

Family Rights At Work (With Recent Changes In Turkey)

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Extensive Summary

Early stages of the capitalism, in countries where the industrialization had commenced, every member of the family was expected to contribute to the family's economy. Later, men became more dominant in labour market. In the “*male breadwinner*” family model, women have been considered to be the secondary labour force in labour market, by the reason of their spousal and maternity roles weighing heavier in the society. After a while, women's status in the labour market has changed and they contributed the work force in large scale. The model in which two persons provide income in the family have become more dominant in the society. This new family model in which two persons earn income, in other words both persons have careers, in the family have brought gross changes for workplaces, and created new work and family demands. It is a quite noticeable fact that men do not contribute much to family related tasks even though women have entered the labour market. Because of their responsibilities as homemakers and mothers besides those related to work, women endure twice as much work load. According to time usage surveys in the world, women spend more time on family tasks than men do.

With family rights at work, it is aimed to achieve a balance between work and family lives of persons in work life, and for these individuals to be happy, peaceful and productive in their family lives and work lives both. For the purpose of these politics are granting men and women, who are a part of the work life, the ability to fulfill their family responsibilities as well as their work responsibilities. Although there are differences in regulations and practices related to family rights at work, this issue can be banded up under certain titles.

Although legislative amendments were made related to family rights at work in Turkey in 2016, it is a truth that there is still a long way to go. In our country, even though the Law on Human Rights and Equality Institution of Turkey was enacted and entered into force in 2016, there is still not any Law on Equality as in the other countries. Moreover, the sexual choice is not among the discrimination reasons in the Law on Human Rights and Equality Institution of Turkey.

According to the social security legislation in Turkey, while the insured women do not need to give birth within the marriage bound to benefit from maternity and pregnancy rights, uninsured wife of an insured man must be his legal spouse. With the changes occurring in the family structure, the definition of family would be interpreted differently in time, and regulations towards that would be made.

Another topic which is as important as leaves and pays in sense of family rights at work is nursing services. To allow families find easier solutions regarding the nursing problem of their children, it would be more appropriate for the employers to take as basis not only the number of the female employees, but also the male employees, in establishing nursing rooms and dorms. Besides, increasing the nursing services provided by the state would contribute significantly to the issue.

It would be appropriate to acknowledge a similar leave to all employees in case of paternity regardless of legal characteristics of the employment relationship and it would prove a positive progress in sense of sharing the nursing burden in the family.

There is no direct regulations in Turkey regarding the leave towards nursing of children and other individuals who need nursing in the family. Even though we have been evaluating other regulations within this scope by interpreting them widely, this issue should be addressed directly.

It is important that a regulation was made concerning the permission of adoption by the Law no. 6663 in our legislation. It is important in terms of the development of the subject to include the provisions that a certain number of paid leaves shall be given to the employee, who wants to adopt, for them to attend the interviews related to adoption and later the unpaid leaves shall be given for those interviews, in the legislation.

The regulations concerning the flexible working within the scope of family rights at work have been made by the Law no. 6663. However, there is not any regulation concerning the right to demand flexible working to look after the other family members in need of nursing in the family. Including such regulations in the legislation is important in terms of working life.

Finally, the Minister of Labor and Social Security declared that the application of paying 425 TL of grandchild-sitting fee to grandmothers who look after her grandchildren younger than 3 years old of age shall initially start in ten pilot provinces in 2017. It shall be expected that put into effect throughout Turkey just after the end of trial period. In England, the researchers have shown that more than half of the families rely on the grandmothers and grandfathers about care of their children after the maternity leave ends. Accordingly, extending the shared parental leave to the working grandmothers and grandfathers was expressed by the government. Furthermore, their possession of the rights such as unpaid leaves for a reasonable time, the right to demand flexible working in case of looking after their grandchildren remains on the agenda. The presence of similar practices in Turkey is important to the development of family rights at work.

In conclusion, the long maternity leaves can make it more difficult for women to be employed, by reinforcing the role of social gender and leading to the increase in prejudices of employers. Therefore, it is necessary that the regulations shall be made concerning the long paternity leave as well as maternity leaves for men to share the

family responsibilities, that the regulations concerning adoption shall be improved, that the regulations shall be made concerning the parental leave in order to look after the other family members in need of nursing in the family due to the fact that the ones in need of nursing in the family are not only the children and that the regulations concerning the right to demand flexible working shall be made as soon as possible in order to look after the other family members in need of nursing in the family. Moreover, while making regulations by considering the dynamic structure of the society, taking the social changes and transformations into account shall enable the increase in the number of the ones who take advantage of the benefits. Thus, what being a social state requires shall be fulfilled.