



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Turkey
<b>Title:</b>	Draft Law amending a number of laws and statutory decrees with the aim to protect families and a dynamic demographic structure
<b>Date:</b>	20 February 2015
<b>Expert:</b>	Nurhan Süral
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Reconciliation of work and family life
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Legislation
<b>Field:</b>	Employment; pregnancy and maternity
<b>Applicable law:</b>	Draft law

### Content

**Law and policy development:** A Draft Law amending a number of laws and statutory decrees with the aim to protect families and a dynamic demographic structure was submitted to the Parliament on 26 January 2015. If legislated, the new measures to increase the employment rate of women and to facilitate the reconciliation of work, private, and family life are:

- *Incentives for child care institutions:* Tax incentives for a period of five years will be provided for child care institutions (Art. 1). Also, establishment of child care institutions will be a legal obligation for municipality administrations (Art. 23).
- *Promotions are to continue for civil servant women during unpaid maternity leaves:* A civil servant is entitled to an 'upgrade (degree)' (also meaning an increase in salary) following each year of service (horizontal upgrade, '*kademe ilerlemesi*') and following 3 years' of service (vertical upgrade, '*derece ilerlemesi*'). A civil servant on her unpaid maternity leave (2 years) will have these entitlements (Art. 2).
- *Part-time work as an option for female civil servants:* A female civil servant may opt for part-time work (half of statutory working time, which is 40 hours per week) following the end of fully paid maternity leave. This will be in the amount of 2 months for the first child, 4 months for the second child, and 6 months for the third child. She will receive full salary from the public employer as if she worked full-time (Art. 3). She may commence her two-year-unpaid maternity leave after paid maternity leave, or start after the expiration of the 2/4/6 month period of part-time work (Art. 4). The duration of part-time work will be longer in case of multiple births (specified periods plus one month) or if the child is disabled (12 months). The periods are the same for adoptive parent(s).
- *Part-time work as an option for civil servant mother and/or father:* A civil servant woman who has given birth and/or her civil servant husband has the option of working part-time until the first day of the month following compulsory schooling age of the child (Art. 5). Compulsory schooling age starts at the end of September

when the child is aged five years. A civil servant who opts for a time reduction of 50 % will be paid half the regular salary.

- *Leave for adoptive civil servant parent(s):* This is if a child is adopted when he or she is less than 3 years old. There will be 8 weeks' paid leave (same as post-natal leave) for adoptive civil servant parent(s). Upon request, adoptive civil servant parent(s) will be granted an unpaid leave of 24 months.
- *Death of woman worker at birth or maternity leave:* If the woman worker dies during birth or during maternity leave, the unused period of post natal leave will be granted to the worker father (Art. 13). This was previously only available for civil servant fathers, and now it is also granted to all worker fathers.
- *Leave for adoptive worker parent(s):* This is if a child is adopted when he or she is less than 3 years old. There will be 8 weeks' paid leave (same with post-natal leave) for the adoptive worker parent(s) (Art. 13).
- *Part-time work as an option for woman worker:* A woman worker may opt for part-time work (half of statutory working time, which is 45 hours per week) following the end of paid maternity leave. This will be in the amount of 60 days for the first child, 120 days for the second child, and 180 days for the third child. The duration of part-time work will be longer in multiple births (specified period plus 30 days) or if the child is disabled (360 days). The periods are the same for adoptive parent(s). If she opts for a time reduction of 50 %, she will receive half of her regular wage from her employer. For the remaining period she will be paid from the Unemployment Fund. The daily amount of this payment (allowance) will be 80 % of daily gross minimum wage.
- *Part-time work as an option for woman worker and/or her husband:* A woman worker who has given birth and/or her (worker) husband has the option of working part-time until the first day of the month following compulsory schooling age of the child (Art. 12). She/he will be paid half of her/his regular wage if she/he for a time reduction of 50 %. A request for this option will not constitute a valid reason for an employer to terminate her/his contract (Art. 12).
- *Birth allowance:* Whether working or not, there will be a birth allowance of EUR 177 (TL 300 TL) for the first child, EUR 235 (TL 400) for the second child, and EUR 353 (TL 600) for the third child. If the mother has the Turkish nationality, then she will receive the allowance. If one of the parents is a foreigner, then the allowance will be given to the one with the Turkish nationality.
- *Temporary work and temporary work agencies permitted:* Turkey is one of the OECD Member States with the most rigid labour legislation. Temporary work and temporary work agencies are prohibited in Turkey as a result of the reactions from trade unions. The draft law permits temporary work and temporary work agencies. There is now provision for a temporary worker to replace a woman worker on maternity leave for the duration of maternity leave or to replace for a maximum of six months a woman worker who has opted for part-time work (Art. 11).

**Key points of analysis:** The Draft Law amending a number of laws and statutory decrees with the aim to protect families and a dynamic demographic structure is a comprehensive package of measures to promote the reconciliation of work and family life. With these new measures, working women will be in a stronger position to maintain their employment after having children.

**Internet link source:** Draft Law amending a number of laws and statutory decrees with the aim to protect families and a dynamic demographic structure (*Ailenin ve Dinamik Nüfus Yapısının Korunması Amacıyla Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanun Tasarısı*), <http://www2.tbmm.gov.tr/d24/1/1-1013.pdf>, accessed 27 February 2015.

Law amending the Law on Primary Education and Education ( *İlköğretim ve Eğitim Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun*), Law no 6287, Official

Gazette 11 April 2012, No. 28261, <http://www.resmigazete.gov.tr>, accessed 27 February 2015.

<http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=15844>, accessed 27 February 2015.

*OECD Economic Surveys: Turkey 2014*, pp. 28-29, <http://www.oecd.org>, accessed 27 February 2015.