentee) and low admission numbers because of it. On the other hand, Yeniden Biz Association provides mentorship for women who left work because of familial matters including pregnancy and child rearing but want to go back to work. In addition to these associations, Professional Women's Network (PWN) Istanbul Chapter and Turkishwin are two civil society initiatives that bring women from various business backgrounds and facilitate experience exchange and generate cohesiveness among them in order to increase the number and influence of women in the private sector. It can be said that

the activities of these initiatives contribute to the improvement of women's rights specific corporate compliance practices via indirect means, envisioning that the women they empower and cause to be promoted in the private sector will eventually transform the corporate compliances landscape by either changing company policies and/or making pressure on the state for more strict and comprehensive legal mandates.

KADEM is a critical civil society initiative, worth mentioning within the wider civil society spectrum. It stands out with its research based approach and widespread outreach efforts in different regions of Turkey, and also various governmental bodies. KADEM's women's rights specific aims and activities play out in two directions: having an impact on the decision making processes and changing cultural perceptions. They work with the private sector through their business and economy working groups, they seem to invest in the impact of specific, focused work rather than large campaigns, especially carried out in urban and provincial areas other than the usual big cities. They have research projects which focuses on what women need to participate to business life and reasons for not being able to participate. It seems so that their strategy is built on engaging

in advocacy with public officials at all levels with the means of the empirical lenses they build on concrete research findings and policy making recommendations built on research.

HeforShe and Unstereotype are two international alliances who have Turkey offices and organize education programs for men and women company employees in order to raise awareness about gender equality and cause impact in terms of changing perspectives among the members of the society coming from various professional backgrounds. HeforShe has permanent trainers under the auspices of Koç Holding and they give seminars in the wider commercial network of the holding across the country. Unstereotype Alliance Turkey works with advertisement agencies and their clients in order to change gender representations in the mainstream online and offline media. One of the interviewees said that, "these types of organizations that aim for wider societal impact should be collaborating with others that try to intervene to specific issues regarding corporate compliance practices, otherwise none of these parties could cause significant impact or generate sustainable programs in the private sector."

Women Entrepreneurs Association of Turkey's (KAGİDER) Gender Equality Certification Program,

UN Global Compact's Target Gender Equality and Women's Empowerment Principles initiatives could be considered as impact facilitating frameworks formed via collaborative work between stakeholders coming from international organizations, civil society and private sector actors in Turkey. However, one interviewee expressed reservations about the impact these programs make due to the "lack of compulsory framework they provide to the companies in question. They get these certificates and become signatories for such international frameworks but these are only frameworks. Lack of compliance to their principles in actual terms is not monitored by the organizations in question." This remark brings up the question of the state involvement in the corporate compliance practices. Yet, as mentioned in this report, Turkey's governing bodies are loosely involved in monitoring, collecting data and enforcing the relevant laws, regulations and recommendations of its governing bodies, i.e. ministries and regulatory agencies. One interviewee stressed the discrepancy between how the majority of civil society organizations working in this field and the current government understand the notion of "equality between women and men."

TEİD (Ethics and Reputation Association) is another umbrella initiative which has an holistic approach of increasing awareness on effective

management of ethics, honesty, accountability and transparency in companies. Gender equality is a part of its ethics principles program. Even though it is an Istanbul based organization, it shows the importance of reaching out to SMEs in Anatolia and has recently initiated programs to reach out to them. "SMEs are essential but they should be approached with a language and projects specially developed for them," an interviewee says. It also mentioned a potential role TOBB, chambers of commerce and industrial actors can play in Anatolia. In the same interview it was argued that "large companies putting pressure on their partners, franchises and customers in smaller cities" could be the most effective way of creating a spill-over effect of gender equality at workplace. Yet, interviewees also pointed out that civil society and companies could play an essential complementary role, only if at first state comes in with its laws and control mechanisms.

Some interviewees underlined the cultural fact that "in this region women face multiple prejudices, and conservative women face even more prejudices" and stressed upon the need for finding a model to keep women in business life with targeted and specific initiatives. Two striking observations highlighted on civil society in Turkey is their limited capacity for large scale advocacy work and opting the easy way

out by staying within their own comfort zones rather than reaching out to other initiatives. "It is never like, we are doing this campaign, invite you to join, or publish a report, you come and read it" they said. One other issue highlighted

was fragmented structure of the civil initiatives landscape and the inclusivity problem with regards to women who do not fit the secular, urban, high status demographic.

6. Conclusions & Recommendations

Based on the desk research and in-depth interviews conducted for this assessment report, 14 recommendations are presented in this section below. These recommendations are grounded on a set of intertwined problems with regards to the shortcomings of the currently existing corporate compliance practices in Turkey's private sector concerning women's rights. The recommendations focus on the improvement of women's rights in the workplace but also consider the need and demand for these improvements as derivatives of the general societal conditions (both in terms of public and private spheres) women are situated in Turkey.

1. Gender inequalities in the workplace in Turkey are rooted in certain understandings of gender roles attributed to women and men in the family, public life, workplace and politics. Such understandings permeate into multiple corporate governance processes and shape the respective stakeholders' motives and reservations to engage in women's rights-specific issues.

The pressing need for developing more inclusive, comprehensive and holistic approaches to improve corporate compliance practices in Turkey should address relevant stakeholders through nationwide **public events** and **information campaigns**, rather than treating the issue of gender inequality in the business environment with individual technical matters that only take place in the workplace. The events and campaigns recommended here should consider the changing demographics and the emerging new generations including the Millennials and Generation Z in the workforce. Including the start-up interviewed for this report (anonymized and renamed as "New-age technology company" in the interviewees list), there has been a surge in the number of tech companies in Turkey's private sector. These companies' distinct work cultures and employee demographics (which are more liberal and less bureaucratized than the established multinational companies and big national holdings) need to be assessed

in a separate project report. For now, it's important to say that the future public events and information campaigns should include the needs, demands and visions of these new generation tech companies and the particular women employee rights issues entailed.

The Generation Z issue has been part of the public sphere and social media conversations for at least a year now and each and every major political party has been striving to address and appeal the Generation Z related issues in their public messages. This emerging "pressing issue" could be repurposed for the promotion and expansion of women's rights in the workplace.

Such events or campaigns can be powerful if they are realized with the togetherness and cooperation of civil society, state, local and central governments and the private sector. New and unconventional collaborations and alliances are a must. NGO collaborations representing different segments of society or campaigns to influence decision-making processes can be effective. State/central government, local governments, game makers and influencers in the private sector (i.e. big companies and lobby groups/ professional organizations) should become the target groups and stakeholders of the women's rights programs.

2. Many women employed in Turkey's private sector hesitate to ask for their rights because of various kinds of societal pressure and familial expectations, inability to access the know-how and resources in the legal domain, and fear of losing the job they have in the first place. Women also feel intimidated to report mobbing and sexual harassment cases due to the absence or limited capacity of the hotlines and ethics boards that would be involved in the assessment of their grievances.

This state of difficulty and hesitation in which women find themselves must be recognized and defined. Reinforcing and motivating programs for this should be brought to the forefront by companies.

While developing new corporate compliance integration programs to change this situation, the multi-dimensional hardships that women endure in their social and economic lives should be considered. Corporate compliance proposals should be accommodating the women's need for equality but at the same time should not expect everything from them. More men should be involved in these processes, too.

3. "The Equality at Work Platform" established in 2013 as a collaboration between the

Ministry of Family and Social Policy and the leading companies, made a significant impact on the private sector in terms of adapting and implementing a set of progressive principles. Nevertheless, after a few years the government, the platform lost momentum.

Explicit effort should be made to bring the state apparatus back into the picture by exploring possibilities for reinvigorating “The Equality at Work Platform.” If the government is not willing to engage with this previous initiative, the formation of a new platform based on a common ground for facilitating collaborations between the political decision makers, public policy makers and the private sector should be pursued. The corporate compliance based principles of this platform should be translated into more concrete and enforcing laws, bills and regulations.

4. There are no or loose monitoring mechanisms in Turkey with regard to women’s rights specific corporate compliance. The absence of monitoring practices results in the lack of statistical data collection about the conduct or violation of women’s rights in the workplace, for example the number of harassment cases and their resolution specifics.

A database formation project (or projects) should be devised and put into action that would accumulate information about the corporate compliance related information and cases occurring across the board. Accordingly, necessary resources should be allocated. This project could function as a watchdog and/or a public resource for women employees, women’s rights advocates and the public authorities who would like to gain access to relevant information. This project could be run either as a policy making entity or an independent, non-governmental institution.

5. In Turkey, the fact that women’s rights issues are mostly considered under the large umbrella of social responsibility activities enable companies, even the multinational ones, a level of convenience and comfort. What is actually needed is a stonger, holistic and integrated legal framework to be developed and implemented by the state that will hold companies accountable and require them to develop corporate compliance programs.

Having said this, civil society stakeholders could encourage companies towards developing corporate compliance frameworks and play a monitoring role.

On the other hand however civil society in Turkey is fragmented and has limited enforcement power. For an initiative or a program to be successful, a momentum needs to be created with an inclusive, joint approach. If a civil society project is to be initiated or supported, it should have a concrete plan with a clear strategy on impact on policy making either at state or company levels. Additionally, a complementary study can explore international best practices of how private companies develop and implement compliance programs regarding women's rights, to what extent and how civil society organizations can pressure.

6. In all of Turkey, the first and foremost problem in the business environment is still the equal employment issue: women are employed at a much lower rate than men.

Even though there are many deep-rooted societal and cultural reasons for this situation, the state carries the biggest responsibility in changing this unequal picture. Most importantly, the state should provide an infrastructure for universal social care services for the children, sick, elderly, disabled so that women who are the ones dominantly responsible for their care can have their own jobs. The state should also

implement macro-economic policies that support equal employment and bring about amendments and/or additions to the regulation of working conditions (such as working hours, parental leaves, and equal wages) with a view to create an employment market that encourages women.

Furthermore, the government is currently not monitoring men to women employment ratios in private companies. However, companies need motivation, sanctions and reporting toward increasing the ratio of their women employees. This reporting and monitoring can easily be conducted by the State Social Security Institution that readily owns all records of employees and companies nationwide.

7. The number of women in the leadership chairs, executive boards and other key positions of the companies are much lower than men in Turkey's private sector. There are numerous civil society organizations which tackle this issue via mentorship programs given to women, awareness and information seminars for men and offering job performance point gain based incentives to senior level directors to train and promote women.

In the future events organized and documents produced that aim to advocate for the expansion of women's rights specific corporate compliance practices in the private sector, the potential economic benefits of having more women in high level positions and executive boards of companies should be underlined and communicated more concretely. Specific studies can be supported and promoted especially on this subject. This potential economic benefit has been emphasized in numerous studies and reports including the respective OECD report on "Enhancing Women's Economic Empowerment through Entrepreneurship and Business Leadership" published in 2014.

8. Small and middle-sized enterprises owned by women suffer from economic disadvantages due to the existing gender inequalities in the private sector. This is especially a palpable problem for women entrepreneurs, or those aspiring to be, living in regions outside big commercial hubs of Turkey.

More expansive government subsidy and private bank credit loan programs should be initiated for women entrepreneurs for encouragement. Civil society organizations located in Istanbul should be encouraged to tackle with this issue and become more

involved in providing social scientific research and community reach out across the country. Their work can include working with economists, finance and marketing experts, technology advisors and sociologists to guide women entrepreneurs in the early phases of their investment as well as during development stages.

9. Many of the family-owned enterprises – small or large – are into their second or third generation cycle of management. It is observed that those companies that have one of the female family members either on the executive board or at a high managerial position are keener on introducing and implementing policies regarding women's rights and protection at their workplace.

On the other hand, however, family-owned companies may need more guidance in this area compared to corporate or multinational companies, in terms of good practices or programmatizing and monitoring their policies. Those operating outside of Istanbul may especially need more cooperation as they would carry heavier burdens in terms of social and cultural norms. It would be worthwhile to take a stock of such family-owned companies with female leadership and develop programs to support these

good-intentioned women leaders so that they can develop and implement policies and programs more successfully.

10. Most of the civil society organizations engaging with issues of gender inequality and women's rights in the workplace are located in Istanbul. These organizations are founded by, network and address a particular group of the women population in Turkey who are urban, secular, white collar and high social status. Also, these organizations operate in small clusters or on their own individual terms. There is a lack of sense of common cause and advocacy based alignment among them.

Without halting or stagnating the already existing support mechanisms and networks for women employees, more inclusive frameworks should be developed with a view to address the ongoing discrimination that women from different social and cultural backgrounds such as those with pious way of living or wearing headscarves in public. The conservative politics (in macro level) and family dynamics (in micro level) that many women in Turkey are situated in should be kept under consideration while organizing outreach, know-how transfer and advocacy events.

Also, these civil society organizations should be encouraged to collaborate more both in terms of advocacy capacity and temporal frequency. Government incentives and award mechanisms could be developed for such reconfiguration in the civil society. Chambers of commerce and unions could be more actively involved in this process.

11. With respect to having equal opportunities for studying in engineering, computer sciences, and digital medium oriented jobs, women are still running behind in terms of numbers in Turkey. This is acknowledged by many leading companies in the private sector industrial companies that run education, scholarship and women specific curriculum development programs.

New education programs should be developed that aim for higher numbers of women to be hired in technical and technological jobs. Mentorship programs can be developed for high school students to inform them about such sectors and promising opportunities of employment in the future. Unless more women are included in the future employee pool of sectors that carry mass employment opportunities, the already existing gap between employment of men and women will not be overcome.

Increasing the number of women hired in these technical jobs is important given the fact that digital medium based engineering and computation jobs are getting more and more important for the private sector not only in Turkey but across the globe.

12. Leading companies in the private sector of Turkey can be successful at implementing the maternity and paternal leave, child rearing related flexible work, and day care center foundation practices mandated by the government legal framework. However, this is not the case across the board for several reasons. Small and middle-sized enterprises find ways to remain outside the scope of this legal framework. In addition, women and men employees choose not to make use of their rights in many larger companies as they fear to lose their chances of promotion and feel peer and/or directorial level pressure.

The government should be persuaded to assure the enforcement of these rights via stricter monitoring and penalization. Every company should be enforced to come up with an internal corporate compliance principles and practices, share them with public to be inspected by the government or third parties whose reporting would be shared with the government. Without

compounding the slowing effects of already existing bureaucratic paperwork that the companies need to process, this new monitoring framework should be able to accommodate the rights and needs of women employees in particular.

13. Gender equality, diversity and inclusion programs of the leading companies in Turkey's private sector emphasize their reservations with respect to practices of positive discrimination for women and setting up quotas for certain recruitments for high level positions. The question of women empowerment via affirmative action is a matter of hush hush even in the companies with most progressive policies. Company representatives and the people who run the gender equality training programs feel concerned about potential reactions men could give via stating that "they feel discriminated." Consequently, gender inclusion is a matter of encouragement rather than enforcement with penal measures in the private sector.

Special hiring quota frameworks should be developed based on the current women to men employment distributions in particular sectors and translated into evidence-based employment benchmarks to be adapted by the

companies operating in the respective sector. This quota and affirmative action framework should be discussed with the civil society organizations and necessary financial and human resources should be allocated to them.

14. The companies may not always be able to offer women employees the best way and method in problem solving. Each company's legal department has a different

competency level. Companies should have clear and transparent policies shared not only within the company but with the public (on their website) on how they resolve gender-focused issues, what the dispute processes are, and who can be contacted in case of grievance. These policies should be frequently announced and reminded within the company.

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