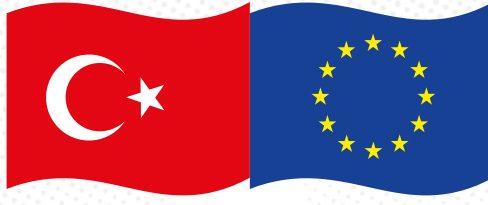


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A Guide for Gender-Responsive Companies and Institutions



Turkey Resilience Project
in Response to the Syria Crisis



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A GUIDE FOR GENDER-RESPONSIVE COMPANIES AND INSTITUTIONS

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Bu yayının içerięi Birleşmiş Milletler Kalkınma Programı'nın (UNDP) görüşlerini yansıtmak zorunda değildir.

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FOREWORD

A GUIDELINE TO SHED LIGHT ON YOUR WAY TOWARDS GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT



Claudio Tomasi
UNDP Turkey Country Director

Ending all forms of discrimination against women and girls is not only a basic human right, but it is also crucial for a sustainable future. Being an important part of development progress and a prerequisite to advanced human development, empowerment of women and girls also contributes to economic growth. Gender equality is central to the mandate of the United Nations Development Programme (UNDP) and intrinsic to its development approach. In this regard, UNDP Turkey introduced “The Gender Equality Strategy for 2017-2020” that guides about integration of gender equality in all of its programming and actions to support achievement of gender equality and women’s empowerment in cooperation with its broad range of local and national stakeholders including the beneficiaries, public and private sector representatives.

This document is the outcome of Gender-Responsive Firm Transformation Programme targeting private sector, primarily the Small and Medium Sized Enterprises (SMEs), that is being implemented under the Job Creation Component of UNDP’s Turkey Resilience Project in response to the Syria Crisis (TRP). In the Programme, trainings on how to become a gender-responsive firm and one-on-one consultancy for the volunteer companies were provided. In addition, volunteer companies have been supported to create a tailor-made “code of conduct” that includes actions and activities to be undertaken in order to become a more gender-responsive firm.

This guideline is prepared based on the trainings and one-on-one consultancies provided to the companies and experiences with companies throughout the implementation process of the code of conducts.

It will walk you through the steps to be taken on how to transform your company/institution and your mind-set to become gender-responsive so that everyone could fulfil their potential in a non-discriminatory and supportive environment. We, as UNDP Turkey, hope you will enjoy reading this guideline and benefit from it on your own journey to gender equality!



Gender equality and empowerment of women is a key priority in key strategic documents including the Sustainable Development Goals (SDGs) that United Nations Development Programme (UNDP) has committed to help implement them through its all programs and projects

A GUIDE FOR GENDER-RESPONSIVE COMPANIES AND INSTITUTIONS

Gender equality and empowerment of women is a key priority in key strategic documents including the Sustainable Development Goals (SDGs) that United Nations Development Programme (UNDP) has committed to help implement them through its all programs and projects. As seen in other parts of the Guide, various international conventions signed by Turkey and the Constitution of Turkish Republic itself impose responsibility on all individuals in the society to ensure gender equality. The private sector, as an a significant driver of the Turkish economy, is both a key player and a sector that will be affected most positively by the improvements in ensuring gender equality in the medium and long term.

Gender equality is the Goal 5 of the 17 Sustainable Development Goals as well as a cross-cutting issue for all other goals. That is, whatever the problem area to develop, without the perspective of gender equality and empowerment of women, problems cannot be fully understood, or solutions proposed.

The Gender Equality Strategy (2017-2020) prepared by UNDP Turkey Office also states that all of its programmes and projects will be based on the goal of gender equality and empowerment of women. It aims to reach results that are gender-responsive and transformative for the society in this sense. In this framework, UNDP Syria Crisis Response and Resilience Programme implements a gender-responsive workplace study as a part of the Job Creation Component. This Guide, as one of the most important outcomes of the mentioned study, is an enlightening text and roadmap, which provides awareness regarding the positive outcomes brought by gender equality for a company and necessary hints to end inequalities between women and men.

1. Gender Equality by Data

It is important to have a closer look at the data in Turkey before defining the gender-responsive workplace:

- According to OECD Report 2018, 70.8% of men and 32.7% of women in active labour is employed in Turkey.
- Women constitute only 5.4% of senior executives in companies and hold only 0.3% of majority shares.
- Their monthly earnings are about 20% lower than men.
- 62% of them suffer from psychological and physical harassment at workplace.
- Paternity leave is 5 working days while paid maternal leave prescribed by law is 16 weeks in total.
- While the average time spent by women in household chores and childcare is 4 hours and 35 minutes, it is about 53 minutes for men. This is the main obstacle for women to participate in labour force. The lack of training and skills is also the consequence of the time spent in household chores and childcare preventing women from participating in in social life.



2. Gender Equality at Workplace

What is a Gender-Responsive Company or Institution?

- It notices the not-usually-visible needs and problems of female employees.
- It creates solutions in response to these needs.
- It takes steps and action to implement the created solutions.
- It monitors the results in the long term.
- It actively endeavours to increase the satisfaction of employees and to remedy the complaints.

Why is Being Responsive to Gender Equality at Workplace Important?

- Boosts productivity and growth of company.
- Financial return may increase by 15%.
- Every 10% improvement in gender equality policies increase pre-interest and pre-tax earnings by 3.5%.
- Operating profits increase by 8%.
- Absenteeism decreases.
- The retention [/continuity] of employees increases by 8%.
- Work commitment, performance and satisfaction of employees increase by 14%.
- Occupational safety and health of employees at workplace improves by 12%.

In addition, it MEANS that;

- Solving problems more quickly and making quicker decisions at management levels,
- Rising prestige before customers, employees and skilled employee candidates,
- A strong business prestige as a leading company in its sector,
- Protection from potential compensation and criminal cases as a company complying with the laws.

Finally, egalitarian policies have positive effects both on society and families. It INCREASES

- Monthly income of families,
- Access of children to high quality health, education and care services,
- Both sustainability of unity of family and peace and welfare of individuals in families and society.

When Does Your Company or Institution Become Gender-Responsive?

It is a long-term process for a workplace to become gender-responsive; because it is a period of change occurring in roles that are peculiar to men and women. It requires the implementation of multi-workplace policies simultaneously and in various departments.

In other words, it requires :

- Time
- Budget
- Effort
- Attention
- Continuous monitoring, evaluation, and implementation.

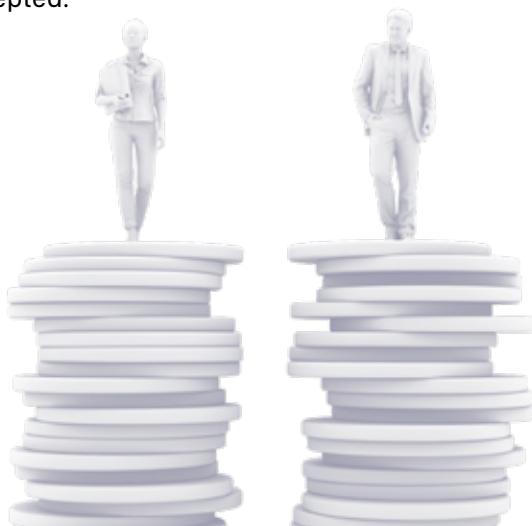
At Which Levels of Your Company or Institution Can You Implement Gender-Responsive Policies?

- **Management:** The management is the most important tier of gender-responsive workplaces. The whole responsibility and accountability belong to the management of a company or institution regarding handling of the process. Accordingly, the management of company or institution is directly responsible for:
 - ♦ Values of a company or institution and organisation culture
 - ♦ Formulating strategies,
 - ♦ Allocating resources,
 - ♦ Representation,
 - ♦ Management of relationships with suppliers and customers,
 - ♦ Reviewing topics like occupational safety and health in terms of gender and implementing them.
- **Human Resources:** Human resources, though its presence as an individual department varies by the size and need of a company or institution, is directly responsible for implementing the strategies formulated by the management regarding mainstreaming¹ of gender equality. Here are the titles regarding the implementation:
 - ♦ Recruitment processes (explained in more detail in Chapter 5 of the Module)
 - ♦ Gender diversity in all departments: Recent researches show that the efficiency of work increases when women and men work together and by maintaining a

¹ Mainstreaming of gender equality at workplace: All the subjects regarding gender equality become the centre of implementation of workplace policies.

certain gender balance. Human Resources department should secure gender balance in departments such as “purchasing” and “planning” that are traditionally associated with women and the departments that have lower working efficiency and lower commitment of employees.

- ♦ Dress code: Dress code should not be in a way to stigmatise or restrict a gender; there should be tolerance towards pregnant and other women who start to work after pregnancy in their choosing of garments. It should be kept in mind that women employees in certain positions, for example executive assistant, purchasing and marketing personnel, should never be asked to wear “more stylish, more flamboyant or revealing” dresses under any circumstances.
- ♦ Shared spaces at workplace: Spaces such as toilets, if available bathrooms, resting rooms, changing rooms, kitchen etc. that are shared at workplaces should be designed and reviewed by considering the number and needs of female employees. For example, if there are 50 female, 30 male employees in a factory, the number of toilets for women should be at least one more than those for men.
- **Pay, compensation and bonus:** According to Article 10 of the Turkish Constitution, the pay, bonus and compensation of employees shall not be different because of gender pursuant to the principle of equal pay for equal work, shall not be deducted arbitrarily and shall not be created new situations to the detriment of female employees. For example, a condition, in which the compensation of female employees are paid by instalments, by hand and later while the compensation of male employees are fully paid in the banks, is against both the Constitution and Labour Law and cannot be accepted.



- **Communications/Public relations:** The existence of communications and public relations department also varies by the size, customer strategies and needs of a company or institution. This department can be a part of another department. The communications and public relations department is directly responsible for properly projecting company or institution culture and values both at workplace and before customers and stakeholders. The strategies formulated by the management are implemented by communications/public relations department in two places:
 - ♦ Internal communications: The language at workplace should not be sexist. A sexist language stresses that one gender is superior to the other. A sexist language should certainly be avoided at workplace. The words describing women as ‘lacking, insufficient, unskilled, in need of protection, naive or bad’ should never be in oral or written communications. Practices should increase sensitivity regarding this subject; people who have such tendencies should be trained, and if needed the warning/admonition system should be initiated.
 - ~ Refer to two sample studies: <https://www.tr.undp.org/content/turkey/tr/home/library/corporatereports/Toplumsal-Cinsiyete-Duyarli-Iletisim-Rehberi.html>, https://www.borusan.com/Assets/Media/PDF/BorusanEsittir_Rehber.pdf



- ♦ External communications: Gender diversity should be ensured both as visually and orally in external communications. Companies and institutions should be careful about the following for this purpose:
 - ♦ Preparing of printed and visual materials in a way to encourage equality – brochure, poster, billboard, commercial film
 - ♦ Website – using of photos and visuals that highlight gender equality
 - ♦ Social media – encouragement of equality through videos, messages shared in social media

How Can You Become a Gender-Responsive Company or Institution?

Here are some recommendations for companies and institutions on this subject:

- Developing an inclusive gender-responsive workplace strategy
- Choosing the women when men and women have the same qualifications especially in areas that have lower rate of female employees in recruitment processes
- Encouraging male employment in positions that are regarded as peculiar to women
- Providing services such as breast-feeding room, play room, kindergarten to ease the care responsibility of women
- Ensuring that maternal leaves are taken in accordance with the law
- Encouraging male employees to help childcare at home and to take paternal leave
- Revealing the gender pay gap and developing policies to end it
- Ensuring that women have the same training opportunities as men for self-improvement at workplace
- Taking steps to ensure the access of female employees to positions of mid-level and senior executives
- Developing zero discrimination, violence, harassment policies special to workplace and ensuring everybody to comply with this policy.

3. Legal Bases of Equality Obligation, Normative Framework and Means of Implementation

Ensuring gender equality at workplace does not have only ethical, economic and social dimensions, this is also a legal obligation for companies and institutions. The legal bases for instance are as the following:

- **Turkish Constitution, 1982; 2004**
'Article 10- Equality before Law: Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice.'
- **CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), 1979:** Article 11 of the Convention regulates the occupational life in detail:

'States shall ensure that women the same opportunities as men in employment, promotion, training, equal remuneration, social security and safe working conditions.

Women must also be protected in respect of pregnancy, maternity and marital status:

1. *The right to work as an inalienable right of all human beings;*
 - ~ *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
 - ~ *The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
 - ~ *The right to equal pay, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
 - ~ *The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to*

- ~ paid leave;
- ~ The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
- 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - ~ To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - ~ To introduce paid maternity leave or with comparable social allowances without loss of former employment, seniority or social benefits;
 - ~ To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - ~ To provide special protection to women during pregnancy in types of work proved to be harmful to them.
- 3. Protective legislation relating to matters covered in this Article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.
- **Istanbul Convention, (Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011):**

'Article 4- Fundamental rights, equality and non-discrimination:

'Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere. Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:

 - ~ embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;

- ~ prohibiting discrimination against women, including through the use of sanctions, where appropriate;
- ~ abolishing laws and practices which discriminate against women.

The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.'

- **Labour Law, 2014**

'Article 5- Principle of Equal Treatment
No discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship.

Unless there are substantial reasons for differential treatment, the employer must not make any discrimination between a full-time and a part-time employee or an employee working under a fixed-term employment contract and one working under an open-ended employment contract.

Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the execution, conditions, implementation and termination of his/her employment contract due to the employee's sex or maternity.

Lower pay is not permissible for similar jobs or for work of equal value.

Application of special protective provisions due to the employee's sex shall not justify paying him/her a lower wage.

If the employer violates the provisions above in the execution or termination of the employment relationship, the employee may demand compensation up to his/her four months' wages plus other claims of which s/ he has been deprived. Article 31 of the Trade Unions Act is reserved.

Notwithstanding Article 20, the burden of proof in regard to the violation of the aforesaid provisions by the employer rests on the

employee. However, if the employee shows a strong likelihood of such a violation, the burden of proof that the alleged violation has not materialised shall rest on the employer.'

- **Regulations, Strategy Documents and Activity Reports:**

- ♦ **Turkish Industrial Strategy Document (2015-2018) Article 56:** "Female employment continues to be an important subject in manufacturing industry. Increasing the level and quality of training for women is highly important to produce medium-high technology products in manufacturing industry. Women shall be employed in works that will create higher added value in Turkish economy as more qualified employees as a result of increase in quality of human resources. The increase in participation especially of women in labour force is remarkable in Turkey because of both the reasons derived from nature of economic crises and measures taken after the global economic crisis of 2008."
- ♦ **Turkish Industrial Strategy Document (2015-2018) Policy 2, Article 20:** "The kindergarten implementation in Organised Industry Zones will be extended to increase female employment in industry."
- ♦ **2016 Activity Report:** "Turkey is among the few countries to be able to benefit from demographic opportunity in terms of labour potential until 2030. If Turkey strengthens the education-industry cooperation policies that are intended to have qualified labour force with the measures taken to increase participation of women in labour force, our country has the best potential to be able to benefit from demographic opportunity."
- **UN Women Empowerment Principles:** The Government of Canada and UN Women have established seven principles regarding Global Compact and business at the end of a process started with an international conference which they held to end the challenges that women faces in working life in 2011. These are to;
 - ♦ Establish high-level corporate leadership for gender equality.
 - ♦ Treat all women and men fairly at work.
 - ♦ Ensure the health, safety and well-being of all working women and men.
- ♦ Promote education, training and professional development for women.
- ♦ Implement enterprise development, supply chain and marketing practices that empower women.
- ♦ Promote equality through community initiatives and advocacy.
- ♦ Assess and publicly report on progress to achieve gender equality.
- **ILO MIGSCORE program:** MIGSCORE, which has been developed by the ILO Office for Turkey with funding from the Swedish International Development Cooperation Agency (SIDA), aims to enhance productivity, thus competitiveness and also working conditions and institutional transformation regarding gender equality in small- and medium-sized enterprises. One-on-one consultancy is provided for businesses as well as training as a part of the MIGSCORE programme. Furthermore, five most basic topics including work-life balance, equal voice, equal pay for equal work, inclusive employment, work environment and fair treatment are focused regarding gender equality in occupational life.
- **United Nations Population Fund (UNFPA) Business against Domestic Violence Project**
- Business against Domestic Violence Project, which has been continuing with the support of United Nations Population Fund Turkey and Sabancı Foundation, with Sabancı University Corporate Management Forum as the implementing partner in cooperation with TUSIAD, has been designed to reveal the violence against women through establishing support mechanisms. The measures and means of support against domestic violence are identified by using managerial and organisational skills of businesses in the framework of the project. The project aims to create awareness in women's rights and to make them have a more active role in occupational life by ameliorating their work environment.
- **United Nations Development Programme (UNDP) Gender Equality Seal for Private and Public Institutions Gender Equality Seal,** which has been developed by UNDP for the private sector, is a mainstreaming tool that has been implemented for gender equality in various parts of the world since 2009.

This programme provides technical support for private businesses to establish working conditions that encourages gender equality and proposes information, framework and means for them to become an agent of social transformation as well as increasing their productivity and economic benefits. These framework and means are planned on the basis of norms of fundamental human rights that are recognised at national and international levels.

The long term goals of the programme can be summarised that companies develop gender-responsive approaches, in which gender pay gap is removed and they take all necessary actions including work-life balance, equality in recruitment, maintaining their job and vocational development opportunities and communications for women to have decent work opportunities, empowerment and to use their rights through establishing a gender equality-based labour market in Turkey. The programme proposes a wide range of cooperation and a strict coordination between key stakeholders such as government, civil society, academy, workers' and employers' organisations and private businesses. Participation of private players and academicians will support the process technically/conceptually and politically while participation of government and related institutions provides creation of tangible and sustainable results for prevalence of gender equality in a holistic approach that has multi-stakeholders.

Gender Equality Certificate Programme improves the indispensable role of private sector in creating equal conditions for women and men. To sum up, identifying the steps for development proposes a corporate transformation process regarding implementation and certification phases that are provided by experts of gender equality and evaluators and based on technical support:

- a. Adopting the perspective of gender equality in corporate and managerial relations
- b. Identifying and ending gender gaps in processes such as pay, accessibility to career opportunities, professional development, and promotion etc.
- c. Developing and implementing policies to ameliorate work-life balance.
- d. Endeavouring to ensure women and men to take equal part in all departments and sectors through policies regarding equality.
- e. Developing and implementing a zero-tolerance policy against sexual harassment at workplace.
- f. Using an inclusive and non-sexist language in all processes both in internal and external areas.



4. Women Friendly Policies for Companies and Institutions:

This section focuses on detailed and result-oriented women-friendly policies that can be implemented at workplace. Recruitment strategies, which enhance gender equality and/or gender diversity in companies and institutions, are extremely important. This topic is classified under two groups.

- **Actions to Be Taken in Recruitment Process:**

- ♦ **Language used in job advertisement:**

Language used in job advertisements should not prevent female candidates from applying for the job or point to a specific gender. For example, expressions such as "...should be sociable, result-oriented, having leader spirit" are generally associated with male candidates. Besides, requesting a female candidate to be 'presentable' may mean that she has to emphasise her physical appearances. On the other hand, it is important to write expressions like "...company/institution does not discriminate candidates on the basis of gender, race, language, religion, disability etc." on job advertisements.

- ♦ **Positive discrimination:** Positive discrimination is a legal obligation and the key to creating women-friendly policies. Positive discrimination, as it is widely known, is not a type of discrimination, on the contrary, it is an action to end existing inequalities. The best examples for positive discrimination are having at least one woman in the candidate list and choosing the female one among two candidates who have the same qualifications in recruitment process.

- ♦ **Interview:** Prohibited questions must be avoided in candidate interviews. Prohibited questions are the questions about physical rights and non-work life. For example, 'Do you plan to be pregnant in one year?', 'Do you plan to get married in near future?', 'How does working until late hours affect your family life?', 'Do you reflect this to your work?'

- ♦ **Security Clearances:** Recruitment processes for some of the jobs can require security clearances. During these processes, the information of candidates about non-work life and genders should not be allowed to affect the recruitment process to the detriment of women.

- **Actions to Be Taken during and after Recruitment:**

- ♦ **Preparing employment contract:** Articles that will prevent women from exercising their rights (maternity leave, breast-feeding leave) by law and link the exercise of these rights to any penal clause and sexist expressions should not be allowed in preparation of employment contract.

- ♦ **Agreement and sign on rules of conduct at workplace:** Employers should be made to read the Gender-Responsive Rules at Workplace, it should be signed bilaterally and should be a part of the contract, if possible. Annual reviews on these rules are recommended. Annex 2 includes a sample text of rules of conduct while Annex 1 proposes a guide to how Gender-Responsive Rules at Workplace should be written at the end of the Guide. This draft reveals the ethic attitude of a company or institution regarding gender equality and imposes responsibilities on employers and employees. This draft, which is the tangible version of steps regarding commitments and implementations, has been prepared to guide the companies that desire to form their own rules of conduct and to ease this process.

- ♦ **Equal access to training and promotion opportunities:** Equal participation of women in internal training and promotion to higher positions should be eased, companies and institutions should do annual reviews regarding this topic.



5. Zero Tolerance for Violence against Women at Workplace

In this section, sexual harassment and psychological violence (Mobbing), which are peculiar types of violence at workplaces, is explained on the basis of legal dimensions and complaint mechanisms.

- **Turkish Criminal Code:**

- ♦ The harassment at workplace is a crime and is sentenced to imprisonment. (ARTICLE 105 - If a person is subject to sexual harassment by another person, the person perpetrating such act shall be sentenced to a term of imprisonment from three months to two years or to a judicial fine upon complaint of the victim.)
- ♦ According to the same Article, if the act is perpetrated 'by using the advantage of working in the same workplace with the victim', the punishment shall be increased one half..
- ♦ Moreover, 'if the victim was obliged to quit his/her job or leave his/her school or family for this reason, the punishment to be imposed may not be less than one year.'
- ♦ If the sexual act against the will is done physically, then it becomes a crime of sexual assault. (ARTICLE 102 - Any person who violates the physical integrity of another person, upon the complaint of the victim, shall be sentenced to a penalty of imprisonment for a term of five to ten years. If the said sexual behaviour ceases at the level of sexual importunity, the term of imprisonment shall be from two years to five years.)

- **Law on Occupational Safety and Health:** The Law imposes obligations for the employers to prevent any form of violence and to minimise all the risks at workplace.

- ♦ General obligation:
"ARTICLE 4- The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work. In this respect, the employer shall;
 - a) Take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organisation and means and shall ensure that these measures*

are adjusted taking account of changing circumstances and aim to improve existing situations.

b) Monitor and check whether occupational safety and health measures that have been taken in the workplace are followed and ensure that nonconforming situations are eliminated.

c) Conduct or commission a risk assessment.

ç) Take into consideration the worker's capabilities as regards safety and health where he entrusts tasks to a worker.

d) Take appropriate measures to ensure that workers other than those who have received adequate information and instructions are denied access to areas where there is life-threatening and special hazard.

(2) In case an employer enlists competent external services or persons, this shall not discharge him from his responsibilities in this area.

(3) The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.

(4) Measures related to safety and health at work may in no circumstances involve the workers in financial cost."

- ♦ The employers who do not comply with the first and second obligations shall be imposed an administrative fine of 2000 TRY.
- ♦ Obligation to conduct risk assessment:
"ARTICLE 10- The employer shall conduct or commission an assessment of risks to safety and health of workers, taking account the following points:
 - a) The situation of workers who might be affected by certain risks.*
 - b) Choice of work equipment, the chemical substances or preparations used.*
 - c) Workplace organisation and housekeeping.*
 - ç) The situation of female workers and other workers such as young workers, older workers, disabled, pregnant or breast-feeding workers who need specific policies.*
 - (2) The employer shall identify the occupational safety and health measures to be taken as well as the protective gear or equipment to be used as a consequence of the risk assessment.*
 - (3) Measures to be taken for the safety and health protection of workers and the working and production methods implemented by the employer must assure an improvement in the level of protection afforded to workers with regard to safety and health and be practicable*

at all hierarchical level within the undertaking and/or enterprise.

(4) The employer shall ensure that controls, measurements, examinations and research are executed to identify the risks which are linked to the working environment and to which the workers are exposed.’

- ♦ Employers, who do not conduct or commission a risk assessment, are imposed 3000 TRY, for each month of non-compliance 4500 TRY; and those not complying with the obligations in paragraph 4, 1500 TRY of administrative fines.
- **Law of Obligations:** Mobbing, psychological violence, is regulated in Article 417.
 - ♦ ‘ARTICLE 417 – An employer shall be obliged to respect and preserve its employees’ personality and to keep a reliable and fair order at the workplace and to preserve the employees from psychological and sexual harassments and to take any necessary precautions to preserve employees, who have been subject to harassment, from further damages. The employer shall be obliged to take all due measures to ensure the safety and health of employees and to provide all necessary equipment at workplace and employees shall be obliged to comply with all the measures taken regarding occupational safety and health. If an employee dies or his/her personality rights are violated or his/her physical or mental integrity is harmed, due to the employer’s failure in fulfilment of these obligations, the employer shall be obliged to compensate the employee’s (or his/her family’s) pecuniary and non-pecuniary damages.’
 - ♦ Ministry of Labour and Social Security Circular No. 2011/2 on Preventing Psychological Harassment (Mobbing) at Workplaces: This circular lays down steps to prevent psychological harassment, instructions to establish the “Alo 170 Helpline” and “Committee to Combat Psychological Harassment”.
- **Complaint Mechanisms:** The management, namely managers and other people in charge of companies and institutions, is responsible for the violence-based problems in the first case. As they are obliged to receive complaints and initiate internal inquiry, they should be aware that the victim can do the following as well:
 - ♦ Prosecution and criminal cases
 - ♦ Civil cases demanding compensation
 - ♦ Ombudsman and Human Rights and Equality Institution of Turkey
 - ♦ Complaint to Trade Unions and Chambers
- **Women-Centred Security and Psychological Support:** This section generally focuses on women-centred safety and psychological support and on how to establish a safety and support mechanism at workplace regarding female employees who suffer from domestic violence.
- **Statistical data:**
 - ♦ 28% of working women suffer from physical violence, 55% suffer from violence in social media. A quarter of women suffer from economic violence.²
- **Why is taking action against domestic violence at workplace important?**
 - ♦ Domestic violence threatens not only female employees but also the safety of workplace.
 - ♦ It decreases performance and motivation of employees, and correlatively productivity and growth.
 - ♦ It increases expenses on health.
- **What can be done against domestic violence at workplace?**
 - ♦ Combat domestic violence at workplace is only possible with the overt support of senior executives.
 - ♦ They should be supportive rather than interfering while establishing the policy of workplace.
 - ♦ Victims should be explicitly informed about support and complaint mechanisms and privacy should be considered.
 - ♦ Financial resources for female employees, who have to leave their home, should be allocated and the management should be sympathetic for them in performance analyses.
 - ♦ Safety plans should be prepared with female employees.
 - ♦ Economic demands of women should be listened and taken into consideration.

² There are four types of violence against women at workplace: 1- Physical violence (For example; punching, smacking, slapping, biting, nipping, kicking, pulling hair, hustling, firing, choking, hitting with sth.); 2-Psychological violence (For example; sulking, pressuring, threatening to commit suicide, removing children, preventing them from seeing children); 3-Economic violence (For example; restricting economic freedom, not giving money to women or giving little, continuously holding to account, humiliating by using money); 4- Sexual violence (For example; forcing to perform undesirable sexual acts, sexual harassment, using force during sexual intercourse).

6. Glossary of Key Concepts

Gender Relationship: It refers to the social relationship and the distribution of power between women and men in both public and private areas. **Gender Equality:** It refers that individuals benefit from equal opportunities and rights, are treated equally, to be able to improve their knowledge and skills in areas they choose and to be able to make choices regardless of their gender.

The equality is possible only when the gender-based inequalities are eliminated, equal social value, equal rights and equal responsibilities are given to all individuals regardless of their gender and they are able to access resources (opportunities) equally to be able to use. Formal equality or *de jure* (legal) equality means the equality before Law and refers to legal responsibilities regarding equal treatment.

Actual equality or *de facto* (in fact) equality means the equality in practice. It means taking necessary steps to benefit from all rights provided by legal framework.

It is also a philosophy that includes creating a favourable environment to benefit from equal opportunity and equal rights.

Transformative equality involves all responsibilities for the goal of transforming social structure, normative system and institutions that cause or recreate the gender-based stereotypes and inequalities. It refers to indirect discrimination. CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), signed by Turkey in 1985, identifies the ensuring of equality as the responsibility of states parties in all three senses.

Empowerment: Enabling an individual to have legal power and authority. It also means people's endeavours to establish relationship with each other and the world to be able to change the elements that cause troubles. This also includes the forming of new ideas, perceptions and information. Education should be an active process that supports empowerment.³

Empowerment can be considered in two ways:

- Women's having full control and final say regarding their own lives
- Awareness, self-confidence, enriched opportunities, access to resources and increasing control on them, transformation of institutions and structures that cause gender-based discrimination.

Temporary Special Measures/Positive Actions: It means taking corrective actions until actual equality is ensured or discrimination is removed between unequal groups. (CEDAW Article 4, ILO111 Article 5)

Gender-based Discrimination
Direct Discrimination: Discriminating a person directly in laws, policies or practices because of his/her gender or other features that he/she cannot change (age, physical characteristics, race etc.) For example, banning of women to do certain works by law; specifying for a position as "woman" or "man" in recruitment processes including job advertisements (except the jobs that have exclusive characteristics).

Indirect Discrimination: It is the hidden discrimination to recognise. It means a situation, in which although it does not involve direct discrimination and seems like impartial, there is a systematic discrimination to the detriment of a group. Indirect discrimination can be defined as a criterion or practice causing an individual to be disadvantageous because of reasons like gender, age and disability except that this criterion and practice has a legitimate goal and the means to reach this goal are suitable and mandatory. For example, sidewalks/stairs built without considering the disabled make their participation in social life difficult or schools that do not have suitable sanitation and water system can cause girls to leave the school in their menstrual periods. **Sex-disaggregation:** It means the collection and presentation of data and prepared statistics based on this data by classifying them according to sex to analyse and reveal various results of research or practice for women and men. Sometimes, the term "sex-disaggregation" is used instead of gender-disaggregated data.

³ AWID

Gender Balance/Gender Parity: It express the rate of women to men in a certain situation. Gender balance is ensured when there are almost equal numbers of female and male participants. Sometimes, it is called gender equality.

Discrimination in Labour Market: It can be defined as treating unequally and excluding, treating in a prejudiced way or preventing access to resources because of age, race, gender, religion, political opinion or any other basis.

Gender Pay Gap: It is the percentage of gap between average hourly earnings of women and men. Global and local data show that women are generally paid less than men. Some basic reasons of this gap are as follows:

- Discrimination,
- Responsibilities regarding household chores forcing women to work part-time
- Labour market that is shaped according to women who are more likely to work in less paid and lower-skilled jobs.

Decent Work: The job that secures sufficient income, sufficient social and legal protection. It was developed by the International Labour Organization (ILO). The main goal of ILO is to improve the opportunities for women and men to find a decent and productive work on the basis of independence, justice, security and human dignity.

ILO Decent Work Approach contains the followings:

- Equal opportunity and treatment in employment
- Equal pay for equal work
- Equal access to social security and a safe and healthy work environment
- Equality in association and collective agreements
- Equality in improving a significant career
- Balance, which is fair for both women and men, between work and life.
- Equal participation to decisions-making mechanisms (including ILO agencies)

Mainstreaming of gender in work life

- Actualising and supporting essential principles and rights in work life for the principle of non-discrimination to be fully implemented both legally (de jure) and actually (de facto)
- Providing decent work and income and by this, creating better opportunities for women and men to reach decent life standards, social and economic integration, self-satisfaction and social development.

Reproduction: It means the care work done (generally by women) without being paid or expecting to be paid in private areas. Reproduction labour is disregarded when calculating gross domestic product. It is essential to maintain the structures of society and family. It is also called social reproduction.

Glass Ceiling: It means the practices that prevent women from reaching higher positions in both public and private entities. These practices can be political, legal, social and economic. It is a situation, in which mostly there is no concrete legal basis but it is nourished by gender-based stereotypes and is a reflection of gender-blind practices or indirect discrimination. The cause of using the word "glass" is that these obstacles are invisible and they generally occur to maintain the status quo instead of transparent and equal career development opportunities for women and men in institutions.

Accountability: It means that an institution/individual can be held responsible for their actions. Accountability or the responsibility to account in the context of human rights focus on whether a state, an individual or an institution can be held responsible for protection, development, implementation and/or violation of human rights in terms of legal or other aspects. Generally, only states can be held responsible for protection and/or violation of human rights according to international legislation. But recently, there is a tendency that non-state actors are responsible for protection and/or violation of human rights by means of especially nonlegal mechanisms.

Violence against Women and Gender-based Violence: All kinds of actions, which are gender-based or against women in public and private areas, causing physical, economic, sexual or psychological harm or pain or having the potential to cause and/or threatening, forcing and depriving of freedom arbitrarily through these kind of actions.⁴

Beijing Declaration and Platform for Action of 1995: It represents the international consensus to support women's rights and to empower them. 189 participant governments made commitments to improve the status of women by removing the obstacles to education, health and social services in Beijing Declaration. Governments recognised that women's participation in decision-making roles should be improved, and development of their participation in economic, social, cultural and political areas should progress parallel to the efforts regarding the problems of violence against women, reproductive health/rights and poverty. Action platform reveals the essential actions that should be executed by governments, international organisations and national institutions and organisations to fulfil the commitments of Beijing Declaration.⁵

⁴ AWID, Association for Women's Rights in Development
<http://www.awid.org/ywl/glossary/>.

⁵ Op.cit.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

This is the international convention that lays down women's human rights. It is mostly known as "CEDAW". CEDAW was adopted by the United Nations General Assembly in 1979 and entered into force in 1981. By May 2003, 173 countries signed CEDAW though most entered general reservations. CEDAW guarantees the women to be equal in all the areas of private and public life and not to be discriminated by public or private sector. It requires equality in using economic, social and cultural rights as well as civil and political rights. CEDAW includes articles regarding both direct and indirect discrimination.

States parties take responsibility in eliminating discrimination in various areas according to CEDAW. While some articles of CEDAW requires immediate action to ensure equality, others are more programmatic. States parties should take "all suitable measures" or "all due measures" to eliminate gender-based discrimination according to convention.⁶

⁶ Op.cit.



7. Annexes

Annex-1: What Are the Gender-Responsive Rules of Conduct at Workplace and How Are They Written?

Annex-2: A Sample Document of Gender-Responsive Rules of Conduct at Workplace

Annex-1: What Are the Gender-Responsive Code of Conduct at Workplace and How Are They Written?

Gender Responsive Code of Conduct at Workplace

1. Gender-Responsive Rules of Conduct at Workplace (it will be called as **Code of Conduct** from now on) should address to both values of company and peculiar conditions of its sector. **Code of Conduct** should be in line with other policy documents of company, if available, but it should not repeat them.
2. **Code of Conduct** determine the frame of expectations between employers and employees and direct these expectations.
3. **Code of Conduct** help a company create an identity and enhance its prestige.
4. It enhances the loyalty of employees to workplace. Complying with **Code of Conduct** improves the professionalism and reliance of employees to workplace.
5. **Code of Conduct** function as a guide for employees and give detailed ideas about how they will ethically perform what is expected.
6. **Code of Conduct** are documents that also involve social responsibility principles of companies.
7. **Code of Conduct** aim to be a positive sample, and so they should include a positive language.
8. While preparing **Code of Conduct**, we should be aware of two points:
 - The aim of document should be progressive and positive,
 - The commitments and responsibilities regarding employees and employers should be expressed explicitly.
9. Two points are important when preparing **Code of Conduct**:
 - Rules should involve gender-based problems (for example, gender pay gap) and
 - Concrete steps regarding implementation with progressive and egalitarian principles.
10. The management is responsible for actualising and implementing **Code of Conduct**.

How Gender Responsive Code of Conduct at Workplace are Written?

I. Quantitative, qualitative and spot-on questions, which will reveal gender inequality at workplace, should be asked when creating the Code of Conduct. The example questions are as follow:

Qualitative Questions:

1. What is the vision of your company about gender-responsive workplace? Why does your firm need code of conduct? What kind of harmony do you see between code of conduct and the goal of your company?
2. What is the biggest gender-based problem, misunderstanding or tension experienced in your workplace?
3. What is the biggest gender-based success and/or experience that you are proud of in your workplace?
4. What do you think the gender-based challenges or potential challenges are?

Quantitative Questions:

1. How many employees do you have? What are their profiles?
Gender
Age
Nationality
Marital Status
2. Describe your customer group? What are their profile?
Gender
Age
Nationality
Marital Status
3. Do you have any female employee in decision-making processes? If there is, how many?
4. How many women and men have reached to senior executive levels for the last five years?

II. Please take duties, functions and responsibilities of these organs/departments/units of company into consideration while preparing rules of conduct:

- The Management
- Human Resources
- Press / Public Relations and Communications

Annex-2: A Sample Document of Gender-Responsive Rules of Conduct at Workplace

The sample document below has been prepared for a company in automotive sector. From now on, this company will be called.

I. Introduction:

X company is strictly loyal to core values of its foundation, those are to say, being just to everybody, showing empathy for everyone without discriminating, serving the city, respecting its customers and employees, being focused on sustainable services and prioritising the social impact, and will continue to be loyal in the future, too.

Our company follows closely the varying demand and rising values of business in Turkey and in the world. So, our firm has been aware of the emergency to re-design workplaces in the frame of gender equality, to review basic values and take effective steps to sustain this. From this point of view, our company has initiated the 'harmonisation' study for the ongoing transformation in the projected⁷ terms. We are delighted to share with you, our employees, our stakeholders and public that we have prepared and adopted the following code of conduct in the light of consultancy provided by United Nations Development Programme (UNDP).

Our X company is fully aware of the fact that the Gender-Responsive Code of Conduct do not only derive from economic, social and humanitarian requirements but also have legal bases. In this sense, it adopts the following rules of conduct are directly relevant to;

- Article 10 of the Turkish Constitution of 1982,
- Article 11 of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 and Article 4 of Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) 2011, which are also signed by Turkey,
- Article 5 of Law No. 4857 on Labour,
- Law No. 6331 on Occupational Safety and Health and related legislation,
- Article 56 of Turkish Industrial Strategy Document (2015-2018),

- Conventions of International Labour Organization (ILO),
- Article 5 of United Nations Sustainable Development Goals 2030,
- Women's Empowerment Principles (WEPs).

Our company hereby see this document as the continuation of former steps taken regarding gender equality and favourable sample practices. In this context, we want to declare that there is no gender-based obstacle to promotion for female employees in any department of our company, we encourage all our employees to work in all departments and jobs regardless of their gender, we also have female employees in departments, which requires mostly technical knowledge, such as after sales services, services and automotive maintenance and we will maintain our singularity of being 'the leader and school' through our egalitarian attitude in our sector.

Our company is aware of the necessity of taking effective, target-oriented and result-focused steps to become a gender-responsive company. Therefore, it pledges to take the following steps in three levels of the company including The Management, Human Resources and Communications.

Finally, our company hereby assumes direct responsibility to put this document into force and execute related actions.

II. Steps to Enhance Gender-Responsiveness at Workplace:

1. Steps, for Which the Management Is Responsible:
 - Our company believes that a job has no gender. Therefore, female employees will be prioritised in the future recruitments in service unit. From this point of view, it pledges to promote a female employee instead of a male one in a case, in which they have same qualifications.
 - Our company cares about the gender diversity as much as gender equality. It aims to prioritise the women who are particularly disabled, refugees and from different socioeconomic stratum in recruitments in the future.
 - Our company is aware of the challenges that our female employees have in access to childcare services in post-natal periods. Therefore, internal training, which are about the significance of not quitting jobs

⁴ Short terms means 2-6 months; medium term means 7-11 months; and long term means over 1 year following the declaration of this document to public.

because of marriage and childcare, will be provided for female employees in medium term. Moreover, a special lactation room will be prepared for our female employees who breastfeed, and this room will be designed to meet the special needs of our female employees in short term.

- Our company believes that sharing household chores between men and women in a balanced way is the key to both enhancing the gender-responsiveness at workplace and growing new generations who internalise equality. From this point of view, our employees, who are married or expect a baby, will be encouraged to participate in maternal and paternal training that are provided by various institutions in medium term.
 - Our company will continue to support the children of our employees financially from primary school until university as a part of the childcare support.
 - Our company is aware of the significance of allocating pecuniary resources and investing on moral issues to ensure gender equality. Therefore, it has decided to take steps in the following issues:
 - It attributes importance to decreasing the level of dependence of female customers to their husbands and making them gain confidence in relationships with their cars. From this point of view, it has decided to establish an Academy for women and to provide with various training sessions such as changing of tires and filling accident reports in this Academy in medium term. Such training will be given after 15.00 hours in the weekends and once in six months, the first one is on....., and the results will be announced on social media.
 - Our company will continue to allocate funds for various special days and to use this fund for activities that will improve the awareness regarding gender. In this context, training will be provided for women through a traffic simulation device with the cooperation ofTraffic Branch in the traffic week. The academics in Automotive Department ofUniversity will be asked to provide such training.
 - Our company will initiate discount campaigns regarding women in short and medium terms.
 - ♦ Our company is aware of the fact that the most important reasons of the failure to overcome men's domination in the sector are the obstacles for women to access the related vocational training and labour market. Therefore, our company aims to direct girls to the sector through bringing them together with role models three times in a year by signing a protocol with vocational high schools and to present the automotive sector as a career opportunity for female students.
 - ♦ Our company sometimes requests employees from ISKUR; but it is aware of the fact that there is almost no female employee at departments like service and automotive maintenance. It will try to pave the way for ISKUR to provide with on-the-job training in areas that women mostly do not prefer working and to train female personnel to increase the number of women in the sector in the medium term.
 - ♦ Our company, which cares about the emotional safety of our female and male employees as much as their physical safety, will firstly identify the needs of them regarding this topic. From this point of view, a suggestion box will be placed in the workplace to identify, meet and follow the needs of particularly our female employees peculiar to workplace in short term.
2. Steps for Which Human Resources Is Responsible:
- Our company is opposed to any kind of violence, sexual harassment, psychological (mobbing) violence at workplace. Administrative sanctions will be imposed on perpetrators of violence and the violence will never be allowed to nourish in our company. External online training will be provided to combat harassment at workplace in the medium term.
 - Our company, which has directly experienced that women's access to men-dominant automotive sector is difficult; but when the opportunity is given, how they are successful and make difference, aims to increase the number of female employees (Please write a percentage or number here) in long term. We will not prioritise any gender in both our job advertisements on various job search sites and recruitments through ISKUR and we will declare that we will not discriminate against any gender in recruitment processes.

Our company cares about collecting quantitative data of being a woman-friendly company and sharing this data with public. Therefore, we will re-design our current database in a way that we can follow applications of women to the company in short term and will create new criteria to measure the women-friendly performance of our company.

- Our company is very sensitive to the privacy and safety of personal data of customers, users and employees and will continue to be rigorous regarding this topic.
- Our dress code will continue as it has been before and there will be no discrimination by gender regarding this topic. We will show flexibility for our pregnant employees during pregnancy periods in terms of rules for dress code.
- We will continue to encourage our male employees to use paternal leave as we make our female employees use maternal leave, daily breast-feeding time and unpaid leaves pursuant to the law.

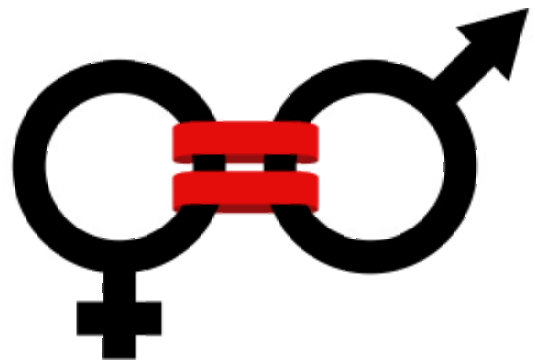
3. Steps for Which Communications Department Is Responsible:

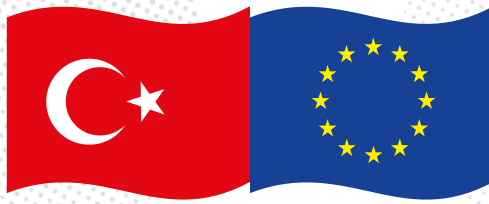
- Our company never allows a sexist language at workplace. We will place posters and visuals, which will prevent sexist language, in shared spaces and toilets in the company to inform all the employees in the services and administrative departments about this topic. By this way, our employees will be informed about the company's policy that cares about the equality.
- Our company will endeavour to use materials, which will empower women, in any commercial films, promotional activities and visuals conveniently with the institutional transformation it is experiencing. In short term, it will review the visuals on its website in terms of gender equality.
- Our company recognises that its customers are mostly men; but the number of female customers are increasing day by day every day. Therefore, it will prepare explanatory and informative contents about automotive sector and share them on social media to improve technical knowledge of female customers in short term.

- Our company aims to change the customers' and consumers' sense of gender equality. Therefore, it will hold a photography contest about "woman and automobile" in parallel to operating area to empower women and will announce it on social media in short term.
- Our company will continue to work with female employees in communication-intensive departments like sales and after sales services, even will increase the number of women in these departments. Our company is delighted to see the alteration in its communications with customers and the increasing satisfaction of customers because of the existence of women.

III. Conclusion:

The Gender-Responsive Rules of Conduct is 'a living and breathing' document for our company. Therefore, it pledges that practices attached to rules will be observed in company with an independent supervisor at least once a year and will be reviewed in the light of evolving needs and new rules and practices will be added to the document in the light of changing needs.





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